

Application No.

TOWN OF GARFIELD APPEAL FROM ADMINISTRATIVE ACTION

Property Owner: Stephanie and Travis Jansen, Polk County for Safe Tech

Mailing Address: [REDACTED]

Home Phone: (____) _____ Cell Phone: [REDACTED]

Email Address: [REDACTED]

Contractor/Agent: McCollough Law Firm, P.C.

Mailing Address: 2290 Gatlin Creek Road, Dripping Springs, TX 78620

Home Phone [REDACTED] Cell Phone [REDACTED]

Email Address [REDACTED]

Site Address: 684 140 Street Amery WI

Property Location: SW 1/4, NW 1/4, Sec. 35, T 33 N, R 17 W

Lot #: _____ Block #: _____ Subdivision/CSM #: _____ Gov't Lot #: _____

Parcel Number (see tax bill): 0 2 4 - 0 0 7 6 3 - 0 0 0 0

Size of Parcel: 75 X 75 = 5,625 SQ. FT. OR _____ Acres

Specify the administrative decision being appealed:

The Town Board's April 21, 2026 approval of a conditional use permit for a variance to build a 195-foot cell tower on the corner of 140th Street and 65th Avenue.

Explain how the proposed decision has aggrieved the applicant:

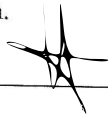
The proposed decision has aggrieved Stephanie Jansen and other adjoining property owners who are also members of Polk County for Safe Technology. If built, the proposed tower will degrade property values, harm aesthetics and community, ruin scenic views, and threaten public safety.

See attached appeal for details.

Application No.	
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I, being the applicant/owner of all the area herein described, hereby petition the Board of Appeals of the Town of Garfield, Polk County, Wisconsin, for an Appeal from Administrative Action as authorized by the Town of Garfield Zoning Ordinance for the above described property.

I declare that this application, including any supporting documents, is true, correct and complete to the best of my knowledge. I agree to allow Town and County officials charged with administering Town and County ordinances, or their designees, to have access to the herein-described premises at any reasonable time for the purpose of inspection.

Applicant Signature:  _____ Date: June 22, 2026

Return with payment to:
Town of Garfield
690 Minneapolis St.
Amery, WI 54001
(715) 268-4857

FOR TOWN USE:

Received By: _____ Date Filed: _____ Fee(s) Paid: _____



McCOLLOUGH LAW FIRM PC

INTERNET | COMMUNICATIONS | UTILITIES | REGULATION

2290 Gatlin Creek Rd. Dripping Springs, Texas 78620
dotLAW.biz | Email: wsmc@dotLAW.biz | Telephone: (512) 633-3498 | FAX: (512) 692-2522

BEFORE THE TOWN OF GARFIELD BOARD OF APPEALS

POLK COUNTY FOR SAFE TECHNOLOGY

APPEAL: TOWN BOARD'S GRANT OF

CONDITIONAL USE PERMIT FOR TOWER AT 684 140th STREET

Date: June 22, 2026

INTRODUCTION

Appellant Polk County for Safe Technology (“PCST”) is a grassroots group of local residents directly affected by and collectively appeal the Garfield Town Board’s (“Town Board”) April 21, 2026 decision to approve the construction and placement of a 199-foot mobile telecommunications support structure and facility.¹ PCST (through its members, whom it represents) is a person aggrieved by the Town Board’s decision. *See* Town of Garfield, Wis., Ordinance No. 3-2010; Town of Garfield Zoning Ordinance (“Town Ordinance”) art. 5 § E. PCST requests that the Board of Appeals (“Appeals Board”) hold a public hearing on this matter and find that (1) the Town Board lacks authority to permit a mobile telecommunications facility, and (2) even that if it has such authority, the decision was erroneous.

FACTS

TowerNorth Development and Verizon Wireless (“Applicants”) wish to build a mobile telecommunications facility in the unincorporated Town of Garfield, in Polk County, Wisconsin. *See Exhibit 1*. The facility would be in a district classified as “Agricultural” under the Town Ordinance. *Id.*

The Polk County ordinance that governs telecommunications facilities requires a county land use permit for construction or installation of any new mobile service facility. *See* Polk County Wireless Telecommunications Ordinance, Polk County Code of Ordinances (“County Ordinance”) Secs. 36-26. Accordingly, before proceeding with the proposed facility, Applicants must apply for and receive a land use permit from Polk County.

Garfield’s zoning ordinance does not explicitly regulate mobile telecommunication facilities or provide authority for the Town Board to permit such facilities. However, it does require a

¹ PCST’s members include the owners of adjoining and nearby parcels whose property, economic and personal interests will be adversely impacted if the proposed tower is installed and operated. These members include Stephanie and Travis Jansen, whose home is about 400 feet away from the proposed tower, along with Justin Evenson, Ben and Megan Sackmann, and Jon and Carla Foley.

Conditional Use Permit (“CUP”) for any non-permitted use in a zoning district. *See generally* Town Ordinance art. 3: Zoning Districts. Mobile telecommunications facilities are not a permitted use in the Agricultural District. Town Ordinance, art. 3, § E. Accordingly, if the Garfield Town Board has any authority over the proposed facility, the Applicant must obtain a CUP from the Town.

To PSCT’s knowledge, Applicants have not yet applied for a Polk County permit to construct a mobile telecommunications facility. However, on February 17, 2026, Applicants submitted a CUP application to the Town. The Application describes the “Reason for Request” as follows:

TowerNorth proposes to construct a 195’ self-support type tower structure (199’ overall with lightning rod) for immediate use by Verizon Wireless in the southwest corner of the parcel. This new tower structure will be located within a 75’ x 75’ ground lease area. Verizon will locate its antennas and equipment upon the tower at the 190’ centerline and route its cabling down the inside of the tower to its ground facilities. The Verizon ground facilities will consist of a base station equipment cabinets and free-standing diesel-fueled generator located in a 15’ x 24’ area on a concrete pad within the TowerNorth ground lease area.

Exhibit 1.

Along with the application, Applicants submitted a set of construction blueprints containing technical information about the proposed facility such as electrical circuitry, engineering specifications, and other schematics. In response to several inquiries made on behalf of PCST, the Town has informed PCST there are no other application materials.²

According to the minutes from a March 10, 2026, Planning Commission meeting, the Applicants “presented” to the Planning Commission, and “received a Cond Use Permit due to height restrictions and being zoned agriculture.” *Exhibit 2.* The minutes note, “Letters will be sent out to all affected neighbors for input.” *Id.* The Town Board minutes for the same date also note, “A conditional use application has been submitted and letters to the surrounding neighbors need to be sent out for a public hearing.” *Exhibit 3.*

On March 30, 2026, the Town sent letters to 11 affected neighbors regarding “Conditional Use Permit for Gary & Barb Christenson Property at 684 140th Street, Amery,” stating that the Christensons had “applied for a Conditional Use Permit that would enable them to erect a cell phone tower on the corner of 65th Avenue and 140th Street,” and inviting recipients to “voice your disapproval” at a Planning Commission Meeting on April 21, 2026. *Exhibit 1.* There is no indication that notice of the CUP was published in a newspaper.

With respect to the proposed tower, the Planning Commission Agenda for April 21, 2026, states, “Public comments for Variance Cell Tower at 140th St and 65th Ave because it will be 195 feet tall.” *Exhibit 4.* The Town Board Agenda for the same date states, “Public Comments. Update from Planning Committee – Verizon Tower Request – Action.” *Exhibit 5.*

² Although the Town permitted a PCST member to photograph the blueprints, it has not provided an electronic version, and the photographs are difficult to read. Accordingly, PCST requests that, pursuant to the Appeal regulations, the Town transfer the blueprints to the Appeal Board as part of the record.

According to Garfield Town Board minutes, after public hearings before the Planning Commission and the Town Board on April 21, 2026, there was a “[m]otion made and seconded to approve the construction and placement of the Verizon cell tower. Carried-unanimously.” *Exhibit 6*. A transcript of the hearing shows the Board did not make any factual or other findings in support of its decision. *See Exhibit 7*, Transcript of Town Board Meeting of April 21, 2026 (“Board Transcript”) at 45:31-end.

