

## SPRINGFIELD PLAN COMMISSION

### Meeting Minutes – October 10, 2022 @ 6:30 p.m.

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Chair Jeff Endres called the meeting to order at 6:30 p.m. Roll call shows Chair Jeff Endres, Commissioners Bill Acker, Jan Barman, Pamela Krill, Richard Weiland, Ron Wolfe, and Matt Wright present.

Also present were Town Board Chairperson Pulvermacher, and Supervisors Laufenberg, Meinholz, and Zinck; Clerk-Treasurer Fayas; Zoning Administrator Kory Anderson; Town Attorney Mark Hazelbaker, and approximately 30 members of the public, including: Shawn Hemsted, Mike Huizenga, Darin & Kristina Ripp, Alana & Matt Uebersetzg, Megan & Jason Dague, Beth Jones, Brian Dattilo, Juanita Wagner, Dottie & Greg Brumm, Tony & Stephanie Pekarske, Dan Brunson, Peter Shumate, Eugene & Cynthia Williams, Steve Ripp, Paul & Veronica Anderson, Dan O'Callaghan, and Jonde Fieble.

The Pledge of Allegiance was recited.

2. CONFIRMATION OF POSTINGS FOR OPEN MEETING LAWS

The Clerk confirmed that the agenda was posted at town hall and on the Town website.

3. PUBLIC COMMENT TIME – None.

4. APPROVAL OF PREVIOUS MINUTES: September 12, 2022

**Motion by Commissioner Wolfe, seconded by Commissioner Barman to approve minutes. Motion carried, 7-0.**

5. PUBLIC HEARING: CUP & REZONE, 6143 LODI-SPRINGFIELD RD.

Motion by Commissioner Barman, seconded by Commissioner Weiland to recess the regular meeting and go into a public hearing.

**Roll call vote: Acker AYE, Barman AYE, Endres AYE, Krill AYE, Weiland AYE, Wolfe AYE, Wright AYE. Motion carried.**

Project representatives Mike Huizenga and Shawn Hemsted explained the company they work for is contracted by U.S. Cellular who will own the proposed cell tower. The proposed structure is a 155' tall monopole, with a 4' lightning rod, that would be located next to a livestock building, and was deemed by their RF engineer to be the best site in the area for their needs; noting a number of sites in the area were reviewed, but the current site will meet optimal objectives. Commissioners questioned how much discretion they had to require or inquire about additional sites that were or were not researched, and to what extent; Attorney Hazelbaker explained that a 2013 state statute significantly restricted a local government's discretion as to siting requirements and approval. Attorney Dan O'Callaghan, present on behalf of neighboring residents explained that the law doesn't completely preempt the Town's discretion, and granting a rezone is a legislative decision up to the town board, leaving a lot of discretion for the Town Board. Mr. O'Callaghan stated rezone decisions must be consistent with the town plan, which the residents he represents believe is not the case in this instance. The conditional use permit portion of the zoning ordinance is four pages describing the purpose, authority, findings of fact decision making criteria, and the town does not have to grant a C.U.P. if the findings are not all met; it is the applicant's burden to meet the standards and prove the standards have been met. Mr. O'Callaghan noted the board has discretion as to whether the standards have been met and the courts have recognized such in 2019, and again last month in an unpublished decision. Mr. O'Callaghan requests the record be held open. Numerous residents in attendance voiced concerns of diminished property values, incongruity with nearby residential areas, and unknown long term health impacts, and questioned whether the tower would be lit or would increase in height in the future if approved. Questions were also asked about the other two towers in town: was there space available on those towers, was US Cellular already on those towers, etc. Chair Endres noted the two towers, on Barman and Meffert Roads, were constructed in 1992 and 1998. Attorney Hazelbaker explained the record would be left open, and that people should provide a copy of any information or data referenced to eliminate hearsay.

Motion by Commissioner Wright, seconded by Commissioner Wolfe to close the public hearing and return to the regular meeting.

**Roll call vote: Acker AYE, Barman AYE, Endres AYE, Krill AYE, Weiland AYE, Wolfe AYE, Wright AYE. Motion carried.**

6. CUP & REZONE, 6143 LODI-SPRINGFIELD RD.

Zoning Administrator Kory Anderson from General Engineering Company explained the application is not complete yet, and that the Town has 90 days from the date of a complete submission to render a decision. Attorney Hazelbaker recommended tabling the item because the question wasn't properly in front of the commission due to the incomplete application. Attorney Hazelbaker will conduct additional research regarding property values, health impacts, and the extent state and federal regulations preempt town options. Plan Commissioners asked whether they can inquire of the applicant the extent to which other sites in the area were researched, whether the commission could require more research into alternate sites that were considered, whether the commission could propose alternate sites, etc.

**Motion by Commissioner Wright, seconded by Commissioner Wolfe to table until the applicant submits a complete application to the satisfaction of the Zoning Administrator and Town Attorney. Motion carried, 7-0.**

**Motion by Commissioner Acker, seconded by Commissioner Weiland to recess for ten minutes. Motion carried, 7-0.**

**Motion by Commissioner Wolfe, seconded by Commissioner Acker to reconvene. Motion carried, 7-0.**

7. DISCUSSION: LOT 6, COMMERCIAL PARK PARCEL # 0808-092-0626-0

The proposed project is a 10,000 sq. ft. building for indoor storage with a 13' clearance for boats and RVs, with the remainder of the parcel impervious surface to serve as a screened outside storage area for 60-70 pieces. The project would use underground stormwater retention for the parcel and would need to include an area for snow storage. Commissioner Wright indicated the town board doesn't find outdoor storage compatible with the town aesthetic and vision; they've previously objected to outdoor storage as it would change the character of the town.

8. OLD BUSINESS

9. COMMUNICATIONS/ANNOUNCEMENTS

- a. ZONING ORDINANCE AMENDMENTS: VARIANCES DUE TO EXTRATERRITORIAL ACTIONS & ACCESSORY BUILDING SIZE

10. ADJOURN

**Motion by Commissioner Barman, seconded by Commissioner Wolfe to adjourn the meeting at 8:43 p.m. Motion carried, 7-0.**