

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

Minutes of Board of Appeals Public Hearing
July 16, 2018

CALL TO ORDER

The meeting was called to order at 6:00 p.m. at the Town Hall. Present were Board of Appeals members Jerome Bord, John Buechel, Tim Marcoe, Jason Meyer and Joe Sabel. Also present were Town Clerk Kris Marcoe, Town Attorney Matt Parmentier, representative of SAC Wireless on behalf of AT&T Tony Phillips and various members of the public. The Town Clerk confirmed open meeting notice and Class 2 publications.

PROCEDURAL
BACKGROUND
(SAC Wireless/AT&T)

Attorney Matt Parmentier gave the board members a brief history of the conditional use permit and emphasized key points. The last permit was issued in November 2005 with an expiration date of November 2015, a term of 10 years. The permit has lapsed. Historically the board has approved these types of renewals with forfeitures.

SAC WIRELESS
PRESENTATION

Tony Phillips represents SAC Wireless and spoke on behalf of AT&T and explained that he is seeking to renew the conditional use permit to continue operations of the 140-foot monopole tower and base station located at N8295 Abler Road. Tony informed the board he is aware the conditional use permit has expired. SAC Wireless is an authorized agent for AT&T. AT&T is the owner. The upgrades to the tower includes the FirstNet Program. This upgrade is a federal and national program associated with 1st responder's communication. Tony met with the Town's Building Inspector Paul Birschbach to review the permits needed. Permits will be issued by Paul contingent on the Board of Appeals approval.

PUBLIC COMMENTS
AND TESTIMONY

No public comments or testimony

BOARD DISCUSSION/
ACTION

Discussions and clarification on procedures if the tower would change ownership, forfeiture and the Town penalty ordinance. A motion was made, seconded, and passed to approve the permit on the following terms:

- A. AT&T is listed on the permit as the owner
- B. That AT&T provide the Town with a current certificate of insurance identifying the Town as an additional insured.

- C. That AT&T provide the Town with a current tower removal bond in the amount of \$25,000.00
- D. That AT&T pay the Town a forfeiture in the amount of \$3,100.00
- E. The permit term will be 10 years beginning July 16, 2018.

When items A through D are received and acceptable the conditional use permit will be signed and distributed.

ROLL CALL VOTE

Joe Sabel aye
Tim Marcoe aye
John Buechel aye
Jason Meyer aye
Jerome Bord aye

Motion carried unanimously

PROCEDURAL
BACKGROUND

(Subcarrier Communications) Attorney Matt Parmentier gave the board members a brief history of the conditional use permit and emphasized key points. The last permit was issued in June 2000 with an expiration date of June 2004, a term of 4 years. The permit was renewed in 2004. Between 2004 and 2007 the tower owner changed without notifying the Town. Subcarrier's transfer was approved by the Board in 2007 and was informed the permit was expiring in 2008. The permit was not renewed and has lapsed in 2008. Application and fees were received.

SUBCARRIER
COMMUNICATIONS
PRESENTATION

No representation

PUBLIC COMMENTS

Town Chairman Joe Thome read a letter he received from Subcarrier Communications. The letter gave a brief history of the company. They asked for the renewal of the conditional use permit and understand forfeitures will be due.

Concern about haybales stored around the base of the tower within the leased parcel of land.

BOARD DISCUSSION/
ACTION

Discussions and clarification on forfeiture and the Town penalty ordinance, bond amount and certificate of insurance. A motion was made, seconded, and passed to approve the permit on the following terms:

- A. Subcarrier Communications is listed on the permit as the owner

- B. That Subcarrier Communications provide the Town with a current certificate of insurance identifying the Town as an additional insured.
- C. That Subcarrier Communications provide the Town with a current tower removal bond in the amount of \$50,000.00
- D. That Subcarrier Communications pay the Town a forfeiture in the amount of \$12,000.00
- E. Items not identified on the site plan page C-2 of the 100'x100' footprint of the leased area will be removed.
- F. The permit term will be 10 years beginning July 16, 2018.

When items A through E are received and acceptable the conditional use permit will be signed and distributed.

ROLL CALL VOTE

Joe Sabel aye
Tim Marcoe aye
John Buechel aye
Jason Meyer aye
Jerome Bord aye

Motion carried unanimously


ADJOURNMENT

No other business coming before the Board, a motion was made and seconded with unanimous approval to adjourn.

Dated this 16th day of July 2018

TOWN OF TAYCHEEDAH

By:


Kris Marcoe, Clerk