

**TOWN OF PRIMROSE
PUBLIC HEARING
BOARD OF SUPERVISORS AND PLANNING COMMISSION
Minutes
Monday, February 28, 2022 7:00 pm**

THIS MEETING HELD BY TELECONFERENCE.

1. Call to Order at 7:03 pm. Present were Dale Judd, Martha Gibson, Alex Elkins, Gretchen Hayward, Jerry Judd, Lynn Pitman, and Steve Flach.
2. Discussion and possible action regarding approval of a Conditional Use Permit for a wireless communications tower on parcel 0507-292-8000-8, owned by Jeffrey L. Webber and located at 9108 Ridge Drive, Mount Horeb.

Adam Craig (engineer) and Gary Hensue (location manager) were on the call representing Bug Tussel. Gary Hensue requested questions from those present.

Martha: Martha [saw the need for the screening **] the tower. Gary Hensue stated that landscape plans have been drafted. Martha asked if they would consider planting on the western tree-line to screen the home to the west. Gary stated that they would be willing to work with the town regarding that.

Alex: Commented that he does not see the need for this internet service, especially with the small 3.5 mile radius. TDS in-ground phone line service has improved dramatically. He questioned whether residents actually want the service. Gary stated that the proposed tower has a 21 square mile coverage and would reach 728 people in an under-served area. Adam Craig concurred. Alex also feels that satellite technology will soon cover everyone. Alex does not think very many people will see improvement over other, more aesthetically acceptable, services. Further, Alex stated that the current legislation applies to cell towers, and this is an internet tower, and therefore the Town has the power to deny it.

Gretchen Hayward: She has concerns regarding families that do not have good internet connections. She feels that it is not a bad site, now that it is located out of agricultural land.

Lynn Pitman: Lynn asked about future cell phone co-location on the tower. Gary is not aware of cell phone service aspect for this tower at this time. Referencing the RF maps, Lynn asked for clarification of what the colors on the map represent. Adam answered

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that they show signal strength of the RF waves. The speed of the highest service is 25 mbs in the entire coverage, as long as you can get a signal. Fixed-wireless internet service the speed doesn't change because the reception changes. He explained that this is because the system uses a line-of-sight from tower to antennae on the exterior of the house. Lynn asked if the 20K bond was sufficient for removal of the tower. Hensue said that it was typical, and sufficient. Lynn questioned if the height would be increase in the future. Gary stated that there is no ability to increase the height of this tower, and it is not the intent of Bug Tussel to increase the height.

Steve Flach: Steve referenced the recent Dane County internet speed test for the area. He feels that those that have good access won't change services, and those that don't have good service, won't have good service with this tower either. Steve asked about who is responsible for removing the tower. Gary stated that Bug Tussel is responsible and after 12 months of non-use would be required to take it down.

Jerry Judd: He noted that most people have questions regarding the usefulness and the need of the service. He feels that the Dane County speed test survey should be looked at prior to approval of the tower.

Martha remarked that the legislature had stripped local town the power to deny these things, unless they show that they can co-locate. She questioned if State Statue covers this particular project. She feels that broad-band coverage will not be significantly improved by this in Primrose. She stated that if not acted on by 90 days, it is automatically approved. Martha stated that the Town does need to act on this and doesn't have time to wait for the speed test survey.

Alex proposed denying the project until the Town can send a letter to the people within the 3.5-mile radius as to whether they would switch, or showing there is an actual need. He read page 3 of the City Scape report, regarding new site justification and coverage:

"The local authority has certain rights in regards to the height, location, type and appearance of the support structure as well as the ability to assure the proposed facility is following FCC safety specifications and local building codes. While the County has the discretion to regulate the above, and while Bug Tussle is not deemed a Personal Wireless or Mobile Service Provider (which enjoys special protection from overreaching local and state regulations as per federal law), the County does recognize, through its stated

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purpose and intent of the Ordinance, the importance of access to broadband internet services. “

Alex stated that Bug Tussel is not in the category that enjoys special protection.

Gretchen suggested the Town get a legal opinion if we have power to deny. Martha agreed. Both the County and Dane County Towns Association will be asked if we have the authority to deny it. She suggested a vote on this March 7th, just prior to the Board meeting.

Dale and Alex concurred that legal advice be sought prior to a vote.

Martha moved to seek legal council and reconvene at 7:30 pm March 7. Gretchen seconded. Motion passed 5-0.

3. Adjournment at 8:23pm. Gretchen moved to adjourn. Martha seconded. Motion passed 5-0. Minutes submitted by Ruth Hansen

**minutes amended March 7th, 2022