

OFFICE OF
Town of New Glarus

**MINUTES
TOWN OF NEW GLARUS
Plan Commission Meeting
Thursday June 20, 2013
Town Hall- Swiss Miss Center 1101 Hwy 69 New Glarus @ 6:30 PM**

ATTENDING: Jon Ott, Robert Elkins, Keith Seward, Dean Streiff and Susan McCallum, Deputy Clerk.

ALSO ATTENDING: Dale Hustad- Town Attorney and Todd Anderson- US Cellular Representative.

ABSENT: John Freitag and Reginald Reis.

1. Call Meeting to Order: K. Seward called to order at 6:30pm.

2. Review Proof of Posting: S. McCallum attested to proper posting.

3. Approve Minutes from March 28 and April 24, 2013: J. Ott moved to approve March 28 minutes, R. Elkins 2nd. Motion carried. J. Ott moved to approve April 24 minutes, R. Elkins 2nd. Motion carried.

4. Public Comments: None.

5. Plan Administrator Update: S. McCallum related to the Commission that Mark Hanson of Blue Ridge Development came before the Board of Review to ask for reclassification of his property use to agricultural. K. Seward explained that the Town Assessor would not support the change because he did not have a substantiation of this use, and the Board of Review turned down the request. M. Hanson wanted the Board of Review's response in order to take his request to the Department of Revenue for their consideration. He purchased the property in 2012 from the bank that had rented it out for agricultural crops but did not have use changed. He wants to recoup the difference in 2012 taxes, of which he paid a portion. This issue will come back to the Town at some point; the property is classified as agricultural use in 2013.

6. Discussion with US Cellular Representative- Todd Anderson, tower permit including number of collocations, possible amendment of collocation fees: K. Seward stated that the issue came to the forefront when Verizon came to the commission for a possible permit for collocation of antennas on the tower. At the last commission meeting where this item was discussed, it was identified that the initial tower application in 2010, was for a design of 4 locations on the tower. In reviewing engineering data submitted with the Verizon request it appears there are 8 collocations. He stated there hasn't been an additional permit application from US Cellular relating to the activity on the tower. If in fact there are 8 locations designed into this tower, we have not collected enough in fees. He reviewed the collocation language in the Town's Tower Ordinance for those in attendance. He asked the representative to help the commission understand what US Cellular's understandings are of these industry standards. T. Anderson asked how many antennas were identified in the original permit. S. McCallum reviewed a response letter from US Cellular when the permit was issued in 2010, stating 35 antennas. T. Anderson stated this is what is common in the industry, to be included in an original permit, how many antennas are possible and when this changes they come back for another permit, so this could be one of the oversights in the Town's ordinance. He stated in the industry collocators are considered as one carrier (company) for all equipment associated with that company, including antennas and dishes which could be at various elevations. In the industry they consider the carrier to be where antenna arrays are located on the tower and dishes K. Seward stated the original permit submission stated 29 antennas but also of concern is the 1-23-13 engineering charts that showed the original load capacity of 5 locations. T. Anderson asked is your main

