

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
July 14, 2015
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on July 14, 2015

Roll Call: Board of Adjustment/Planning Commission Members Present: Larry Smith, Larry Thompson, Trish Taylor, Barry Schultz, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Absent: Lee Parks

Others in Attendance: Mark Ertl, Kyle & Shari Ackerman, Steve Meyer, Jenni Luthens, Ed Stracke, Check Carlson, John Dearing Agris Kelbrants, Kathy & Orv Jonsrud, Tom Pitra, Rick Seidenranz, Jane Schmitz, Kathleen Laing, Craig Laing, Charlie & Terry Malachek, Jan & Gary Quick, Connie Crane, Bill Arendt, Maryellen Wells, Trevor & Kay Nette, Tom Casperson,

Additions or Deletions to the Agenda? Taylor made a motion to approve the agenda as presented. Schultz seconded the motion. Motion carried unanimously

Public Hearings

- a. Conditional use permit to erect a 195 ft tall wireless telecommunication tower approx 1500 ft from Cedar Lake & to erect a 165 ft tall wireless telecommunication tower approx. 1300 ft from Bass Lake and 1,945 ft from Clearwater Lake.
 - i. Applicant: True Friends (formerly Friendship Ventures)
 - ii. Property address: 8135 County Road 7 NW, Maple Lake (Camp Courage)
 - iii. Property address: between 108th st NW & Klever Ave, Annandale (Camp Friendship)
 - iv. Sec/Twp/Range: 22-121-27
 - v. Parcel number(s): 206-000-224100 / 206-000-053313

Present: Ed Stracke, Steve Meyer, Kyle Ackerman

Meyer: What we are looking at putting up two towers on the property one is at 195ft and one at 165ft. These are not cell phone towers or even look like a cell phone towers, they are below the SCC limits so they do not need a light on them at all. They are more 1000 ft from the water and above the 130 ft so that we have further to reach out with the signal. These are not only help us with internet it will help others in the township as well. The radius for these towers will be about 6-7 miles. Currently we are at 1.5 mega bites per second, will be able to have 100 mega bites per second once completed. There will be no blinking lights and will not be visible at night and they are painted a silver color to blend in with the sky.

Ackerman: Distributed pictures of what the towers look like. These are towers in other areas.

Meyer: They are very low radio frequency, only four watts unlike cell phone that are hundred thousand watts or better. It is basically the same as what comes out of your cell phone.

Ackerman: We are limited to four watts.

Thompson: Did I see that they would go 20 miles?

Meyer: That was 20 miles between the towers that was a misprint on my part.

Ackerman: We have to feed this tower from somewhere else and we can do that from 20 miles away. We have a few towers about 12-15 miles away that we are going to feed from.

Schultz: Are there going to be other facilities on this tower?

Ackerman: Our customers will camp friendship and others that want to sign up for internet. One requirement is that we have to be multipurpose. If we have a cell phone provider that comes to them there would be a few issues that would cause problems, we do not have the power for a cell phone provider. It may be possible but very impractical. Possible a two way radio with a single antenna.

Meyer: We are going to power with solar panels on the ground, they will be elevated 4-5 feet.

Ackerman: Nice concept to go green and saves money.

Stracke: The reason we are doing this is because we need better service, we need to have access to internet. It is critical that we have internet and losing service for two days is not acceptable. We need access to campers medical records and have to have access to the internet for day to day work, it really impacts us. People with disabilities has provided them an avenue to communicate. We would love to offer a technology camp and we cannot do this without better service. Those are part of the reasons for True Friends wanting to go this route for internet service.

Taylor: If you are going to offer others around you to use it do you know what the charge is going to be?

Stracke: No we will own the towers but Xtratyme Technology will be using them to sell that technology.

Ackerman: We have been doing this since 1999, our sales manager has established a relationship with many in the area. We discovered there is a huge interest up here. There is a void up here.

Quiggle: Are you going to be updating your marketing information so people know that it is available?

Ackerman: We do target marketing as opposed to advertising. We will be contacting those that will have service available to them. Prices are economical and will average about 15 megabits. The tower will be able to get 500 megabits.

Stracke: The reason for the height is because of the trees to make sure we have a direct line of site.

Taylor: Based on where it is located, will it be fenced?

Stracke: Yes both will be fenced it, it is a requirement.

Ackerman: Requirement is that it have a 8 ft wire fence and also around the guide wires. They are located every 30 feet.

