Town of Union
PLAN COMMISSION MONTHLY MEETING
Minutes of September 27, 2012

The Town of Union Plan Commission monthly meeting was called to order by Chairman Alvin Francis at 7:00 p.m. on Thursday, September 27, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Francis, Dave Pestor, Bill Thomas, Eric Larsen, and Ed Levin. Also in attendance were Town Chairman Kendall Schneider, Supervisor Kim Gruebling, Clerk Regina Ylvisaker, and Town Attorney Matt Dregne. Supervisor George Franklin arrived at 7:55 p.m.

Approve August 30, 2012 meeting minutes
Motion to approve the minutes of the August 30, 2012 meeting as written made by Thomas/Pestor. Motion carried by unanimous voice vote.

Public comment (5 minutes max. per issue)
Alvin Francis requested clarification regarding the posting/publication of the agenda. Clerk Regina Ylvisaker clarified that the full agenda is posted at three locations throughout the Town (Town Recycling Center, Worthington Ag Parts, Landmark Co-op) for the appropriate number of days and the meeting notice is published in the paper once prior to the meeting.

Public Hearing: Review and Recommendation to Board Action on Request made by Barbara George to divide and rezone parcel #6-20-25, located in the SW ¼, SE ¼ of Section 4 at 11215 N. Hwy. 14, Brooklyn, WI. The applicant wishes to divide the ~84 acre parcel into one 80 acre parcel and one 4.2 acre parcel which would encompass the existing home and buildings.
Public hearing opened at 7:03 p.m.

Ryan George was in attendance to represent Barbara George. He explained that the pastureland on the remaining 80 acres would potentially be rented to whomever purchases smaller lot. Parcel is currently up for sale.

Public hearing closed at 7:07 p.m.

Francis stated that Ryan George's father was his first cousin and therefore he will abstain from voting on the request.

Eric Larsen clarified that only 4 animal units would be allowed on the 4 acre parcel.

Bill Thomas questioned if the land around the 4 acre parcel is for sale; George clarified that it is not the applicant's intention to sell it at this time. George also noted that there is approximately two acres of lawn on the 4 acre parcel that could be easily turned into pasture.

Motion to approve as requested by Thomas/Levin.

Larsen questioned the policy on deed restricting land in similar situations; the last time the Plan Commission recommended a deed restriction in a similar situation the Board removed the deed restriction and he is still unclear as to why. He wonders if the Commission should be considering a deed restriction again in this situation to avoid creating a buildable lot and more houses. Larsen asked if anyone had been given any direction on the issue by the Board.

Francis clarified that one residential dwelling unit would be allowed on the 80 acre parcel without Commission/Board approval. Larsen explained that as the parcel sits today *without* the requested land division, no additional houses can be built on the lot without Commission/Board approval. Therefore the applicants are not only receiving the land division but also gaining the ability to build a home on the 80 acre lot that they did not have prior to the land division. By requesting a deed restriction on the 80 acre lot the Commission is simply keeping things asthey are with regard to the ability to build a home on the 80 acre lot. Francis agreed that he would like to see some restriction put on it. Dave Pestor suggested recommending the deed restriction and if the Board wants to remove it then the Commission would then have some kind of decision to use going forward.

Thomas did not wish to amend his motion as he felt it would not be in compliance with the rest of the Town, by restricting one persons property and not another; Levin agrees. Larsen argued that the application before the Commission is asking something from the Town (land division approval) and the others in the Town whom Thomas is comparing to are not asking anything from the Town.

Ryan clarified that they have no intentions of building a house, but to have the right to do so would be nice. Would not like to give up the right, as he has three brothers and sisters who may wish to build a home. Larsen clarified that they currently don't have the right to build on the parcel as it sits now, so they aren't giving up anything by having a deed restriction placed on the remaining land to restrict future residential development.

Roll call: Levin: Yes; Larsen: No; Pestor: Yes; Thomas: Yes. Francis abstained. Motion carried 3-1.

Larsen reiterated that he would like some clarification from the Board on their policy regarding deed restrictions on land divisions in the future. Motion as such made by Larsen/Pestor. Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to Board Action on Request made by Tom and Donna Sayre, 5911 W. Pomeroy Rd., Edgerton, WI for a Conditional Use Permit allowing the installation of a cellular tower on parcel #6-20-171, located in the SW ¼ of Section 21 at 16326 W. Cty. Rd. C, Evansville, WI. The proposed tower is 250' above ground level.

