

LAUDERDALE CITY COUNCIL MEETING AGENDA

TUESDAY, MARCH 27, 2001

CITY HALL, 7:30 P.M.

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

FILE COPY

1. CALL MEETING TO ORDER AT 7:30 P. M.
2. ROLL:

Councilmembers:

Gower _____ Christensen _____
Gill-Gerbig _____ Hawkinson _____
Mayor Dains _____

Staff:

Getschow _____ Bownik _____ Hinrichs _____ Hughes _____

3. APPROVAL OF THE AGENDA
4. APPROVAL

- A. Approval of minutes of 3/13/01 City Council Meeting
- B. Approval of claims totaling \$21,085.63

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

8. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

- A. DNR Outdoor Recreation Grant Application – Community Park Tennis Court and In-Line Skating Rink Construction

9. INFORMATIONAL PRESENTATIONS

- A. 2000 Financial Statements and Audit: Steve McDonald-Abdo, Abdo, Eick and Myers

10. ACTION

- A. Approval of the 2000 Financial Statements and Audit Report
- B. Resolution 032701A: Authorizing Application for a DNR Outdoor Recreation Grant for the Construction of the Tennis Courts and an In-Line Skating Rink in the Community Park
- C. Approval of Quotations for the purchase of a Bobcat
- D. Set Dates for Lauderdale Spring Clean-up

11. REPORTS

12. DISCUSSION

- A. Repairs to the Warming House
- B. Telecommunications Ordinance - Antenna Lease Request

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

16. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
March 13, 2001**

1. Meeting called to order at 7:30 P.M.
2. ROLL

Council present: Gower, Gill-Gerbig, Christensen, Hawkinson, and Mayor Dains

Staff present: Getschow
3. APPROVAL OF AGENDA

A. *Approval of Agenda.* Motion by Hawkinson, second by Gill-Gerbig to approve the agenda with the addition of (11) A- Report by Gill-Gerbig on Roseville Area School District meetings. Motion carried unanimously.
4. APPROVAL

A. *Approval of Minutes.* Motion by Christensen, second by Hawkinson to approve the minutes of the February 27, 2001 City Council meeting. Motion carried unanimously.

B. *Approval of Claims totaling \$59,504.12.* Motion by Gill-Gerbig, second by Gower to approve the claims totaling \$59,504.12. Motion carried unanimously.
5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA
6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZEN'S ADDRESSING THE STREET AND UTILITY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS

A. *State Senator John Marty and State Representative Mary Jo McGuire.* Senator Marty and Representative McGuire discussed with the City Council legislative issues that are of concern to the City including: property tax reform, tax increment financing reform, local government sales tax repeal, county turnbacks, MSA funding, unfunded mandates, and the current PERA shortfall. They also discussed other bills that they have authored or co-authored this current session.

A break was taken at 8:40 p.m. The meeting resumed at 8:50 p.m.

B. *Highway 280 Reconstruction Update – Minnesota Department of Transportation.* Nancy Daubenberger, Highway 280 Project Manager; Frank Pafko, MNDOT Area Manager; and Pete Wasco, Environmental Specialist, updated the City Council on the current status of the Highway 280 reconstruction project.

Federal funds were obtained in 2000 to reconstruct the portion of #280 between Larpenteur Avenue and Highway 36/35W. The current plan is to undertake this work in 2003 or 2004. The rest of the #280 reconstruction work, including the Como and Larpenteur interchanges, is not specifically scheduled and would not begin until at least 2010. The MNDOT representatives discussed the layout of the portion of the highway that was planned for 2003-2004 reconstruction. The removal of the stoplights at Broadway and County Road B2, along with the construction of an interchange at Broadway, was discussed.

The City Council expressed disappointment with the plan to only complete only a portion of #280 in Lauderdale. There would be a number of safety and logistical problems that would be a part of removing stoplights, not reconstructing the Larpenteur interchange, and not addressing the single lane ramp on to Highway 36. They also expressed concern for the disruption to any city properties as it relates to the construction of the Broadway interchange.

MNDOT representatives appreciated the feedback and would return to the City Council at a later date when further planning and design has been completed.

9. PUBLIC HEARINGS

10. ACTION

A. *2001 Street Sweeping Bids.* Motion by Hawkinson, second by Christensen to approve Mike McPhillips for the 2001 Spring and Fall street sweeping at a cost not to exceed \$3192.00. Roll: Yes: all. Motion carried.

11. REPORTS

A. *Roseville Area School District Meetings.* Council member Gill-Gerbig announced two meetings for March 26, 2001 at the Roseville High School Auditorium. The first meeting at 7:00 p.m. will be a joint meeting of the PTA and PTSA that will focus on the state legislative funding issue. The second meeting at 7:30 p.m. by the Scheduling Committee will focus on the school scheduling plans for the 2001-2002 school year.

12. DISCUSSION

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. DNR Outdoor Recreation Grant Public Hearing
2. DNR Outdoor Recreation Grant Application Resolution
3. Warming House Repair Discussion
4. 2000 Financial Statement and Audit Report
5. Approval of Bobcat Quotations
6. Set a Date for Spring Clean-Up

16. ADJOURNMENT

Motion by Gill-Gerbig, second by Hawkinson to adjourn at 10:10 P.M. Ayes: All.

The City of Lauderdale

Claims for Approval

March 27, 2001 City Council Meeting

03/16/01 Payroll: Check # 6888 - 6893	\$5,200.91
03/16/01 Payroll: PERA EFT	\$742.44
03/16/01 Payroll: Federal Payroll Taxes EFT	\$2,230.17
03/27/01 Claims: Check # 15108 - 15125	\$12,912.11
Total Claims for Approval	\$21,085.63

15 Mar 2001
Thu 8:55 AM

*Paid Register
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
PAYROLL DATE: MARCH 16, 2001
COUNCIL MEETING DATE: MARCH 27, 2001

