

**Plan Commission
of the City of Onalaska**
Tuesday, April 28, 2015
1

1 The Meeting of the Plan Commission of the City of Onalaska was called to order at 7:00 p.m. on
2 Tuesday, April 28, 2015. It was noted that the meeting had been announced and a notice posted
3 at City Hall.

4
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, City Engineer
6 Jarrod Holter, Jan Brock, Paul Gleason, Skip Temte, Craig Breitsprecher

7
8 Also Present: City Clerk Cari Burmaster, Land Use and Development Director Brea Grace,
9 Planner/Zoning Inspector Katie Meyer, Amanda Halderson Jackson Attorney from O’Flaherty
10 Heim Egan & Birnbaum

11
12 Excused Absences: Ald. Jim Bialecki, Sue Peterson

13
14 Item 3 was addressed first.

15
16 **Item 3 – Approval of minutes from previous meeting**

17
18 Motion by Craig, second by Skip, to approve the minutes from the previous meeting as printed
19 and on file in the City Clerk’s Office.

20
21 On voice vote, motion carried, 5-0, with one abstention (Paul Gleason).

22
23 **Item 2 – Recognition of new committee members – Paul Gleason and Parks and Recreation**
24 **Chairperson**

25
26 Mayor Chilsen welcomed to the Plan Commission both Paul Gleason and Sue Peterson, who on
27 Monday was elected as the new Chair of the Parks and Recreation Board.

28
29 **Item 4 – Public Input (Limited to 3 minutes per individual)**

30
31 Mayor Chilsen called for anyone wishing to provide public input.

32
33 **Martha Furlano**
34 **122 11th Avenue North**
35 **Onalaska**

36
37 “It seems like there isn’t much that the city can do based off of the public hearing [that was held]
38 the last meeting to prevent the cell phone tower from going up in our neighborhood. But the
39 company that was here that would like it mentioned that they would work with the city on
40 landscaping. I Googled “cell phone towers in disguise,” and I notice in Arizona and Florida they
41 actually make them look like palm trees, so I don’t know if you want to make it look like a pine
42 tree or something. I don’t know how you can really make it not stand out. I’d prefer that it isn’t

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43 a gigantic flagpole because that's also making it stand out, and there is a flagpole across the
44 street. I just hope that the city looks at the best interest of the citizens who live in the area, and
45 the proximity of how close it is to where we live is concerning for me. But I know there's only
46 so much you can do with state law. Thank you for your time."

47
48 Brea read into the record an email from Matt Huck, 1747 Rose Street, No. 15, La Crosse, and
49 also Becky Huck: "*Dear Brea Grace, this is a quick response letter with a phone call you had*
50 *with my mother this afternoon. I (Matt Huck) had printed off to my mother (Becky Huck)*
51 *information in regards to the WXOW write-up that the Onalaska Planning Commission would be*
52 *reviewing a cell phone tower being built within the City of Onalaska behind [Center] 90. I*
53 *quickly came to my mother's property in Iowa to get away from wireless devices due to the need*
54 *of detoxing from the technology that people love. I had my mother give you a call to see where*
55 *this planning stage was, for we as citizens need to express our voices to these big companies that*
56 *our health, our livelihood, and our well-being needs to be respected. These companies such as*
57 *Verizon Wireless, AT&T, U.S. Cellular, Sprint, et cetera, hide behind a warning label about not*
58 *being held accountable for any harmful effects and the Telecommunications Act of 1996. As my*
59 *mother pointed out, together we have numerous documentations against this technology. I*
60 *personally have lost two jobs with Menards due to wireless technology, with my recent being at*
61 *the Onalaska Menards this month. I had to give up both of these jobs due to my health being*
62 *seriously affected by wireless devices. My mother has lost three jobs as well due to wireless*
63 *technology. We both value our health and want to shed light onto others. In this email you will*
64 *also find additional information that we feel can be useful for your meeting tonight. The*
65 *Communication Tower PDF and pages 31-34 are the pages that we feel are most important for*
66 *the City of Onalaska to look at for this meeting. However, I put the entire document in for it is*
67 *an important document with lots of information. Thank you.*"

68
69 Brea referred to the attachments included with the email and noted she had made one copy for
70 Plan Commission members to examine.

71
72 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
73 portion of the meeting.

74

75 **Consideration and possible action on the following items:**

76

77 **Item 5 – Consideration of an application for a Conditional Use Permit (CUP) filed by R.**
78 **Shane Begley, 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud**
79 **(Sand Lake Development, LLC); Brian Meier (Central States Tower); and Verizon**
80 **Wireless to allow the construction of a multitenant communication facility and a tower**
81 **with an overall height of 125' at 111 Sand Lake Road, Onalaska, WI 54650**

82

83 1. Conditional Use Permit Fee of \$150.00 (PAID).

