

**TOWN OF UNION
SPECIAL WORKING BOARD MEETING
Minutes of Tuesday, May 29, 2012**

The Town of Union Board special working board meeting was called to order at 7:06 p.m. on Tuesday, May 29, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Kendall Schneider. Members in attendance included Chairman Schneider, Supervisors George Franklin and Kim Gruebling, and Clerk Regina Ylvisaker. Plan Commission members Alvin Francis and Dave Pestor were also in attendance.

Discussion: Development of Telecommunications Ordinance

Kim Gruebling distributed the draft copy of the telecommunications tower application that he prepared with Regina Ylvisaker. Gruebling stated he basically copied Dane County's application, and added information about the carrier. The application covers the basics, such as property owner, location, etc. Gruebling recommended that the Board review the document and bring it to the next meeting with any comments.

Gruebling distributed a definition for "consultant" for Board consideration.

Regarding options for a third party consultant, Gruebling thinks each board member should independently investigate options and a deadline should be set for making the decision.

Ordinance review, beginning at line 411:

Lines 413-414: Add "for towers" to "Conditional Use Permit Application Form" per Gruebling. Agreed by all. New sentence will read "The applicant shall submit the completed Conditional Use Permit Application Form for towers to the Building Inspector for review of completeness."

Line 441: Gruebling suggests removing requirement of "plat of survey" and replacing with "a description of the parcel." Agreed by all. New sentence will read "A description of the parcel showing the telecommunication facility boundaries, tower, facilities, location, access, landscaping and fencing."

Delete lines 456 - 477 and replace with "(j) A map drawn to scale of the proposed site." Agreed by all.

Lines 491-493: Delete statement "The use of Town-owned land shall be weighted favorably in evaluating the reasonableness of the Master Plan." Agreed by all.

Line 496: Add "professional" to "The Town may require independent review..." Agreed by all. New sentence will read "The Town may require professional independent review of the alternatives analysis, at the applicant's expense."

Lines 500-502: Change statement to "An inventory of all existing telecommunications facilities that are located within one and one half (1.5) miles of the proposed site." Agreed by all.

The items listed from line 505 - 516 should be requested not at the time of initial application but prior to the Conditional Use Permit being issued for the tower. A new section titled "**(2) Information Required Prior to Permit Being Issued**" should be inserted at this point (line 505) and followed by the statement "The applicant shall submit the following to the Building Inspector for review prior to issuance of Conditional Use Permit."

Gruebling would like the last sentence in Section 6.00 (1) (s) (lines 520-522) reviewed by a consultant for inclusion in the ordinance.

Gruebling questioned why the Town needs the information requested in Section 6.00 (1) (t), (u), (v), (w), (x); Schneider feels that the Town should know that the issues have been addressed by the applicant prior to the application being considered by the Town. Agreed by all to strike (u) through (w) (lines 526-533) and leave (x) in for review by consultant for inclusion in ordinance.

Line 536: Change "independent technical expert" to "independent professional consultant" for consistency. Agreed by all. New sentence will read "The Town may employ an independent professional consultant to review the application

and all materials submitted.”

Regarding payment of fees, Gruebling stated that currently Dane County’s fee is \$3,065. Recommends using an escrow type system for handling payment of fees related to applications. Gruebling stated that federal court rulings took issue with ‘open ended’ billings in such instances, which is why he feels there should be a cap for charges to avoid problems with unnecessary charges. Agreed by all to strike “The payment to the Town shall be due upon receipt of the invoice” at lines 538-539 and replace with the following: “Application fee of ____ must accompany the application. Fee will be used for consultant, Building Inspector fees, administrative fees, and Town Engineer fees.”

Agreed by all to strike lines 579-581.

Lines 582-584: Change to read “For any Tower, the proposed site and Tower shall be shown to be the most reasonable.” Agreed by all.

Agreed by all to strike lines 595-597.

Gruebling thinks Section 8.00, Annual Information Report and the Addition of Devices to an Approved Tower, should be moved further back in the ordinance. The issue will be revisited.

Section 10.00, Increasing Height and Relocating Telecommunication Towers. Gruebling questions why the section is necessary. Schneider stated that Dane County has a separate application process for making changes to towers. Agreed by all to strike Section 10.00 in its entirety as unnecessary.