Page 1

Check Number	Employee Number	Employee Name	Social Security Number	Pay Period	Pay Group	Pay Group Description	Check Amount	Check Date	Status
006888	000000011	BOWNIK, JAMES		6	01	BI-WEEKLY	832.46	16-Mar-01	Outstanding
006889	000000003	GETSCHOW, RICK		6	01	BI-WEEKLY	1,595.64	16-Mar-01	Outstanding
006890	000000002	HINRICHS, DAVID C		6	01	BI-WEEKLY	1,103.54	16-Mar-01	Outstanding
006891	000000005	HUGHES, JOSEPH A		6	01	BI-WEEKLY	1,012.79	16-Mar-01	Outstanding
006892	000000037	WALSH, KEVIN		6	01	BI-WEEKLY	573.32	16-Mar-01	Outstanding
006893	000000055	HAWKINSON, LUKE		6	01	BI-WEEKLY	83.16	16-Mar-01	Outstanding
Grand Total							5,200.91		

23 Mar 2001
Fri 11:22 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
MARCH 27, 2001
CITY COUNCIL MEETING

Page 1

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	15108	AMERIPRIDE			
15108 M006267		AMERIPRIDE	101-43100-228	TOILET PAPER/PAPER TOWELS	204.89

Totals Check Number	15108	AMERIPRIDE			204.89
Check Number	15109	AT & T			
15109 1215264797		AT & T	101-41200-391	03/01 LONG DISTANCE	21.89

Totals Check Number	15109	AT & T			21.89
Check Number	15110	BOONESTROO, ROSENE, ANDERLIK			
15110 76811		BOONESTROO, ROSENE, ANDERLIK	410-48410-304	'00 ST/UTIL IMPROVE	1,845.00
15110 76812		BOONESTROO, ROSENE, ANDERLIK	411-48411-304	'01 ST/UTIL IMPROVE	7,157.54

Totals Check Number	15110	BOONESTROO, ROSENE, ANDERLIK			9,002.54
Check Number	15111	CINTAS			
15111 754171692		CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70
15111 754173068		CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70

Totals Check Number	15111	CINTAS			55.40
Check Number	15112	CITY OF FALCON HEIGHTS			
15112 3/27/01		CITY OF FALCON HEIGHTS	101-42200-321	02/01 FIRE CALLS	359.00

Totals Check Number	15112	CITY OF FALCON HEIGHTS			359.00
Check Number	15113	CITY OF ROSEVILLE			
15113 755		CITY OF ROSEVILLE	101-43400-306	2ND QTR '01 JNT POWERS	464.00

Totals Check Number	15113	CITY OF ROSEVILLE			464.00
Check Number	15114	CRAGUN'S			
15114 3/27/01		CRAGUN'S	101-41200-308	RICK: LODGING MCMA CONF	201.74

Totals Check Number	15114	CRAGUN'S			201.74
Check Number	15115	GOVERNMENT TRAINING SERVICE			
15115 3/27/01		GOVERNMENT TRAINING SERVICE	101-41200-308	RICK: MCMA/MACA AN CONF	199.00

23 Mar 2001
Fri 11:22 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
MARCH 27, 2001
CITY COUNCIL MEETING

Page 2

Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	15115	GOVERNMENT TRAINING SERVICE		-----
Totals Check Number	15115	GOVERNMENT TRAINING SERVICE		199.00
Check Number	15116	ICMA RETIREMENT TRUST - 457		
15116 3/27/01	ICMA RETIREMENT TRUST - 457	101-21705	3/16/01 PAYROLL	1,087.44
Totals Check Number	15116	ICMA RETIREMENT TRUST - 457		----- 1,087.44
Check Number	15117	KENNEDY & GRAVEN		
15117 36971	KENNEDY & GRAVEN	101-41400-305	02/01 GEN LEGAL SERVICES	126.50
15117 36971	KENNEDY & GRAVEN	101-41400-355	02/01 PRINT/PROCESS	1.74
Totals Check Number	15117	KENNEDY & GRAVEN		----- 128.24
Check Number	15118	KNOX LUMBER		
15118 0209490352	KNOX LUMBER	101-43100-228	LIGHT BULBS	21.14
15118 0209490545	KNOX LUMBER	101-43100-228	MISC MAINT SUPPLIES	47.91
Totals Check Number	15118	KNOX LUMBER		----- 69.05
Check Number	15119	QWEST		
15119 3/27/01	QWEST	101-45200-391	03/01 WARM HOUSE PHONE	57.18
Totals Check Number	15119	QWEST		----- 57.18
Check Number	15120	QWEST		
15120 3/27/01	QWEST	601-49000-391	03/01 AUTODIAL MALV LIFT	59.86
Totals Check Number	15120	QWEST		----- 59.86
Check Number	15121	QWEST		
15121 3/27/01	QWEST	601-49000-391	03/01 AUTODIAL WLNT LIFT	59.86
Totals Check Number	15121	QWEST		----- 59.86
Check Number	15122	RAMSEY COUNTY		
15122 RISK000287	RAMSEY COUNTY	101-21706	03/01 EMPLOYEE BENEFITS	411.85
Totals Check Number	15122	RAMSEY COUNTY		----- 411.85

23 Mar 2001
Fri 11:22 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
MARCH 27, 2001
CITY COUNCIL MEETING

Page 3

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	15123	SPRINT PCS			
15123 3/27/01		SPRINT PCS	601-49000-391	03/01 CELL PHONE: PUB WKS	16.30
15123 3/27/01		SPRINT PCS	101-41200-391	03/01 CELL PHONE: C ADMIN	13.87

Totals Check Number	15123	SPRINT PCS			30.17
Check Number	15124	ST PAUL POSTMASTER			
15124 3/27/01		ST PAUL POSTMASTER	101-41600-203	2ND QTR '01 NEWSLETTER	300.00

Totals Check Number	15124	ST PAUL POSTMASTER			300.00
Check Number	15125	SUBURBAN RATE AUTHORITY			
15125 3/27/01		SUBURBAN RATE AUTHORITY	101-41100-438	1ST HALF '01 MEMB DUES	200.00

Totals Check Number	15125	SUBURBAN RATE AUTHORITY			200.00

Grand Total					12,912.11

MEMOS BY JAMES

DATE: MARCH 27, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: DNR OUTDOOR RECREATION GRANT PUBLIC HEARING
AND RESOLUTION NO. 032701A



BACKGROUND

The City of Lauderdale received an Outdoor Recreation Grant from the Department of Natural Resources in 1998 for trash receptacles, grills, a drinking fountain, a fire pit, and construction of a sand volleyball court. Since the 1998 grant is now complete, the City has the opportunity to apply for another DNR Outdoor Recreation Grant. A public hearing and resolution are required as part of the application process.

