

Town of Burns
March 26, 2019
Special Town Board Meeting Minutes

1. The meeting was called to order by Chairman Nuttleman @ 8.10 pm immediately following the Planning Commission meeting. Roll call: Chairman (Chr.) Nuttleman, Supervisor (Sup.) Sneller, Supervisor (Sup.) Caulum, Treasurer (Tr.) Schlintz and Clerk (Clk.) Esser present. Chr. Nuttleman noted the meeting was properly posted.
2. J. Sommers asked the board if there was something that could be done to seal the town hall foundation from flooding.
3. **Motion by Chr. Nuttleman to approve Resolution No. 20190130001** Whereas Chris Henshue agent for Bug Tussel Wireless, Inc., acting on behalf of David Elliot, Kris Olson, Kathy Elliot and Darrin Elliot, W885 Jewett Rd., Bangor WI. 54614 applied for a Conditional Use Permit to construct a 300 foot tall guy wire tower containing a fenced gravel compound area contained in a 100'x100' leased area to be located on part of tax parcel 3-460-0, that will support local broadband internet services, expand the FIRSTNET first responders network and support AT&T's commercial mobile phone network in the area; located on a 192.6 acre base tract consisting of tax parcels 3-275-0, 3-430-0, 3-459-0, 3-460-0, 3-461-0 on land zoned Farmland Preservation District in the Town of Burns; And Whereas the Town of Burns Plan Commission and Town board have found that this CUP meets the standards required in Chapter 17 Town of Burns Zoning Ordinance in general and more expressly in Section 17.02(5), Section 17.12(2), Section 17.20(5),(6) and (7) and Section 17.35(6)(F) as described in Attachment A; And Whereas the Town of Burns Planning Commission and Town Board recommend approval of this CUP with the following conditions: 1. Applicant will submit a copy of the final lease between Chris Henshue agent for Bug Tussel Wireless, Inc., acting on behalf of David Elliot, Kris Olson, Kathy Elliot and Darrin Elliot, W885 Jewett Rd., Bangor WI. 54614 showing surety, reclamation and the easement for the proposed multi-tenant communication facility. 2. Applicant shall construct a driveway as approved by the Town of Burns town board in accordance with the Town of Burns Driveway Ordinance No. 2-3-04 #1 and shall obtain a Fire Number from the La Crosse County Zoning Department. 3. Only lighting required by the FAA shall be allowed on the tower; no attention gathering lighting shall be allowed anywhere on the project. 4. An information report summary consistent with La Crosse County Ordinance s.28.07, shall be submitted by the applicant to the Town of Burns Zoning, Administrator within 45 days of town board approval. 5. All general conditions listed under La Crosse County Ordinance s.28.05(9) shall be met before construction may commence. 6. The applicant shall obtain any required Erosion Control Permit and/or stormwater permit through La Crosse County Land Conservation Department before a Zoning/Occupancy Permit can be issued. 7. The tower shall be designed and constructed to accommodate a minimum of four (4) wireless carriers. 8. No building, right of way line, or property line shall be allowed within the certified fall zone of the tower except for that of the Tower operator. The Town shall issue no zoning permit or building permit for any building or structure that does not comply with this condition. 9. Fences and utilities may be allowed within the required highway or property line setbacks and shall otherwise be located outside the road right of ways. 10. The tower shall be removed and the site restored at the expense of the tower owner or land owner, consistent with the requirements of La Crosse County Ordinance s.28.08(1), if the bond in condition #11 lapses or will lapse, if the tower is no longer used for the use authorized, or if the tower no longer functions. 11. A bond or other acceptable instrument in the amount of \$20,000 shall be provided to the Town of Burns and maintained without lapsing over the life of the tower to guarantee removal of the tower and related structures as consistent with the requirements of La Crosse County Ordinance s.28.08(2). 12. No advertising is allowed on the support structure, fenced compound or project except that a sign shall be attached to the fence with the name and contact information of the tower operator and phone numbers in case of an emergency. 13. In any event, if the use authorized herein has been discontinued for a period of 12 consecutive or 18 cumulative months in a 3-year period the tower shall be dismantled. 14. This permit is transferrable upon certification by the Town of Burns zoning administrator. The Town of Burns shall receive a 30-day notice of said transfer and proof of an acceptable financial guarantee for abandonment, consistent with condition #11 above must be received by the Town of Burns from the new owner prior to said transfer and certification. 15. Any required FAA licensing shall be obtained prior to the issuance of any zoning or building permits or before any construction, grading, or other such related work on the project begins. 16. This CUP is approved conditionally. It shall not become effective until the applicant has complied with the above conditions. If the applicant does not comply with any relevant pre-condition herein within one year it shall never become effective and shall be null and void. The Zoning Administrator or Town Board may grant extensions of this CUP if requested and there is ongoing progress. And Whereas no adjoining land owners objected to this CUP at the public hearing held on March 26, 2019. Thereby be it resolved that the Town of Burns Town Board does here by approve CUP #20190130001 with the above terms and conditions. Dated this 26th day of March, 2019 **Second made by Sup. Caulum. Voice vote, all ayes, motion carried.**
4. **Motion by Chr. Nuttleman to approve Resolution No. 20190130002** Whereas Chris Henshue agent for Bug Tussel Wireless, Inc., acting on behalf of Donald and Theresa, W646 County Road T, Mindoro, Wisconsin 54644 applied for a Conditional Use Permit to construct a 300 foot tall guy wire tower containing a fenced gravel compound area contained in a 100'x100' leased area to be located on part of tax parcel 3-899-0, that will support local broadband internet services, expand the FIRSTNET first responders network and support AT&T's commercial mobile phone network in the area; located on a 226 acre base tract consisting of tax parcels 3-899-0, 3-900-0, 3-907-0, 3-911-0, 3-912-0, 3-913-0 on land zoned Farmland Preservation District in the Town of Burns; And Whereas the Town of Burns Plan Commission and Town board have found that this CUP meets the standards required in Chapter 17 Town of Burns Zoning Ordinance in general and more expressly in Section 17.02(5), Section 17.12(2), Section 17.20(5)and(6) and (7) and Section 17.35(6)(F) as described in Attachment A; And Whereas the Town of Burns Planning Commission and Town Board recommend approval of this Conditional Use Permit, (CUP), with the following conditions: 1. Applicant will submit a copy of the final lease between Chris Henshue agent for Bug Tussel Wireless, Inc., acting on behalf of Donald and Theresa, W646 County Road T, Mindoro, Wisconsin 54644 showing surety, reclamation and the easement for the proposed multi-tenant communication facility. 2. Applicant shall obtain a driveway permit from the La Crosse County Highway Department and a Fire Number from the La Crosse County Zoning Department. 3. Only lighting required by the FAA shall be allowed on the tower; no attention gathering lighting