Thompson: Why one tower couldn't do the same thing as two towers?

Ackerman: We could not get to both places so they would have to choose which one to put it at. Due to the tree coverage it would have to go higher which would make it have lights.

Oleson: Local Township Ordinance matches the Wright County Ordinance requires a couple different things. If it is within 1000 feet of the shoreland it is limited to 75 feet in height. They will not be in shoreland are so we do not have to worry about that. If under 130ft they do not have to do a public hearing. However, since they are over 130 feet we needed to have a public hearing. There are Federal we cannot prohibit these towers either directly or indirectly. Federal law indicates that we cannot consider radio frequency in our decision. You can regulate and those are listed in the staff report. Like trying to minimizing the visual impact, fencing requirement, guidewires etc. the main concern expressed is the visual and the radio frequency.

We received ten written comments. Seven were against, one was for it, and one was providing information. Camp Courage 195ft and Camp Friendship 165 ft.

Audience:

Kathy Laing: Bass Lake residence - I would just like clarify where it is going to be on Bass Lake. Oleson pulled up the map and showed where it is going to be placed.

Stracke: There is no specific address for that tower we could use a GPS coordinate.

Oleson: It may be the nearest intersection since there is not an address.

Laing: I just want to make sure that we have a correct description of where it is going to be.

Charlie Malachuk: Live on County Rd 7 just N of Camp Courage - I understand that others will be able to use the tower for internet use. Is there a capacity limit? Is it first come first basis?

Ackerman: I would love to have that problem, but there is not a capacity issue. It will easily accommodate the number of people that we can reach out to.

Jane Quinton: Bass Lake - I am very visual so I am trying to find where the tower is going to be. (Stracke showed where it will be based on the map).

Taylor: I was out there today and it is on a small hill where it will be placed.

Kathy Jonsrud: Isaak Ave/Cedar Lake - I will be right across from where the tower is going to be placed. Just a quick background, we were introduced to Xtratyme at the Corinna Town meeting and have had several conversations with them since. We do have a core 6 pack/12 pack that is interested in getting the service from them. We have been working with Xtratyme on pricing and they have been very helpful. They can do a lot of different things such as no contracts, dial up and down your speed as needed. There will be things that will need to be considered when joining Xtratyme. We do have a group that very interested and encourage the board to approve the towers. There was one comment from Soil and Water and I was wondering if that have been addressed.

Quiggle: The antenna is not on the wetland is that correct? Although, there is wetland on the property the tower is not in them.

Oleson: They need to check with Soil and Water to confirm that but yes it looks like the tower itself is not in the wetland.

Mary Ellen Wells: Cedar Lake - I agree with everything Kathy said and I am a board member of true friends and endorse the needs they have. I am in full support.

Trever Nette: Bass Lake - This is our second home - The only thing I have not heard is in regards to Real Estate. That is the business I am in and with towers like this being built does not help the sale of properties. No one should have a problem with the internet with the availability of hot spot, Wi-Fi etc. So my question is what other internet options have been looked at?

Stracke: We could go underground with fiber optic cable but because it has limitations it would take us 30 lines at a cost of \$30,000 a month so one is a cost. The other part is because we are surround by trees, getting Wi-Fi into our site is an issue. It may be tall but it gets us what we need. Another reason is that bring in fiber optic is of no benefit to others and we would love to help others in the area by benefiting the community.

Nette: We use Wi-Fi hot spots on Bass Lake and have good service. Were there any other options, the areas that you have surrounding you will be impacted if they go to sell.

Stracke: I think what you're asking is there any other feasible alternatives and we have not found any.

Nette: If you look to the NE there is already a tower there can you feed off that?

Ackerman: For one tree coverage would be an issue. Our original plan was a shorter tower however, it was too close to the shore line.

Nette: If you could push it further towards the south it would help the people on Bass Lake. With having one already on the North side of the lake and now one on the South side of the lake I think the commission should look very closely at that.

Ackerman: I am guessing that there are data limits with the hot spots. If you watch any kind of video steaming you will run out of data rather quickly. Therefore, it is not a great solution for someone like True Friends.

Dave Levi: I live on Cedar Lake - July 6th, Wall Street Journal head line: "Fast internet access drives up home values" The amount of access can add up to \$5,437 to a \$175,000 home, it goes on to say that 2014 Wisconsin study found that the internet could add \$11,815 to a 475,000 home. I think the bigger issue is that there will be people that do not like the tower, however, I think the commission needs to look at what is good for the township as a whole. There are a lot of individuals that have Windstream and know that it is not reliable. This is looking to be an alternative that can provide service to the residence of Corinna Township along with Camp Courage and Camp Friendship.

