

**TOWN OF UNION
SPECIAL WORKING BOARD MEETING
Minutes of Tuesday, July 31, 2012**

The Town of Union Board special working board meeting was called to order at 7:00 p.m. on Tuesday, July 31, 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, Clerk Regina Ylvisaker, and Plan Commission Chairman Alvin Francis.

Discussion: Development of Telecommunications Ordinance

The Board reviewed the ordinance which included notes from Evans Associates regarding recommended changes.

Motion by Gruebling/Schneider to move Section 2.00, Definitions, to Appendix B. Motion carried by unanimous voice vote. *(Note that line numbers referenced below refer to the document layout PRIOR to moving Section 2.00)* The Board agreed to renumber the ordinance and all references to section numbers within accordingly.

The Board unanimously agreed to the following changes to the ordinance:

Delete lines 88-89.

Revise lines 102-105 to read: "The Town of Union finds that the construction of telecommunication towers, including radio and television towers and other related facilities may pose concerns with respect to the health, safety, public welfare, character and environment of the Town and its residents, for issues where the Town is the primary regulatory agency."

Revise lines 107-108 to read: "Telecommunications towers, including radio and television towers, may affect property value."

Revise lines 114-199 to read: "In order to insure that the placement, construction or modification of telecommunication towers, radio broadcast towers and related facilities is consistent with the Town's land use policies, it is in the best interest of the Town to adopt a single comprehensive set of standards for the development and installation of telecommunication towers, radio broadcast towers and related facilities."

Revise lines 150-154 to read: "Encourage the use of alternative support structures, multi-antenna sites, co-location of new antennas on existing telecommunication towers, use of camouflaged, or "stealth" towers, use of painted monopoles, and the construction of towers with the ability to support as many co-located facilities as possible."

Revise lines 167-169 to read: "Additionally, it is not intended to regulate satellite dishes and antennas, whose regulation is prohibited by sec. 59.69(4d) or its successor sections of the Wisconsin Statutes."

Revise lines 179-181 to read: "**Alternative Support Structure:** Clock towers, steeples, silos, light poles, utility poles, buildings or similar structures that can be used to support telecommunication facilities."

Revise lines 189-191 to read: "**Antenna, Vertical:** A vertical type antenna that emits a vertically-polarized electromagnetic wave."

Revise lines 192-193 to read: "**Applicant:** the individual or business entity that seeks to secure a permit/license for an antenna supporting structure under this ordinance."

Revise lines 218 -221 to read: "**Independent Professional Consultant or "Consultant":** A radio frequency engineer or a firm specializing in radio frequency engineering. This is a highly specialized field requiring an in-depth knowledge of mathematics, physics, general electronics theory as well as specialized training in propagation. An independent consultant has no ties to any telecom vendors or equipment manufacturers.

Revise line 226 to read: "...telecommunications tower, would likely completely contain the failed or collapsed..."

Revise lines 229-230 to read: "This measurement includes attached antennas, lightning rods and lighting."

Delete lines 233-234.

Add the following definition at lines 253-254: "**Search Ring:** The area within which a new cell must be located to be effective."

Revise line 257 to read: "**Telecommunications Device or "Device":**"

Revise lines 264-265 to read: "**Telecommunication Facility or "Facility":**"

Revise lines 282-294 to read:

"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 than a self-supporting structure. 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 – A tower made to look like a naturally occurring structure such as a pine tree. Stealth towers are typically installed in environmentally sensitive areas. They are always more expensive than the other types of towers, and they inhibit the number of collocators. In addition, the "tree branches" of many stealth towers can dislodge during ice storms, causing damage to the tower and on the ground."

Revise lines 315-317 to read: "...Ordinance, and only in the following zoning districts: A1, A2, C1, C2, M1, and SP. These districts are designated on the latest Town zoning map available from the Town of Union Building Inspector."

Revise lines 321-339 to read:

- (1) The Town will retain an independent consultant or consultants to review the reasonableness and ordinance compliance of the CUP application, at the applicant's expense.
 - (a) The reasonableness of the location, height, and service area (such as an RF propagation study showing the subject cell site and adjacent sites), the capacity for collocation of the proposed structure.
 - (b) The location, height, and identifying information for other usable towers and alternative structures within the search ring,
 - (c) Propagation studies shall be included with the application, along with a signal level legend and a scale of miles showing the coverage area with and without the requested site. A tower elevation must be shown along with space for future co-locators, with the plans signed by a professional engineer.