84

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- 85 2. Applicant to provide a more detailed collation analysis with an explanation as to why
86 collocation is “technically infeasible,” why the proposed location was selected, including
87 details on coverage and capacity in the applicant’s search ring.
88
- 89 3. As the location of the proposed telecommunications tower and facilities are on leased
90 land, the lease agreement shall not preclude the lessee from entering into leases on the
91 site with other provider(s) and there shall not be any other lease provision operating as a
92 bar to collocation of other providers.
93
- 94 4. Tower and facility to be constructed in a manner consistent with either of the two items
95 listed below, as determined by the Plan Commission:
96
- 97 a. Designed as a stealth tower (e.g., flag pole).
98
- 99 b. Designed with 3 commercially reasonable collocation sites and designed to promote
100 site sharing for collocation, with space reasonably available to collocators, including
101 but not limited to parking areas, access road, and utilities are shared by site users
102 whenever possible.
103
- 104 5. Applicant shall supply the total number of collocation positions designated and proposed
105 positions to be occupied.
106
- 107 6. Applicant to obtain Federal Communications Commission (FCC) license numbers and
108 registration numbers, if applicable.
109
- 110 7. Applicant to obtain a Findings of No Significant Impacts (FONSI) statement from the
111 FCC or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
112
- 113 8. Applicant to obtain a determination of “no hazard” from the Federal Aviation
114 Administration (FAA) including any aeronautical study determination or other findings,
115 if applicable.
116
- 117 9. Applicant to obtain a report prepared by an engineer licensed by the State of Wisconsin
118 certifying the structural design of the tower and its ability to accommodate additional
119 antennas. Applicant to submit a map identifying the fall zone of the support structure,
120 including ice and snow fall zones.
121
- 122 10. Applicant to provide the City with proof of liability coverage, a minimum of \$2,000,000.
123
- 124 11. Removal. It shall be the owner of the telecommunication tower’s responsibility to
125 remove the telecommunications tower and facilities once it is no longer in use and is not
126 a functional part of providing telecommunications service. Site shall be restored to its

127 original condition or a condition approved by the Land Use and Development Director.
128 Restoration shall include removal of any subsurface structure(s) or foundation(s),
129 including concrete used to support the telecommunications tower down to 5 feet below
130 the surface. After a telecommunications tower is no longer in operation, the provider
131 shall have 180 days to effect removal and restoration unless weather prohibits such
132 efforts and an extension is granted by the Land Use and Development Director.
133 Applicant shall record a document with the La Crosse County Register of Deeds showing
134 the existence of any subsurface structure remaining below grade. Such recording shall
135 accurately set forth the location and describe the remaining structure.
136

137 12. Performance Bond. The owner of the telecommunication tower shall provide to the City
138 of Onalaska, prior to the issuance of the Building Permit, a performance bond in an
139 amount based on a written estimate of a qualified remover of said types of structures or
140 Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the
141 telecommunications tower will be removed when no longer in operation. The City of
142 Onalaska will be named as an obligee in the bond and must approve the bonding
143 company. The City may require an increase in the bond amount after five (5) year
144 intervals to reflect increases in the Consumer Price Index. The owner of the
145 telecommunication tower shall supply any increased bond within a reasonable time, not
146 exceeding sixty (60) days from the City's request. A letter of credit may be substituted in
147 the amount set forth above.
148

149 13. Abandonment. Any antenna, mobile service facility or mobile services support structure
150 that is not operated for a continuous period of twelve (12) months shall be considered
151 abandoned. Upon request by the owner of the antenna, mobile services facility or mobile
152 services support structure, the Land Use and Development Director may authorize one
153 extension to the time limit to abandon for an additional six (6) month period. Such
154 extension shall be based on City finding that the owner or permit holder is actively
155 seeking tenants for the site. After the expiration of the time periods established above,
156 the following shall apply:
157

158 a. The owner of such antenna, mobile service facility or mobile services support
159 structure shall remove said antenna, mobile service facility or mobile services support
160 structure, including all supporting equipment, building(s) and foundation(s) to the
161 depth as otherwise herein required within ninety (90) days of receipt of notice from
162 the Land Use and Development Director notifying the owner of such abandonment.
163 If removal to the satisfaction of the Land Use and Development Director does not
164 occur within said ninety (90) days, the Land Use and Development Director may
165 order removal utilizing the established bond as provided above and salvage said
166 antenna, mobile service facility or mobile services support structure, including all
167 supporting equipment, building(s), and foundation(s). If there are two or more users
168 of a single mobile services support structure, this provision shall not become effective

169 until all operations of the mobile services support structure cease. If a bond has not
170 been previously established or is not current, the City may perform the work and bill
171 or assess the owner or permit holder of the mobile services support structure for the
172 work performed in addition to an administrative fee.

173
174 b. The owner of the telecommunication tower or current owner or operator shall notify
175 the Land Use and Development Director within 45 days of the date when the mobile
176 services facility is no longer in operation.

177
178 14. Site Plan Permit Approval needed prior to issuance of building permit and any
179 construction activities.

180
181 15. Building Permit(s) and Electrical Permit(s) required prior to any construction activities.

182
183 16. Mobile services facilities, support structures and antennas shall be designed and
184 constructed in accordance with the State of Wisconsin Uniform Building Code, National
185 Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire
186 Code, City of Onalaska Building Code, Electronic Industries Association (EIA),
187 American National Steel Institute Standards (ANSI), and American National Standards
188 Institute (ANSI) in effect at their time of manufacture. Mobile service facilities and
189 support structures shall not interfere with or obstruct existing or proposed public safety,
190 fire protection or Supervisory Controlled Automatic Data Acquisition (SCADA)
191 operation telecommunication facilities. Any actual interference and/or obstruction shall
192 be corrected by the applicant at no cost to the City.

