

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-09**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
8380 KIMBRO AVENUE NORTH, GRANT, MINNESOTA
(AT&T)**

WHEREAS, AT&T (“Applicant”) has submitted an application for an Amended Conditional Use Permit for expansion of the number of antennas on the existing monopole aerial tower from six (6) to nine (9) located at 8380 Kimbro Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property at 8380 Kimbro Avenue North has an existing Conditional Use Permit issued AT&T, dated April 1, 2003 for the construction of the monopole and antennas; and

WHEREAS, the Conditional Use Permit was further amended on June 28, 2005 to allow for the expansion of the number antennas on the tower; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on June 20, 2011 and subsequently considered the application, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its July 7, 2011, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of AT&T for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The use is designated in Section 32-245 as a conditional use for the Agricultural A2 zoning district.

- The use conforms to the city's comprehensive plan.
- The expansion of the number of antennas located on one tower is consistent with objectives of the zoning ordinance adopted by the city in Sections 32-443 through 32-452.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The expansion of antennas does not change the existing use of the tower or of the property.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city's normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. The color of the antennas/arrays shall be of the same or similar color of the existing antennas and monopole.
2. The applicant shall provide a Certificate of Insurance that complies with the terms of the lease and ordinance requirements prior to issuance of the building permit.
3. No later than January 10 of each year, the applicant shall submit to the City Clerk a photocopy of a Certificate of Insurance showing that the tower and antennas are insured for that calendar year.
4. No later than January 10 of each year, the applicant shall submit to the City Clerk a photocopy of a report showing that the tower and antennas are being operated in compliance with all State and Federal regulations.
5. The new antennas, and new model, shall meet the standards for ice breakers and related safety features as to meet the requirements of the existing antennas and arrays.
6. The applicant agrees to reimburse the City of Grant for any costs which the City incurs because of the presence of the applicant's antennas or tower, including all costs

associated with the review of applicant materials, lease agreements, and/or Local, State and Federal documents.

7. Every five (5) years from the date of Conditional Use Permit approval, the applicant agrees to the periodic submission requirements outlined in City of Grant Code, Section 32-449.
8. Every five (5) years from the date of the Conditional Use Permit approval and no later than January 10, the Planning Commission shall review the Conditional Use Permit to verify that the applicant is in compliance with the terms and conditions of the Conditional Use Permit.
9. The escrow amounts shall be brought up to date for any and all towers related to the applicant, including but not limited to ATT Wireless, Cingular Wireless, American tower and/or Global Signal.
10. The gate protecting the ground equipment shall remain in working order throughout the upgrade and post construction.
11. The landscaping on the northern boundary shall be maintained and restored if any removal or adverse impacts occur as a result of the construction.
12. No changes to the ground equipment or fence line are approved as a part of this permit.
13. The applicant shall provide a report once the antenna upgrade and addition has been completed that demonstrates that the antennas meet and comply with all applicable regulations regarding emission of radiation and electromagnetic waves.
14. The applicant shall sign an amended CUP within forty-five (45) days of the resolution being passed and record the same with the Office of the Washington County Recorder.
15. All ongoing conditions and requirements listed in the original Conditional Use Permit recorded as document number 3323435 on April 1, 2003, in the Office of the Washington County Recorder shall also apply to this applicant.

Adopted by the Grant City Council this 2nd day of August, 2011.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2011 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2011.

Kim Points
Clerk
City of Grant