

**CITY OF LAKE FOREST PARK  
CITY COUNCIL STUDY SESSION MEETING MINUTES  
June 9, 2005**

**Councilmembers present:** Dwight Thompson, Mayor *pro tempore*; Alan Kiest, Mary Jane Goss, Nate Herzog, Roger Olstad, Ed Sterner (6:30 p.m.)

**Councilmember excused:** Carolyn Armanini

**Staff present:** David R. Hutchinson, Mayor; Karen Haines, City Administrator; Mike Ruark, City Attorney; Sarah Phillips, Community and Government Affairs Program Manager; Stephen Bennett, Planning and Building Director; Susan Stine, City Clerk

**Others present:** Four visitors

**CALL TO ORDER**

Mayor David Hutchinson called the council study session meeting to order at 6:15 p.m.

**ADOPTION OF AGENDA**

Hutchinson noted that City Attorney Mike Ruark would be arriving later for the discussion of the proposed telecommunications ordinance, and he requested that the order of the agenda items be reversed.

**Cmbr. Olstad moved** adoption of the study session agenda as requested. **Cmbr. Herzog seconded. The motion carried unanimously.**

**AGENDA ITEMS/DISCUSSION**

**Comprehensive Plan Update/Draft Sensitive Areas Ordinance**

Bennett began the review of the comprehensive plan update and draft sensitive areas ordinance with a discussion of language describing wetland types.

Councilmembers discussed the intent of the classification system, the need to compare proposed regulations with those of neighboring cities, and a flexible approach to buffers used by other cities.

1 **SECOND READING CALENDAR**

2 **Ordinance 928/Regulating Use of City’s Rights of Way for Telecommunication**  
3 **Services**

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5 Hutchinson noted that City Attorney Mike Ruark would lead the discussion of proposed  
6 Ordinance 928.

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8 Ruark said that the proposed ordinance would repeal the current regulations and replace  
9 them with a new chapter regarding the use of the city’s rights of way for  
10 telecommunications services. He noted that many cities adopted similar ordinances,  
11 which were overturned by a recent court action. He said that cities are limited to  
12 managing their rights of way and easements.

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14 Ruark said that he has several minor amendments for council consideration and action  
15 later.

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17 In response to questions from councilmembers, Ruark discussed the hearings process, the  
18 right of way as a finite resource, and the possibility of requiring access to service from  
19 the permittee.

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21 Ruark noted that the federal law essentially prohibits state and local governments from  
22 making it difficult for telecommunications providers to operate. Ruark noted that  
23 information would be provided in the executive session scheduled for the regular meeting  
24 regarding potential litigation.

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26 In response to questions from councilmembers, Ruark discussed the placement of cables  
27 underground and franchise fees and utility tax issues related to utilities such as light,  
28 power and telecommunications.

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30 Ruark discussed the city’s authority regarding the use of the rights of way and  
31 requirements for screening equipment permitted in the right of way.

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34 **ADJOURNMENT**

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36 There being no objection, the study session meeting was adjourned at 7:20 p.m.

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40 Susan Stine, City Clerk

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45 David R. Hutchinson, Mayor