The tennis courts have fallen into disrepair and need to be totally reconstructed. The Capital Improvements Plan estimated that the tennis courts would be attended to in 2007, but there may be a need to attend to them before that time. Also, budgeting for the replacement of the courts was expedited in 1998 in order to speed up the process.

The Council included paving the hockey rink area for in-line skaters as a goal for 2001. An in-line skating rink would add another recreational facility to the park. It would also help preserve the surface of the tennis courts by giving skaters and skateboarders a specific area for them to use – instead of skating on the tennis courts.

The Outdoor Recreation Grant Program is a 50/50 matching grant. The application deadline is March 31, 2001. The City would be notified this summer whether it was awarded a grant for this funding cycle. I have attached an estimated cost breakdown for your review. I will also present an informational handout at the meeting, which will provide further details to those present at the public hearing.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution 032701A authorizing staff to apply to the DNR Outdoor Grant Program for the reconstruction of the tennis courts, and an in-line skating rink.

ITEM 7 – LOCAL GOVERNMENT RESOLUTION

RESOLUTION NO. 032701A

**THE CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**AUTHORIZING APPLICATION TO THE DNR OUTDOOR RECREATION
GRANT PROGRAM FOR TOTAL RECONSTRUCTION OF THE TENNIS
COURTS, AND AN IN-LINE SKATING RINK AT LAUDERDALE
COMMUNITY PARK.**

BE IT RESOLVED that the City of Lauderdale act as legal sponsor for the project contained in the Outdoor Recreation Grant Program Application to be submitted by March 31, 2001, and that the City Administrator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Lauderdale.

BE IT FURTHER RESOLVED that the City of Lauderdale has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Lauderdale has not incurred any costs described on Item 4 and has not entered into any written agreements to purchase property described on Item 3.

BE IT FURTHER RESOLVED that the City of Lauderdale has not violated any Federal, State, or Local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Lauderdale may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Lauderdale certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

NOW, THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale on March 27, 2001.

SIGNED:

WITNESSED:

Jeffrey E. Dains
Mayor

Date

Richard B. Getschow
City Administrator

Date

ITEM 4 - COST BREAKDOWN
For Projects Involving Development Activities

Identify each recreational facility being proposed for funding. Provide a quantitative description of the facility (linear feet, dimension of structures, number of components, etc.) and the total estimated cost for each.

<u>Facility</u>	<u>Description</u>	<u>Total Estimated Cost</u>
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Tennis Courts (double court – 114' x 120')

<i>Item</i>	<i>Unit</i>	<i>Qty</i>	<i>Unit Price</i>	<i>Total Price</i>
Mobilization	LS	1	\$ 2,000	\$ 2,000
Trail excavation	LF	80	\$ 8	\$ 640
Aggregate base for trail, Class 5 – 6"	SY	90	\$ 12	\$ 1,080
Bituminous wear course, trail – 2"	SY	75	\$ 18	\$ 1,350
Sawcut existing bituminous surface	LF	100	\$ 4	\$ 400
Remove fence	LF	440	\$ 6	\$ 2,640
Remove existing bituminous surface	SY	1350	\$ 4	\$ 5,400
Site grading	LS	1	\$ 2,000	\$ 2,000
Tennis court construction	LS	1	\$ 57,000	\$ 57,000
- Excavation				
- Drainage				
- Base preparation				
- Asphalt surfacing				
- 100% acrylic surfacing system				
- Vinyl coated fence				
- Woven polypropylene windscreen				
- 4 net posts				
- 2 tennis nets				
MnDOT seed mix 500, mulch and fertilizer	AC	0.5	\$ 1,800	\$ 900
				\$ 73,410
			+ 5% contingencies	\$ 3,671
			Total construction cost	\$ 77,081
			+ 20% est. engineering costs	\$ 15,416
			Total estimated project costs	\$ 92,497

In-Line Skating Rink (60' x 120')

Excavation, drainage, and base preparation	\$ 6,000
Asphalt surfacing	\$ 9,000
Total estimated project costs	\$ 15,000

Total	\$107,497
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City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: March 27, 2001
Agenda Item: 2000 Financial Statements and Audit Report

Background:

Steve McDonald from Abdo, Abdo, Eick & Myers will be at the meeting to present the audit and financial statements to the City Council for fiscal year 2000.

Enclosures - Under Separate Cover:

1. 2000 Annual Financial Report
2. 2000 Financial Report Management Letter

Council Action Requested:

Motion to approve the audit and financial statements for fiscal year 2000.

Memo:

To: Mayor and City Council

From: Dave Hinrichs

Council Meeting Date: March 27, 2001

Agenda Item: Approval of Quotations for Purchasing a Skid Loader

Background:

The city has received three quotes for the purchase of a skid loader. The quotes are from three different manufacturers; Bobcat, John Deere, and CAT. All three types of skid loaders are from the state bid. The dealers provided quotes and are the only authorized dealers in our area for state bid purchases.

For comparison purposes, the skid loader retailers were asked to quote similar size machines and attachments.

The quotes are as follows:

* Scharber & Sons- John Deere	\$20,693.82
* Bobcat, Inc.- Bobcat	\$21,229.71
* Ziegler-Cat	\$25,537.86

- 1.) There is \$25,000 budgeted for the purchase.
- 2.) The John Deere skid loader comes to a total of \$20,693.82
- 3.) The snow blower attachment is an extra amenity that we do not feel is necessary at this point.

The John Deere is the lowest quote. Joe and I looked at the mechanics and compared the specs. The John Deere is our first choice.

My recommendation is to purchase the John Deere skid loader and accessories, minus the snow blower. Ordering the skid loader from John Deere would take approximately one month for delivery.

