



## **VERNON COUNTY ZONING**

**318 Fairlane Drive, Suite 226-227  
Viroqua, WI 54665**

**Ashley Oliphant, Administrator      Angela Reed, Assistant Administrator**

**Phone: 608-637-5270**

**Phone: 608-637-5271**

**[ashley.olipant@vernoncounty.org](mailto:ashley.olipant@vernoncounty.org)**

**[angela.reed@vernoncounty.org](mailto:angela.reed@vernoncounty.org)**

- Opening:** The regular meeting of the Vernon County Zoning Committee was called to order at 8:30 AM on June 11, 2019 in the Vernon County Boardroom by Eric Evenstad.
- Present:** Eric Evenstad, Chairman  
Will Beitlich, Vice-Chair  
Garrick Olerud, Committee Member  
Kevin Larson, Committee Member  
Roger Call, Committee Member
- Dennis Brault, Ole Yttri, Gail Muller, Nikki Swayne and Michael Wendal were also in attendance.
- Affirmation of Proper Public Notice of Meeting:** Susan Burkhamer confirmed proper public notice of meeting was given.
- Approval of Agenda:** The agenda was unanimously approved as distributed.
- Roger Call made first motion to approve.  
Kevin Larson made second motion to approve.
- Approval of Minutes:** The minutes of the previous meeting were reviewed and amended by Eric Evenstad and unanimously approved.
- Roger Call made first motion to approve amendment.  
Kevin Larson made second motion to approve amendment.
- Department Report:** Ashley Oliphant read income and expense report along with the bills report. These reports were unanimously approved.
- Kevin Larson made first motion to approve.  
Will Beitlich made second motion to approve.
- 1<sup>st</sup> Opportunity for Public Comment:** The meeting was opened to public comment by Eric Evenstad.
- Idele Fauske asked that the County apply conditions to Cell Tower applications similar to that of LaCrosse County (ie: erosion control, no advertising, abandonment, minimum of 4 wireless carriers per tower, setbacks, transferrable, removal at expense of company, \$20,000 bond) also asked that population density, distance to dwelling, size of parcel/tower, and road traffic to tower be considered.
  - Mary Christianson expressed concerns regarding local economy, environment, natural beauty, animals, health concerns, also read a letter from the Town of Kickapoo Chair, Jeff Clements expressing concern over outside agencies dictating local control.
- Vote on Cell Tower Permits:**
- Eric Evenstad asked the committee if they wanted to vote on the cell tower permits individually or as a group.
  - Garrick Olerud made first motion to approve individually.
  - Kevin Larson made second motion to approve individually.

- Kevin Larson asked if all the criteria had been met on the permits.
- Ashley Oliphant confirmed all the criteria had been met
- Nikki Swayne confirmed the only option is to approve the permits if all the criteria was met which to her understanding all criteria was in fact met
- Will Beitlich asked if the committee wanted to impose additional conditions
- Eric Evanstad noted it had to follow state statute
- Susan Burkhamer noted all the required rules of the FCC are in the ordinance as conditions
- Dennis Brault asked if the county could add conditions
- Nikki Swayne commented if the conditions of the ordinance were met we could not add additional conditions without first amending the ordinance
- Garrick Olerud asked why the county has to vote to approve if state statute requires the permits be approved
- Dennis Brault questioned if the county should look at amending the ordinance to include additional conditions on future applications
- Eric Evenstad commented most of the highlighted conditions were already addressed in the current ordinance
- Jason Weed, Chief Operating Officer for Bug Tussel spoke to the history of Bug Tussel and cell towers, recognized that while state statute ties the hands of communities Bug Tussel works very closely with the local communities even providing speaking and teaching events through Bug Tussel University
- Dennis Brault asked how many towers were there going to be
- Jason Weed said the plan is for 16
- Garrick Olerud stated First Net is controlled by the Government
- Jason Weed stated the Department of Homeland Security began the process of bringing cell towers to rural areas after 911 with the goal of having 90% of the population covered by the year 2024. First Net is a dedicated system that does not share any space or band width with anyone else and is used only by Homeland Security, the FBI, Law Enforcement and Emergency Services.
- Dennis Brault commented the increase of towers is provide safety for communities and to ensure emergency services always have access
- Several community members in attendance asked why we needed to add more cell towers versus using what we already have.
- Jason Weed commented state law does require co-locating of existing towers before new towers can come in unless the engineer determines the tower is structurally or economically not feasible then they provide an Affidavit noting that with the permit application
- Lonnie Muller asked if the Town of Stark tower had looked at co-locating
- Jason Weed stated co-locating is looked at every time
- A community member asked why the existing US Cellular tower in Stark was not used
- Jason Weed commented he did not have the report however he did know that US Cellular charges 10 times the regular fee for monthly rent making it economically unfeasible
- A community member asked what a typical rental fee was
- Jason Weed stated AT&T pays \$1900 per month per tower
- A community member asked what happens if power goes out
- Chris Henshue from Bug Tussel stated the towers have an 8 hour battery backup if the matter cannot be resolved within that time a generator is brought in
- Garrick Olerud asked Bug Tussel, moving forward, to work land owners and their neighbors to find the best location for future cell towers
- Eric Evenstad stated he has heard from several community members who are in favor of the cell towers
- Jim Theler from Harmony stated he did not think the Harmony cell tower should be included in today's vote
- Eric Evenstad stated the Town of Harmony ordinance does not include the state statute so the county is the governing body on the statute
- Jim Theler commented that Bug Tussel still needed a conditional use permit from

