

FAIRBURY PLANNING COMMISSION

MINUTES

Meeting
January 3rd, 2022
6:30 p.m.

Member Paul Schramm read the statement regarding the Open Meetings Act, called the meeting to order at 6:30 p.m. and asked for roll call. Other members present were: Ron Schacht, Karl Hoeting, Thayne Tatro, Cathy Kleine, Devin Lovgren, Matt Kapke and Doyl Buchmeier.

1. Approval of the minutes from the December 13th, 2021 Meeting. Discussion, taking of any necessary or desired action.

Member Tatro requested the spelling of his name be corrected in the minutes. Member Schacht made the motion to approve the minutes of the December 13th, 2021 meeting 'as corrected'. Member Hoeting seconded the motion. By roll call, the vote was: 8 - "yes" (Schramm, Buchmeier, Schacht, Tatro, Hoeting, Kleine, Kapke and Lovgren) / 0 - "no". The motion passed.

2. Discussion and recommendation regarding contracting with Center for Municipal Solutions (CMS) to review and recommend on amendments to City of Fairbury Zoning Regulations – 2013 Edition, Section 9.03 wireless communication towers. Discussion; taking of any necessary or desired action.

Robert Naumann with CMS was available to discuss the services CMS provides. He stated that CMS provides a rational, reasonable and orderly approach to reviewing new and existing wireless applications. He discussed the need to meet FCC regulations and provide written records of wireless application requirements. He discussed community impact from tower siting and height, noting that CMS considered themselves an extension of city staff looking out for the cities interest and needs while still working with the developers to provide good cell service in the community. He clarified that if a contract is signed with CMS, then they will provide a model ordinance that is then reviewed and customized by the city to meet the communities' specific needs. He imparts that their main goals are for applications to be reviewed in a consistent manner and for towers to be safely installed and maintained. He further explained the permitting process and the required escrow (\$5,000 – \$8,500) from the applicants which allows CMS to provide their services at no cost to the cities. In answer to Schacht's question Naumann clarifies that the initial contract is for 3 years and that most of his communities have renewed their contracts beyond the 3-year period. In answer to Kline's question Naumann explains that their customized permitting process involves a prioritized list of acceptable locations for new tower installation and in order to install a tower on a less desirable location (in accordance with the customized list) the applicant is required to provide proof that the other locations will not work. Naumann also clarifies that FCC law tightly regulates RF emissions and he recommends compliance with those regulations. Naumann stated that the new tower permits can sometimes take longer than modifications to existing towers and that the permitting time frame is anywhere from 7 days to indefinite depending on how willing and able the applicants are to provide the required permit information which is outlined in the ordinance. It is noted that new siting can take longer because the applicant is required to prove that they are selecting sites that are best for the

city and not just for the tower company, in those instances review of several locations is required. Naumann reiterates that there is no cost to the city for their services and the escrows pay for their expert review. Administrator Messbarger answers Schramm stating that the only manpower used by the city regarding the current permitting process is Bedlan's review and processing of the permits. The next steps for amendment change are discussed. Member Schacht made the motion to recommend City Council contract with CMS to amend Fairbury Zoning section 9.03 wireless communication towers. Member Kleine seconded the motion. By roll call, the vote was: 8 - "yes" (Schramm, Buchmeier, Schacht, Tatro, Hoeting, Kleine, Kapke and Lovgren) / 0 - "no". The motion passed

3. **Public Hearing** regarding amendments to the City of Fairbury Zoning Regulations – 2013 Edition, Section 9.03 wireless communication towers. Discussion; taking of any necessary or desired action

Member Schramm called the hearing to order at 6:52 pm. Rick Bailey was present and spoke on behalf of Industrial Tower West. He stated that their simple request to change zoning was to allow for a structure to be occupied within 100% the height of the tower, they did not request the entire zoning to be changed. He noted that the CUP for the downtown tower has been recommended for approval by Planning and Zoning to City Council and that tower will be on the Council agenda for final approval on January 4. In light of the previous agenda item the process for amendment is discussed and it is noted that to remain consistent with the intent of the previous agenda item tabling this item may be appropriate. The Commission informed Bailey that they have read Norfolk's sample wireless zoning regulations. Tatro explained that there is a section in those regulations that allows the commission to make a recommendation to give relief to an applicant for something like allowing the church to remain within the fall zone of the proposed tower without having to change all of zoning to do so. It allows them to make case specific exceptions without the commission having to allow it outright for all towers. The question of liability is discussed and the commission understands that the city is not liable if there is damage done by the tower. Member Schramm closed the hearing at 6:59 pm. The requested amendment from Industrial Tower West is discussed and it is clarified that the request is to allow for churches and occupied structures to be within 100% of the height of the tower. Bailey clarifies that a church already rents the building and that the tower company is entertaining the idea of putting a retail facility in the building in the future. Member Schacht made the motion to postpone this agenda item. Member Hoeting seconded the motion. By roll call, the vote was: 8 - "yes" (Schramm, Buchmeier, Schacht, Tatro, Hoeting, Kleine, Kapke and Lovgren) / 0 - "no". The motion passed

4. Comments from the public on non-agenda items.

With no comments from the public on non-agenda items member Tatro made the motion to adjourn. Member Lovgren seconded the motion. By roll call, the vote was: 8 - "yes" (Schramm, Buchmeier, Schacht, Tatro, Hoeting, Kleine, Kapke and Lovgren) / 0 - "no". The motion passed

Laura K. Bedlan
Planning Commission Secretary