

**TOWN OF UNION
SPECIAL WORKING BOARD MEETING
Minutes of Thursday, May 17, 2012**

The Town of Union Board special working board meeting was called to order by Chairman Kendall Schneider at 7:00 p.m. on Thursday, May 17, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI. Those present included Chairman Schneider, Supervisors George Franklin and Kim Gruebling, and Clerk Regina Ylvisaker. Plan Commission members Dave Pestor and Alvin Francis were also in attendance.

Motion to approve the agenda was made by Schneider/Franklin. Motion carried by unanimous voice vote.

Appointment of Plan Commission Members

One vacancy remains on the Plan Commission, as Bruce Davis declined the appointment. Kendall Schneider had spoken to Bill Thomas, who currently serves on the Board of Review and Board of Adjustment, and Thomas indicated he would like to serve on the Plan Commission. Motion to appoint Bill Thomas to the Plan Commission made by Schneider/Franklin. Motion carried by unanimous voice vote. Kim Gruebling noted he felt Thomas was a good choice.

Board Action: Approval of Operator Licenses: Crystal L. Wallace, Brenda S. Simerson – Geneo's Wild Ride Saloon

No action was taken on the applicants; they will instead be included in the annual license renewal process in June.

Board Action: Acceptance of Petition for Telecommunications Tower Ordinance Citizen Review Committee

Motion to accept receipt of the petition made by Schneider/Franklin.

Gruebling stated that the Board members are the elected officials of the Town, and as such don't appoint individuals to oversee them. Citizens review departments, not governing bodies. Schneider feels the petition's intent is for reviewing applications prior to their approval by the Board. Gruebling believes that is what the Plan Commission is for.

The petition specifically states it requests to review any application for towers over 199' tall.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Kim Gruebling – Yes.

Discussion: Development of Telecommunications Ordinance

The Board used the draft copy of the ordinance dated January 27, 2012 for their review and comments.

Gruebling requested that the dates on page 3 be updated, along with the number of meetings held. Agreed by all.

Gruebling would recommend deleting lines 112 & 113; the Town does not have the information to back up the claim. Schneider felt that rewording the statement may be appropriate. Agreed by all to change statement to "Telecommunications towers, including radio and television towers, may impact property value."

Agreed by all to delete (5) in its entirety (lines 126-129 page 4).

Schneider thinks there should be a tower section that defines all towers, including lattice, guyed, self support, etc. He would like the following language inserted:

The Tower- (4 different types)

- Lattice Tower /Self-Support Tower or SST - the lattice tower affords the greatest flexibility and is often used in heavy loading conditions. A lattice tower is typically three sided and has a triangular base, however there are some four sided lattice towers.
- Monopole Tower- A monopole tower is a single tube tower. It requires one foundation and typically doesn't exceed 200'. The antennas are mounted on the exterior of the tower.

- Guyed Tower - Guyed towers used to be the cheapest tower to construct, but require the greatest amount of land. For taller heights (300 and greater) it is much cheaper to build a guyed tower. Most radio and television towers are guyed towers. A guyed tower is a straight tower supported by guy wires to the ground which anchor the tower.
- Stealth Tower - Stealth towers are typically required by zoning. They are always more expensive than the other types of towers. More often than not they require additional material to “Stealth” their appearance and typically don’t provide the same amount of capacity for tenants.

Agreed by all to remove definitions for camouflaged towers, guyed towers, lattice towers, and monopole towers and replace with alternate language provided by Schneider under the definition of “Telecommunications Tower or “Tower””.

Gruebling noted that the height definition states “This measurement excludes any attached antennas and lighting.” He would like the statement changed to read “This measurement includes any attached antennas and lighting.” Agreed by all.

Regarding the licensing definition, Gruebling would like it removed entirely as there was never any authorization or request from the Board to the Plan Commission to develop a licensing ordinance. Schneider clarified that a conditional use permit would be issued instead of a license. Agreed by all to delete “License” definition.

Agreed by all to delete all antenna definitions (“Antenna, Building Mounted”, “Antenna, Ground Mounted”, “Antenna, Utility Pole Mounted”) and retain the definition for “Antenna, Vertical”.

Agreed by all to add a definition for FAA.

The Board discussed the need to make policy decision regarding having a third party review all applications, and it was agreed by all that this is how the Board would like to proceed. Schneider thinks third party consultant should be defined, to define their purpose. It was agreed at this time to insert “consultant” and determine wording for definition later. Schneider also thinks “cell network” needs a definition as it has been referred to several times in meetings. Agreed by all. Schneider provided the following definition for “cell network”:

A cellular network is a radio network distributed over land areas called cells, each served by at least one fixed-location transceiver known as a cell site or base station. When joined together these cells provide radio coverage over a wide geographic area. This enables a large number of portable transceivers (e.g., mobile phones, pagers, etc.) to communicate with each other and with fixed transceivers and telephones anywhere in the network, via base stations, even if some of the transceivers are moving through more than one cell during transmission.

Cellular networks offer a number of advantages over alternative solutions:

- increased capacity
- reduced power use
- larger coverage area
- reduced interference from other signals

Agreed by all to eliminate “Master Telecommunication Facilities Plan or Master Plan” definition.

Gruebling noted that he would ask a third party consultant if line 244-245, NIER, is necessary.

Agreed by all to remove all of 3.00 (4) (lines 301-312, pages 8-9)

Schneider stated that in his research, he has found that towers aren’t allowed on A1 properties. Gruebling noted that in Dane County A1 parcels are rezoned A2 in cases where towers are requested on A1 parcels.