The Board did not issue a written decision. Counsel for PCST has attempted to locate the CUP with the Town and through the County, but was informed that there is no permit number, and no such permit has been recorded.

ARGUMENT SUMMARY

The Town Board’s vote should be overturned for three reasons.

First, under state, county, and local law, the Town Board has no authority to grant a land use permit for the proposed 195-foot mobile telecommunications facility. Rather, the proper permitting authority is Polk County, and this is where the Applicants must seek their land use permit.

Second, assuming for the sake of argument only that the Town Board has authority to permit a mobile telecommunication facility in the Agricultural District, Applicants did not meet their burden of showing the standards for the required CUP have been met, and the Town Board did not make any of the findings the Town Ordinance requires for issuance of a CUP in an agricultural district. Nor could the required findings be made based on the evidence in the record; there is not sufficient evidence to support any of them.

Finally, to the extent either the Planning Commission or the Town Board believes a variance is necessary or was granted at the April 21 hearing, neither body has authority to grant such variance; rather, a variance can only be granted by the Appeals Board.

I. The Town Board lacks authority to grant a land use permit for the proposed mobile telecommunications tower, and the appropriate permitting authority is Polk County.

Local government units in the State of Wisconsin are “creatures of the state legislature [that] have no inherent right of self-government beyond the powers expressly granted to them.” *Black v. City of Milwaukee*, 2016 WI 47, ¶23 (Jun. 23, 2016) (internal quotations and citations omitted). A town such as Garfield possesses only “those powers granted by statute and any powers that are necessarily implied from a power expressly provided by statute. *Zwiefelhofer v. Town of Cooks Valley*, 2012 WI 7, ¶22 (Feb. 8, 2012). Here, the Town Board does not have the power to approve the proposed telecommunications facility.

Wisconsin’s mobile tower siting law, enacted in 2013, governs the authority of political subdivisions to regulate mobile tower siting and construction. The statute sets forth in detail both the authority of local political subdivisions and the limitations on that authority. *See generally* Wis. Stat. Ann. § 66.0404 (“Mobile Siting Statute”). The statute applies to any “city, village, town, or county” (§ 66.0404(1)(p)) and allows a political subdivision to regulate the siting and construction of new mobile service support structures and facilities “***only as provided in this section.***” § 66.0404(2)(h) (emphasis added).

Under the Mobile Siting Statute, a political subdivision *may enact* a zoning ordinance to “regulate. . .[t]he siting and construction of a new mobile service support structure and facilities.” § 66.0404(2)(a). However, *if* a political subdivision wishes to enact such ordinance, the Mobile Siting Statute imposes strict requirements:

[T]he regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). ***The application shall be in writing and shall contain all of the following information:***

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. [omitted; discusses modification of existing structures]
5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, ***including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting*** that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

§ 66.0404(2)(b) (emphasis added)

Under the Mobile Siting Statute, ***if a county enacts an ordinance regulating the siting and construction of new mobile service support structures and facilities, the ordinance applies in the unincorporated parts of the county***, unless a town (such as Garfield) *subsequently* enacts an ordinance pursuant to the statute, in which case the county ordinance does not apply and may not be enforced in the town unless the town later repeals its ordinance. *See* § 66.0404(5).

In 2014, Polk County enacted a comprehensive telecommunications ordinance regulating the siting and construction of new mobile service support structures and facilities, which has been amended multiple times.³ *See generally* County Ordinance, Ch. 36, Telecommunications. The County Ordinance provides ***“[t]he construction or installation of any mobile service facility requires a county land use permit under this article.”*** Sec. 36-26 (emphasis added).

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https://cms4files1.revize.com/polkcounty/departments/planning_and_zoning/docs/planning/wirelesstelecom.boc.5.3.2021.pdf?utm.

The County Ordinance sets forth general requirements for mobile telecommunication transmission facilities, including but not limited to

- approval and certification of plans by a professional engineer;
- compliance with all FCC and FAA regulations and all applicable building and electrical codes;
- facility height of the minimum required to meet the applicant's needs; and
- inclusion of all required federal, state, and local agency licenses and applications.

See Sec. 36-22.

The County Ordinance also sets forth detailed performance standards for telecommunication facilities, including dimensional standards, setbacks, screening and landscaping, security fencing and lighting, and color and materials. *See Sec. 36-25.*

The County Ordinance details the procedures to be used by the County Zoning Department when issuing land use permits for telecommunication facilities and requires that at least ten days before such permit is issued, the Department notify the town in which the facility is proposed about the application. *See Sec. 36-24.* The Ordinance provides that all other regulations and use standards applicable to the zoning district within which the facility sits be observed. *Id.*

The County Ordinance sets forth information required in a permit application, including an engineering report, various professional certifications, and descriptions of how the various requirements of the Ordinance described above will be met. *See sec. 36-26.*

Application requirements also include description of the types of consumer services to be offered, a list of the applicant's existing and proposed sites, a map of the county showing the applicant's existing and geographic service area, and written acknowledgment by the landowner and lessee that they will abide by all conditions of the county land use permit. *Id.* Additionally, the County may require visual analysis of the proposed facility. *Id.*

As required by Wisconsin's Mobile Siting Statute, the County Ordinance also requires the applicant to demonstrate that no existing structure can accommodate the applicant's proposed antenna and to include a sworn statement to that effect. *Id.*

Garfield is an unincorporated town in Polk County. As such, Polk County's Telecommunications Ordinance applies in Garfield, unless Garfield has enacted its own telecommunications ordinance. *See Wisc. Stat. Ann. § 66.0404(5).* Because Garfield has not, the County Ordinance applies.

The Town of Garfield does have a Zoning Ordinance that became effective on February 1, 2011. However, the Town Ordinance's table of contents and the contents themselves make it clear that the Town Ordinance does not "regulate the siting and construction of a new mobile service support structure and facilities." The Ordinance Introduction confirms this, citing as the statutory basis for its authority Wisc. Stat. Ann. §§ 60.61, 60.62, 62.35 and 62.23. It does not contain any reference to Wis. Stat. Ann. § 66.0404, the Mobile Siting Statute.

The Town Ordinance has been amended three times, most recently on June 11, 2024—which was after Polk County adopted the current County Telecommunications Ordinance. Unless and until the Town enacts a zoning ordinance consistent with the requirements of the

Mobile Siting Statute, the Town Board lacks authority to regulate the siting and construction of new mobile service structures and facilities. The County retains jurisdiction. Therefore, the Town Board's action is *ultra vires* and without effect. The Applicant is required to apply to Polk County for its desired permit.

The Town Board lacked jurisdiction. The Appeals Board also lacks jurisdiction over the merits, but it does have appellate jurisdiction over the Town Board's determinations. The Appeals Board should find that the Town should not have ruled and dismiss the matter for lack of jurisdiction.

The Town of Garfield Zoning Ordinance expressly authorizes appeals from determinations on applications for conditional uses and empowers the Appeals Board to decide appeals alleging error in decisions or determinations made by the Zoning Administrator, Plan Commission, Town Board, or other Town officials. The Board may "reverse or affirm, wholly or in part, or modify" the decision appealed from. Garfield Zoning Ordinance, Art. 5, § E(3)-(4).

PCST's contention that the Town Board lacked authority under applicable statutes and ordinances presents a legal challenge to the validity of the permit decision that the Appeals Board may consider in exercising its appellate authority. Wisconsin courts have long recognized that review of zoning decisions includes determining whether the decision-making body "kept within its jurisdiction." *Brookside Poultry*, 131 Wis. 2d at 119-20; *Ziervogel*, 2004 WI 23, ¶ 13. If the Board concludes that the permitting body acted without authority conferred by statute or ordinance, the Board is authorized by the ordinance to reverse the permit decision and order dismissal of the application for lack of jurisdiction.

Applicants can then apply to the County if they wish.

II. The Applicant failed to provide evidence in support of and the Town Board failed to make the findings necessary for issuance of a CUP under Garfield's Zoning Ordinance.

The proposed facility would be in Garfield's Agricultural District, where mobile telecommunication facilities are not listed as a permitted use; therefore, while PCST believes the law clearly establishes that the Town Board lacks authority to permit the proposed facility, even if it did possess this authority, a CUP would be required. *See* Town Ordinance Art. 3 §E, Agricultural District. Because the requirements for issuance of a CUP are strict, and the Town Board did not find and had no basis for finding that they were met, the Town Board's decision to grant the CUP was erroneous. *See generally* Art. 4 §§D, E, G.