Francis asked that those who wish to speak during the public hearing come forward to the table at which the Commission sits to be better heard, as the hearing will be recorded.

Francis gave a brief history of the request: he first learned about the application in February 2010. The Telecommunications Ordinance was finalized by the Town on 9/6/2012. Per the ordinance, the Building Inspector must review the application for completeness, and a special form was developed for applicants. The ordinance also allows for an independent consultant to review all information submitted with the application; in this case the consultant used was Evans Associates. They have submitted at least two versions of their report to the Town. The ordinance outlines the approval process, including standards for issuing a conditional use permit, which includes that the location requested be the most reasonable. Considerations also include compatibility with adjoining land, availability of alternative locations, need for services created by proposed use, and the reasons for a need for a tower taller than 199'.

Public hearing opened at 7:37 pm.

Cathy Bembinster, Cty. Rd. C, Evansville, WI: *(statement text provided by Bembinster)* The Plan Commission and the Town Board spent a tremendous amount of time drafting the Telecommunications Tower, Antenna, and Facilities Siting Ordinance. We know that Mr. Begley and the AT&T representatives were aware that the town was encouraging towers under 199 feet tall.

In the Plan Commission Minutes dated Nov. 17, 2011 Mr. Begley acknowledged that limiting the height of towers will result in more towers being sited, which will impact the view <u>but will eliminate the need for lighting on the towers</u>.

In the Plan Commission Minutes dated January 26, 2012, Mr. Begley informed the commission that he had approached the city of Evansville to locate on the stand pipe on the west side, but the city wouldn't allow him to because it was in their historical district. Mr. Begley showed the commission a propagation map, and stated that there is a trade-off; 1 taller tower or several smaller towers. <u>Mr. Begley acknowledged that he knows they don't want to see the lights.</u>

In the Plan Commission Minutes dated February 23, 2012 Mr. Begley stated that AT&T's main intent was to get service to the city of Evansville, but the city wouldn't work with them on tower locations, there were historical district concerns and nothing was tall enough to collocate on. He further noted that this puts a lot of restriction on the placement of the tower in the town. If they don't have a tower at 250 feet the service wouldn't be what's needed to penetrate the city. <u>Mr. Begley concluded that the tradeoff is one tower with lights that you see at night or several that are shorter that you see during the daytime.</u>

In the Telecommunications Ordinance, Page 5, Section 1.00(5) under Purpose and Intent it states:

> *(5) 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.*

The Plan Commission, who let Mr. Begley speak freely at their meetings, encouraged the use of shorter alternative towers because of the impact of blinking lights, facility mechanical noise and property value concerns of the residents. In the Evans report, only co-location on other structures and one 190 ft. tower in the same location was addressed. Where are the proposals for the multiple tower plans that Mr. Begley stated as an alternative?

On Page 6, Section 4(1) (a) (b) it states:

4.00 Technical Review.

> *(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,***

On Page 7, Section 5.00(1) Conditional Use Application the very last paragraph it states:

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. The reasonableness of the proposed site shall be determined based upon whether the site minimizes the adverse impacts of towers and facilities on the Town and Town residents. Adverse impacts will be evaluated based on environmental effects , impacts that impair the rural character of the Town, the loss of agricultural land, and any other impacts deemed by the Town to be detrimental to the health, safety or general welfare of the Town and Town residents. In evaluating the reasonableness of the proposed site, a plan that provides for Towers that are shorter than one hundred ninety nine (199) feet shall be viewed as more reasonable than a plan that requires Towers taller than one hundred ninety nine (199) feet, in order to reduce the impacts of flashing lights on the rural character of the Town. The availability of land is an additional factor that shall be considered in determining reasonableness. The Town may require professional independent review of the alternatives analysis, at the applicant's expense.