Suggested to replace section 5.00 Master Telecommunication Facilities Plan for Wireless Carriers with consultant information and rename the section “Technical Review.” Gruebling recommended deleting lines 321-338, move statement “the Town may retain an independent consultant or consultants to review the reasonableness of the proposed Master Plan or amendment, at the applicant’s expense” to new section (1), change “may” to “will”, and

change "proposed master Plan or amendment" to "application."

Schneider has spoken to Building Inspector Bob Fahey and he doesn't think that our current application would work well for tower applications, as there is too much information needed for towers.

The Board stopped their review at line 411.

The Board scheduled their next working meeting May 29, 7 pm at the Fire Station. Gruebling and Regina Ylvisaker will meet in the interim to develop an application form.

Public comments:

Doug Zweizig, Finn Rd: submitted his comments in written format, and also read them in:

I think that it's accurate to say that the Town is in a worse place regarding the regulation of cell towers than it was last April 2011 when the Board adopted a moratorium on the construction of Towers and Antennas to allow for the development of a Town ordinance, but gave no further direction to the Plan Commission.* Requests from the Plan Commission to the Board for assistance from the Town Attorney and from the Town Engineer to provide education on needed issues were ignored by the Board or were late in being provided. As a result, members of the Plan Commission have had to expend considerable time informing themselves on the needed concepts and issues.

As early as the May 2011 Plan Commission meeting, Shane Begley, of Begley Wireless Consulting Services, LLC, a potential applicant for a permit to erect a tower, was injecting himself into Plan Commission deliberations, even though the expertise the Plan Commission had requested was from sources that either were objective or working in the Town's interests. Mr. Begley, as I recall, was introduced to the discussion by a member of the Board,** while I, as a member of the the Plan Commission at the time, was working to keep persons with commercial interests at arm's length while we determined what would be the best regulations for the Town.

Since it was the Plan Commission's understanding that the Board wanted us to work things out with Mr. Begley, he continued to involve himself in the process of ordinance development. At the Plan Commission meeting of November 17, 2011, there was direct negotiation between the Town Attorney, Mr. Begley, and a representative of AT&T. Mr. Begley had reviewed a draft of the Union ordinance and presented his reactions. The Town Attorney asked "if Begley felt it would make sense for the Town to request build out plans for the whole community at the time of application, or for the Town to develop a master plan for tower propagation going forward. Begley felt this would be reasonable, all companies would need to be contacted by an independent consultant for participation in the development of the plan. Dregne [the Town Attorney] asked if AT&T would be willing to work toward such a master plan; Begley could not commit for the company but believed that they would be. He stated other companies would likely be receptive as well." Based on this joint working out of the device of a master plan and supported by further communications with Mr. Begley, the master plan was included in the ordinance. "This decision was made after a discussion with two industry representatives who attended the meeting. ... One of these industry reps [Shane Begley] agreed to begin work on a master plan now." (11/17/11 PC minutes) At the January 26 meeting of the Plan Commission, Shane Begley argued against the very concept that he had helped to craft in November. Then, at the February 23 hearing on the draft ordinance, Begley proposed that the Town start over and work with him to redo the ordinance. He was followed by the attorney engaged by AT&T who refused to state specific concerns but claimed serious problems and predicted a "train wreck."

So, where are we now? We have Board members injecting themselves in the process of ordinance development before it has come to them for approval. Board members have reported receiving instruction from interested commercial parties and have considered that information preferable to that of its Plan Commission. A meeting of the Board to develop the ordinance takes place at a Board member's home with the attorney for a potential applicant sitting at the table, while other attending must stay silent. From discussions with Board members, it is clear that they don't understand the complexities of regulating a tower with multiple antennas owned and operated by different businesses. The chances of having an ordinance that will operate in the interests of the Town rather than the

industry have been reduced by taking the task away from the Plan Commission. It is hard to understand how the Board would make some of these decisions. Since they conflict with the interests of Town residents, these decisions raise questions of financial or sentimental motives.

What I would propose at this point is that the Board employ a truly unbiased party--that is, not one put forth by a potential applicant--and charge them with the completion of the ordinance, with the development of a master plan for telecommunication services that can be used to evaluate applications for services, and with providing expert review and evaluation of such applications.

Respectfully,
Doug Zweizig, citizen
May 17, 2012

*At a November 10, 2011 meeting of the Board, "Gruebling agrees that a clear charge was not given to the Commission from the Board."

**Plan Commission minutes, May 26, 2011: "George Franklin stated that Begley offered to send ordinances to the Town, why not take those and review them, and then have Hofmeister and others look at it at that point. ... Exum stated the importance of being sure that the Town is taking citizen interests into consideration, not just business interests."

Steve Ritt, representing AT&T: recognizes the Board's struggles, specifically in sections five and six. He believes the process is well laid out in section six. Ritt believes Section 6 (1) in the redline version he provided the Town will help in the development of an application form. He also noted that Section 6 (2) as developed by the Plan Commission, as well as the technical review section line 536 will help when developing a consultant section as well as an application form.

Mary Libby wanted to know if there was any personal gain for anyone on the Board for a tower being located on their property or property their family owns.

Franklin is the only Board member with enough land to site a tower, and he states that he has no plans to put a tower on his property. Franklin did note that he has a Litewire antenna sited on one of his silos.

Motion to adjourn by Schneider/Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 8:20 p.m.

Respectfully submitted by Clerk Regina Ylvisaker

Note: minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.