

**TOWN OF UNION
MONTHLY BOARD MEETING
Minutes of Thursday, August 2, 2012**

The Town of Union Board monthly board meeting was called to order by Chairman Kendall Schneider at 7:00 p.m. on Thursday, August 2, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Schneider, Supervisors George Franklin and Kim Gruebling, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Constable Eric Larsen, and Building Inspector Bob Fahey. Also in attendance was Plan Commission Chairman Alvin Francis. The Pledge of Allegiance was recited.

Clerk's Minutes (July 12 & 31, 2012)

Motion to approve the minutes of the July 12, 2012 and July 31, 2012 meetings as written made by Gruebling/Franklin. Motion carried by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported the following balances as of July 31, 2012:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,450.62
UB&T Money Market Sweep Account	\$	76,004.57
UB&T Checking Account	\$	15,000.00
Wayne Disch Memorial Park Fund	\$	2,726.19
Morning Ridge Stub Road CD	\$	20,633.91
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77
Teresa Lane:		
Bank of Monticello	\$	1,160.94
Michael Kipp	\$	386.97

Board Action: Budget Line Adjustments if Required

Regina Ylvisaker reported that the Town will be over budget in Conservation and Development due to attorney fees related to the tower ordinance. Attorney fees are under budget in General Government - Attorney. Ylvisaker suggested moving \$3,590.96 from General Government – Attorney to Conservation and Development – Attorney to balance the discrepancy. Motion by Schneider/Gruebling to move \$3,590.96 from General Government – Attorney to Conservation and Development – Attorney to balance the discrepancy. Motion carried by unanimous voice vote.

Constable's report

Eric Larsen was not in attendance at this point in the meeting; he had previously emailed Ylvisaker to report no activity during the last month.

Rock County Sheriff's Deputy was in attendance to address any concerns from residents. No concerns were heard.

Building Inspector's report

Building Inspector Bob Fahey noted that there were issues at the Birchwood Trailer Park regarding resolving outstanding violations prior to issuance of their mobile home park license for the year. He will continue to work with the owners to resolve the issues and notify the Clerk when they are resolved and the license may be issued.

Fahey issued the following permits during July:

Date	Permit #	Name	Address	Description	Construction Cost
7/21/2012	12-17-B	Gary Messinger	14534 W Bullard Rd	10 x 15 shed	\$ 150.00
7/12/2012	12-18-B	Shawn Miller Const/ Derek Klaehn	8014 N Robert Dr	Screen porch & deck addition	\$ 25,000.00
7/16/2012	12-19-B	IQ Electric/Dave Pestor	18326 W Milbrandt	Electric Service	
7/21/2012	12-20-B	Don Krajeck	17801 W Kyle Rd	New AC & Air handling unit	\$ 3,500.00
7/28/2012	12-21-B	Chad Butts	17207 W Evansville Brooklyn Rd	New Deck	\$ 7,000.00

Recycling Center Update/Improvements

Jerry Krueger reported a busy month. Part of the roof from the old office has fallen off.

Follow Up Reports

George Franklin inquired about any updates from Ben Coopman regarding the billing from RCDPW for winter maintenance and Leedle Mill Bridge. Kendall Schneider had not gotten resolution yet from the County regarding the bills, but does not feel that the records fee for the Bridge should be paid. Franklin and Gruebling will schedule a time to go to RCDPW together to discuss the billing.

Public Comment (5 min max per item, no action will be taken on any issues)

No comments.

Roadwork

Franklin distributed information on the tractor and mower that he plans to rent for brush cutting; he plans to rent it for one week at a cost of \$1,600. He also distributed information on purchase plans if the Town wanted to pursue that option further.

Franklin would like to purchase concrete barriers and perhaps a hoop to use to store material for winter maintenance.

Franklin has been doing a lot of tree trimming; wonders if there are trees lying in the ditch if they should cut them up or leave them. Board agreed that if trees are in the road right of way the Town should take care of them.

Public Hearing: Review of Conditional Use Permit held by Scott McElroy, 18047 W. Croft Rd., to raise 100 animal units on parcel 6-20-257.3, located on the south side of W. Croft Road between Hwy 104 and Pleasant Prairie Rd. in the NE 1/4, SW 1/4 of Section 31, which is zoned A3.

Ylvisaker read in the recommendation from the Plan Commission:

Motion to recommend to the Town Board renewal of the Conditional Use Permit held by Scott McElroy, 18047 W. Croft Rd., to raise 100 animal units on parcel 6-20-257.3, located on the south side of W. Croft Road between Hwy 104 and Pleasant Prairie Rd. in the NE 1/4, SW 1/4 of Section 31, which is zoned A3, for a period of 5 years, with the additional requirement that if the landowner increases the number of animal units on site by 20%, they must come into compliance with NR 151 and submit a new waste management plan that includes agreements with neighboring landowners to spread manure for a minimum of five years.

Public hearing opened at 7:26 p.m.

No public comments.

Public hearing closed at 7:27 pm

Motion to approve the extension of the Conditional Use Permit as recommended by the Plan Commission made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Public Hearing: Amendments to Resolution 2006-06, Adoption of Permit & Application Fees & Per Diem

Ylvisaker explained the changes. CUP-Telecommunications Tower application info, including fees of \$7,000 (\$300 for Building Inspector and \$150 for Clerk) was added. It was clarified that the separate building permit amount listed of \$1,000 will need to be removed and indicate that up to 5 inspections are included with the \$7,000 permit fee.