193
194 17. Fire Prevention. All mobile services facilities shall be designed and operated in
195 accordance with all applicable codes regarding fire protection.

196
197 18. Compliance with Airport Overlay Zoning height limitation of 800' AMSL, or compliance
198 with variance if issued by the City of La Crosse Board of Zoning Appeals to exceed this
199 height.

200
201 19. Support structure shall comply with the required setbacks as established by the B-2
202 Community Business District of 6' street and side yard setbacks, and 10' rear yard
203 setback, or with an engineering certification showing that a mobile service support
204 structure, or an existing structure is designed to collapse within a smaller area than the
205 setback or fall zone area as required in the B-2 District including snow and ice fall areas.

206
207 20. Telecommunication tower and facilities shall be designed to reduce negative impacts on
208 the surrounding environment by implementing the following measures:

209
210 a. Mobile services support structures shall be constructed or metal or other

- 211 nonflammable material, unless specifically permitted by the City to be otherwise.
212
213 b. Satellite dish and parabolic antennas shall be situated as close to the ground as
214 possible to reduce visual impact without compromising their functions.
215
216 c. Equipment compounds shall be constructed of non-reflective materials (visible
217 exterior surfaces only). Equipment compounds shall be designed to blend with
218 existing architecture in the area or shall be screened from sight by mature
219 landscaping, and shall be located or designed to minimize their visibility. “Mature
220 landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height
221 of five (5) feet that will provide the appropriate level of visual screening immediately
222 upon installation.
223
224 21. Chain link fence and slats shall be of a style and color as determined by the Plan
225 Commission and shall be maintained in good repair to screen all equipment. Chain link
226 fence shall not be permitted to have barbed wire.
227
228 22. Building, equipment platform and equipment shall be screened by landscaping and/or
229 fencing, as determined by the Plan Commission. A minimum of one (1) 2½” caliper
230 canopy tree per 25 feet of street frontage is required as boulevard trees. Boulevard trees
231 to be selected from a City list of recommended boulevard tree species. Plant names and
232 locations to be indicated on a Landscaping Plan to be submitted to the Land Use &
233 Development Director for review and approval. Any plant material which does not live
234 shall be replaced within six (6) months.
235
236 23. Telecommunication structure & facility shall be constructed and operated in such a
237 manner as to minimize the amount of disruption (i.e., noise, traffic) caused to nearby
238 properties.
239
240 a. Noise-producing construction activities shall take place only on weekdays (Monday
241 through Saturday, non-holidays) between the hours of 7:00 a.m. and 7:00 p.m. except
242 in times of emergency repair.
243
244 b. Generator shall comply with Ordinance 11-2-9 and the maximum permissible sound
245 levels. Generator shall be designed and screened to reduce noise. Backup generators
246 shall be operated only during power outages and for testing and maintenance
247 purposes.
248
249 24. Outdoor lighting installations shall not be permitted closer than three (3) feet to an
250 abutting property line. All lighting shall be adequately downcast, shielded and hooded so
251 that no excessive glare or illumination is cast upon the adjoining properties.
252

- 253 25. All drives/parking areas to be paved with asphalt or concrete.
254
255 26. As applicant is proposing the removal of existing parking spaces, applicant to work with
256 City and property owner to verify parking requirements for the existing commercial
257 businesses is maintained.
258
259 27. Exterior storage of materials is prohibited.
260
261 28. Telecommunications tower owners shall provide the Land Use and Development Director
262 a Telecommunications Facility Information Report within 45 days of Plan Commission
263 approval, which provides the City with accurate and current information concerning the
264 telecommunications facility owners and providers. The Report shall include the tower
265 owner name(s), address(es), phone number(s), contact person(s).
266
267 29. All conditions run with the land and are binding upon the original developer and all heirs,
268 successors and assigns. The sale or transfer of all or any portion of the property does not
269 relieve the original developer from payment of any fees imposed or from meeting any
270 other conditions.
271
272 30. Any omissions of any conditions not listed in minutes shall not release the property
273 owner/developer from abiding by the City's Unified Development Code requirements.
274

275 Brea noted that the Plan Commission had held a public hearing at its March 24 meeting, at which
276 time residents had come forward and voiced their concerns over the proposed application. Some
277 of the questions raised at the March 24 Plan Commission meeting were in regards to the statutory
278 change enacted in 2013 by the State of Wisconsin. As a result of the state's changes, the city can
279 no longer require setbacks from residential districts. Brea said there also had been questions
280 regarding the Conditional Use Permit process and stated staff believes this is the correct process
281 for cellular telephone towers to go through. Brea referred to the April 21 Plan Commission Sub
282 Committee meeting and said there had been a request for the applicant to provide additional
283 information regarding site selection, coverage areas, and why other sites are not feasible. Brea
284 said both she and City Attorney Sean O'Flaherty had met Tuesday morning with Rod Carter,
285 Verizon Wireless' attorney, and also Shane Begley. Information was provided as to why this site
286 had been selected, why other sites are not feasible, and the reason for coverage.
287

