

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2009-25**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
FOR CLEARWIRE CORP, INC.**

**WHEREAS**, Clearwire Corp., Inc. (“Applicant”) has submitted an application for a Conditional Use Permit to co-locate additional antennas on the existing communications tower located at 8930 60th Street North in the City of Grant, Minnesota; and

**WHEREAS**, the property is legally described as follows:

The Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty-one (21) West, of the Fourth Principal Meridian, according to the United States Government Survey thereof, And

The West One-half of the Northwest Quarter of the Southeast Quarter (W 1/2 of NW 1/4 of SE 1/4) of Section Thirty-three (33) in Township Thirty (30), Range Twenty-one (21) West of the 4th Principal Meridian, Washington County, Minnesota.

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on November 16, 2009, 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 December 1, 2009, 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 Clearwire Corp., Inc. for a 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:

- Article IV, Division 4, Antenna Regulations Section 32-443 of the City’s Zoning Ordinance permits antennas in all districts with a conditional use permit;
- The use is not in conflict with the Comprehensive Plan because co-location minimizes adverse impacts to the community and neighborhoods by using existing structures rather than proposing new towers;
- The proposed use is compatible with the existing neighborhood because it will not create undue adverse impacts that exceed those from the existing communications tower;
- The use will not create additional requirements for facilities and services at public cost beyond Grant’s normal low density residential and agricultural uses;
- The use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances;
- 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; and

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

1. The applicant must obtain the necessary permits and inspections required for the installation of the equipment.
2. If landscaping or screening surrounding the tower compound is disturbed during antenna installation, the site shall be restored to better or current conditions.
3. The proposed equipment cabinet shall be of similar exterior color and materials as the existing equipment within the fenced area.
4. The applicant shall submit information indicating that the antennas are necessary to provide adequate coverage and/or services.
5. The co-location of the additional antennae shall not disrupt existing services provided by the towers’ existing users.

6. The applicant shall provide a report from a registered engineer that the antenna comply with all applicable regulations regarding emission of radiation and electromagnetic waves.
7. Installation of the proposed antennas shall take place only on weekdays (Monday through Friday) between the hours of 7:30 a.m. and sunset.
8. Antennas which become obsolete or their use is terminated, shall be removed within 90 days at the expense of the applicant.
9. The CUP shall be subject to annual review by the City for compliance with the conditions set for in the CUP. The applicant shall comply with City Ordinances that require the applicant to pay a CUP review fee.
10. That all fees and escrow are paid.

Adopted by the Grant City Council this 1st day of December, 2009.

---

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 December 1, 2009 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 first day of December, 2009.

---

Kim Points  
Clerk  
City of Grant