

**DEEPHAVEN CITY COUNCIL SPECIAL WORKSESSION  
MONDAY, JANUARY 4, 2010  
MINUTES**

1. **CALL MEETING TO ORDER:** Mayor Paul Skrede called the meeting to order at 6:00 p.m.

PRESENT: Mayor Paul Skrede, Councilmembers Steve Adams, John Wheaton, Keith Kask and Kim Crockett

STAFF: City Administrator Dana Young and Zoning Coordinator Karpas

2. **UNFINISHED BUSINESS**

A. **Discuss Style and Screening of Clearwire Tower**

Mayor Skrede briefly discussed the purpose of the meeting. He said the Attorney retained for review of telecommunication towers said the Council was within its right to readdress the issue of the type of pole that could be installed. He said the issue of screening the tower was brief at the December 21<sup>st</sup> Council meeting and thought that the Council may not have known the options available to it in this area. His hope is tonight's discussion provides guidance for staff in their review of the building permit application for the proposed tower.

Councilmember Crockett said the Council did have a discussion on December 21, 2009 about whether the tower should be a stand-off or stealth tower. She said she raised the issue and feels the Council rushed forward instead of taking the time to make the right decision the first time. She asked when the thirty day review period begins, whether from the time of Council approval or when actual plans have been submitted.

City Administrator Young said the timeline begins when the applicant submits for a building permit.

Mayor Skrede said he is interested in what the neighbors have to say and indicated that Christopher Coughlin has also been invited on behalf of the applicant to provide his expertise. He discussed the photos submitted by Nigel MacCleod showing stand-off poles camouflaged as pine trees.

Nigel Macleod, 3320 Maplewood Road, discussed the design and locations of the tower and questioned if the location could be shifted. Mayor Skrede said the Attorney did not feel that was within the Council's purview since it had already approved the application. Mr. Macleod wanted to know if he could still discuss the issue with the Council.

Mayor Skrede discussed the various designs submitted by the applicant and Mr. Macleod. Mr. Macleod said the designs he submitted would work great with two providers, but thinks it would look unnatural with more than two. He said if the tower was moved to the northwest side of the parking lot and camouflaged like a tree, it would blend in with the larger trees on that side of the lot.

Sara Franks, 3380 Maplewood Road, is concerned how the pole will look while driving down Minnetonka Boulevard. She feels it will negatively impact the current skyline. Mayor Skrede

reminded the residents that the location of the pole could not be relocated without a new application and that is not part of tonight's discussion.

Christopher Coughlin said he feels this conversation is between a landlord and tenant. He said the design of the pole is still open and reminded the Council the location of the pole was dictated by the Zoning Ordinance. He said his client is fine with either a stealth or non-stealth pole. He discussed the standard type of stealth pole and some of its limitations, such as a potential for less carriers since the antennas need to be inside the pole. He said the topography and number of trees may make it technologically impossible for three carriers on a stealth pole in Deephaven. He said the city needs to decide whether it wants one stand-off pole or potentially multiple stealth poles on the site.

Mayor Skrede confirmed that the bottom tenant most likely would be at about seventy feet. He said it's a practical matter. He said it's still conceivable that a third carrier could not locate on a stand-off tower without expanding the pole. Mr. Coughlin said Clearwire only requires about four feet of vertical real estate, whereas other carriers, such as Verizon need more.

Mayor Skrede asked if it is reasonable to think a significant carrier would be willing to locate at seventy feet or would the city see another application to either expand the pole or construct a new one. Mr. Coughlin said it probably would and the city would have to decide if it could live with a larger pole or a second pole. Skrede said that the belief that a stand-off pole would accommodate three carriers doesn't appear to be a complete answer.

Councilmember Wheaton asked where Clearwire would put its equipment on either a stand-off or stealth pole. Mr. Coughlin said they would take the top position, as would any carrier who builds a tower. Wheaton asked if the stealth tower would accommodate a cell phone carrier. Mr. Coughlin said it would and explained that a standard stealth tower is constructed with three bays, but the types of antennas required by different carriers dictates the size of the pole.

Councilmember Crockett asked if it was appropriate to discuss requiring a taller stealth pole in the lease documents and asked whether Clearwire would be willing to build a larger stealth pole. Mr. Coughlin said that should be passed on to the next applicant since Clearwire only needs a one hundred foot tower. If the tower doesn't meet the needs of the future applicant, it's their responsibility to expand it. Crockett asked if Clearwire would benefit from the additional lease fees created by a larger pole. Mr. Coughlin said that site selection and pole construction is based on the pole creating no additional income.

Mayor Skrede said this discussion was for the Council to get a better understanding of whether one type of pole was better than another for collocation.