SCHARBER & SONS**Randy Thorstad**

13725 Main Street

Rogers MN, 55374-0128

Phone: (763) 428-4107

Fax: (763) 428-2700

Cell: (612) 840-3464

DATE: 3/14/2001**Equipment Quotation:**

David Henrichs

City Of Lauderdale

1891 Walnut St.

Lauderdale, 55113

Quote Expires :3/22/01

Phone: (651)631-2767

Fax: (651)631-2066

Codes	Qty	Description	Price
0061KV	1	John Deere 240 Skid Loader 51H.P.	19,929.00
8040	1	Backup Alarm	182.00
8060	1	Cab Enclosure	1,132.00
8110	1	Heater/Defroster	867.00
8080	1	Floor Cover Plates	28.00
8120	1	High Flow Auxiliary Hydraulics	1,500.00
8180	1	Suspension Seat	175.00
KV11777	1	Strobe Light Kit, Amber	147.00
9040	1	72" Low Profile Bucket	722.37
0253KV	1	48" Pallet Forks And Frame	704.00
KV16218	1	Eight Button Control Handle	525.00
KV11598	1	72" Tooth Bar	346.50
			26,257.87
		State Bid Discount 26% off List	(-6,827.05)
			19,430.82
		Erskine 2118 67" High Flow Snow Blower	4,800.00
		The above prices John Deere prices are from The MN State bid contract #426292 Awarded March 15, 2000 and is Effective Thru Oct, 31 2001. Please call me with any questions you may have.	24,230.82 1,575.00 25,805.82
		Best regards,  Randy Thorstad	

* not on other quotes
 * larger blower than first quote

19,430.82

1263.

20,693.82



BOBCAT, INC.

1800 West Hwy. 13
Burnsville, MN 55337
(612) 894-0893
Toll free (877) BOB-CAT4
Fax (612) 894-5759

AND

2209 Phelps Rd.
Lino Lakes, MN 55038
(651) 407-3727
Toll Free (877) 331-0295
Fax (651) 407-7345



Quote Date: 01/25/2001
No.: 00208.00

PRICE QUOTATION
By Arin Laugtug

Good Until: 02/24/2001
P.O. No.: FO

Quote To: Lauderdale City Of
David Henrichs
1891 Walnut St.
Lauderdale, MN
55113
651-631-2767

651-631-2066

Qty.	Part No.	Description	Price
1	6718638	773 TURBO G-SERIES BOBCAT LOADER	15,691.00
1	6718821	BACKUP ALARM	160.00
1	6718731	DELUXE CAB W/ HEATER	1,345.00
1	6717969	HIGH FLOW AUXILIARY HYDRAULICS, 773	1,193.00
1	6718875	SUSPENSION SEAT	249.00
1	6719857	STROBE LIGHT KIT, AMBER	174.00
1	6716040	68" LOW PROFILE BUCKET	472.00
1	6907119	1812 SNOW BLOWER - 67" WIDTH	2,744.00
1	6712927	PALLET FORK FRAME	325.00
1	6540183	42" PALLET FORK TEETH	325.00
Total Package			22,678.00
Taxes			1,474.07
Grand Total			24,152.07

Order Accepted By:

Tri State Bobcat

Lauderdale City Of

19,934
1,285.71
21,229.71



901 WEST 94TH STREET
MINNEAPOLIS, MN 55420-4299
952/888-4121
800/352-2812
www.zieglerinc.com

City of Lauderdale
1891 Walnut St.
Lauderdale, MN 55113
Attn: Dave Henricks

Dave,

I am pleased to quote you the following equipment off the state bid (contract #426298).

1-Cat 228 Skid Steer (High Flow) Base Machine

- Options:
- Deluxe Cab Door
 - Heat-Defrost
 - Suspension Seat
 - Back up Alarm
 - HD Tires
 - Beacon Light
 - Block Heater

\$ 24,177.21

1-Cat 226 Skid Steer (Reg Flow) Base Machine

- Options:
- Deluxe Cab Door
 - Heat-Defrost
 - Suspension Seat
 - Back up Alarm
 - HD Tires
 - Beacon Light
 - Block Heater

\$ 21,859.21

1-66" General Purpose Bucket	\$642
1-66" General Purpose Bucket w/ Bolt On Cutting Edge	\$752
1-42" Pallet Forks	\$726
1-Erskin Snow Blower	\$3,485
Labor to install&wire controls	

\$26,112

All items above have a 1yr/1500hr full machine warranty.

Extended Warranty	2yr/2000hr full machine warranty	\$438
	3yr/3000hr full machine warranty	\$850

Thank you for the opportunity of doing business with you!

Dick Haugh

23,979.21
1,558.65
25,537.86

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	March 27, 2001
Agenda Item:	Set Dates for the 2001 Spring Clean-Up

Background:

Each spring all properties in Lauderdale are inspected pursuant to Section 2-4-3 of Lauderdale City Code. The Code mandates that all properties in the city be inspected annually for violations that relate to public health and safety.

The part of the Code that the City Council must determine annually deals with the statement "that all premises within the City shall be cleaned up by such date as may be established by the City Council". Last year, the Council set May 1-5 as Clean-up week and May 8-12 as Inspection week.

Last year, the City witnessed an early spring that is obviously not occurring this year. Under this scenario, staff is recommending that Spring Clean-Up occur later in 2001 than it did in 2000.

Council Action Requested:

Motion to set May 15-18 as Clean-Up Week and May 22-25 as Inspection Week.

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	March 27, 2001
Agenda Item:	Warming House Repair Discussion

Background:

A city goal for 2001 was to undertake some improvements in the warming house that includes electrical upgrades, bath remodeling, and cosmetic improvements such as painting.

Public Works staff will be in attendance at the meeting to discuss these plans for the warming house, and to discuss the repairs needed to the facility since the rink was closed.

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	March 27, 2001
Agenda Item:	Telecommunications Ordinance- Tower/Antenna Leases

Background:

As I have stated in two recent Friday reports, the City has been approached by a wireless communications firm inquiring into a lease for placing an antenna on the current tower for the ballfield lights in the park. Previously, the Council discussed and approved an agreement with Metricom for use of the city right-of-way for wireless communication facilities. This issue is different because it potentially involves the leasing of city-owned property.

There are a few issues that I would like to address with the City Council at the meeting that include:

1. A brief review and discussion of the current ordinance, especially Section 10-15-5: "Antenna Towers on City-Owned Property"
2. Discuss two major zoning issues related to telecommunications facilities on city-owned property
 - i. Antennas and towers are not zoned for at all in the C-1 District (Community Park) in the Zoning Ordinance. But there are city legislated details allowing these uses in the Telecommunications Ordinance
 - ii. Conditional uses are required for antennas and towers in the other districts where they have uses designated in the Zoning Ordinance
3. Discuss the possibility of negotiating a lease with a wireless provider.

I have included some supplemental information in the packet as background for discussion. It is important to remember that there is not yet a formal request before the City, so this is only preliminary discussion for staff to gauge the Council's early impressions.

