

**PUBLIC HEARING OF THE DASSEL CITY COUNCIL
NOVEMBER 20, 2017, 7:06 P.M.
DASSEL CITY HALL**

The public hearing of the Dassel City Council was called to order by Mayor Hungerford at 7:06 p.m. on November 20, 2017 at the Dassel City Hall.

Present: Council members Bemenderfer, Carlson, Hallquist, Weseloh and Mayor Hungerford (5)
Absent: (0)

The purpose of the hearing was to consider public input on amending the City Code and adding Chapter 93 Relating to Regulation of Small Cell Wireless Telecommunication Facilities within the Public Right-of-Way.

No public input was received.

City Attorney Greenley provided the following information:

At the October 16, 2017 Council meeting the Council was presented with the then most current Small Cell Wireless Ordinance. A public hearing on this ordinance is being scheduled for November 20, 2017.

Following the October 16 Council meeting I made some changes to the proposed ordinance. A couple were simply punctuation or phraseology. However, three were basically clarifications/additions, and should be noted for the Council before the public hearing.

Attached is the final draft with these three clarifications. The first appears in Sec. 93.46. As previously drafted, Sec. 93.46 only contained the one permit requirement for installation of a small cell facility in the right-of-way. I redrafted Sec. 93.46, by creating two subdivisions. Subdivision 1 adds the requirement that an excavation or obstruction permit must also be obtained if the intended work in the right-of-way may create such a situation. Subd. 2 is the initial permit requirement for installing or maintaining a small cell facility in the right-of-way.

Second, Sec. 93.47, Subd. 1 (e) was redrafted slightly to address the possibility that a right-of-way may not itself be zoned single family residential; only the adjacent lots would be so zoned. I rephrased this provision by incorporating the concept of a right-of-way that is "in or contiguous to" an area zoned single family residential.

Finally, Sec. 93.47, Subd. 1 (k) was redrafted to make clear that the city can be reimbursed not only for its management costs, but for additional and possibly unforeseen costs incurred in special situations caused by the telecommunications right-of-way user.

The research attorney with the League agrees with these clarifications/additions.

The public input portion of the meeting was closed at 7:10 p.m.

Motion by Weseloh, seconded by Hallquist to approve adoption of City Code Chapter 93 as presented. Motion carried unanimously.

Motion by Carlson, seconded by Bemenderfer to adjourn the meeting at 7:15 p.m. Motion carried unanimously.

ATTEST:

Ronald Hungerford
Mayor

Terri Boese
Clerk/Treasurer