Tom Pitra: Bass Lake - What is the actual size of the tower, not how tall but big.

Ackerman: It is about 2ft, you could not fit your foot in it.

Pitra: You stated earlier that camp friendship has internet service internally so why do you need a tower?

Stracke: We still struggle with the amount of service we have and we want to get a direct line site to each set up. If we go with a lower tower it will not service as many people

Ackerman: If we were to go shorter ones we would have a hard time getting it to each one.

Chuck Carlson: Corinna Township - We as a town board have looked to very hard to find out what we can do to help with internet service. When Annandale looked at options we asked them to give us a cost and it was about nine million dollars to service residence. When that was not an option we invited Xtratyme to come talk to us to help residence so that can work from home. I am for it, I understand that it is a little tall, however, I think it is a great thing.

Heidi Crane: Live on N side of Bass Lake, it would be my preference not to have two towers, on each side of the lake. I would think there would be someplace else that it could be.

Curt Weiers: Resident and Real Estate business, one thing I get people all the time asking about the internet. We have a bad rap with our local carrier and I feel it keeps people from coming to the Annandale community. I think this is a good thing and will be a good alternative.

Ackerman: We do get several calls a year of people asking about service and if they can get broadband. I had just recently a couple from California that gave me a list of homes and asked which ones we could service to determine what homes they would consider.

Thompson: How much of the city Annandale would be in the six mile area?

Ackerman: It will reach for sure the Northern edge and possibly more. We are looking at the opportunity of maybe putting a repeater on the ARP Cement tower so that people on the West side can get it. We need to convince that people that wireless is just as good as broadband.

Schultz: What is the competitor agreement?

Ackerman: We have an agreement with them that if we cannot perform our job they can kick us off and they should. Now they have a tower that they can go to others to get another agreement with another company.

Schultz: Could there be more than one company on the tower?

Ackerman: Could, however not likely since we will be using a certain number of channels so there may only be a few that are available.

Taylor: There are many homes that are in the woods, are they going to be able to get service?

Ackerman: We may have to get creative and we will not be able to get to everyone.

Smith: Will weather play a factor?

Ackerman: Only if the tower is taken out by a tornado.

Nette: On the map it says 1945 ft from Clearwater Lake feet and 1300 feet from Bass Lake, if we are allowed 1000 feet why couldn't we move closer to Clearwater Lake?

Stracke: If we move it closer to Clearwater Lake it would have to be taller since the land gets lower.

Ackerman: There is at least a 50ft drop there so the tower would be taller and now it would require a light on the top.

Nette: I am just looking at options. Is there a setback to homes?

Oleson: There is not set back to homes

Quiggle closed the public hearing

No other comments from the board.

Quiggle: In the eventually that the tower is abandoned is there a bond that would be needed?

Oleson: That would be one way to deal with that. Just confirm True friends will own the tower and has an agreement in place that includes it will be removed. It does not specifically require a bond but if you feel it is necessary you can ask for that. It would be an Insurance bond.

Taylor made a motion to approve the Conditional use permit to erect a 195 ft tall wireless telecommunication tower approx. 1500 ft from Cedar Lake with the following staff recommendations:

- Antenna and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards of Uniform Building Code and all other applicable codes. Antenna's shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- Antenna support structures shall be constructed of, or treated with, corrosive resistant material.
- Any proposed support structure over 130 feet in height shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. To allow for future rearrangement of antennas, the structure shall be designed to accept antennas mounted at no less than 10 foot intervals. Support structures less than 130 feet and greater than 75 feet in height shall be designed for a total of two users.
- All support structures shall be reasonably protected against unauthorized climbing. The bottom of the structure (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of an eight foot high chain link fence with a locked gate.
- All antennas and support structures shall utilize building materials, colors, textures, screening and landscaping that blend the tower facilities within the surrounding natural setting and built environment to the greatest extent possible.
- No part of any antenna or support structure, nor any lines, cable equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk.