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concern regarding original engineer documents showing four carriers total or 4 sets of panels at 10 ft. increments. He said this is the tower's design. He stated there is a typical fudge factor, so towers are overdesigned, so when someone needs to put a dish on, the capacity is already there. This tower is built more than adequate; he said when he builds a tower (and has owned them) every time he puts an array of 12 ft. wide with 10 ft. increments going down, it is easier to build it right the first time instead of trying to strengthen it. K. Seward reviewed again the engineering diagrams for Verizon, pointing to the chart with antenna numbers at particular mounting levels. He asked is this then a correct interpretation of position of collocations, each company locates at one of these heights? T. Anderson stated yes, if I understand you right, if they are leasing it out to someone else. K. Seward said then looking at the "Existing Leased Loading" chart in the same document, it shows 7 positions. His question is then what is the design capacity of that tower structure; is it 5, is it 7 or 7 plus? T. Anderson stated it all depends on the original design capacity and it is over designed, they guess at future loading need. K. Seward stated then they reach the design limit. T. Anderson stated yes and then referred to current loading chart that shows multiple (12) antennas at this and that location, but they are not using 12 antennas at each spot. He referred to the front page of engineering document that shows 71% of tower load is being used, and 48.7% of foundation capacity. J. Ott asked is the percentages of the capacity being used presently, based on the original design. T. Anderson stated yes and there have been technology advances for smaller antennas instead of what was considered in the original design. He said there is an unknown as to how many collocators can go on the tower as this is based upon proposed equipment. US Cellular is not going to allow more on tower than it can handle. K. Seward referred back to the original 4 locations and this document shows 5. He read ordinance language definition regarding collocation, "attachment of more than one antenna or antenna array, or more than one FCC regulated service provider on the same supporting structure". T. Anderson replied that the industry standard for collocator is 4 different arrays of antennas and heights, dishes do not come into play. K. Seward then went onto clarify how locations are defined, by elevation on tower or some other criteria. T. Anderson stated it depends on the request. K. Seward said that right or wrong we have assumed the tower height criteria in the chart as the number of collocation positions. He asked then how does the Town of New Glarus define the number of collocation positions, not the number of antennas, but what you would sell to other s? T. Anderson stated cellular companies will not share power or a meter, and currently there are 3 additional collocators, not necessarily a location. He defined collocator as another carrier. K. Seward stated how you define the space on the tower. T. Anderson said they use a height as a bench mark for the location of equipment. J. Ott asked does the renter of the space ask for a spot (height) on the tower and US Cellular responds with approval, so the height can vary? T. Anderson said correct, this is based on the size of antennas (also that the tower is designed over what is required), so the tower is designed with proposed elevations for size of antenna panels and then those are adjusted based upon actual requests. K. Seward asked how many possible locations are available for you to rent out. T. Anderson said it is unknown based upon what is requested. K. Seward said how many today. T. Anderson replied 3 panel arrays including the original US Cellular one, makes 4 total. K. Seward asked is it safe to say you have one location left to rent out. T. Anderson said yes and he brought up a current picture of the tower as of today on his cell phone and showed commission members. K. Seward reviewed the current chart of load which represents 5. He stated from our perspective and ordinance you have one more space to rent out, not counting dishes. D. Streiff stated then according to the percentages you have one left. K. Seward stated that then our initial billing was correct with 4. He also stated that US Cellular missed the chance to re permit with the addition of equipment since the 2010 permit and so you need to do that. Perhaps that is the time to settle this issue. J. Ott felt the ordinance needs to be clarified for future board changes. K. Seward stated it appears we owe them back one additional collocation fee of \$2,000 because there is one position left and the remaining is \$2,000 for the Town. R. Elkins asked for clarification, so you can put one more carrier on but the number of antennas is depends on the technical aspect, okay. T. Anderson then asked are we limited to one more carrier? K. Seward stated if this is what your design was, if you can come back and reestablish the tower has more engineering capacity. T. Anderson asked if a small carrier wants to place we would need to come back, so then it is better for them to stay within the original permit. Where would we obtain the

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permit, S. McCallum asked him to leave his information and we will make sure you get what you need. She asked are you the responsible person? T. Anderson, yes. K. Seward stated the Town also has a responsibility to know the types of equipment at the location in regards to safety aspects. R. Elkins asked does the one 200 Amp service serve all the equipment out there? T. Anderson reviewed the power needs and stated yes. K. Seward asked S. McCallum if she had any other concerns. She stated that there have been many different engineer reports from the sighting companies but the Town has never had their engineer review the structure. She sees that some of these past engineering documents changed what was there and what is possible, you could tell some of the engineers never visited the site, but the one done for Verizon was very comprehensive, with on site pictures. She said that Reggie Reis has stated in the past that the dishes create a wind shear and you have stated they don't make a difference. T. Anderson stated yes they do have an impact but they are figured into the capacity determination and it is undeterminable until their location and type is proposed. J. Ott asked for clarification regarding liability, does US Cellular own the tower? T. Anderson said yes they own the tower. J. Ott said then you are responsible for the people going on the tower and what kind of liability do you have? S. McCallum stated we have a current insurance rider for about \$1M. K. Seward asked T. Anderson about how much an engineering study would cost? T. Anderson said about \$7,000. He asked if the commission would consider rewording to the current ordinance, such as what a collocation means. The commission would consider input, to be forwarded to the office staff. K. Seward asked him to have someone at his company review the ordinance so you know what is needed going forward.

T. Anderson left and K. Seward brought the question of whether Town engineering analysis needs to be done. J. Ott felt that it would be over kill, B. Elkins agreed. K. Seward stated based on tonight's discussion he would agree. J. Ott stated if our engineer states that it is strong enough, then we potentially accept some of the liability that it is strong enough. D. Hustad said we would not be accepting responsibility as they have supplied us the insurance, if anything happens a person suing would look for everyone potentially involved. K. Seward stated because it was up prior to ordinance that it is not sufficiently distance from Hwy 39 and if it came over could fall on Hwy 39. J. Ott asked does our ordinance specify it has to be removed if not used. R. Elkins said yes within one year or something like that.

7. Updates, Joint Negotiation Committee: K. Seward said there are no changes and the extension is up August 15. It is unlikely that the time frame will be met. D. Hustad said there is no given that an extension would be applied for by either the Town or Village. K. Seward learned today that Jody Hoesly wrote a grant for programs that would give them approximately \$.25 on the dollar for raised funds. The deadline wasn't met and the Village Board did not approve the application. K. Seward stated in his opinion there are currently some big hurdles. He feels that the current Village Board wants the Town to negotiate with the board.

8. Set Next Meeting Date and Agenda: July 18, 6:30 pm tentative to agenda. There was general discussion regarding a possible new candidate for the two open seats on the Plan Commission and to forward any possibilities to the Town Chair and/or Plan Commission.

9. Adjourn: B. Elkins moved, D. Streiff 2nd to adjourn at 7:35 pm. Motion carried.