Under the Garfield Ordinance, a CUP may be granted ***only if the Board finds*** that the use and involved structures are "in accordance with the purpose and intent of [Garfield's Zoning] Ordinance and are ***further found to be*** not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community." Art. 4 §G(2)(a). Before granting a CUP, the Town Board and Plan Commission "***shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.***" *Id.* (emphasis added).

State law also imposes CUP-related obligations on a town such as Garfield that has enacted a zoning ordinance pursuant to village powers, requiring, among other things, that ***the town's decision on the CUP must be supported by substantial evidence, and the applicant must provide substantial evidence that all requirements and conditions established by the town***

relating to the conditional use are or will be satisfied. Wis. Stat. Ann. § 60.62 (4e)(b)(2). Additionally, before acting on a CUP application, the town must publish a class 2 notice⁴ and hold a public hearing on the application. *Id.* (4e)(c).

The Town Ordinance provides that the Town Board has authority to approve a CUP *only* if it would meet the following specific requirements, which means upon a finding that the evidence shows all the requirements are met. The detailed standards reveal an understanding of the serious, thorough, and thoughtful deliberation necessary before a CUP can be approved:

- a. No conditional use shall violate the spirit or general intent of this Ordinance.
- b. No conditional use shall violate the spirit or general intent of the most recently adopted Town Comprehensive Plan.
- c. No conditional use shall be allowed which would constitute a fire hazard or be contrary to the public health, safety, morals, comfort or general welfare.
- d. No conditional use shall be allowed which would impair or diminish the uses, value and/or enjoyment of adjoining property or other property in the district.
- e. No conditional use shall be allowed that would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors.
- f. No conditional use shall impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- g. No conditional use shall be allowed unless adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- h. No conditional use shall be allowed unless adequate measures have been or will be taken to ingress and egress so designed as to minimize traffic congestion on public streets.
- i. No conditional use shall violate floodplain regulations governing the site.
- j. No conditional use shall be allowed unless adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- k. The Town Board shall also apply standards set forth in other Articles of this Ordinance, which apply to particular classes of conditional uses.

Town Ordinance art. 5 §G(4).

In addition to the general requirements applicable to all CUP requests, pursuant to §G(4)(k), in the Agricultural District, a communication tower over fifty feet tall is allowed only in “distinctly rural” areas, when the use is “subordinate to and compatible with agricultural uses in the area.” Art. 3 §E(2)(e). Additionally, for a tower over 35 feet tall, the Board must “investigate and determine whether any such facility. . .will create or may create any fire protection problems,” and may invite appropriate public safety officials to weigh in with recommendations, and may attach appropriate safety conditions.” Art. 3 §C(4)(c).

⁴ This requires a minimum of two publications in a newspaper likely to give notice to the area or to people affected. *See* Wisc. Stat. Ann. §§985.02 and 985.07.

Highlighting the importance of a thorough review of any CUP application, the Town Ordinance grants the Town Board authority to seek additional information necessary to enforcing the ordinance⁵ and to require the Applicant to pay fees incurred in considering the application. Art. 4 §G(3)(a). Additionally, if a CUP is granted, the Board has authority to impose conditions on the proposed project that are “necessary to fulfill the purpose and intent” of the Ordinance and to ensure compliance with other Ordinance provisions. Art. 4 §G(2)(b) and (c).

The transcripts of the April 21 public hearings before the Planning Commission and Town Board show that the Applicants did not address any of the CUP requirements contained in the Town Ordinance. The Board’s decision is not supported by substantial evidence that the requirements have been met. The required findings were not made and could not have been made under the evidence.

As discussed in detail below, this case is similar to *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42 (July 24, 2019), where the Appeals Court upheld denial of a CUP for a 120-foot tower in an agricultural district in the Town of Cedarburg. The Town denied the tower based on failures to meet CUP requirements similar to Garfield’s CUP requirements:

(1) the considerable and foreseeable loss in value to the surrounding properties particularly given the rural and rustic nature of the property, and the loss of property sales in the area as a result of the prospect of the tower; (2) the incompatibility of the 120-foot monopole with the adjacent land, which the Town is struggling to keep rural and rustic; (3) the “dropping a metal tower in the middle of” a “beautiful and scenic area” would be detrimental the public health, safety, and general welfare. . .

Eco-Site, ¶16.

Requirement: Consistency with spirit and general intent of the Town Ordinance the Town Comprehensive Plan.

Applicants did not discuss this requirement or support their application with information about this requirement. However, a review of the CUP application shows the proposed tower violates the spirit and general intent of both, which focus on

⁵ “The Town Board may require such other information that may be necessary to determine and provide for an enforcement of this Ordinance, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.” Town Ordinance art. 4 § G(3)(a).

compatibility of uses,⁶ orderly development,⁷ suitability of land for certain structures,⁸ protecting property values,⁹ conserving natural resources,¹⁰ and promoting agriculture.¹¹

A main goal of the Garfield Town Comprehensive Plan is to “[e]ncourage land uses that will maintain the Town’s rural character and agricultural heritage.” Garfield Comprehensive Plan p. 114. Within the Town, the Agricultural District is created to establish and protect areas within which agricultural uses may exist and prosper free from future intrusion from future residential development and other urban land uses. Town Ordinance art. 3 § E.

As an industrial structure, the proposed tower would protrude from an open field, marring the scenic views of area from nearby residences and a recreational walking trail, and detracting from agricultural uses both the Town Ordinance and the Comprehensive Plan seek to protect and promote. Much like the ordinance at issue in *Eco-Site*, the Town’s ordinance also emphasizes compatibility with uses on adjacent land. The proposed tower does the exact opposite, as a stark, looming structure more fitting to industrial-urban environments where materials like steel, concrete, and asphalt dominate the visual environment.

As in *Eco-Site*, there would be “no error by the Town in denying the application on this point,” where the town’s zoning was “all in an effort to keep [the] area rustic, rural, and populated. This intended use and lifestyle are clearly at odds with, and would be thwarted by, the introduction of a [195]-foot-tall telecommunications tower with its substantial related structure and fencing. *Eco-Site*, ¶16 (internal citations omitted).

Requirement: Absence of fire hazard or threat to the public health, safety, morals, comfort or general welfare.

Applicants did not discuss this requirement or support their application with information as to the requirement. However, the height of the tower alone gives pause. At 195-feet, this structure would not only stand out and dominate the surrounding area, but

⁶ See e.g. *id.* art. 1 § D.1 (provide for compatibility of land uses); *id.* art. 3 § E.2.e (Communications towers to be compatible with agricultural uses); *id.* art. 3 § E.2.n (commercial recreational activities to be compatible with agricultural use); *id.* art. 3 § G.2. (compatible commercial uses); *id.* art. 4 § G.6.h. (reviewing conditional use permits for compatibility with uses on adjacent lands)

⁷ *Id.* art. 1 § D.2.

⁸ Town Ordinance art. 4 § E (ensuring structures are not placed on unsuitable land and preserving topography).

⁹ *Id.* art. 1 § D.6., See also *Id.* art. 4 § H.5.a. (conditional use permits not granted to major home occupations that will adversely affect neighboring property values); *Id.* art. 5 § F.5. (granting of variance shall not damage property values).

¹⁰ *Id.* art. 1 § D.4. See also *id.* art. 3 § H (Conservation District established to protect and preserve the natural state of certain areas); *id.* art. 4 § E.2 (preservation of topography to protect the natural beauty and character of the landscape); *id.* art. 3 § D.1.f.ii.4 (park uses must have buffer space with yards left in their natural condition and the natural vegetation of the area).

¹¹ See e.g. *id.* art. 3 § E. (agricultural uses to exist and prosper free from intrusion of residential development and other land uses); *id.* art. 3 § F. (demonstrated ability of farm and selected non-farm uses to exist in close proximity without undue conflict in Agricultural-Residential districts); *id.* art. 4 § H.1.a. (protecting agricultural areas from adverse impacts of home occupations); *id.* art. 4 § C.3. (allowing unlimited square footage for agricultural buildings on lot areas of 20+acres).

would introduce structural safety issues that presents risks of property damage and physical injury should it fall, which threatens public safety. Town Board Audio Transcript at 29:30. This use is contrary to the public health, safety, morals, comfort or general welfare.