shall be allowed anywhere on the project. 4. An information report summary consistent with La Crosse County Ordinance s.28.07, shall be submitted by the applicant to the Town of Burns Zoning, Administrator within 45 days of town board approval. 5. All general conditions listed under La Crosse County Ordinance s.28.05(9) shall be met before construction may commence. 6. The applicant shall obtain any required Erosion Control Permit and/or stormwater permit through La Crosse County Land Conservation Department before a Zoning/Occupancy Permit can be issued. 7. The tower shall be designed and constructed to accommodate a minimum of four (4) wireless carriers. 8. No building, right of way line, or property line shall be allowed within the certified fall zone of the tower except for that of the Tower operator. The Town shall issue no zoning permit or building permit for any building or structure that does not comply with this condition. 9. Fences and utilities may be allowed within the required highway or property line setbacks and shall otherwise be located outside the road right of ways. 10. The tower shall be removed and the site restored at the expense of the tower owner or land owner, consistent with the requirements of La Crosse County Ordinance s.28.08(1), if the bond in condition #11 lapses or will lapse, if the tower is no longer used for the use authorized, or if the tower no longer functions. 11. A bond or other acceptable instrument in the amount of \$20,000 shall be provided to the Town of Burns and maintained without lapsing over the life of the tower to guarantee removal of the tower and related structures as consistent with the requirements of La Crosse County Ordinance s.28.08(2). 12. No advertising is allowed on the support structure, fenced compound or project except that a sign shall be attached to the fence with the name and contact information of the tower operator and phone numbers in case of an emergency. 13. In any event, if the use authorized herein has been discontinued for a period of 12 consecutive or 18 cumulative months in a 3-year period the tower shall be dismantled. 14. This permit is transferrable upon certification by the Town of Burns zoning administrator. The Town of Burns shall receive a 30-day notice of said transfer and proof of an acceptable financial guarantee for abandonment, consistent with condition #11 above must be received by the Town of Burns from the new owner prior to said transfer and certification. 15. Any required FAA licensing shall be obtained prior to the issuance of any zoning or building permits or before any construction, grading, or other such related work on the project begins. 16. This CUP is approved conditionally. It shall not become effective until the applicant has complied with the above conditions. If the applicant does not comply with any relevant pre-condition herein within one year it shall never become effective and shall be null and void. The Zoning Administrator or Town Board may grant extensions of this CUP if requested and there is ongoing progress. And Whereas no adjoining land owners objected to this CUP at the public hearing held on March 26, 2019. Thereby be it resolved that the Town of Burns Town Board does here by approve CUP #20190130002 with the above terms and conditions. Dated this 26th day of March, 2019 **Second made by**

