

**MINUTES
CITY OF DELANO
Planning Commission
Monday, October 9, 2017
7:00 PM**

1. Call to Order

Meeting was called to order at 7:00 PM, Monday, October 9, 2017

2. Roll Call

Present:

Larry Bartels
Jeremy Clarke
Jeff Demuels
Angela Kalthoff
Jon Krieg
Nat Malen

Not present:

Steve Williams

Also present:

Dale Graunke, Mayor and Council Liaison
Al Brixius, City Planner
Justin Markon, Recorder

3. Approval of Agenda

Bartles made a motion to approve the agenda, Kalthoff seconded; motion carried

4. Minutes

A. Minutes of the Delano Planning Commission meeting of Tuesday, August 1, 2017.

Bartles made a motion to approve the minutes of the meeting on August 1, 2017, Demuels seconded; motion carried

5. Public Hearing

6. New Business

A. Discuss Delano City Code Section 301.01 as it relates to Right-Of-Way Management.
Attachments: Section 301.01 - Right-of-Way Management

Brixius presented a comprehensive overview of draft changes to the local ordinance. These changes are in response to new legislation by the State legislature which was passed in 2017 to regulate small cell in the public right-of-way like other utilities. Brixius noted that there were two amendments to discuss. First, the right-of-way ordinance, which regulates permitting and management of rights-of-way, including telecom facilities. The second amendment involves the subdivision ordinance and clarifies the need to obtain a right-of-way permit to install utility facilities in the public right-of-way.

Brixius discussed the right-of-way ordinance changes. He noted that the City can collect a permit and registration fee. These new telecom facilities will be permitted and registered and will require insurance for both installation and operation. Additionally, there will be rules on design performance standards in location, size, and setbacks. Brixius showed a drawing of the right-of-way and the ideal location of new support structures within a four-foot build zone near the back edge of the right-of-way line and near lot corners so that structures are not placed in the middle of a lot. Brixius concluded that code language is the City's best effort to mitigate concerns with support structures.

Demules asked if the City could encourage companies to co-locate on existing infrastructure by implementing a tiered fee, which Brixius said may be possible, but the City cannot require locations of facilities. Furthermore, the look cannot be mandated, but there can be stipulations to encourage aesthetically pleasing structures. Kalthoff pointed out that if structures were built by multiple providers they could look differently, and Brixius agreed. The general consensus was that there was no consideration for aesthetics when the new legislation was passed.

Discussion turned to possibly adding the facilities to existing street lights. Brixius noted that while driving along Elm Avenue, he believed that it would be difficult to integrate new poles with the existing streetlights while preserving the aesthetic look. Krieg asked about removing existing streetlights, installing telecom support structures and adding a light to the new pole. Brixius said this may be possible. Graunke noted that intersections have lighting requirements, so facilities could be placed on these taller poles. Williams asked if a permit would be needed to change the antenna or update technology and whether the new ordinance language addressed abandoned facilities. Brixius answered in the affirmative for both questions. A pole cannot be put up without a provider, and the registration is only valid as long as service is being provided.

In closing, Brixius noted that cities have until January 1, 2018 to enact or change their local ordinance regulating the public rights-of-way, and it can be changed to better fit the City's needs once enacted and tried out. Brixius' next steps are to discuss the topic with Paul Twite, General Manager of Delano Municipal Utilities, about architectural components, stipulating color and design of acceptable poles. Additionally, he would work with the City Attorney to include language stipulating that a conditional use permit would be required for residential and historical zones, possibly including the downtown area through discussion with the State Historic Preservation Office. He noted that the new technology will boost livability and economic development in cities, it is a question of how best to implement these changes. He requested that the commission table the discussion until the November meeting.

Bartles made a motion to table the discussion, Kalthoff seconded; motion carried.

7. Old Business

8. Updates and Future Land Use Development Applications

9. Other Business

10. Adjournment

The meeting was adjourned at 7:45 pm