Delete lines 341-392.

Revise lines 409-411 to read: "The applicant may then submit fourteen (14) copies of the Conditional Use Permit Application Form and maps, three (3) copies of the attachments to the application, an electronic copy of all documents and maps on CD, and the fee payment receipt, to the Town Clerk."

Revise lines 417-419 to read: "The Town Clerk shall notify all Commission members of the meeting and provide copies of the Conditional Use Permit Application Form and maps to them."

Revise lines 442-447 to read: "A statement that the site complies with FCC OET bulletin 65."

Revise lines 449-451 to read: "Approval of the conditional use permit is subject to the Town Board making a finding that the proposed site is the most reasonable among the alternatives."

Revise lines 454-455 to read: "Adverse impacts will be evaluated based on environmental effects, impacts that impair the rural character of the Town..."

Revise lines 467-468 to read: "Plans indicating security measures (i.e. access, fencing, lighting, fire prevention, etc.) as certified by a professional engineer."

Revise lines 479-481 to read: "A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate the required number of additional antennas."

Revise lines 489-490 to read: "Certified statement from a radio frequency (RF) engineer showing the propagation coverage of the proposed facility, both with and without the proposed site activated."

Delete line 500.

Revise lines 508-509 to read: "...is issued, less any amounts necessary to maintain the Town's Master Tower Plan, if a Master Plan is implemented. Fee will be used for consultant..."

Revise lines 554-556 to read: "...standards in section 9.00 of this ordinance, and the separation and setback requirements of section 10.00 of this ordinance."

Revise lines 667-669 to read: "Any alleged interference and or obstruction shall be corrected by the applicant at no cost to the Town; interference standards shall be derived from FCC rules and good engineering practice."

Revise lines 672-678 to read: "**Height.** It shall be preferable that the height of telecommunications towers be limited to 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, or constructing a new tower in a different location. This information will be confirmed by the Town's independent professional consultant."

Delete lines 746-750.

Revise lines 752-753 to read: "Building a new tower is discouraged if there is another existing usable structure within the search ring. Separation between towers requirements may be waived..."

Revise lines 798-799 to read: "**Guy Wires Setback.** All guy wires and security fences shall be at least fifty (50) feet from all owned or leased property lines."

Revise lines 808-823 to read: "**Annual Information Report.** All owners of any telecommunication tower located in the town shall submit annually on or before January 31 of each year, to the Town Clerk, a Telecommunications Facility Annual Information Report. This annual report shall include the tower owner name(s), address(es), phone number(s), contact person(s), annual review fee and proof of bond as security for removal. The owner shall supply the tower height and shall describe the current occupancy of the tower, along with how the inventory has changed (increased or decreased) during the past year. This information will be used to update the Town's Master Plan, if implemented, and shall include "overlay" information. The owner shall supply evidence satisfactory to the Town that all devices located on the tower, individually and collectively, comply with the limits of radio frequency emissions standards set by the FCC. The evidence shall include the particular FCC Measured Permitted Emission (MPE) limit and the tested or design limit for the facility. The owner shall certify that the tower is still being used. This information shall be submitted on a Town form, designated for such use."

Delete lines 825-835.

Revise lines 837-839 to read: "**Failure to Provide Information.** Failure to provide this information shall result in a daily civil forfeiture until the information is received by the Town Clerk and Town Treasurer."

Revise line 853 to read: "...Town-owned properties; provided that the operation of said facilities will not..."

Regarding establishing application fees, Gruebling stated that he had spoken with the Building Inspector, Town Engineer, and Clerk and determined the following expenses would be likely:

- Building Inspector: \$300 (\$55 per inspection, assuming 5-6 inspections)
- Evans Associates: \$1500
- Hofmeister Engineering (Town Engineer): \$1500-\$2500
- Driveway Permit if needed: \$400-\$500

- Mailing: \$50
- Clerk Time: \$150

Gruebling recommended setting the telecommunications tower application fee at \$7000. The funds would be put into escrow, and what isn't spent would be returned to the applicant.

Regarding establishing a transfer fee, the Board agreed they may want to have the Building Inspector inspect the site if it is being transferred. There would also be the cost of neighbor notifications, publishing notices, and meeting time. Gruebling recommended setting the transfer fee between \$500-\$1000. The Board agreed that \$750 was an appropriate transfer fee.

Motion to adjourn made by Franklin/Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 7:59 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.