Sup. Caulum. Voice vote, all ayes, Motion carried.

5. Zoning Administrator Bill Larson noted that there was no expiration date on the zoning occupancy permit for Barbara and Randy Hansen and they have renewed their conditional use permit was extended every year.
6. Motion and request by Chr. Nuttleman the town board now for a closed session of the town board, under s. 19.85, Wis. stats., and I move and request, for the record in the town board minutes, a roll call vote of the town board members present and voting on this motion. I respectfully include in this motion and request that the town board approve the following persons to be allowed to enter and remain in the approved closed session, subject to the individual or group removal of any person from the closed session at any time by majority vote of the town board members present and voting in the closed session: Chairman Nuttleman, Supervisors Caulum and Sneller, Treasurer Schlintz and Clerk Esser. – The town board will reconvene into open session after the closed session. The nature of the business to be considered in the closed session is the following: to interview and set the compensation for town clerk and or town treasurer applicants. The specific exemption or exemptions claimed for a closed session under s. 19.85, Wis. stats., are: **19.85 (1) (c)** Considering employment and compensation of any public employee over which the governmental body has jurisdiction or exercises responsibility. **Second made by Sup. Sneller. Roll call vote, Supervisors Sneller and Caulum ayes, Chr. Nuttleman Aye, motion carried.**
7. Motion by Chr. Nuttleman to convene the town board in a closed session meeting was made by a town board supervisor prior to this announcement and notice. The nature of the proposed business to be considered in the closed session by the town board is the following: to interview and set the compensation for town clerk and or town treasurer applicants. The specific statutory exemption or exemptions under s. 19.85, Wis. stats., claimed for which the closed session is to be authorized are the following: **19.85 (1) (c)** Considering employment and compensation of any public employee over which the governmental body has jurisdiction or exercises responsibility. If the motion to convene in closed session is approved by the town board, I will then announce the closed session and request the public to leave the public meeting location, where the town board will meet in closed session, except that those specific persons named in the motion will be allowed to attend all or part of the closed session of the town board, in accordance with the motion. **Voice vote, all ayes, motion carried.**
8. The board interviewed Mel Pollak and Jodi Anderson for the clerk and or treasurer positions, this item will be on the next meeting agenda.
9. Motion by Sup. Caulum to adjourn. **Second made by Sup. Sneller. Voice Vote, all ayes, motion carried. Meeting adjourned at 10:30 pm.**

Jane Esser – Clerk
Approved: 4-9-2019