The ordinance states that the town views towers that are less than 199 feet as more reasonable. The consultant was to review <u>ordinance compliance and reasonableness</u> for the town's best interest. Other tower choices are listed as alternatives in the ordinance. In the recitals the intent of the town was very clear, lights and generator noise associated with telecommunication towers can create a nuisance to neighboring Town residents and adversely impact the rural character of the Township. The independent review appears to be incomplete. Additionally there appears to be two areas under Site Development that may also not be in compliance with the ordinance:

1. TELECOMMUNICATIONS TOWER ORDINANCE Page 12, Section 8(4) Site Development, Roads and Parking sentence 1:

   *The **entire fall-down radius** shall be contained within the leased parcel, said fall-down radius being determined under Section 8.00(1) (g) of this ordinance.*

The definition of the fall-down radius under Section 8.00(1) (g) of this ordinance:

*Page 12, Section 8(1) (g) The **fall-down radius shall equal one hundred and twenty-five percent of the tower height.***

In calculating 1.25 times the applicant's 257 foot tower height, you would need to have a leased parcel much greater than the current 100' x 100' area.

2. TELECOMMUNICATIONS TOWER ORDINANCE Page 12 Section 8(4) Site Development, Roads and Parking last sentence additionally states:

   *(4) **Site Development, Roads and Parking.** The entire fall-down radius shall be contained within the leased parcel, said fall-down radius being determined under Section 8.00 (1) (g) of this ordinance. All telecommunication towers located on a parcel owned by the carrier and/or provider shall meet the minimum size requirement of the zoning district. Telecommunication facilities sites shall not be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment. All grounds within the telecommunication facility shall be mowed and cleared of noxious vegetation and so maintained as to not create a visual or physical nuisance. **All sites may use an existing drive, or new drive, which conforms to***

the Town of Union Code of Ordinances Chapter 12.01 Driveway & Highway Access Permit.

In the Driveway and Highway Access Permit Ordinance August 3, 2006 Section 12.01 – Page 4 (g) it states:

g. On longer driveways, additional width is required for safe passage of meeting vehicles. The driveway surface shall be twenty-four feet (24') wide for a distance of forty feet (40') every three hundred feet (300').

In the Driveway and Highway Access Permit Ordinance - August 3, 2006 Section 12.01 - Page 6

D. The Town Board may, as a condition of issuance, place specific restrictions of conditions on the permit, which shall require compliance by the applicant/permittee. ***Reasons*** *for* ***denying*** *a Town Driveway Application or Access Permit Application may include, but are not limited to:*

i. *The inconsistency or nonconformance of the proposed driveway or highway access with this Ordinance,* ***with any existing town comprehensive plan, master plan, or land use plan, with town ordinances****, rules, regulations, or plans or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.*

vii. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

The application Site Plan dated August of 2011 shows a 12 ft. wide driveway.

I ask that the Plan Commission consider these points and at the very minimum table this item until all information submitted is in compliance with the ordinance, or deny this application and offer the applicant the opportunity to submit another application that is in compliance with the ordinance.

Peter Hansen, 16124 W. Cty. Rd. C: Was in attendance because his family just moved into a home across the street from the proposed site, they received the letter notifying residents of the proposed tower and had no prior notice of the issue. Requested that the Commission vote against the request for several reasons. Hansen and his wife have one- and three-year old children. He has done brief research regarding cellular tower frequencies, have reviewed the Evans Associates report which cited “no health concerns…” and disputes this. Hansen stated that if an individual looks up cell phone antennas and health concerns on the internet, they will find as many websites stating there are concerns as there are websites stating there are no concerns. Seems to him that all the sites stating there are no health concerns are government sites, independent groups and individuals are manning the sites that state there are health concerns. The Hansens will consider moving if the tower is approved. Does not feel that the Medical College reference in the Evans report is adequate, as he found a portion of the same report that disputes the statement that there is no health concern. Evans reports the applicants are planning a “minimal visual impact” but he does not know how there can be minimal visual impact with a 250’ tower.

Francis asked about Hansen’s opinion regarding the cell tower near the Red Barn which is much closer to homes, as well as the cell tower on the city’s water tower with homes surrounding it. Hansen had no opinion as he had not investigated the sites yet.

