



Legislation Text

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**File #:** Ord. 998, **Version:** 1

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**City Council Meeting Date:** October 2, 2018

**To:** Mayor and City Council  
City Administrator

**From:** David E. Bennett, Public Works Director/City Engineer

Consider Approving Amendment of Article IV of Chapter 70 of Northfield City Code on Right-of-Way Management.

**Action Requested:**

The Northfield City Council approves the Second Reading of an Ordinance 998 repealing and replacing Article IV Chapter 70 on Right-of-Way Management.

**Summary Report:**

City staff have updated the ordinance since the first reading on September 18, 2018 to include the requirement of a Conditional Use Permit (CUP) for Small Cell Wireless facilities in single-family residential use or within a historic district. Other minor changes to the ordinance are shown in Attachment 2 and are highlighted in yellow.

The CUP will allow the City to place conditions to protect the health and welfare of our residents such as screening, placement of wireless structure, placement of ground equipment, and other conditions.

In addition, staff will be reviewing all permit applications, whether or not a CUP is required, staff will request proposed screening and separation as a condition of the City's permit review.

Typical placement of these facilities is going to be in more dense locations where there is a lot of wireless activity. Example locations would be near the colleges and downtown.

I reached out to other outstate cities and below is a summary of where they are at with the small cell ordinance update.

Faribault

Updated ROW Ordinance in June of 2018 to include small cell, and a collocation agreement is required.

Austin

Have not updated ordinance but in 2013 they entered into a Master Lease Agreement with Verizon and Mobilitie. They have four small cell wireless facilities, 2 with each company.

Red Wing

Have not updated ordinance - no pending small cell application at this time.

Albert Lea

Currently in the process of updating their ordinance.

Winona

Have updated their ordinance and have a collocation agreement.

**Background**

On May 30, 2017, Governor Dayton signed a new law amending Minnesota's Telecommunication Right-of-Way User Law. The amendment provided clarity on whether wireless providers are treated the same as other telecommunication right-of-way users. The bill created a separate permitting system for placement of small cell wireless facilities on City owned structures in the rights of way.

With the creation of the new law, staff is proposing to amend Article IV of Chapter 70 related to the City's Right-of-Way regulation. The primary change to the regulation is to add Small Cell Wireless language to the ordinance. What is unique with the new law is it allows wireless providers to utilize public infrastructure, such as existing streetlights and utility poles that exist in the right-of-way.

Small cell wireless facilities are considered the next generation in cellular equipment. The thought is that it will add capacity to its network, increase download speeds, fill in coverage gaps, and provide more bandwidth.

New small cell wireless facilities will be located on existing light poles and utility poles. If existing in-place infrastructure does not provide for the needs of the service provider or gaps in coverage, a new wireless support structure could be installed. These structures are limited in height to 50 feet by state statute. The proposed ordinance retains the maximum height of 50 feet and the City could increase the height but staff is not recommending that.

Staff is recommending Council amend the existing ordinance with the new proposed ordinance (Attachment 3). The City Attorney has prepared the ordinance and made changes to ensure it provides for the local control at the City level.

An example of a small cell wireless facility is attached (Attachment 4).

**Alternative Options:**

N/A

**Financial Impacts:**

Staff will bring forward a separate motion at the October 2, 2018 City Council Meeting to amend the existing fee schedule to include a small cell wireless permit fee of \$275.00.

**Tentative Timelines:**

Second Reading and approve summary publication on October 2, 2018.

Summary Publication would occur on October 10 and the ordinance would be in effect 30 days later.