288 Brea referred to a slide on display for the Plan Commission and noted the proposed tower would
289 be constructed behind Center 90 and just off the dead end of Monroe Street. There is a 70-by-55
290 foot fenced-in area within the leased area. Brea showed a slide of the search area for Verizon
291 Wireless, and also noted that the tower is proposed within a B-2 zoning district. Brea said four
292 sites that were selected as options within the area identified on a map included in Plan
293 Commission members' packets. Brea noted that other properties considered include St. Paul's
294 Evangelical Lutheran Church and School, the Onalaska Cemetery, St. Patrick's Catholic Church

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295 and the City of Onalaska Post Office. Brea said the location behind Center 90 was selected by
296 the Verizon engineers “for a number of reasons.” Brea referred to a map where the darker
297 shaded areas represent coverage areas within the City of Onalaska and said there is larger area in
298 the center of the city that does not have the coverage and capacity that is necessary. Brea
299 referred to the blue areas on the map and said these areas represent the coverage areas and
300 capacity areas that would be increased with the construction of the proposed tower. Brea
301 referred to photographs of images of the proposed tower. The photographs come from Shane
302 Begley of a site in the city of Eau Claire, and the tower has one tier of antennas. Brea noted she
303 also had distributed to the Plan Commission an image of a tower with three arrays of antennas
304 and said she believes this image better identifies with the proposed tower. Brea referred to an
305 image of a one-tier tower on display for the Plan Commission and said this is an image of what
306 would happen immediately on the site. There would be other collocation spots available toward
307 the top of the tower.

308
309 Brea said, “With this information provided, we are feeling satisfied that they have supplied us
310 with adequate information. There were questions raised about an engineering analysis. The
311 tower manufacturer had provided it, and it was stamped by an engineer certified in Wisconsin.
312 We feel that that is an appropriate analysis. There was nothing that raised red flags, so to speak,
313 where we could substantiate that the engineering certificate was flawed. We believe that the
314 engineering analysis is adequate and is appropriate.

315
316 Staff is recommending approval of the Conditional Use Permit. With the statutory changes, we
317 don’t have the grounds for denial. It meets all the statutory requirements. Additionally, we do
318 have to act on the application within 60 days of a complete submittal. I’m estimating this as
319 May 16. If we don’t take action by then, the application would be considered to be approved
320 without any conditions. Staff is recommending approval of the Conditional Use Permit with the
321 conditions that were handed out this evening.”

322

323 Brea noted the following changes to the Conditions of Approval:

324

- 325 • In Condition No. 2, the section requesting more information has been deleted.
- 326 • Condition No. 4 states that the Plan Commission must determine whether the tower and
327 facility is to be constructed as a stealth tower, or designed with three commercially
328 reasonable collation sites and designed to promote site sharing for collocation, with space
329 reasonably available to collocators.
- 330 • Condition No. 12 states that the Performance Bond is due prior to the issuance of the
331 Building Permit.
- 332 • Condition No. 20 has been moved into Condition No. 4.
- 333 • Condition No. 21 states that both the chain link fence and slats shall be of a style and
334 color as determined by the Plan Commission.
- 335 • Condition No. 22 states that boulevard trees must be planted.

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336
337 Brea noted that the Federal Aviation Administration has been requested to examine dual lighting
338 for this site, and also noted that the FAA granted approval for a 125-foot pole. Brea said the
339 airport overlay zoning regulates height as well and noted that the variance had been denied by
340 the City of La Crosse. Brea noted the City of Onalaska's conditions of the C.U.P. identify that
341 the height must abide by the airport overlay zoning, or the variance issued by the City of La
342 Crosse. Brea said the conditions would be flexible based on whatever height decision comes out
343 of the City of La Crosse. Brea said the FAA approval requires lighting and pole-striping and
344 noted Verizon Wireless is petitioning the FAA to utilize a dual-lighting system with white lights
345 would be utilized during the day and red lights would be utilized at night, thereby eliminating the
346 need for pole-striping. Brea said staff prefers this option.

347
348 Brea referred to Item 23 in the list of conditions and noted that the facility and the generator must
349 comply with the noise ordinance. There also are hours of operation for noise-producing
350 construction activities, except in times of emergency repair. Brea said the generator either will
351 have to be designed in screen or placed inside. Brea said the Plan Commission must identify its
352 preference and stated staff would prefer that the generator be placed inside.

353
354 Craig inquired about the overlay zone.

355
356 Brea said the City of La Crosse in March denied the variance request for the pole to exceed the
357 maximum height of 89.7 feet established by the airport overlay zoning. The City of La Crosse
358 denied the variance for the pole to be 125 feet. Brea said it is her understanding that this action
359 has been appealed at the circuit court level, and that a decision on the appeal is forthcoming.

360
361 Craig asked if it correct to assume that construction of the tower may not proceed until there a
362 decision from the court that allows anything that is in excess of what is allowed under the
363 overlay zone.

364
365 Brea said this is correct.

366
367 Paul referred to Condition No. 12 and said it is his understanding the CUP still is required. Paul
368 asked what type of mechanism will be in place to ensure that the \$20,000 bond will be in place
369 when it expires. Paul said he believes the bond's purpose is to ensure removal of the tower and
370 that he believes it needs to be in place permanently until the tower is removed. Paul noted he did
371 not see anything in the way Condition No. 12 was worded that addresses this.

372
373 Brea suggested adding a sentence stating that the bond shall be in existence in perpetuity until
374 the time the tower is removed. Brea said staff can monitor when the bond expires and follow up
375 to ensure that the city receives a renewal.