Requirement: No impaired or diminished uses, value and/or enjoyment of adjoining property or other property in the district.

Applicants did not discuss this requirement or support their application with information as to the requirement. In contrast to the lack of information from the Applicants, residents discussed the adverse impacts of proposed tower would have on property values and use and enjoyment of their property.

One property owner noted that the proposed tower “is literally closer to my house than to Christiansen’s [sic] and it’s on their property. So we’re taking the bigger hit and risk.” Planning Commission Audio Transcript of April 21, 2026 Meeting (“PC Transcript”) at 00:41:05. The Speaker added,

Research on this topic is mounting. So I prepared an informational packet which I will provide if you wish. First, it’s property values. Cell towers placed near homes are associated with declines and property values. Community and realtor studies show that properties within tower visibility range can experience declines of up to as much as 20, even 30%. Given that many of us have bought homes with the expectation of stable property values, this is a risk and an unforeseen liability to neighboring properties. How will placing two of them within two miles of each other impact our values?

She later testified that the facility would be 400 feet from the house where she homeschools her children and runs a business. *Id.* at 00:28”16.

Another speaker noted,

And then our property value, let’s say we’re valued at a million dollars, 15 to 30% we’re talking \$300,000 in south belows. And then the wildlife on top of it, I have walleye that’s gone in my driveway. The river runs through my driveway and they spawn there every year. The suckers, the wall eyes, we got wood ducks, we got sandhill cranes, we got blue herons.

Id. at 00:41:18.

Another said, “Natural habitat is part of this community’s charm and an attraction for so many visitors, vacationers, and recreational activities. Additional towers risk altering the fabric of our neighborhood and our community character. *Id.* at 00:22:04. Another noted, “All right. Would you want an ugly cell tower 200 feet in the air in your backyard?” *Id.* at 00:42:12.

At the hearing before the Town Board, a speaker (presumably a Board member) said,

We do need to note that many of the neighboring residents are unhappy with these people sitting out here. As we considered it, certainly I was sympathetic to their concerns. Many of them focused on health, safety and aesthetic concerns and ***property value implications*** for their properties as we considered it on the planning commission.

Board Transcript at 11:07 (emphasis added).¹²

Another observed “[t]hey’re trying to put it within 500 feet of somebody living.” *Id.* at 41:36.

Yet another speaker added: “I would just like the town to consider moving that tower further east on the property that’s been selected. I would put it as a common sense compromise to the residents that showed up here tonight. I don’t want a tower right next to their property.” Board Transcript at 28:33. And another noted, “Deny it on property value. Yes. . .It’s right next to the scenic trail.” *Id.* at 44:07.

As in *Eco-Site*, a concern about diminished property values “fairly relates to the compatibility of the tower and the residents’ “uses, values and enjoyment” of their land.” *See Eco-Site* at ¶17. The Applicants have not even attempted to address this serious issue, or to demonstrate that the requirement that the tower would not impair or diminish the property values and use and enjoyment of residents’ property.

Requirement: Lack of nuisance by reason of noise, dust, smoke, odor, or other similar factors.

Applicants did not discuss this requirement or support their application with information as to the requirement.

Requirement: No interference with the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Applicants did not discuss this requirement or support their application with information as to the requirement.

Requirement: Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Applicants did not discuss this requirement or support their application with information as to the requirement.

Requirement: Adequate measures have been or will be taken to ingress and egress so designed as to minimize traffic congestion on public streets.

Applicants did not discuss this requirement or support their application with information as to the requirement.

Requirement: Consistency with floodplain regulations governing the site.

Applicants did not discuss this requirement or support their application with information as to the requirement.

Requirement: Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

Applicants did not discuss this requirement or support their application with information as to the requirement.

¹² The speaker also incorrectly stated, “My sense is that we don’t have that much flexibility to incorporate those kinds of considerations in our decision if we were to oppose it for such a reason, I think we would be vulnerable to a lawsuit and as it’s an acceptable use with significant demand, I don’t know what else we can do.” Board Transcript at 11:07.

Requirement: Standards applying to Agricultural District.

Applicants did not discuss the various requirements unique to the Agricultural District or support their application with information as to these requirements.

Given the lack of information and evidence that *any* of the CUP requirements have been met, it is no surprise that the Town Board failed to make any findings in this regard. They could not do so under the evidence. Applicants failed to carry their burden of proving the requirements were met.

In addition to violating the Town’s Zoning ordinance, the Board’s decision to grant the CUP violated the State law requirements as well. The decision is not supported by sufficient, or any, evidence. The required newspaper notice was not provided.

III. The Town Board lacks authority to grant a variance; only this Board has that authority.

Applicants have not sought a variance from this Appeals Board. However, the record in this matter contains a few references to a variance. The Town Board did not vote to grant a variance, but to any extent a variance was necessary, only this Appeals Board has the authority to grant a variance. *See* Town Ordinance art. 5 §§(E)(3)(c); (F).

CONCLUSION

For the foregoing reasons, PCST respectfully requests that this Appeals Board:

1. Grant this appeal, rule that the Town Board lacked jurisdiction, vacate the Town Board decision and order that the application be dismissed;
2. In the alternative, find the Town Board erred by failing to make all required findings necessary for granting a CUP, and reverse the decision to grant the CUP;
3. In the alternative, find that there was not sufficient evidence to make the required findings for a CUP, and to the extent the Town Board implicitly made such findings, the Town Board committed error, and reverse the decision to grant the CUP;
4. In the event that any of the Town Board’s actions depended on the granting of a variance, reverse those actions and require Applicants to apply to this Appeal Board for any necessary variance.

Respectfully submitted,



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Representative of PCST and its individual members

EXHIBITS

EXHIBIT 1

Application No. _____

TOWN OF GARFIELD CONDITIONAL USE PERMIT APPLICATION

Property Owner: TowerNorth Development LLC & Verizon Wireless - tenants
Mailing Address: 600 Busse Highway, Park Ridge, IL 60068 (Terra Consulting for applicants)

Home Phone: 847-698-6400 Cell Phone: 630-441-0521

Email Address: ericl@terraltd.com

Contractor/Agent: Terra Consulting Group, for applicants

Mailing Address: 600 Busse Highway, Park Ridge, IL 60068

Home Phone: 847-698-6400 Cell Phone: 630-441-0521

Email Address: ericl@terraltd.com

Site Address: 684 140th Street, Amery, WI 54001 - site at corner of 140th & 65th

Property Location: SW 1/4, NW 1/4, Sec. 35, T 33 N, R 17 W

Lot #: _____ Block #: _____ Subdivision/CSM #: _____ Gov't Lot #: _____

Parcel Number (see tax bill): 024 - 00763 - 0000

Size of Parcel: 75 X 75 = 5,625 SQ. FT. OR _____ Acres

Existing Zoning District: Agricultural Proposed Zoning District: No Proposed Change

Present improvements on the land (describe):

The property is an unimproved agricultural field.

Reason for Request (describe):

TowerNorth proposes to construct a 195' self-support type tower structure (199' overall with lightning rod) for immediate use by Verizon Wireless in the southwest corner of the parcel. This new tower structure will be located within a 75' x 75' ground lease area. Verizon will locate its antennas and equipment upon the tower at the 190' centerline and route its cabling down the inside of the tower to its ground facilities. The Verizon ground facilities will consist of a base station equipment cabinets and free-standing diesel-fueled generator located in a 15' x 24' area on a concrete pad within the TowerNorth ground lease area.



Application No.	
-----------------	--

I, being the applicant/owner of all the area herein described, hereby petition the Town Board of the Town of Garfield, Polk County, Wisconsin, for a Conditional Use Permit as authorized by the Town of Garfield Zoning Ordinance for the above described property.

I declare that this application, including any supporting documents, is true, correct and complete to the best of my knowledge. I agree to allow Town and County officials charged with administering Town and County ordinances, or their designees, to have access to the herein-described premises at any reasonable time for the purpose of inspection.