Enclosures:

1. Lauderdale Telecommunications Ordinance
2. "Wireless Tower Zoning and Leasing of City Property", Suburban Rate Authority article dated February 8, 2001.

CHAPTER 15
TELECOMMUNICATIONS

SECTION:

- 10-15-1: General Provisions
- 10-15-2: Performance Standards For Towers
- 10-15-3: District Regulations; Height
- 10-15-4: Building Code Provisions; Construction And Maintenance Of
Antennas And Supporting Towers
- 10-15-5: Antenna Towers On City-Owned Property

10-15-1: GENERAL PROVISIONS:

- A. Definitions: The following words and terms when used in this Chapter shall have the following meanings unless the context clearly states otherwise:

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes over one meter in diameter, and omni-directional antennas, such as whip antennas.

PERSONAL WIRELESS SERVICE FACILITIES: Any facility for the provision of personal wireless services.

PERSONAL WIRELESS SERVICES: Any commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services or as defined in section 332(c)(7) of the Communications Act of 1934.

PUBLIC UTILITY:	Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Chapter, "personal wireless service facilities" shall not be considered "public utility" uses, and are defined separately.
TOWER:	Any ground- or roof-mounted pole, spire, structure, or combination thereof taller than fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, constructed primarily for the purpose of supporting one or more antennas, meteorological devices, or similar apparatus.
TOWER, MULTI-USER:	A tower to which is attached the antennas of more than one personal wireless service or governmental entity.
TOWER, SINGLE-USER:	A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code. (Ord., 3-25-1997)

10-15-2: **PERFORMANCE STANDARDS FOR TOWERS:**

- A. Purpose: In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:
1. Facilitate the provision of personal wireless services to the residents and businesses of the City;
 2. Minimize adverse visual effects of towers through careful design and siting standards;
 3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

4. Maximize the use of existing and approved towers and buildings to accommodate new antennas in order to reduce the number of towers needed to serve the community.

B. Towers In Residential Zoning Districts: Only the following towers shall be allowed in residentially zoned areas:

1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially zoned parcels.

2. Towers supporting antennas and conforming to all applicable provisions of this Code shall be allowed only in the following residentially zoned locations:

a. Church sites, when camouflaged as steeples or bell towers;

b. Park sites, when compatible with the nature of the park; and

c. Government, utility, and institutional sites.

C. Co-Location Requirements: All towers erected, constructed, or located within the City shall comply with the following requirements:

1. A proposal for a new tower shall not be approved unless the City Council finds that the personal wireless service facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the City due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer acceptable to the City, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing equipment at the tower or building as documented by a qualified professional engineer acceptable to the City and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height

necessary to function reasonably as documented by a qualified professional engineer acceptable to the City.

d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred feet (100') in height or for at least one additional user if the tower is over sixty feet (60') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

D. Tower Construction Requirements: All towers erected, constructed, or located within the City, and all wiring therefor, shall comply with the requirements set forth in Section 10-15-4 of this Chapter.

E. Tower And Antenna Design Requirements: Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration.

2. Towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.

F. Tower Setbacks: Towers shall conform with each of the following minimum setback requirements:

1. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area to the extent permitted by this Chapter, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

2. Towers shall be set back from the public rights of way as shown on the most recently adopted street plan of the City by a minimum

distance equal to one-half ($\frac{1}{2}$) of the height of the tower including all antennas and attachments.

3. Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

4. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

5. Towers erected on any protected residential parcel as defined in Section 10-15-3 of this Chapter are also subject to the setback provisions of subsection 10-15-4C8 of this Chapter.

- G. Tower Height: All proposed towers shall meet the height restrictions set forth in Section 10-15-3 of this Chapter.
- H. Tower Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate parking lots or similar areas may be attached to the tower.
- I. Signs And Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- J. Accessory Utility Buildings: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

- K. Abandoned Or Unused Towers Or Portions Of Towers: Abandoned or unused towers or portions of towers shall be removed as follows:
1. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
 2. Unused portions of towers above a manufactured connection shall be removed within twelve (12) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
- L. Antennas Mounted On Roofs, Walls, And Existing Towers: The placement of antennas on roofs, walls, and existing towers may be approved by the City Council, provided the antennas meet the requirements of this Code, after submittal of: 1) a final site and building plan as specified by this Code, and 2) a report prepared by a qualified professional engineer acceptable to the City indicating the existing structure or tower's suitability to support the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- M. Interference With Public Safety Telecommunications: No new or existing personal wireless services shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study completed by a qualified professional engineer acceptable to the City which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, personal wireless services shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.
- N. Additional Submittal Requirements: In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:

1. A report from a qualified professional engineer acceptable to the City which:

a. Describes the tower height and design including a cross-section and elevation;

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the tower's capacity, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

e. Includes an engineer's stamp and registration number; and

f. Includes other information necessary to evaluate the request.

2. For all towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Before the issuance of a building permit, the following supplemental information shall be submitted:

a. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and

b. A report from a qualified professional engineer acceptable to the City which demonstrates the tower's compliance with the aforementioned structural and electrical standards, as well as with the aforementioned interference requirements.

O. Violations: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. (Ord., 3-25-1997)

10-15-3: DISTRICT REGULATIONS; HEIGHT:

A. Purpose: The purpose of this Section is to regulate the height of structures in order to maintain the character and scale of the predominant single family residential development in the City.

B. Definitions:**PROTECTED
RESIDENTIAL
PROPERTY:**

Any property within the City that meets all of the following requirements:

1. The property is zoned R-1, R-2, or R-3 and the property may or may not also have a Planned Unit Development (PUD) Overlay classification;
2. The property is designated on the Comprehensive Plan as single family, townhome/condo, duplex/triplex or apartments; and
3. The property is used or subdivided for use as residential.

**STRUCTURE
HEIGHT:**

1. Buildings: The height of buildings shall be determined using two (2) methods and both methods must comply with the restrictions of subsection C of this Section.

a. The number of stories shall be determined by counting the total number of above-grade, habitable floors in the building and shall not include walk-out basements, attics, or underground parking;

b. The height of buildings shall be determined by measuring the vertical distance from the average level of the highest and lowest point of that point of a lot covered by a building, to the highest point for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

2. Parking Structures: The height of parking structures shall be determined by measuring the vertical distance from the lowest exterior grade of the parking structure to the highest point of the permanent structure.