- The tower shall be painted or coated silver or have a galvanized finish to reduce visual impact, unless otherwise required by federal law. Silver or galvanized finishes shall be required unless the setting or natural surroundings can be used to justify another color.
- Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring (with not less than an ½ mile radius) for the request clearly explaining why the site was selected and what existing (over 100 feet in height) structures were available and why they are not suitable as locations or co-locations.
- Documentation that the communications equipment planned for the proposed structure cannot be accommodated on any existing or approved structure within the search ring of the service area due to one or more of the following reasons:
 - The planned equipment would exceed the structural capacity of the existing or approved structure or building, as documented by a qualified structural engineer, and the existing or approved structure cannot be reinforced or modified to accommodate planned equipment at a reasonable cost (or within a reasonable time); or
 - The planned equipment would cause interference with other existing or planned equipment at location as documented by qualified radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
 - No existing or approved structures or buildings within a half-mile radius met the radio frequency (RF) design criteria; or
 - Existing or approved structures and buildings within a one-half mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
 - A good faith effort to co-locate on existing structures within a one-half mile radius was made, but an agreement could not be reached.
 - An agreement stating that the structures over 130 feet tall will be designed for not less than three users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith; any prohibition of additional users on a tower will be considered a violation of the conditional use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit
 - GPS coordinates will be established where the tower is to be constructed.
 - True Friends will obtain a bond for 1.25% of the estimated cost of the demolition and removal of the tower should it become abandoned.

Smith seconded the motion. Motion passed unanimously.

Taylor made a motion to approve the Conditional use permit to erect a 165 ft tall wireless telecommunication tower approx. 1300 ft from Bass Lake and 1945 ft from Clearwater Lake with the following staff recommendations:

- Antenna and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards of Uniform

Building Code and all other applicable codes. Antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

- Antenna support structures shall be constructed of, or treated with, corrosive resistant material.
- Any proposed support structure over 130 feet in height shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. To allow for future rearrangement of antennas, the structure shall be designed to accept antennas mounted at no less than 10 foot intervals. Support structures less than 130 feet and greater than 75 feet in height shall be designed for a total of two users.
- All support structures shall be reasonably protected against unauthorized climbing. The bottom of the structure (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of an eight foot high chain link fence with a locked gate.
- All antennas and support structures shall utilize building materials, colors, textures, screening and landscaping that blend the tower facilities within the surrounding natural setting and built environment to the greatest extent possible.
- No part of any antenna or support structure, nor any lines, cable equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk.
- The tower shall be painted or coated silver or have a galvanized finish to reduce visual impact, unless otherwise required by federal law. Silver or galvanized finishes shall be required unless the setting or natural surroundings can be used to justify another color.
- Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring (with not less than an ½ mile radius) for the request clearly explaining why the site was selected and what existing (over 100 feet in height) structures were available and why they are not suitable as locations or co-locations.
- Documentation that the communications equipment planned for the proposed structure cannot be accommodated on any existing or approved structure within the search ring of the service area due to one or more of the following reasons:
 - The planned equipment would exceed the structural capacity of the existing or approved structure or building, as documented by a qualified structural engineer, and the existing or approved structure cannot be reinforced or modified to accommodate planned equipment at a reasonable cost (or within a reasonable time); or
 - The planned equipment would cause interference with other existing or planned equipment at location as documented by qualified radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
 - No existing or approved structures or buildings within a half-mile radius met the radio frequency (RF) design criteria; or

- Existing or approved structures and buildings within a one-half mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
- A good faith effort to co-locate on existing structures within a one-half mile radius was made, but an agreement could not be reached.
- An agreement stating that the structures over 130 feet tall will be designed for not less than three users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith; any prohibition of additional users on a tower will be considered a violation of the conditional use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit
- GPS coordinates will be established where the tower is to be constructed.
- True Friends will obtain a bond for 1.25% of the estimated cost of the demolition and removal of the tower should it become abandoned.

Smith seconded the motion. Motion passed unanimously.

Taylor made a motion to approve the June 10, 2015 meeting minutes. Smith seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

Permits - no discussion

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions - no discussion

Oleson: Highlight on one application we may be getting. It is for a setback to a natural environmental lake. Showed picture of house & pool area) natural environmental lake set back is 200 ft, minimum is 150 ft. They may be able to meet that, if they move it over to the one side there is a hill and the other is their septic.

Update on Mahr: He is looking at the possibility of doing the pergola. He is working with building code officials to find out if this is something he can do.

Other Business

Review of previously granted variance requests (if time allows) - no discussion.

Smith made a motion to adjourn. Taylor seconded the motion. Motion carried unanimously at 9:39 pm.

Prepared by: Jean Just