Applicant Signature: Eric Lennington Date: 2/17/26

Return with payment to:
Town of Garfield
690 Minneapolis St.
Amery, WI 54001
(715) 268-4857

FOR TOWN USE:

Received By: Susan Kuester Date Filed: 5-12-26 Fee(s) Paid: \$450-
Clerk



EXHIBIT 2

Planning Commission Minutes

March 10, 2026

The planning commission consists of two town board members and ad-hoc residents no decisions will be made. This is an advisory body to the Garfield Supervisors.

Quorum present: Nelson, Strobel, Kopp, Emerson, Sather, Hoffman

Motion by Nelson 2nd by Emerson to begin meeting

Verizon/Tower North presented on a cellular tower to be erected at the corner of 140th street and 65th Ave. Representative received a Cond Use Permit due to height restrictions and being zoned agriculture. Letters will be sent out to all affected neighbors for input.

Ty Dodge presented a certified land survey for a proposed sub-division on Big Lake Drive. Party to fill-out a Minor Subdivision Application(s). Nelson made a motion 2nd by Sather to forward application to the Board of Supervisors', all approved.

Motion to approve Minutes by Strobel 2nd by Sather, 2nd by Kopp, all approved.

Meeting adjourned at 5:50 pm

EXHIBIT 3

Garfield Town Board Meeting
March 10, 2026

Present: Supervisor: Dave Nelson
Supervisor: George Stroebel
Clerk: Sue Knutson
Treasurer: JoAnn Erickson
Absent: Chairman: Ed Gullickson

Residents/Citizens:

Meeting called to order by Chairman, Ed Gullickson, at 6:00 pm.

Public Comments: None.

Planning Committee Update – Verizon Tower Request – Subdivision on Big Lake Dr: Ty Dodge presented documents that were also provided at the Planning Committee earlier for a minor subdivision on Big Lake Drive. Mark Knutson had questions regarding driveway placements. Motion made and seconded to approve the minor subdivision on Big Lake Drive with the final driveway placement on Lot 6 to be approved by Mark Knutson. Carried-unanimously.

TowerNorth wants to erect a cell phone tower 195' tall on the corner of 140th Street and 65th Avenue to improve cell service in the area. A conditional use application has been submitted and letters to the surrounding neighbors need to be sent out for a public hearing on Tuesday, April 21, 2026, at 5:00 pm at the Planning Committee Meeting.

Set Annual Meeting Date: Motion made and seconded to approve the Annual Meeting to be held on Tuesday, April 21, 2026, at 6:00 pm. Carried-unanimously.

Polk County Changes to Shoreline Zoning: Nelson gave an update regarding the previous County meeting. Another meeting will be scheduled.

Other Business That May come Before the Board: Liz Sieben requested permission to hold an event for the 2026 Lake Association's Spring Fling. Motion made and seconded to approve the event with the same conditions as last year. Carried-unanimously.

Clerk's Report: Submitted and reviewed.

Approval of Vouchers: Submitted, signed and approved. Motion made and seconded to approve submitted vouchers. Carried-unanimously.

Treasurer's Report: Submitted and reviewed.

Approval of Monthly Board Minutes: Motion made and seconded to approve the March 10, 2026, 2026, Board minutes as submitted. Carried-unanimously.

Adjourn: Motion made and seconded to adjourn meeting, 6:50 pm. Carried-unanimously.

Submitted by: Sue Knutson, Clerk

EXHIBIT 4

Planning Commission Meeting

Tuesday April 21, 2026

5:00 PM

Garfield Town Hall

The planning commission consists of two town board members, no decisions will be made, as this commission is an advisory body.

Agenda

Public comments for Variance Cell Tower at 140th St and 65th Ave because it will be 195 feet tall

Review request for a Variance for over building lot more than 1500 Square Feet of accessory buildings at 1677 100th Ave owner Todd Hicke

EXHIBIT 5

**TOWN OF GARFIELD ANNUAL MEETING
AT THE TOWNHALL IN WANDEROOS
6:00 pm April 21, 2026**

**Immediately following:
TOWN OF GARFIELD MONTHLY BOARD MEETING**

AGENDA

- Meeting called to order
- Public Comments
- Update from Planning Committee – Verizon Tower Request – Action
- Sunrise Beach Drive – Discussion
- Open Front Storage Building Upgrade – Discussion
- Polk County Changes to Shoreline zoning - Discussion
- Other Business That May Come Before the Board – Discussion Only
- Board Approval of April 21, 2026 Minutes – Action
- Review of Clerks Report
- Approval of Vouchers – Action
- Review Treasurers report
- Adjourn Meeting

Posted at Ulrich Farms Office, Garfield Town Hall, Lake Wapogasset Park and Boating Facility Entrance and the website: www.townofgarfield.com on 4-19-2026

EXHIBIT 6

Garfield Town Board Meeting & Public Hearing Meeting
April 21, 2026

Present: Chairman: Ed Gullickson
Supervisor: Dave Nelson
Supervisor: George Stroebel
Clerk: Sue Knutson
Treasurer: JoAnn Erickson

Residents/Citizens: 21

Meeting called to order by Chairman, Ed Gullickson, at 7:12 pm.

Public Comments: Jerry & Tammy Lyons inquired about using the shed for business while a new building is built. They stated they would not make physical improvements to the building while using it for temporary service. They were informed that any changes would need to be state inspected.

Nancy Millard asked about the music from Mix Up Waterside and about the owner(s) installing garage doors without a permit. Board stated that it needs to be notified of violations in order to do anything about a complaint. Millard commented on the lighting from Mix Up Waterside being so bright. Millard is also concerned about the lake and Mix Up Waterside grading has a large runoff into the lake. Board stated that is controlled by the DNR.

Liz Walter commented about the abandoned building in Wanderoos. Board stated that it is considered a historical building.

Road Construction Update – Sunrise Beach Drive: The trees in the right of way have been removed and some of the stumps have been ground down. A hill is going to be removed and that material will be used in a different spot on the road. Discussion regarding dead trees on the road that property owner would like removed.

Update from Planning Committee – Verizon Tower Request: Planning Committee had a split vote regarding construction of the cell phone tower. Peter S, from Terra Consulting, gave information to the Board. Discussion. Stroebel stated that most of the surrounding residents are against the construction of the cell tower in regards to health and sight issues. Gullickson asked how Verizon would improve the coverage if request is denied. Peter stated that the FCC issues licenses and regulates the power and safety issues. Peter explained how they find different locations for constructing towers. Dell Stone inquired about moving the tower farther east on the property. Peter stated that the owner and Verizon considered the location of tower. Stephanie Jansen inquired about why the residents haven't been given more time regarding this issue. Gullickson stated that the Board has followed the proper procedures. Jansen asked if the Board knows the difference between 2g, 3g, 5g. Residents verbally voiced their concerns. Board stated that the Town has to follow the State laws. Motion made and seconded to approve the construction and placement of the Verizon cell tower. Carried-unanimously.

Open Front Storage Building Upgrade: Discussion regarding the open front storage building on pouring a concrete base and replacing the side walls. Gullickson and Mark Knutson will get estimates for the building.

Polk County Changes to Shoreline Zoning: Board gave an update regarding the changes and what has been going on.

Other Business That May Come Before the Board: None.

Clerk's Report: Submitted and reviewed.

Approval of Vouchers: Submitted, signed and approved. Motion made and seconded to approve submitted vouchers. Carried-unanimously.

Treasurer's Report: Submitted and reviewed.

Approval of Monthly Board Minutes: Motion made and seconded to approve the April 21, 2026, Board minutes as submitted. Carried-unanimously.

Adjourn: Motion made and seconded to adjourn meeting, 8:35 pm. Carried-unanimously.

Submitted by: Sue Knutson, Clerk

EXHIBIT 7

Speaker 1 (00:02):
Well, the planning commission had a split both two and two.

Speaker 2 (00:07):
Okay.

Speaker 1 (00:08):
All right.

Speaker 2 (00:13):
So do we have a location for that tower?

Speaker 1 (00:18):
Yeah, it's in the corner. It's in the corner. Right

Speaker 3 (00:22):
Off that one.