3. Towers: The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of this Section, except when an existing building is thirty feet (30') in height or higher, the height of the tower and antenna shall not exceed ten feet (10') in height.

4. Other Structures: The height of all other structures shall be determined by measuring the vertical distance from the lowest exterior grade of the structure to the highest point of any part of the structure.

5. Final Height Determination: The final determination of height shall be made by the City Council in accordance with the guidelines of this Section.

C. Height Limitations:

1. Towers:

a. In all protected residential property the maximum height of any tower, including all antennas and other attachments, shall be thirty feet (30'); if no existing structure that meets the height requirements for the antenna is available for mounting the antenna, such antenna may be mounted on a monopole not to exceed seventy five feet (75') in height. The monopole shall be located a distance of at least the height of the monopole from the nearest residential structure, unless a qualified engineer acceptable to the City specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances and if the City Council approves a lesser setback.

b. In all nonresidential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot (1') for each two feet (2') the tower is set back from protected residential property up to a maximum height of one hundred fifty feet (150').

D. Applicability:

1. Exceptions: The requirements of this Section shall apply to all towers otherwise permitted under this Code except:

a. Planned unit developments, when approved as a part of a preliminary and final development plan pursuant to this Code.

b. Public utility structures including, but not limited to, antennas, lights and signals, power and telephone poles, and poles supporting emergency warning devices.

c. Church sanctuaries, steeples and bell towers.

d. In accordance with the Federal Communications Commission's preemptive ruling PRB1, towers erected for the primary purpose of supporting amateur radio antennas may exceed thirty feet (30') in height provided that a determination is made by the City Council that the proposed tower height is technically necessary to successfully engage in amateur radio communications.

- E. Noncompliance: Noncompliance of characteristics of structures and site development created by the application of this Section shall not in any manner limit the legal use of the property, nor prevent the repair, maintenance, or reconstruction of a noncomplying characteristic or feature; however, in the event the cost of performing such repair, maintenance, or reconstruction of a structure exceeds ten percent (10%) of the cost of a new structure of like kind and quality, then the structure may not be repaired, maintained, or reconstructed except in full compliance with this Section. In no instance shall the degree of noncompliance be increased except as otherwise permitted by this Code. (Ord., 3-25-1997)

10-15-4: **BUILDING CODE PROVISIONS; CONSTRUCTION AND MAINTENANCE OF ANTENNAS AND SUPPORTING TOWERS:**

A. Permits:

1. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the City Building Inspector and securing a building permit therefor as hereinafter provided.

2. The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

3. Building permits are not required for:

a. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

b. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of subsection C of this Section are met. Temporary antennas shall be removed within seventy two (72) hours following installation.

B. Fee: The fee to be paid is that prescribed from time to time by the City Council according to the Uniform Building Code fee schedule.

C. Construction Requirements: All antennas and towers erected, constructed, or within the City, and all wiring therefor, shall comply with the following requirements:

1. Applicable Provisions: All applicable provisions of this Code.

2. Structural Certification: Towers shall be certified by a qualified professional engineer acceptable to the City to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

3. Extensions Over Public Ways And Properties: With the exception of necessary electric and telephone service and connection lines approved by the City Building Inspector, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.

4. Electrical Standards: Towers and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

5. Height Of Conductors: All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet (8') above the ground at all points, unless buried under ground.

6. Anti-Climbing Provisions: Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

7. Construction Requirements: All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.

8. Residential Areas Protected: Antennas and towers shall not be erected in any protected residential parcel as defined in Section 10-15-3 of this Chapter in violation of the following restrictions:

a. Notwithstanding the provisions of Section 10-15-3 of this Chapter, the required setback for antenna and tower not rigidly attached to a building shall be equal to the height of the antenna and tower. Those antennas and towers rigidly attached to a building, and whose bases are on the ground, may exceed this required setback by the amount equal to the distance from the point of attachment to the ground.

b. No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five feet (5').

c. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.

9. Performance Standards: All towers erected within the City must conform to the applicable performance standards in Section 10-15-2 of this Chapter.

10. Support Of Public Warning Systems: Telecommunications operators that utilize towers that are erected after the effective date of this Ordinance shall participate in the Emergency Alert System (EAS), as defined by FCC Rules and Regulations, part 11, by broadcasting warnings of severe weather and other life-threatening emergencies to users of personal equipment served by the tower.

Telecommunication operators may be exempt from these requirements under the following circumstances:

- a. The telecommunications operator demonstrates that participation in EAS is not technologically feasible;
- b. The telecommunications operator is unable to acquire any FCC waivers or exemption from licensing or other regulations that would prohibit participation in EAS; or
- c. The State or regional EAS planning committees determine that participation in EAS by the telecommunication operator is not necessary.

11. Health-Related Standards: Antennas placed upon a tower shall be subject to State and Federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted by the City. The cost of verification of compliance shall be borne by the owner and operator of the tower.

12. Guyed Towers: The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means.

13. Proof Of Noninterference: Each application for a conditional use permit shall include a preliminary or certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, telephone, facsimile machine, computer modems, telephone answering machines, and the like that are services enjoyed by residential and nonresidential properties. The statement shall be prepared by a qualified professional engineer acceptable to the City.

- D. Existing Antennas And Towers: Antennas and towers in residential districts and in existence as of April 15, 1974, which do not conform to or comply with this Section are subject to the following provisions:

1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.

2. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored

to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.

E. Lights And Other Attachments: No antenna or tower in any protected residential parcel as defined in Section 10-15-3 of this Chapter shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

F. Number Of Towers And Antennas: Only one tower shall exist at any one time on any one protected residential parcel as defined in Section 10-15-3 of this Chapter.

G. Inspections: All towers may be inspected at least once each year by the City Building Inspector to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Section.