376
377 Paul said he believes the condition should be modified to clearly address this. Paul referred to
Reviewed 5/4/15

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378 referred to Condition No. 22 and noted the revision states that there is to be no other kind of
379 landscaping other than boulevard trees.

380
381 Brea said that while there is no other landscaping proposed, the Plan Commission may request
382 more landscaping.

383
384 Paul said he believes it is appropriate to consider significant landscaping along the west and
385 south sides that are visible from residential property. Paul also inquired about the liability
386 insurance under Condition No. 10, asking if it was intended to be exclusive to this property, with
387 the City of Onalaska named as an additional insured, or if it is a \$2 million liability policy
388 regardless of how many towers or facilities are covered. Paul also said he believes there should
389 be a mechanism to ensure that it is extended as appropriate.

390
391 For clarification, Paul stated he is asking that the \$2 million liability policy be maintained as
392 long as the tower is present.

393
394 Jarrod said it would be possible to add the standard contract language from the city contracts,
395 noting the city requires a 10-day notice prior to cancellation. Jarrod said he agrees with Paul in
396 that the way the condition is currently written Central States Tower and Verizon could have 100
397 towers and \$2 million split between them.

398
399 Skip referred to Condition No. 21 and asked if the term 'barbed wire' refers to all types of wire,
400 or if it is being specific. Skip said he does not believe barbed wire is utilized much anymore.

401
402 Brea noted the ordinance specifies barbed wire and razor wire and said the intent is that that type
403 of wire is prohibited by the Zoning Code in commercial districts. Brea said she had spoken with
404 the applicant, who promised to modify the fencing detail so there was no barbed wire or razor
405 wire on the top. The applicant is considering a 6-foot high fence with vertical slats within the
406 chain link. Brea noted the gated area at the site faces north and said this is an area where the
407 applicant is proposing not to have slats. This would be for security purposes. Brea said she is
408 agreeable to this proposal.

409
410 Skip noted that the City of Onalaska always has required stealth towers. However, Skip also said
411 it is his understanding that the city no longer has that ability under the State of Wisconsin's
412 current law.

413
414 Amanda said, "If you want to require the stealth tower, the problem is twofold. One, it's an
415 enforceability issue because you can't deny this simply based on aesthetics, which a stealth
416 tower would fall under. The other issue to consider with respect to the stealth tower is it limits
417 the ability to collocate. Part of the issue would be that it would be harder to collocate, which
418 may ultimately result in more towers in the City of Onalaska."

419

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420 Brea said the intention of Condition No. 4 is to have the Plan Commission choose either Option
421 'a' or Option 'b.' Brea said the stealth flagpoles are narrow enough that one carrier utilizes them
422 while saving space for its future expansion. Brea said that as other carriers want to provide this
423 area with service, more stealth towers will appear if there is not a pole that allows collocation
424 opportunities.

425
426 Paul asked why 111 Sand Lake Road was the site chosen for the tower over, for example, the
427 Onalaska Cemetery, which is in close proximity to the site.

428
429 **Shane Begley**
430 **14114 South Country Circle**
431 **Gordon, WI**

432
433 "In reference to that question, the sites that I looked at ... Our number-one location was the
434 church [St. Paul's Evangelical Lutheran Church] to the east. In talking with them, they were
435 interested at first. We did some extensive talking back and forth, and they came to the
436 conclusion that they wanted to save their space for future expansion. I went back to the RF
437 engineer and told him that they declined and weren't interested anymore. His second choice was
438 the Center 90 location. I went off of the request of what the radio frequency engineer for
439 Verizon requested as their locations. Now, in my initial search of the area I did look at the
440 cemetery as a possible location. The problem with it is in years past ... I've been doing this for
441 18 years, and every time we've attempted a cemetery location, something legally has come up to
442 prevent us from putting [towers] in those locations, whether it be unplotted gravestones or people
443 buried in places where they were never marked and you start digging and you dig somebody up,
444 and that's just a bad thing. As a rule of thumb, we've pretty much stayed away from those. In
445 this particular location, in the way the search area is drawn, I looked highly at the zoning map as
446 well to see what was zoned properly for a tower. As you can see, that is the optimal zoned
447 location for this site. All of that was put into my report when it was sent back."

448
449 Paul asked Shane if he had considered moving the tower close to the Center 90 building.

450
451 Shane said, "That was done off of where the landowner preferred to see the site built."

452
453 Paul said he had not found anything in the information that was provided to him that gave him a
454 sense of the size of the tower.

455
456 Shane said the base of the tower would be approximately 36 to 42 inches. Shane said the
457 foundation typically is a caisson-type, meaning it will be drilled in rather than having a spread
458 footing.

459
460 Motion by Jarrod, second by Skip, to approve an application for a Conditional Use Permit (CUP)
461 filed by R. Shane Begley, 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor

Reviewed 5/4/15

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462 Thorud (Sand Lake Development, LLC); Brian Meier (Central States Tower); and Verizon
463 Wireless to allow the construction of a multitenant communication facility and a tower with at
464 111 Sand Lake Road, Onalaska, WI 54650. Approval is with the revised list of 30 conditions
465 distributed at the April 28, 2015 Plan Commission meeting, and with Condition No. 10 revised to
466 read, “Applicant to provide the City with proof of liability coverage – a minimum of \$2 million
467 to City Standard General Contract Insurance specifications.” Condition No. 12 will read,
468 “Expected to be enforce until removal of structure.” Condition No. 22 will read, “Additional
469 landscaping along western and southern boundaries of fenced enclosure.”