Speaker 4 (00:31):
Do you want me to present the app to the board?

Speaker 2 (00:34):
Have you got an aerial map or anything that can see?

Speaker 5 (00:42):
Do you want the one I just or you got one?

Speaker 6 (00:59):
Who has it right here?

Speaker 1 (01:01):
I'm on the last question.

Speaker 2 (01:28):
Is the tower a one piece tower?

Speaker 1 (01:32):
Do

Speaker 4 (01:33):
You want me to ...

Speaker 2 (01:35):
I need to know your name.

Speaker 4 (01:36):
I'm Peter Shao with Terra Consulting representing the applicant's Tower North Development LLC and Verizon Lares.

Speaker 6 (01:47):
Come on up. Can you

Speaker 4 (01:54):
Have the site plan there? Yeah. Turn to ... That's one page. The tower. It's what would you call a mattus self support

tower. So it is put together in sections, but essentially there's one piece I guess. We generally come out in 30 foot sections together. We take three legate tower with cross members.

Speaker 2 (02:32):

No

Speaker 4 (02:32):

Downloaders. Yeah. So there's two types of self support towers. One is a monopole, single pole which you have down here and then this would be your flat cell.

Speaker 7 (02:43):

Okay. All right.

Speaker 3 (02:46):

Do you know how roughly the height of this tower

Speaker 4 (02:49):

Is? I think it's about the same height. About this one's just under 200 feet, 195 feet of steel. There'll be a four foot lightning rod. It's 199 feet and then that keeps it unwit.

Speaker 2 (03:03):

Where's the nearest tower like that?

Speaker 4 (03:07):

Like that one?

Speaker 2 (03:08):

Yeah.

Speaker 4 (03:08):

I don't know off the top of my head in terms of self-support.

Speaker 2 (03:11):

Are the nearest tower that functions the same as this one's going to function? It

Speaker 4 (03:17):

Would be your one right here. Yeah. Okay.

Speaker 2 (03:23):

Okay. Is that a 5G?

Speaker 4 (03:29):

Yes. I mean, they will all have 5G, 6G, 7G. 5G is just the fifth generation of technology that can vary by company. So any tower that you have anywhere, the people that operate on it, whether it's Verizon or anyone else, will tend to operate whatever the most current technologies that they operate from that tower.

Speaker 2 (03:50):

Okay. All right.

Speaker 4 (03:52):

4G and 5G on it. And rural areas, 4G is the LTE that tends to perform better over longer distances.

Speaker 2 (04:01):

So what's the outreach on the 5G tower that's 200 feet?

Speaker 4 (04:08):

You mean the signal like performance? So that can vary specifically by environment. Again, I would technically classify this as a 5G tower, just it's a facility that Verizon will operate. Normally I would tell you an environment like this, you're probably looking at five mile radiuses, then it starts diminishing. But as we discussed the planning commission, that signal can be diminished by a lot of things. The topography of land, the tree cover, rock outcroppings and so

Speaker 2 (04:46):

On. There are some items that absorb it

Speaker 4 (04:52):

Or block it.

Speaker 2 (04:52):

Trees or ... Yeah.

Speaker 4 (04:53):

Yeah. It's a line of sight technology.

Speaker 2 (04:56):

It is line of sight?

Speaker 4 (04:57):

That's what they consider wireless. Yeah. So when your phone looks at the tower, anything in between that axis obstruction and that starts diminishing the signal. Okay.

Speaker 2 (05:09):

I should know that because we send the signal from the house out to the three buildings and

Speaker 1 (05:19):

Deal buildings.

Speaker 2 (05:22):

So by putting this tower up where you have it planned, that's going to reach Waba Gasset that'll reach because I know the signal around Waba gases is terrible because I know when I'm driving and also where I live, if you go a quarter mile from where I live, then completely lose the signal. There you have-

Speaker 4 (06:06):

Here's just kind of aerial map of the tower location. We touched on some of these elements in the planning commission meeting. Here's your airport height limitation zoning ordinance. Airports are allowed to enact separate, more restrictive height ordinances, which they have. We're right outside that. We could go inside that, but it would require the tower to be decreased a lot and that would diminish its ability to extend coverage. On a site like this, I think what you're touching on is correct. They are not only trying to cover the township, but this lake, I assume, there's a lot of population on it and a lot of activity. It's the lowest part of the topography, that's where water sits. When you move sites away, you try to shoot into that where you end up doing this. There are higher elevations, you have tree cover, you end up shooting signal over to users because they're on that lane.

(06:57):

So really two things kind of drive power locations. One is obviously expanding a footprint of coverage, but again, you want to put coverage to where the user population is so they know the call traffic, the engineering sites to kind of meet the performance of the network, where the demand is. So if there is a part where there's a lot less traffic because there's a lot less people and a lot less development, again, they're going to tend to have to put more sites closer to where the people are.

(07:32):
That's generally how some airports work.

Speaker 2 (07:36):
So if there's basically a five mile radius-

Speaker 4 (07:42):
Could be more, could be less. So a lot of towers go.

Speaker 2 (07:47):
So I've noticed if you drive around the country down here, you're starting to see a lot of towers that are what I call non-supported. And if they're unsupported, I know they're less than 200 feet.

Speaker 4 (08:02):
What do you mean by non-supported? Like not with guide wires?

Speaker 2 (08:04):
Yeah. Those

Speaker 4 (08:05):
Would be called just self-support towers. And generally in our industry, you would do a self-support tower up to like 300 feet tall.

Speaker 2 (08:14):
Really?

Speaker 4 (08:14):
Yeah. Now, then generally after that, you're going to be at a guide tower only. It just gets really expensive to build that type of structure and engineering. You can have smaller guide towers. I mean, I've seen guide towers as short as 150 feet with the guidelines, they're more cost effective.

Speaker 2 (08:34):
But the higher you go, the longer your range.

Speaker 4 (08:38):
It is. And then sometimes if you were kind of traveling out in open expand spaces, along interstates or something, you might see towers, taller, towers farther out. For years, AT&T would go like four hundred foot towers, but like we touched on this in the planning commission, meaning a lot of it has to do, it's not just receiving signal, it's the ability of the device to reciprocate signal. So a lot of times as you get farther away from these towers, the devices struggle to do that. So it's really about engineering from the user experience and being able to have not just signal to the device, but to the device to operate appropriately the way the customer wants it to. Outside of just the coverage, you talk about capacity.

Speaker 2 (09:22):
Capacity?

Speaker 4 (09:23):
Yeah. Same

Speaker 2 (09:24):
As transmission.

Speaker 4 (09:26):

So I mean, you can imagine like the cell towers have a finite amount of calls they can manage or bad ability. So when you have more dense populations with more people using towers in more tight areas, that facility can start reaching its maximum output or input. And so a lot of times too, it's not just about engineering and network to provide good robust signal. It's also to manage capacity of local populations. Generally in rural areas, you don't ever hit capacity, but you never know. And it's part of the mindset. So if you do have a lake that has an enormous summertime population, that's a consideration. Not only getting a good robust signal, but making sure that it can manage not only traffic for the short term, but also the long term.

Speaker 2 (10:20):

So you're familiar with data centers? Yes.

Speaker 4 (10:25):

Well, I don't know if I am, I'm probably about as familiar as anyone else I'm reading

Speaker 2 (10:28):

About. Okay. Yeah. So does the data center, are they dependent on a 5G signal?

Speaker 4 (10:39):

I couldn't answer that. My understanding is most data centers are going to be connected to fiber optic cable. They're going to be backhauled that way. They're not going to be transmitting information in other wirelessly as their main sort of backhaul.

Speaker 6 (11:07):

We do need to note that many of the neighboring residents are unhappy with these people sitting out here. As we considered it, certainly I was sympathetic to their concerns. Many of them focused on health, safety and aesthetic concerns and property value implications for their properties as we considered it on the planning commission. My sense is that we don't have that much flexibility to incorporate those kinds of considerations in our decision if we were to oppose it for such a reason, I think we would be vulnerable to a lawsuit and as it's an acceptable use with significant demand, I don't know what else we can do.

Speaker 2 (12:35):

All right. How would you improve if you didn't do this, if you didn't build this, how would you improve the service?