Notice of violations will be sent by registered mail to the owner and they will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the City Building Inspector that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

H. Violations: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor.

I. Interpretation: It is not the intention of this Section to interfere with, abrogate, or annul any covenant or other agreement between parties; provided, however, where this Section imposes a greater restriction upon the use or premises for antennas or towers than are imposed or required by other ordinances, rules, regulations, or permits, or by covenants or agreements, the provisions of this Section shall govern. (Ord., 3-25-1997)

10-15-5: ANTENNA TOWERS ON CITY-OWNED PROPERTY:

- A. Introduction: The City has received requests from personal wireless services to place antennas and towers on City-owned property. The City Council has determined that a uniform policy for reviewing these requests is desirable.
- B. Priority Of Users: Priority for the use of City-owned land for antennas and towers will be given to the following entities in descending order:
1. City of Lauderdale;
 2. Public safety agencies, including law enforcement, fire, and ambulance services, which are and/or are not part of the City and private entities with and/or without a public safety agreement with the City;
 3. Other governmental agencies, for uses which are not related to public safety; and
 4. Entities providing licensed personal wireless services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- C. Minimum Requirements: The placement of antennas or towers on City-owned property must comply with the following requirements:
1. The antennas or towers will not interfere with the purpose for which the City-owned property is intended;
 2. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fees shall be established by the City Council after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
 3. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of the antenna or tower's removal;
 4. The antennas or towers will not interfere with other users who have a higher priority as discussed in subsection B of this Section;

5. Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense;
 6. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's antennas or towers; and
 7. The user must obtain all necessary land use approvals.
- D. Special Requirements: The use of certain City-owned property, such as the Community Park, for antennas or towers brings with it special concerns due to the unique nature of these sites. The placement of antennas or towers on these special City-owned sites will be allowed only when the following additional requirements are met:
1. Community Park And Lauderdale Nature Area: The presence of certain antennas or towers represents a potential conflict with the purpose of the City-owned park and nature area. In no case shall towers be allowed in land designated as the Lauderdale Nature Area. Antennas or towers will be considered only in the Community Park after the approval of the City Council.
- E. Application Process: All applicants who wish to locate an antenna or tower on City-owned property must submit to the City Zoning Administrator a completed application and detailed plan that complies with the submittal requirements of the Zoning Ordinance along with other pertinent information requested by the City.
- F. Termination: The City Council may terminate any lease if it determines that any one of the following conditions exists:
1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;
 2. A user's frequency broadcast unreasonably interferes with other users of a higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis; or
 3. A user violates any of the standards in this policy or the conditions attached to the City's permission.
- Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for the user to address the City Council regarding the

proposed action. This procedure need not be followed in emergency situations.

G. Reservation Of Right: Notwithstanding the above, the City Council reserves the right to deny, for any reason, the use of any or all City-owned property by any one or all applicants.

H. Use Of Revenue: All revenue generated through the lease of City-owned property for towers and antennas shall be made payable to the City of Lauderdale. Revenue shall be credited as follows:

1. To the specific operating activity using the land upon which the towers and antennas are located (for example, Sewer Utility Fund when located on lift station property);

2. To the Park Improvement Fund if located on park property;

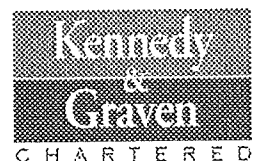
3. To the General Fund operating activity when the towers and antennas are located on City property serving a General Fund operating program (such as City Hall and the City Garage), and

4. Any revenues not meeting the above criteria shall be applied as general revenues of the General Fund. (Ord., 3-25-1997)

**WIRELESS TOWER ZONING
AND
LEASING OF CITY PROPERTY**

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INTRODUCTION.

In 1996 Congress passed the Telecommunications Act ("Telecom Act") to ensure rapid deployment of new wireless communication technology. For several years, wireless providers have been aggressively seeking sites and building towers in the metro area and other population centers. Sites in less populated and rural areas are now becoming increasingly attractive to the industry.

The need for antenna sites frequently collides with public opposition and the interests of local government units ("LGUs"). Lawsuits have resulted from denials of site applications by LGUs. A vast majority of claims under the Telecom Act involve tower sites rather than simply antenna placement.

REQUIREMENTS OF THE TELECOM ACT.

The Telecom Act has been characterized as a compromise between two competing aims, the facilitation of a national network of wireless communications network and the preservation of local control over siting of towers and antennas. LGUs remain authorized to decide permit or deny tower and antenna sites based on existing state law and local ordinances governing zoning decisions. However, the Telecom Act provides that a local zoning decision:

1. Shall not unreasonably discriminate among providers of functionally equivalent services.
2. Shall not prohibit or have the effect of prohibiting the provision of wireless services.
3. Shall be made within a reasonable time after the application is filed, taking into account the nature and scope of the request.
4. If denied, the decision shall be in writing and supported by substantial evidence contained in a written record.
5. Any aggrieved party must commence a lawsuit in either state or federal court within thirty days of the alleged LGU decision or failure to act.

DECISIONS UNDER THE TELECOM ACT.

The courts have had numerous opportunities to consider claims under the Telecom Act. Repeated themes concerning wireless facilities siting under the Telecom Act have emerged and include:

1. LGUs cannot unreasonably tie up the permit process with moratoria and inaction, and must move forward to decide an application expeditiously. Under current Minnesota law, LGU's must comply with the "60-day rule."
2. Substantial evidence supporting a denial will normally be what a reasonable person might accept as sufficient. However, "generalized concerns" concerning safety, aesthetics, property values and lack of need or desire for the services do not

constitute substantial evidence. Similarly, an applicant's purely technical data and economic driven concerns will typically not be dispositive.

3. Demonstrable issues concerning the safety of a proposed tower will support a denial. Aesthetic concerns may also form the basis for denial if properly documented and supported. For example, testimony by experts that land values will depreciate is relevant, but the burden of proof to support this evidence is on the LGU. Finally, substantial constituent opposition can and should be considered by the LGU.
4. An LGU's decision is much more likely to be based on substantial evidence if the LGU retains its own expert, particularly a radio frequency (RF) engineer. It is unwise to allow the applicant to provide the sole expert testimony. Disregarding expert testimony makes it less likely that the decision would be found to be based on substantial evidence.
5. It is critical to understand how denying an application for a given site will affect the applicant's ability to provide service. An LGU should obtain any information concerning any alternative sites that were considered by the applicant, or should confirm that the applicant failed to investigate alternative sites. Finally, the LGU should obtain information about any significant gaps in coverage for users which would result from a denial.
6. Denial of an application on the ground that wireless services are already available to the public could constitute unreasonable discrimination or an effective ban on service. However, if the LGU can show that the proposed new site is substantially more intrusive than existing sites due to the structure, placement or cumulative impact, a denial may be sustained.
7. Requiring a higher cost alternative site or design is not always impermissible. Of a site must be allowed, LGUs should focus on requirements that will make the site safer, less intrusive, or of less impact to the community.
8. Following a formalized process is very important. An informal denial letter may not be an adequate and LGUs must provide reasons for a denial based on some evidentiary basis.