470

471 Motion by Craig, second by Mayor Chilsen, to amend the previous motion and accept Item ‘b’
472 under Condition No. 4, which states that a tower and facility shall be designed with three
473 commercially reasonable collocation sites and designed to promote site sharing for collocation.

474

475 Vote on the amendment:

476

477 On voice vote, motion carried.

478

479 Original motion restated:

480

481 To approve an application for a Conditional Use Permit (CUP) filed by R. Shane Begley, 14114
482 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud (Sand Lake Development,
483 LLC); Brian Meier (Central States Tower); and Verizon Wireless to allow the construction of a
484 multitenant communication facility and a tower at 111 Sand Lake Road, Onalaska, WI 54650.
485 Approval is with the revised list of 30 conditions distributed at the April 28, 2015 Plan
486 Commission meeting, and with Condition No. 10 revised to read, “Applicant to provide the City
487 with proof of liability coverage – a minimum of \$2 million to City Standard General Contract
488 Insurance specifications.” Condition No. 12 will read, “Expected to be enforce until removal of
489 structure.” Condition No. 22 will read, “Additional landscaping along western and southern
490 boundaries of fenced enclosure.” Item ‘b’ under Condition No. 4, which states that a tower and
491 facility shall be designed with three commercially reasonable collocation sites and designed to
492 promote site sharing for collocation.

493

494 Craig said, “This is my opinion as a resident as well as a Planning Commissioner. I just want to
495 state how disgusted I am at the State for politicizing this and taking it out of the control of local
496 government. I’m very disturbed to see Verizon attach their name to something like that, because
497 I think it’s a terrible injustice to local communities.”

498

499 Paul said, “I’m going to second that statement – absolutely. I’m absolutely sick that we can’t
500 find a way to reject this, or at least ... well, to reject it. It’s a disgusting situation of the State
501 taking local control away, and I wish I didn’t have to vote ‘yes’ on it. But from everything I’ve
502 learned in my short time, I’m afraid that we have to approve it.”

503

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504 Both Mayor Chilsen and Jan said they concur with Craig and Paul. Mayor Chilsen said, “I don’t
505 think anybody really wants to approve this, but I think everybody understands that we don’t have
506 much of a choice.”

507
508 Brea referred to Condition No. 21, which notes that the chain link fence and slats shall be of a
509 style and color as determined by the Plan Commission, and said the current proposal is for a 6-
510 foot high chain link fence with slats. Brea asked if this is an acceptable fencing type, and also
511 asked the Plan Commission if there is a color preference on the slats.

512
513 Jan asked if the applicants could work with the residents on this.

514
515 Brea said it might be a possibility.

516
517 Shane noted that green is the color listed and suggested instead utilizing brown. Shane also said
518 he had suggested utilizing vinyl-type fencing as opposed to landscaping on the west side, where
519 there is asphalt and “a narrow margin.” Shane said, “In building these for so long, if you plant
520 trees there, unless you plant shrubs they’re only going to grow so tall. Unless you plant trees
521 there you’re going to have cracking of asphalt and you’re going to have all these other issues that
522 come along with that. Maybe you want to look at the different type of fencing for this particular
523 area to help out some of your visuals.”

524
525 Paul asked if perhaps some of the asphalt could be removed to make room for landscaping.

526
527 Shane said this could be done, but cautioned about the aftereffects (e.g., cracked asphalt) five
528 years in the future.

529
530 **Ronald Callender**
531 **812 14th Avenue North**
532 **Onalaska**

533
534 “I own the property at 1118 Monroe Street, which is directly across. When you see the picture,
535 there’s a large 40-foot pine tree that’s in the front yard of the property. I directly face it. I
536 appreciate your concern about the landscaping, but when you have potentially a 115-foot tower
537 sitting that close to you I don’t think the landscaping makes a hill of beans of difference. To
538 have landscaping in the boulevard, I don’t know if that’s going to work so well with snow
539 removal because you can’t see that there’s a fire hydrant right in that same proximity. As my
540 concern is the economic value – that property is rented – there could be people who come and
541 want to rent the place and say, ‘I’d love to pay you ‘x’ number of dollars. But with that tower
542 there I’m not even interested or I want a discount.’ The other portion of it is at some point in
543 time when I go to sell it, if that tower is there there are going to be people who pull up and say,
544 ‘I’d sure like to have that house, but I’m not going to have it because of the tower.’ I hardly
545 agree with the discussion that we don’t have local control. If you look back at that picture, there

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546 isn't a single thing a 120-foot tall or a 90-foot tall [tower] anywhere in that area ... It's going to
547 look like a giant ... You might as well put a wind tower there now. And I'm sure that the
548 residents that are outside the 200-foot perimeter ... You're going to start getting phone calls
549 saying, 'What in the heck are you doing?' once you start putting that tower up."

550

551 Paul said that while he agrees the tower cannot be hidden, he noted there are other structures or
552 "good decorative fencing" at ground level that landscaping could conceal.