Speaker 4 (12:52):

For Verizon?

Speaker 2 (12:52):

Yeah.

Speaker 4 (12:53):

They would. We would basically have to try to operate off of what they have now for their network. I mean, this is part of I think an ongoing expansion over decades.

Speaker 2 (13:09):

They're building them all over. I do a lot of traveling and I see them ... I see them being built

Speaker 4 (13:19):

All over. I've been doing this for 29 and a half years. I started when there were no slow towns, initially issued license, were very few and we went out and had to construct the original networks. So these carriers, we call them carriers, AT&T, Verizon, US Southern.com. They buy these licenses from the FCC. They have an obligation to provide service to that license market and they have a certain amount of time to do it. And that was the first race, get up, get up, cell towers, get out signal, cover the population cover and then you have users using them now. I mean, there's statistics where like 90% of households have fireless phones. We know it. I mean, people are giving up landlines using these things at this point they're really chasing their demand and they're chasing the service they bought and they're keeping it

with technology.

(14:18):

So what you have is city areas where they obviously have more people and it seems like over the years, they've been years where they concentrate on those and then constantly working on adding to the world network. I'm sure you've seen it in your town. It was mentioned the FCC is very motivated for rural broadband. We've seen enormous amounts of investments in fiber infrastructure through federal brands. The carriers are the same.

(14:50):

They have an attention on the rural parts of the networks now, and that's why I think you're seeing a lot more of these applications in.

Speaker 2 (14:58):

So I've read, I went through this and I pulled out, I spent about three hours going through all this, bringing them all up, different articles talking about the signal being damaged, doing damage, health damage to individuals and I started thinking about it. I don't know how that exactly works because you have a 200 foot tower. The damage done to an individual is done with this. I'm on the dairyland power board of directors and we, for years and years when transmission lines were being built, people were deathly appeared afraid of electrical mechanical peels

(16:17):

And that was proven that if the lines are at a certain height, there's no health hazard or you could live right underneath of it as long as the lines are at the proper height. And now the transmission lines, the high voltage lines are running 365 volts and as a matter of fact, Dairyland is in a process right now of starting a 765,000 volt line transmission line from the Rochester, Minnesota area that comes over towards Madison, a little bit south of Madison. And you're going to see more of that because that particular transmission line at that voltage handles 10 to 12 times the amount of capacity that your lower voltage lines were on. And I know that people fight that they don't want the transmission line, but at the same time they want the service and they want the power and they want the energy. You flip the switch, you want the lights to go on.

(17:55):

I was listening to the comments. When I read through, I was sent a text message and gave me an app to go into, and I went through the app, printed all this out. I went through it and pulled up, I don't know, 25 different different sections of this and I didn't see any test. I thought there would be some tests or some scientific results that actually pinpointed a 5G or 3G or 2G or a signal where they could actually prove that it did damage to the human. Is there anything like that?

Speaker 4 (19:02):

I'm not aware of it. I mean they-

Speaker 8 (19:04):

Are you asking him or are you ... I don't know the rules that board meeting people here may have to be invited on.

Speaker 4 (19:13):

So I mean, I'll answer them to your meeting. And again, I just want to point the board back to what we discussed, that state potential laws specific, how this works in terms of RF safety, is that the FCC issues licenses. The FCC has done this for TV, AMF, radio, microwave for years before CyberArk. It's all the same idea. They regulate the spectrum, they regulate the users. That's why things don't interfere with each other and they also regulate the power limits and the environments and the safety. They determine what's safe. And so as a requirement of license, Verizon

(19:50):

Wireless and anyone that has an FCC license is not operate within those limits for RFP exposure and that's the FCC manages that and they comply with that and they'll do so here. So in doing that, because the FCC manages the spectrum and their federal law, they said it's not a matter for anyone except the FCC to consider including the policemen of these things. It's specific in the 1996 Telecommunications Act. So it gets brought up, I understand it, but again, that's how the management and the regulatory safety of this aligns. It starts with the FCC who sells the licenses to users, takes money

from it and then they regulate them to make sure they're not operating outside those things.

Speaker 2 (20:37):

And all of the AT&T and what's some of the other Verizon-

Speaker 4 (20:45):

Verizon, AT&T, T-Mobile.

Speaker 2 (20:47):

T-Mobile.

Speaker 4 (20:47):

It's your big three.

Speaker 2 (20:49):

Okay.

Speaker 4 (20:50):

So

Speaker 2 (20:50):

They're all putting ... Are they going to be part of this tower?

Speaker 4 (20:55):

Verizon's going to be danger tenant. It's available to three others. If anyone else needs to go on there, like a carrier like that, then it's available to them. So I guess it's designed for co-location as we call

Speaker 7 (21:07):

It

Speaker 4 (21:09):

And it could be for other users. They brought up public safety and pretty much anyone that has a communication use that would require a tower. They could work with a tower owner to secure space on it.

Speaker 2 (21:25):

FCC, do they have any reports? Do they have any proof of damage to humans?

Speaker 4 (21:36):

The FCC? No. FCC? Verizon just jump on this one. It's their engineer the network and they develop a search ring. That's in the application. That's one of the application materials that's set forth by the state legislator for co-location that's not under search. So it's not going to meet their engineering injectors. It's about a mile outside their search ring, so it's not viable.

Speaker 2 (22:07):

Is there a difference in strength on the signal strength on different towers? For example, is the signal strength on this tower different than the strength is going to be on the other tower?

Speaker 4 (22:27):

Talking about the energy?

Speaker 2 (22:28):

Yeah.

Speaker 4 (22:29):

So there's two things that kind of drive that. Number one is what is the objective of the idea touch on the meeting is also the user traffic. The more traffic on the tower check generally, the more energy it'll be emitting to and from the tower. So unlike other forms of broadcasting, it's intermittent when it's the tower emits RFE when you have a lot of users on it. So if you're in time between the morning, if no one's really making too many calls, there will be not a lot of energy coming out of the tower. Again, it's directional so basically wherever that site is in that user, you tend to have a field of broadcasting back and forth. Now when you ask about top end energy, depending how far the users are, this and that, that drives that, how many users the technology, you have what are low band and high band sites that are a different thing, typically low band travels farther, that's your 4G LTV, that's what has a lot of success in this environment that's usually what we rely on and the 5G signals are a little bit more short range and they would have some higher energy, but it's not a concept thing.

(23:38):

It's really driven by the user traffic and what they're trying to accomplish. And just one more thing, not to anybody charging, but what you also see is what we call densification. I mean, you could have a network of sites and now what we're doing out here, it's part of expanding a service gap. There's poor cells coverage, but also they design their networks. It's adding sites in between other sites just to address network needs. We call that densification because we have so many people using phones now everywhere. So it's not just about industry spreading signal certain amount. Some towers are designed to only cover one mile, some could be designed to cover more depending on the environment and the engineering needs and the user demand of the network.

Speaker 2 (24:30):

So AMRI, there are towers in AMRI?

Speaker 4 (24:38):

Yep.

Speaker 2 (24:40):

Same type signal?

Speaker 4 (24:42):

Yes.

Speaker 2 (24:46):

With a larger population?

Speaker 4 (24:48):

Yes. They've probably been there. Some of them in there, at least in Verizon network, Verizon is the incumbent operator to Altel from R Alltel. I think some of those start in the early 90s, they built their network out

Speaker 2 (25:07):

And there's towers in most municipalities regardless of the size of the municipalities.

Speaker 1 (25:20):

A lot of them are on water towers. That's

Speaker 4 (25:23):

What you call co-location. We use an existing structure instead of building a tower. As our application explains and what the state law sets up is if you have a search training, we have to basically identify any available colocation. If there is none, we have an RF statement of testing why we couldn't collocate in this instance, there's nothing to collocate on. That's one of the six requirements the state sets forth as completing an application and also what you are tasked to judge the application.

Speaker 7 (25:54):

I wanted to ask how many alternate sites are viable in this entire area or is it just that corner of that field?