Daria O'Connor, Evansville-Brooklyn Rd.: lives on property that is north east of the proposed tower site. Shares many concerns with Hansen: tower lights, ruining rural character, health concerns. Hearing her neighbor say that he would sell his house based on his research makes her sad, as based on her research she believes he would have a harder time selling it with the tower in place. Asks that the Commission follow the ordinance when evaluating the application. O'Connor has not heard any alternatives suggested to this site or the 250' tower height. Believes that residents would rather have more, shorter, unlit towers than one taller lit tower. Believes that for Shane Begley to present an application with no alternatives shows no concern for the Town's ordinance. Begley stated that a location on the other side of Hwy. C would also work for a tower site but has not included it as an option in the application. Asks that the Commission enforce the ordinance and require the applicant look for alternatives to the proposed tower and would like, if that is not possible, to have the Center for Municipal Solutions review the application as another independent consultant.

Jim Bembinster, Hwy. C: *(statement text provided by Bembinster)* The integrity of the Evans report has been diminished due to the apparent collusion between AT&T, Mr. Begley and Evans Associates. I understood the Town was to receive an independent review of the AT&T RF propagation studies compared to the consultant's own RF propagation studies. What it appears the Town received is a rubberstamp approval of what AT&T wants to do here in the Town of Union. Is it any surprise that the data provided by Mr. Begley and AT&T supports the need for a 257 foot tower? I would like to see a study done by someone who is truly independent and not in the back pocket of AT&T.

The east side cell tower is 1.4 miles from the center of Evansville. Mr. Begley told the Plan Commission on January 26, 2012 that he talked with US Cellular and Verizon about their expansion needs for the future in this area and they both said they were satisfied with their coverage. The standpipe that Mr. Begley allegedly tried to locate on in Evansville is only 4000 feet from the proposed site. What changed so dramatically in 4000 feet that the antenna needs went from a 100 foot standpipe to a 257 foot tower? Mr. Begley said on several occasions that the 257 foot tower was needed to penetrate the buildings in Evansville. The proposed tower location is 1.5 miles from the center of the city. If other cell phone carriers can provide adequate coverage for the city of Evansville on a 199 foot tower so can Mr. Begley and AT&T. The question then is what is going on that tower? Has the Town Board, the Plan Commission and Town residents been deceived by Mr. Begley and AT&T into thinking that this is for Town of Union and Evansville cell phone service. Is something else going to be mounted on that tall tower that will not benefit anyone except AT&T?

I ask that you deny or table this CUP application for two reasons.

1) Until a proper RF propagation study by a competent, trustworthy consultant can be done.

2) Mr. Begley and AT&T have revised their CUP application to conform to the Town's ordinance.

Thank you for your time and consideration

Renee Exum: *(statement text provided by Exum)* I compared the propagation maps in the Evans report and there does not appear to be much difference to me in coverage at 190 feet. Most of the town appears to be covered at 190 feet except for farm fields and DNR hunting marsh land to the south of Evansville where there are no houses anyway. Vehicles on Highway

104 will have in vehicle coverage at 190 feet which is where most people will be on Highway 104 is in their vehicles. Vehicles and houses on Highway 14 will have great coverage at 190 feet. Coverage appears to be about the same on the east side of town at 190 feet and 250 feet so the residents on the eastside of the town can bundle services at 190 feet.

190 feet is reasonable and complies with the comprehensive plan to provide better telecommunication coverage and preserves the rural quality and aesthetic character of the township. 250 feet, while increasing telecommunication coverage, does not comply with the comp plan goals for rural character preservation and aesthetics.

If you decide to approve the CUP, please consider making it conditional upon a 199' tower including the lighting rod as it has been demonstrated that 190' is reasonable pursuant to section 5.1 of the tower ordinance. Please do not approve a 250' tower.

Mary Libby: Begley led us to believe that he contacted the City; however the Mayor confirmed they were not contacted. Begley also stated that he spoke to the historic preservation committee; she spoke to them and they had not been contacted. Additionally, the independent review appears to not be independent; Evans Associates have spoken to Begley but not to the individuals who live around the proposed site. Libby believes there must be a location within the Town that the tower could be sited on that would not be invasive to residents.

Hansen: Noted that the Evans study stated is that the tower could add up to four more antennas; Francis had stated that there were other tall towers in the Town, why couldn't they add to those towers?

Debbie Schneider, 8104 N. Evansville-Brooklyn Rd.: Would like to go on record that she opposes the proposal for all the reasons already stated. Wants the Commission to follow the ordinance, and if the applicant is not here they should not consider it.