SUGGESTIONS FOR EVALUATING TOWER SITES.

The following are suggestions for adequately evaluating a proposed wireless tower or antenna site, and for withstanding a challenge if the application is ultimately denied.

Wireless Facilities Zoning Ordinance.

1. Consider and adopt a comprehensive tower ordinance or update the existing ordinance. Passage of a moratorium prohibiting applications or new sites during such consideration is still allowed under the Telecom Act. However, the longer it

takes an LGU to consider and adopt an ordinance, the less reasonable a moratorium becomes.

2. The ordinance should establish a process for evaluating tower applications which includes opportunities for input from the public, LGU staff, wireless carriers and the LGU's own radio frequency (RF) engineer.
3. The ordinance should allow the LGU to hire an expert to review applications at the applicant's cost.
4. We recommend that the ordinance impose strict standards on wireless siting (few permitted zones, limited heights, specified design, etc.) but be coupled with a variance procedure. This gives the LGU the greatest amount of control and flexibility over the siting process.

Evaluation of Applications.

When evaluating tower siting permit applications:

1. The LGU should properly extend the 60-day review period and take the full 120 days for evaluation allowed under Minnesota law. This helps build a record in the event the LGU denies an application.
2. The LGU should retain an RF expert promptly upon receipt of an application.
3. The LGU should require that the applicant show that the proposed site is necessary from a service standpoint, that significant gaps exist in service, that the proposed site is the least intrusive method of achieving the coverage, and that other alternatives will not work. The LGU should require that coverage maps and a list of other service providers be submitted to present the entire picture to the LGU's expert.
4. The LGU should emphasize camouflaging of new facilities, even if this is more expensive for the applicant.
5. The LGU must build a record regarding aesthetics, property values and other neighborhood concerns, if legitimate. However, the LGU cannot seriously consider these issues if concerned residents and business do not present more than generalized concerns or opposition. The LGU must not collude with the residents to build a case for denial, but the LGU must advise concerned residents that documented information and evidence supporting concerns is required.
6. The LGU's elected officials should avoid comments that could be interpreted as hostile to the applicant or industry generally.

7. In the event an application is denied, the LGU must contemporaneously prepare detailed findings that are tied to the record and provide them to the applicant with the written denial.

Leasing of LGU Property.

In many cases, LGUs are approached by wireless providers concerning use of municipal water towers or other facilities to locate new antennas. Often, this is because LGUs are viewed as preferable landlords to private parties. In some cases, LGUs have adopted ordinances that encourage use of such locations.

The following are issues that an LGU should address in the event LGU property is to be leased for wireless facilities:

1. Form of Lease. The LGU should start with its own document.
2. Lease Negotiation Costs. Typically, LGUs require that the provider pay the LGU's lease negotiation costs. In many cases, these costs are capped. \$1,500 is a common cap.
3. Access to Property and Premises. We discourage LGUs from granting separate access easement(s) permitting the tenant to access the premises. Easements may not terminate when the underlying lease terminates and may grant more extensive property rights than are needed by the provider. The lease can instead simply provide a right of access to the premises.
4. Rent. The amount of rent negotiated by LGUs varies widely. Rents for space on a LGU water tower or other suitable structure are normally significantly higher than for a ground lease permitting construction of a tower on LGU property. This is because in a ground lease arrangement the provider must incur the capital and operational costs of building and maintaining a suitable tower structure.

The LGU should include a mechanism by which the rent is inflated annually. In some cases, rental obligations will include in-kind payments of free phones, subscriptions, or improvements to the leased premises.

5. Interference. The issue of potential interference by the tenant with subsequent lessees of the LGU property should be addressed. The possibility of interference by the LGU with the tenant's operations should also be addressed. Wireless providers often seek to include a provision prohibiting the LGU from using the premises in any fashion that may interfere with the tenant's use of the land. This provision should not be accepted as the land typically is subject to pre-existing uses by the LGU. Further, the tenant should not have the right to seek to enjoin the LGU from causing interference. The sole remedy should be termination of the lease.
6. Co-Location. Where an LGU tower is leased, the LGU will typically require that the tenant agree to allow additional lessees in the future. Where land/ground is

leased, LGUs may wish to have the tenant build a tower capable of supporting additional installations and permit co-location by other providers. The rent would be increased as additional providers locate on the tower. Of course, increased height may increase aesthetic concerns with the site. These concerns must be balanced against a diminished need for new structures to accommodate other providers at nearby sites.

7. Maintenance of Site. The lease should require a higher standard of maintenance than "commercially reasonable" given that the premises are owned by an LGU (parkland, water tower, city hall, etc.). Further, the tenant should be required to return the premises to "original condition" not "similar condition."
8. Renewal/Default/Termination. The term of wireless leases is typically 5 years automatically renewable by the tenant for several additional 5 year terms. The LGU often does not have the right to non-renew at the end of each term. This effectively makes the leases 20 year deals. Further, under the termination provisions, the LGU often may only terminate the lease in the event of default or if the land is redeveloped. The tenant often has much broader termination rights. Finally, the LGU often may not declare a default until after an extended notice period.

These provisions are very pro-tenant. However, these provisions are also fairly typical in wireless leases because the right to continue operating from a site is extremely important to the providers.

9. Taxes. The tenant should be required to pay any property taxes incurred due to construction of the tower and other facilities on the site.
10. Insurance/Indemnification. The tenant should be obligated to provide adequate insurance and indemnification. Typically, tenant's will attempt to limit the indemnification to claims "in performance of this Lease" or arising from the installation and operation of the tenant's facilities on the premises. The LGU should be more broadly indemnified from any claim asserted or damage incurred as a result of (i) construction and operation of the facilities; (ii) breach of the lease or (iii) use of the premises pursuant to the lease.
11. Limitation of LGU's Liability. The tenant should be absolutely prohibited from seeking loss of business damages.
12. Quiet Enjoyment. A tenant's right of quiet enjoyment should be expressly subject to the existing uses of the premises.
13. Assignment. The tenant should be required to give notice to the LGU if the lease is assigned and the assignee should be required to acknowledge and accept the lease obligations in a separate writing provided to the LGU. Wireless providers typically oppose any provision requiring approval of an assignment because there is such rapid consolidation in the industry.