Lines 686-687: Agreed by all to change period of operation to 12 months from 6 months.

Lines 702-713: Revise 12.00 (1) (a) to read “All telecommunication facilities shall comply at all times with all rules, regulations, and standards promulgated by the United States Government.” Agreed by all.

Lines 739-742: Revise 12.00 (1) (g) to read “The fall-down radius shall equal one hundred and twenty-five (125) percent of the tower height.” Agreed by all.

Agreed by all to strike Section 12.00 (1) (h) (lines 743-746)

Lines 751-755: Section 12.00 (1) (i), strike from “Electronic Industries Association...” to end of statement. Agreed by all.

Line 764-765: Change “ten (10) feet” to “twenty (20) feet”. Agreed by all. New sentence will read “The maximum height of an antenna platform located on a rooftop shall be twenty (20) feet above the roof.”

Agreed by all to strike Section 12.00 (1) (m) (lines 768-770).

Agreed by all to revise 12.00 (2) to read “Height of all telecommunications towers shall be limited to no more than one hundred ninety nine (199) feet above original grade, unless the applicant can demonstrate that no feasible alternative exists to provide coverage, such as collocating on existing telecommunications towers or alternative support structures, constructing a new tower in a different location, or constructing multiple towers of a shorter height. This information will be confirmed by the Town’s independent professional consultant.”

Agreed by all to strike Section 12.00 (4) lines 792-794, “All telecommunication facilities located on a leased parcel shall maintain a minimum leased parcel size of five thousand (5000) square feet in size.”

Stop ordinance review at line 800.

Next working meetings are scheduled for June 14 and 21, both meetings beginning at 7:00 p.m. The decision on an independent consultant will be on the agenda for the meeting on June 14.

Public comments:

Steve Ritt: Suggested that the Board may want to consider in Section 5 (m) regarding the inventory of sites within 1.5 miles of the proposed tower site, carriers can comply with that. However, both the Plan Commission and the public think that more information for the Town is better and AT&T thinks they can provide information regarding all of the

applicant's towers both within the Town and within 1500 feet of the Town's borders. Ritt doesn't feel that it is unreasonable nor an undue burden to ask applicants to provide this information; future applications could then be compared to this information for collocation.

Regarding Section 12 (e), Ritt asked the Board to consider whether they want an automatic requirement that towers be painted. He explained that towers and antennas come galvanized from the factory and painting them makes them stand out more, not less. The FAA may require towers to be painted in certain areas, which can end up being as frustrating to neighbors as lights on towers.

Section 12 (i), Ritt suggested stating "an applicant has to comply with all federal state and local laws and regulations" which would cover all regulations that applicants would need to meet and also free the Town from enumerating all of the specifics.

Regarding private landing strips, Ritt stated that currently, as a matter of course, applicants have to file for FAA determination of no hazard and follow up with the Wisconsin Bureau of Aeronautics, and this information can be provided to the Town.

Doug Zweizig: at the last meeting, the Board had to labor over accepting the citizen's petition at all, and it was signed by 90 citizens which he feels is not insignificant. It seems that the Board feels that the petition is asking to override the power of the Board which it is not. It appears that the Board is deleting items from the ordinance as prescribed by AT&T without any thought or investigation as to why the items were placed into the ordinance in the first place.

Mike Exum: regarding eliminating items on pages 12 and 13, he feels the Town should have those items ahead of time - at the time of application - so that taxpayer dollars and time is not spent on things that may not ultimately be approved by other entities. Exum also thinks that the revised statement in section 6.00 (3) (b) "For any Tower the proposed site and Tower shall be shown to be the most reasonable" does not seem to make sense, and questioned what it is being compared to. He also asked for information regarding the federal case Gruebling referenced earlier; Gruebling stated he believed it was Mt. Vernon but can double check and provide it to whomever is interested.

Exum also inquired as to what criteria would be used to make the selection of consultant at the next working meeting, and would like to know ahead of time what the criteria would be. Gruebling stated some criteria he felt the Board would use included recommendations of other government agencies, whether the consultant was a qualified radio frequency engineer; and if they were local, preferably in Wisconsin (Exum noted that out of state firms may have local offices).

Motion to adjourn made by Schneider/Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 8:40 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.