Regina Ylvisaker asked that Doug Zweizig's written testimony be accepted by the Commission into the record tonight:

Douglas Zweizig, 6037 N. Finn Rd.: Both the application and the review provided by Evans are inadequate in that they neglect to provide or evaluate any alternatives to the proposed site and tower. Evans' observation that there are no available existing structures for co-location is an unfortunate misreading of the Tower Ordinance requirement for alternative proposed sites and structures. Evans, of course, is following the applicant's failure to consider any alternatives other than existing structures. The applicant states that their goal is "to provide adequate service in the area and <u>reduce the number of towers needed</u> in the Town of Union" [emphasis added]. The Tower Ordinance shows a clear preference for towers under 199 feet, even if that means an additional tower. That preference for smaller, un-lighted towers in order to preserve the rural character of the Town is found throughout the Ordinance. The preference for fewer towers is clearly the applicant's, not the Town's. For example, Section 8, (2), states, "**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 . . . constructing a new tower in a different location."

The Plan Commission cannot make "a finding that the proposed site is the most reasonable among the alternatives" [Ordinance language section 5.00, (1)] since the applicant provides **no**

alternatives and does not include an "alternatives analysis" as called for. Therefore the Plan Commission and the Board cannot act on this application.

Since "the Plan Commission may require additional information," there is an opportunity for the applicant to provide the required analysis of alternatives for providing telecommunications service for the Town of Union.

When the Plan Commission does have a completed application for consideration, the Tower Ordinance [Section 5, (6)] includes the standard criteria for the consideration of Conditional Use Permits. (The Plan Commission and Town Board are required to apply each of these criteria in acting on a Conditional Use Permit application):

(6) Standards Applicable to All Conditional Uses

A. In evaluating a Conditional Use Permit application, the Plan Commission shall consider the following factors:
   i. The location, nature, and size of the proposed use.
   ii. The size of the site in relation to it.
   iii. The location of the site with respect to existing or future roads giving, access to it.
   iv. Its compatibility with existing uses on land adjacent thereto.
   v. Its compatibility with the the future land use map and Comprehensive Plan.
   vi. Existing topography, drainage, soils types, and vegetative cover.
   vii. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
B. Standards Applicable to Conditional Uses within the A1, A2, and A3 Districts. In recommending approval of an Conditional Use Permit with land division for an A1, A2, or A3 parcel to the Town Board,, the Plan Commission shall also consider the following factors:
   i. The potential for conflict with agricultural use.
   ii. The need of the proposed use for a location in an agricultural area.
   iii. The availability of alternative locations.
   iv. Compatibility with existing or permitted uses on adjacent lands.
   v. The productivity of the lands involved.
   vi. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
   vii. The need for public services created by the proposed use.
   viii. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
   ix. The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

Item B.iii. The availability of alternative locations seems to be a particularly important consideration in the decision on such an application. The applicant would do well to include this consideration in the application. It is not possible for the Plan Commission or the Town Board to determine or evaluate possible alternative locations for telecommunications towers.

In addition to the standard criteria from the Zoning Code, the Tower Ordinance contains additional factors to be considered in recommending approval. These also are criteria required to be considered in order to comply with the Tower Ordinance:

- The degree to which “lights and generator noise associated with telecommunication towers, including radio and television towers, [will] create a nuisance to neighboring

Town residents and adversely impact the rural character of the Township." [from the Recitals of the Tower Ordinance]

- The degree to which the proposed "telecommunications tower[s], including radio and television towers, may affect property value." [from the Recitals of the Tower Ordinance]
- The degree to which the design proposed by the applicant "minimize[s] adverse visual and sound effects of telecommunication towers, radio and television towers, antennas and related facilities through design and siting standards in order to preserve the rural character of the Township." [from the Purpose and Intent (Section 1.00) of the Tower Ordinance]
- That the facility as proposed "is the most reasonable among the alternatives." [Section 5, paragraphs (1) and (6)]

Thomas feels the applicant should have been at the meeting and were not; the people who were are our neighbors. Thomas is also bothered by Libby's testimony that the statements made by Begley were not confirmed by the city.