Public hearing opened at 7:30 p.m.

No comments.

Public hearing closed at 7:32 p.m.

Motion to approve with recommended changes from Clerk made by Gruebling/Schneider. Motion carried by unanimous voice vote.

Gruebling thinks that a small annual review fee might be appropriate to cover Clerk time associated with processing paperwork. However, there are no fees associated with other CUP renewals. The Board agreed to discuss the issue in the future.

Public Hearing: Review and Adoption of Telecommunications Tower, Antenna, and Facilities Siting Ordinance

Public hearing opened at 7:35 pm

Cathy Bembinster: Reviewed the ordinance today and was pleasantly surprised, everything she was concerned about had been addressed. Feels it turned out well.

Alvin Francis: Had questions regarding the annual information report, what information does the Board plan to request in that report? Schneider expects it would include any changes to the tower. Gruebling stated that the Town has no ability to restrict towers from adding collocutors. Tower owners will need to report that the tower continues to meet FCC emissions guidelines.

Eric Larsen: Was very happy with the end result, all the things he was concerned about were also addressed. Questions: Section 8 (8), certificate of compliance: does that apply to any structure including alternate support structures? Would Litewire be exempted? Larsen did not see them listed as an exemption, the ordinance only exempted personal use towers and Litewire's towers are commercial. Franklin noted they are located on existing structures. Larsen stated there is no exemption for "low power devices" which would cover the Litewire equipment. Gruebling stated Litewire's towers are so low powered that they are not covered by FCC. Larsen stated that their bandwidth might not be regulated but their emissions might still be regulated. Larsen was simply stating that it was a concern that was brought up by Litewire and was not specifically addressed by the Board in the ordinance. Gruebling felt that Section 1 (7) covers their exemption. Larsen disagreed that the section exempts them, and felt that they needed to be specifically exempted within the ordinance.

Regarding Section 10, annual information report, Larsen asked why the Town was asking for information regarding FCC compliance for only towers, and not alternative support structures. He felt that the same information should be requested for both types of facilities, as the emissions are the same regardless of the structure it is on. Not just low power antennas are located on alternative support structures, although there are none in the Town right now there could be. The treatment of devices on towers vs. alternate support structures is inconsistent and concerning to him.

Renee Exum: Regarding page 12, height: she objects to the statement "it shall be preferable", as she feels it reduces the Town's authority in the matter. Other rules such as laws and the Ten Commandments do not state that they are "preferable." She believes this statement could lead to problems. Would ask that "it shall be preferable that" be removed from the statement, as it is ambiguous language.

Public hearing closed at 7:54 p.m.

Gruebling states that the "it shall be preferable" came from Evans Associates. Exum still feels that the language should be removed. Schneider asked if changing to "it is preferable" would be acceptable; Exum stands that the entire statement "it shall be preferable that" should be removed. Gruebling argues that the independent consultant recommended the change. Schneider did not feel that removing the language changes the intent. Franklin stated that the applicant still has to prove their need for more height, even with the language remaining as is and he felt it should remain as is. The ordinance will never be perfect no matter how much time is spent on its development.

Regarding Larsen's comments, Gruebling stated that the towers in question are very low power. Schneider noted that amendments can be made to the ordinance at a later date if it proves to be an issue. Gruebling stated if written proof is available provide it to him and he will be happy to read it and make changes if necessary.

The Board addressed the comments received from Jim Jermain (AT&T) via email:

- Section 5.00 Conditional Use Application – at the bottom of the first paragraph it reads "a Certificate of Compliance is issued as described in Section 11.00 of this ordinance." We believe it should be section 8.00. I think the specific section is 8.00 (8). The Board agreed the change should be made.
- Section 5.00 Conditional Use Application – In subsection (1) (i), at the recommendation of Evans and Associates, you replaced the language with the following "A statement that the site complies with FCC OET bulletin 63." We think that should read bulletin 65. I believe this is consistent with the redline from Evans. The Board agreed the change should be made.

- Section 5.00 Conditional Use Application – Consistent with your decision to replace the language in section 5.00 (1) (i) with the recommended language from Evans we noticed the same language you removed was also found right below in section 5.00 (2) (f). Since this is already covered in 5.00 (1) (i) you may want to eliminate 5.00 (2) (f) or for consistency, replace it with the 5.00 (1) (i) language that reads “A statement that the site complies with FCC OET bulletin 65.”
The Board agreed to delete the statement (f) and renumber (g) as (f).
- Section 6.00 Removal/Security for Removal – In the last sentence of subsection (2) we think the word “owner” should be inserted after tower so it reads “...the Town shall assign a new amount which the tower **owner** shall be required to provide.”
The Board agreed the change should be made.

Motion to adopt pages 1-19 of the Telecommunications Tower, Antenna, and Facilities Siting Ordinance, with the corrections made tonight, made by Gruebling/Franklin.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Kim Gruebling – Yes. Motion carried 3-0.

Resolution to adopt and add Appendix B as an informational section to the Telecommunications Tower, Antenna, and Facilities Siting Ordinance by Gruebling/Franklin. Motion carried by unanimous voice vote.

Board Action: Request to DATCP for a two year extension for certifying the Town’s farmland preservation zoning ordinance, to December 31, 2014, as recommended by the Plan Commission

Motion to accept Plan Commission request made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Pay Bills

There being no further business to come before the Board, a motion to adjourn and pay bills was made by Franklin/Gruebling. Meeting adjourned at 8:13 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.