553

554 Craig said the goal will be to mitigate the effects the best way possible. Craig also said he agrees
555 that it is best to utilize an earth tone such as brown.

556

557 Katie noted that it is possible to construct a fence as high as 8 feet.

558

559 Brea corrected one of her earlier statements and said the proposed height of the chain link fence
560 is 7 feet, with a 1-foot addition of the barbed wire.

561

562 Katie said the height of the fence could be increased by a foot without the barbed wire.

563

564 Brea said the Plan Commission still must decide the height, color and type of fence as part of
565 Condition No. 21.

566

567 Motion by Craig, second by Skip, to amend the previous motion to state that as part of Condition
568 No. 21 a chain link fence shall be 8 feet in height, sandstone in color and slatted.

569

570 Jan asked if this type of fence fades over time.

571

572 Shane said most fences retain their color.

573

574 Vote on the amendment:

575

576 On voice vote, motion carried.

577

578 Vote on the amended original motion:

579

580 To approve an application for a Conditional Use Permit (CUP) filed by R. Shane Begley, 14114
581 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud (Sand Lake Development,
582 LLC); Brian Meier (Central States Tower); and Verizon Wireless to allow the construction of a
583 multitenant communication facility and a tower at 111 Sand Lake Road, Onalaska, WI 54650.

584 Approval is with the revised list of 30 conditions distributed at the April 28, 2015 Plan
585 Commission meeting, and with Condition No. 10 revised to read, "Applicant to provide the City
586 with proof of liability coverage – a minimum of \$2 million to City Standard General Contract
587 Insurance specifications." Condition No. 12 will read, "Expected to be enforce until removal of

588 structure.” Condition No. 22 will read, “Additional landscaping along western and southern
589 boundaries of fenced enclosure.” Item ‘b’ under Condition No. 4, which states that a tower and
590 facility shall be designed with three commercially reasonable collocation sites and designed to
591 promote site sharing for collocation. As part of Condition No. 21, a chain link fence shall be 8
592 feet in height, sandstone in color and slatted.

593
594 On voice vote, motion carried.

595
596 **Item 6 – Consideration of an annexation application for Tax Parcel #9-451-0 (1.995 acres)**
597 **at N4502 French Road, applicant Marianne Buchanan, on behalf of Wesley & Florence**
598 **Spors Irrevocable Trust, W2815 Shorewood Court, West Salem, WI 54669**
599

- 600 1. Payment of annexation application review fees – \$400 (PAID).
- 601
- 602 2. Payment of deferred 1998 sewer utility special assessment (\$6,684.78) and 1998 water
603 utility special assessment (\$8,768.17) (PAID).
- 604
- 605 3. Payment of all fees including ACT 317 fees (\$831 for first installment).
- 606
- 607 4. Payment of State Road 16 Zone Sanitary Sewer Fee - \$825 per acre @ 2 acres (\$1,650).
- 608
- 609 5. Topography Map Fee - \$10 per acre * 2 acres = \$20 minimum fee.
- 610
- 611 6. Park Fee - \$922.21 per residential unit.
- 612
- 613 7. Annexed land to be placed in the R-1 Single-Family Residential Zoning District.
- 614
- 615 8. Owner/developer must connect to City water and sewer utilities within one year of
616 annexation approval.
- 617
- 618 9. Owner/developer must notify City prior to any connection to City-owned utilities takes
619 place.
- 620
- 621 10. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
622 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
623 and improvements installed per approved plans prior to issuance of occupancy permits.
- 624
- 625 11. All conditions run with the land and are binding upon the original developer and all heirs,
626 successors and assigns. The sale or transfer of all or any portion of the property does not
627 relieve the original developer from payment of any fees imposed or from meeting any
628 other conditions.
- 629

630 12. Any omissions of any conditions not listed in minutes shall not release the property
631 owner/developer from abiding by the City's Unified Development Code requirements.

632
633 Brea referred to map on display for the Plan Commission that shows the Spors property that is
634 proposed to be annexed. The property is located off French Road and the corner of State Trunk
635 Highway 16. Brea noted that the Spors own two parcels – one located in the Town of Medary,
636 and one located in the City of Onalaska. Brea said there is an offer to purchase on the two pieces
637 of land, with some zoning contingencies. Brea said one of these contingencies is annexation,
638 noting that in 1998 there was water and sewer extended in this area. When annexed, the
639 applicants would be required to hook onto water and sewer within one year. Brea said the city's
640 Comprehensive Plan identifies annexation in this area as being "logical and orderly
641 development." Brea said staff recommends approval of the requested annexation and noted that
642 the applicants intend to sell the lot for the development of a financial institution, with
643 construction perhaps beginning this summer. Brea noted that there still are several zoning
644 approvals needed, so upon annexation the requested zoning would be the single-family
645 residential. There is a single-family residence on the property, and the property would be zoned
646 according to that. Brea said rezoning would be required for the financial institution, and this will
647 appear on the May 26 Plan Commission meeting agenda. Brea also noted site plan reviews still
648 are required and said staff's recommendation of approval of the annexation includes the
649 contingencies on the 12 conditions of approval included in Plan Commission members' packets.
650 Brea noted she has added some fees that have been paid since the application for the annexation
651 started.