Attorney Matt Dregne was contacted a few days ago about attending this hearing and had a little time to prepare and review the materials. The issues that are significant and should be considered:

A number of people referred to the lack of an "alternatives analysis." The draft of the ordinance that they were previously working on provided for this; the current version does not require this and therefore not having it does not mean that the application is incomplete. The ordinance does allow for requesting more information. The ordinance also asks for information that the proposed site is the most "reasonable." Dregne is unsure how to determine if the proposed site is the most reasonable without the alternatives analysis. It does appear the Evans report evaluated the proposed site and other existing sites that could be used.

Dregne explained that he is not an expert in federal law in this area, which he has made clear to the Town in the past. There is a requirement under federal law that any denial of the application would need to be made using substantial evidence entered into the record. The application must meet standards in our ordinance, and denial can't be based on opinions that are unsubstantiated. Larsen asked if the Town could require a study to evaluate reasonableness? Dregne stated the Town could have an independent consultant do this. It appears Evans Associates used the Town's existing ordinance for their report. Larsen asked if it would be appropriate to ask for something like that at this point? If the Commission wants more information at this point, Dregne thinks they should hold open the public hearing and ask the Board to request the additional information they would like to have. A denial must be based on substantial evidence and written reasons for the denial. Ordinance states that the Commission could recommend denial based on the applicant not appearing at the hearing, but they may want to not recommend denial simply on that basis, they may want to request to gather more information.

Dregne outlined the Commission's options at this point: 1) recommend approval, 2) recommend approval w/ conditions, 3) recommend denial with reasons in writing based on substantial evidence, or 4) adjourn the public hearing and continue the meeting until they determine what further information they may wish to obtain.

Francis questioned whether the statement in the Evans report on page 9 addresses the alternatives analysis the Commission is looking for: "With the absence of any towers within, or reasonably without, the search area, it does not appear as though any alternative structures will

fulfill AT&T's network needs." Larsen assumes that this refers to existing structures. Francis also noted that the statement "A propagation study conducted by AT&T, and verified by this engineer, shows that an unmistakable, underserved area exists surrounding the proposed site area" seems to verify that the AT&T data is accurate.

Pestor doesn't understand why the Commission worked so hard on developing an ordinance when a 250' tower will be allowed; doesn't the applicant have to prove the need for such a tall tower to? Larsen stated that the way the ordinance is written now the applicant does not have to. Larsen would like to have it explained to the Commission why the tower needs to be that high and at that location, instead of having someone living in Gordon, Wisconsin making the decision. Larsen would also like written confirmation that Evansville was approached by AT&T regarding locating a tower in the City and they denied their request, and an alternatives analysis which looked at other sites where a tower could be built at 199' or less and why the proposed location is a better site with a 250' tower. Pestor stated that trees and hills will be their reason for siting; Larsen recalled Begley stating early on in discussions that they could site it across Hwy. C but it would be in the middle of a field and more visually intrusive. Larsen feels that the applicants have not been listening to the Town at all during the development of the ordinance. Pestor has doubts that the report is independent, feels it just verifies everything that AT&T submitted. Larsen would like to see how and why a tower at 199' across the road will not meet their needs.

Dregne noted that under federal law, once the application is submitted and complete, it must be acted upon within 150 days. The application was received on September 6.

Larsen recommends that the Commission adjourn, leaving the public hearing open, and request from the applicant an alternatives analysis which includes siting in Evansville as an alternative and if they can't locate it there he wants written confirmation from the City. Motion as such made by Larsen/Pestor. Larsen would like the information available to the Commission by the next scheduled meeting.

Dregne asked for clarification that someone would communicate with the applicant, or with Evans, to get the additional information. It was Larsen's intention to request the information from the applicant, although per Dregne it is not their obligation to provide the information per the Town's ordinance. It was unclear if the Town requested the information from Evans Associates, who would pay for it. Larsen clarified that the request for information was being made under the Telecommunications Ordinance Section 8 (2) Height.

Francis wanted it noted that no one representing the applicant was present at the meeting.

Ylvisaker will make contact with the applicant with the Commission's request. Kim Gruebling requested that the letter go registered mail w/ receipt.

Discussion: Review and Update of Town of Union Farmland Preservation Plan, including areas eligible for inclusion and mapping

Motion to adjourn by Larsen/Thomas. Motion carried by unanimous voice vote. Meeting adjourned at 8:43 pm.

Respectfully submitted by Clerk Regina Ylvisaker.

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