the Town of Harmony

- Susan Burkhamer stated communication from the Town of Harmony Chair, Lorn Goede is that the Town of Harmony does not intent to regulate and approve cell tower permits
- Eric Evenstad stated the Town of Harmony ordinance does not list the requirements of the state statue, the Town of Harmony will need to adopt the State Statue if they want to change that, the applications could be approved today and the township has recourse with the county if they disagree, encouraged the public to speak to Lorn Goede if they wanted to make changes
- Nikki Swayne read a portion of State Statue 66.0404 (5) (2) stating the town has to enact in their ordinance after the county has enacted their ordinance and must list everything in the state statue to be a legal ordinance
- Eric Evenstad commented the town ordinance must list procedure and limitations of the state statue to be a legal ordinance and the Town of Harmony currently does not
- Ole Yttri, Kevin Larson, and Will Beitlich all commented they had previously received letters from Bug Tussel for possibly tower placement on personal property
- Will Beitlich stated when he received his letter, he reached out to his neighbors, neighbors have to communicate with each other
- Eric Evenstad asked again if the committee still wanted to vote individually on the cell tower applications
- Will Beitlich made first motion to amend the vote and approve all 4 as a group.
- Garrick Olerud made second motion to amend the vote and approve all 4 as a group.
- A unanimous decision was made to approve the Cell Tower Permits.

**Closed Session –  
Corporation Counsel  
regarding litigation:**

The meeting was unanimously approved to go into closed session to discuss with Corporation Counsel regarding Zoning versus Hall/Stafslien litigation at 9:50 AM.

Garrick Olerud made first motion to go into closed session  
Kevin Larson made second motion to go into closed session

**Open Session:**

The meeting was unanimously approved to go back into open session at 10:00 AM.

Will Beitlich made first motion to go back into open session  
Garrick Olerud made second motion to go back into open session

**Administrator's  
Report:**

Ashley Oliphant gave Administrator's Report regarding the following:

- First deadline for maintenance reporting was May 31
- Working on internal policies
- Under-staffed for work load
- Graff Update
- Kevin Larson and Will Beitlich asked if the townships were given hand-outs regarding permitting process, possibly including a copy of a county permit
- Susan Burkhamer commented that the law requires a sanitary permit prior to issuance of a building permit
- Eric Evenstad commented that the townships need to point community members to the county
- Ashley Oliphant stated the township's permit needs a comment to contact the county, the townships were given communication packets in the past which she would email to the committee for their review and comment

- Garrick Olerud would like to see better communication with the townships
- Eric Evenstad stated we need to discuss current office status, work load versus staff and have a proposal to add staff by the July 23 board meeting
- Garrick Olerud would like to discuss whether the committee needs to vote on cell tower applications moving forward

**Confirm Next Meeting:**

The next Vernon County Zoning Committee meeting will meet at 8:30 AM on July 9, 2019 in the Vernon County Boardroom, 3<sup>rd</sup> floor Courthouse to review and approve prior meeting minutes, review/approve payment of bills, township communication, addition of staff to the zoning department, county need to continue voting on cell towers, and Administrators Report.

**Adjournment:**

The meeting was unanimously adjourned at 10:27 AM.

Kevin Larson made first motion to adjourn  
Garrick Olerud made second motion to adjourn

Minutes recorded by Angela Reed