652
653 Craig asked Brea if she anticipates any challenges associated with rezoning at this location, and
654 also if she considers this "spot zoning."

655
656 Brea said staff does not consider this to be the case and referred to a map that identifies the STH
657 16 frontage road. Brea noted that there a number of businesses further down the frontage road
658 and said all of these businesses are zoned Transitional Commercial. Brea also referred to a
659 corner piece that is zoned Light Industrial and said the publication notices state that the request is
660 to extend the Light Industrial zoning district, which is across the street, with the intention to
661 develop a financial institution.

662
663 Craig asked Brea if she envisions this "rezoning-type activity" extending further down STH 16.

664
665 Brea said it is possible, noting that when Lot 1 of the Planned Unit Development at Nathan Hill
666 Estates was approved, this lot was identified as Commercial Uses. This means the first lot
667 abutting STH 16 could have some commercial uses. Brea noted that the zoning is residential
668 past Emerald Drive.

669
670 Motion by Craig, second by Skip, to approve with the 12 listed conditions an annexation
671 application for Tax Parcel #9-451-0 (1.995 acres) at N4502 French Road, applicant Marianne

672 Buchanan, on behalf of Wesley & Florence Spors Irrevocable Trust, W2815 Shorewood Court,
673 West Salem, WI 54669.

674

675 On voice vote, motion carried.

676

677 **Item 7 – Consideration and review of a request by Ralph Kloiber of HOM Furniture to**
678 **host two (2) thirty (30) day tent sale events in 2015 at 9519 State Road 16, Onalaska, WI**
679 **54650 (Tax Parcel #18-3625-4)**

680

681 1. Outdoor display and sales must be shown on the site plan for the property and are subject
682 to the approval of the City.

683

684 2. Outdoor display and sales are limited to thirty (30) days per calendar year unless
685 approved by the City Plan Commission.

686

687 3. Outdoor display and sales shall be limited to the goods sold at the principal use present
688 on the site except for temporary sales events authorized by the City Plan Commission.

689

690 4. Outdoor display and sales areas shall not include portable toilets and more than two (2)
691 temporary signs advertising the sale.

692

693 Katie said staff has received a request from HOM Furniture, as it did in 2014, to exceed the 30-
694 day limit for a business to hold a tent sale/outdoor sale event. Katie noted that HOM Furniture's
695 two events are scheduled from May 15 until June 13, and from August 14 until September 13.
696 Katie said staff recommends approval of HOM Furniture's request, conditioned upon obtaining a
697 tent permit and other necessary permits for each event from the Onalaska Inspection Department.
698 Katie noted that HOM Furniture has currently obtained both the necessary tent permit and
699 necessary sign permit from the city.

700

701 Motion by Craig, second by Paul, to approve a request by Ralph Kloiber of HOM Furniture to
702 host two (2) thirty (30) day tent sale events in 2015 at 9519 State Road 16, Onalaska, WI 54650.

703

704 On voice vote, motion carried.

705

706 **Item 8 – Update on Town of Onalaska's Incorporation Petition**

707

708 Brea said the Town of Onalaska has requested to incorporate as a village and noted the petition
709 was authorized and will be forwarded to the Department of Administration. Brea said the Town
710 of Onalaska must compile "a large report" that is similar to a comprehensive plan. This report
711 must be submitted to the DOA for approval. Brea said the City of Onalaska has concerns with
712 the Town of Onalaska incorporating all of the town into a village as there are islands and
713 "balloons on strings" that are located well within the City of Onalaska. Brea noted that the City

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714 has hired MSA Professional Services, which will be assisting with drafting a response to the
715 Town of Onalaska's petition once the petition reaches the DOA. Brea told the Plan Commission
716 it might become involved in the process in the future.

717

718 **Item 9 – Update and discussion about Cooperative Boundary Agreement with Village of**
719 **Holmen**

720

721 Brea reported that the City of Onalaska and the Village of Holmen are reaching an agreement on
722 a long-term boundary between the two municipalities. Brea noted that State of Wisconsin
723 Statutes require that a joint hearing of both municipalities' Plan Commissions must be held.
724 Both the City of Onalaska's Common Council and the Village of Holmen's Village Board have
725 adopted a resolution that identifies the intent to hold the joint Plan Commission meeting. This
726 meeting must be held 60 days after the resolutions are adopted, which would mean it would be
727 scheduled either for late June or early July. Brea said she will be contacting Plan Commission
728 members and inquiring about their availability. She said the intent of the public hearing is
729 review create a draft cooperative boundary plan which will be drafted ahead of time. The public
730 will be welcome to comment on the plan at the public hearing. Brea said the Plan Commission
731 will review the plan and make a recommendation to the Common Council. From there, the
732 Council must wait at least 60 days after the public hearing to adopt the cooperative boundary
733 plan.

734

735 Skip referred to Item 7 and Item 8 and said it would seem logical that there should be no Village
736 of Midway property between the City of Onalaska and the Village of Holmen.

737

738 Brea said all citizens, regardless of which jurisdiction in which they live, deserve cost-effective
739 services. Brea said this is being kept in mind during the negotiating process.

740

741 **Adjournment**

742

743 Motion by Skip, second by Craig, to adjourn at 8:04 p.m.

744

745 On voice vote, motion carried.

746

747

748 Recorded By:

749

750 Kirk Bey