Ms. Franks asked about the process used by the City of Minnetonka. Mayor Skrede said the types of poles vary greatly in Minnetonka, noting they have a pole capable of accommodating four carriers. Councilmember Kask commented that the City of Minnetonka also benefits from their water system which allows antennas to be placed on their water towers.

Ms. Franks asked if the design of the tower would change if it was expanded. Mayor Skrede said the Council could condition the type of tower at the time of application. Skrede asked Mr. Coughlin if he has ever seen a tower design change when it was expanded. Mr. Coughlin said he could not recall any. He said the expansion would require a variance and the design of the pole could be a requirement of approval. He said it would be sensible to expect the pole design to remain the same.

Councilmember Crockett asked about locating in Thorpe Park. Mr. Coughlin said he was discouraged to do so since it would not be a suitable site within the city. Crockett asked if he was directed to the north side of the city by staff. Mr. Coughlin said they were directed by staff and looked for a site that would comply with the ordinance which led to the parking lot.

Mayor Skrede said the intent of tonight's discussion was to provide direction to the applicant and staff. He said the Council has said yes to a stand-off pole, but sees there may be limitations on the number of carriers based on topography and foliage. He asked if the Council would like to change the design to a stealth design.

Councilmember Crockett supports a stealth design over a tower with crows' nests but noted that a stealth tower made to look like a pine tree would not be camouflaged since there is no tree line for it to blend in to. She feels a stealth pine tree may look hokey. She believes Pump Park is still a better site. She's leaning towards a hundred foot stealth tower for the parking lot site.

Councilmember Wheaton agrees that a one hundred foot stealth tower would be appropriate. The Council will have to deal with future applications when they come in.

Councilmember Kask stated the Council approved the request for a stand-off pole thinking it could accommodate three carriers. He's frustrated that the Council is being asked to look into a crystal ball to try to come up with the best solution. He would like to see a hundred foot stealth tower and sited as far to the south as the ordinance allows without a variance.

Councilmember Wheaton felt the Council already approved a location. Councilmember Kask said he would only nudge it a bit to the south.

Councilmember Adams said this was a tough call from a planning perspective. He said a stealth tower would have a lower visual appearance and be similar to others in the surrounding area, but may not be able to accommodate the same amount of carriers as a typical stand-off tower.

Mr. Macleod suggested another location for the tower. Mayor Skrede said that would require a variance. Councilmember Crockett suggested a public hearing be held at the Council to alter the location. Mr. Coughlin said the pole would still have to be within the median. He said Clearwire chose the site because it only required the removal of one small tree. He said it looks as though they can move it about ten feet without needing a variance.

Mayor Skrede said he preferred a stealth pole.

Mr. Macleod said he's not sure that's the best solution

Ms. Franks said it's not her first choice since it would limit the number of carriers.

Mayor Skrede said he would not want to approve a pole that drives potential carriers away.

The Council discussed camouflaging the pole. Councilmember Adams was opposed to a camouflaged pole and thought it would be absurd to have a tree design standing alone in the parking lot. Councilmember Wheaton asked if Clearwire would be willing to install a camouflaged pole. Mr. Coughlin said if the cost outweighed the benefit, the tower would not be built.

Mayor Skrede reiterated the Council has already approved a stand-off pole and it now appears the Council supports a stealth pole. Councilmember Wheaton said the Council could look at the third option of a camouflaged pole if Clearwire were willing to build it. Mr. Coughlin said he could not answer that without talking to his client due to the increase in cost, though he didn't think a mono-pine would look too bad in that location.

Ms. Franks asked about the color of the proposed tower. Mr. Coughlin said there are a number available, but the site would probably have a dull gray look to blend into the sky.

The Council discussed the idea raised by the residents about providing photo shop photos of all three types of towers from various locations. Mr. Coughlin said he could provide those.

Mr. Coughlin asked about the process moving forward. He said it sounds like the typical process has been rearranged with approval of the design prior to the submittal for a building permit. Mayor Skrede said the Council would meet on February 1<sup>st</sup> to approve a design by resolution.

The Council will discuss this issue at their February 1<sup>st</sup> meeting.

**B. Discuss 1,000' vs. 350' Notification Requirements**

Mayor Skrede asked if there was any objection to amending the ordinance to require a one thousand foot notification radius versus the current three hundred and fifty foot radius.

Councilmember Crockett believed the change would be in order. She would like to see it changed to a minimum of one thousand feet.

The Council agreed to look at the issue and directed staff to create language for such a change.

Councilmember Kask would like staff to provide a hypothetical mailing list of what the notification would have been for this request to get an idea of how many more residents would have been notified.

Councilmember Crockett asked that staff investigate what other cities do in the area of notification.

**3. ADJOURNMENT**

Motion to adjourn by Councilmember Kask, seconded by Councilmember Wheaton. Motion carried 5-0. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Gus Karpas  
Zoning Administrator