Speaker 4 (26:03):

So the search rain, we do an evaluation of it. We target certain areas based on leaseability, constructability. We talk about this due diligence where we look out, we try to stay away from wetlands. These days, Wisconsin's incredibly sensitive to bat migration. So a lot of sites now we stay out of wooded areas where they don't want to see those areas deforest at all for cell towers at a federal level. So we try to minimize that. We showed you that airport map that typically cut it down. We do go out, we evaluate certain areas, eligible properties from zoning, this is one of them. Contact landowners and make an assessment. So we don't necessarily, if there's 300 potential eligible properties, we don't analyze all of them. We use a basket of criteria, our expertise to identify a good suitable location, put in front of the RF engineer.

(26:59):

They rank them and look at them and tell us which ones they like. We had other sites a little to the east that were in the high limitation zoning warrants that were evaluated, but they weren't high enough. That's what brought us a little farther west even out of that.

Speaker 2 (27:15):

So there's another tower that I know is planned in the next couple of years it's going to be six, seven miles north. Are there any other towers in the surrounding area other than that one?

Speaker 4 (27:42):

From Verizon?

Speaker 2 (27:43):

Yeah.

Speaker 4 (27:44):

Right now those only two.

Speaker 7 (27:47):

Okay.

Speaker 4 (27:49):

But again, how these networks work is though add to them. They have a long list of places that they know they need to go. They address them, they see how it performs. They model this stuff, they have a lab where they can take their existing network performance, they can put up a theoretical site, they can judge them and meets their needs. Their goal is to put sites that meet their engineering needs because that means they would need less sites. They can effectively, if they get 99% of what they need, if they can't get that, then they tend to put up more sites.

Speaker 2 (28:30):

I'm out of questions.

Speaker 9 (28:33):

I would just like the town to consider moving that tower further east on the property that's been selected. I would put it as a common sense compromise to the residents that showed up here tonight. I don't want a tower right next to their property. I don't know the exact- in the same

Speaker 6 (28:57):

Field?

Speaker 9 (28:58):

Excuse me, sir? I didn't hear you.

Speaker 6 (29:01):

I'm just directing your question, just Peter, whether it's feasible to move it east in the same field. Okay.

Speaker 4 (29:09):

Whether it's feasible or not, I can tell you my clients would want a decision on this application. We'd have to start all over our due diligence at this point, which would cost us six seconds remove that tower without a regulatory due diligence. We'd start back from one. I know that the property owner, I think wanted it a little tighter to the road just because it's a field.

Speaker 9 (29:30):

Tight to the road is, I think it would be fine, at least from what I'm suggesting, but move it further east. I will get it further away from the properties or the concerned citizens.

Speaker 2 (29:43):

Further what

Speaker 9 (29:44):

Direction? East. East. The

Speaker 2 (29:46):

Other

Speaker 3 (29:46):

Corner of their property.

Speaker 5 (29:52):

Can I ask a question? If this is a 90 day thing and we show up today, For the first opportunity, why weren't we notified earlier or given more of a chance? I feel like you brought some really great questions forward. We heard about how we don't put cell phone towers in forest because of bats. I think it would be appropriate for you guys and us to be able to research this a little bit more and be more informed about it. I feel it's unfair to you guys to kind of be put in a position to make a

Speaker 2 (30:34):

Decision. We follow our zoning ordinance and I know this was filed properly.

Speaker 5 (30:50):

I'm not arguing that. I'm just saying-

Speaker 1 (30:59):

What difference would it be in signal to the ground if you moved it over? It would be negligible.

Speaker 7 (31:11):

But it would cost Verizon more money.

Speaker 10 (31:13):

Correct. And

Speaker 7 (31:14):

Time. You guys put all your eggs in the basket expecting everybody just to roll over. I'm sorry.

Speaker 5 (31:22):

But it reduces my family's exposure.

Speaker 2 (31:25):

What I was going to say is I spent three hours going through this. You had sent that after me and like I explained to you,

I went through this. There are a lot of reports, there are a lot of studies there, but no place in here on any of these did it actually prove or state that there is a definite health-

Speaker 5 (32:04):

So the point of that was just to show that there's substantial reasoning for me to have concern and that I am being stripped of my right to protect my family because there's nothing out there that I can do to mitigate this.

Speaker 2 (32:19):

But if you go-

Speaker 5 (32:20):

And it's my children.

Speaker 2 (32:22):

If you go in and look and start holding out information on this, I didn't see one report where there was actually proof that these signals were unhealthy for humans. There's more-

Speaker 5 (32:45):

Are you sure- Putting

Speaker 2 (32:45):

This up to your head, there's more damage caused.

Speaker 5 (32:50):

Are you confident in what you know about the difference between 5G and 4G and 3G? And I'm asking that genuinely I'm not trying to, because I'm not the only one that feels this. There's a room full of younger parents with young kids who have a great concern for this because we see things we're experiencing things with our children. We're experiencing technology in a different way. We understand the damages of it and whenever there's a risk there has to be an option.

Speaker 9 (33:32):

Another point, sir, is four year olds aren't on cell phones, especially the four year olds that we're talking about here. That's a choice when we put the phone to our hand, that's a choice we make as adults. These four year olds aren't doing that. So if there's potential irradiation coming off the tower, they have no choice in the matter. The parents have no choice in the matter.

Speaker 5 (33:54):

I make a choice and a decision every day. My phone does not go into my bedroom at night. My kids don't get to play with this. My kids don't have devices that they play with that they get free range over. So all that to say is I live a specific way because I am in charge of my children. I'm responsible for their care.

Speaker 2 (34:21):

I understand that.

Speaker 1 (34:25):

I think the question about cities and metro areas, they're in every metro area. And I mean some of them a quarter of a mile from schools are trying out loud.

Speaker 5 (34:39):

There's schools that are banning it and we don't live in the metro area because we don't want to be subject to

Speaker 10 (34:45):

Those things.

Speaker 1 (34:47):

They're at every water tower. I would not-

Speaker 5 (34:49):

That's great, but that's not our community. That's not where we live.

Speaker 7 (34:53):

That's not the house we bought.

Speaker 5 (34:54):

That's not the house that I bought. We got established B colonies around us. It's a liability to the township and the landowners and they have shared in the documents that I provided, they out and say that-

Speaker 6 (35:09):

Excuse me. The point is made and Peter. Your

Speaker 4 (35:12):

Question to you is if you are an expert in this or you have a qualified opinion and again, I'll point you back to the FCC says that you shouldn't be. And it's like if you look at the limitations under federal law, and I'll read it, it says the state section, no state or local government instrumentally therefore may relate the placement, construction, modification of personal water service facilities on the basis of environmental facts and radio frequency admissions to the extent that such facilities comply with the conditions, regulations concerning such emissions. And that's how this works and how we explain it. So no, it's not the task of a local zoning board to be experts in 5G.

(35:56):

Here's zoning ordinance. It's very limited so then we go to the state law. Here's zoning orders does say though that communication similar towers shall only be allowed in areas found to be distinctly rural. Not that this could be enforced against an urban area of your township. The state does not allow that. It will be supporting and compatible with surrounding agricultural uses and non-conflict with existing airstrips. That's why we do an FAA. When you go to the state law, we brought this up in me and again, our applications model state law. We're not trying to beat anyone in the hood, but this is the guidance the state has given townships and counties to regulate these things.

Speaker 1 (36:45):

The thing that we met on, to be honest with you, had nothing to do with that. It had to do with the height.

Speaker 4 (36:54):

Yeah. Now the limitations, there's limitations in the state law of section 660404, section four. Let's see. A political subdivision meaning you cannot disprove an application based on the height of the mobile support structure, whether the structure requires equity lighting. Section P, you cannot disprove an application based on an assessment by the political subdivision, which would be the township of the suitability of other locations for conducting the activity. Meaning if we propose a site, it's for us to choose our site. It's not for others to choose.

Speaker 7 (37:36):

It's not distinctly rural, right? Not next to somebody's else. You guys picked up that spot.

Speaker 5 (37:44):

Well, you can-

Speaker 4 (37:45):

There's limitations. And again, the process that was followed, we filed our application late February. The planning commission scheduled it for a first reading or working session the very next meeting, first available meeting. We met, we did a preliminary discussion, review the application, discussed how it was complete under the state law. We encouraged the planning commission to get familiar with it. Then they scheduled a planning hearing, public hearing for night. So I mean, it is following your zoning process. But again, at that meeting, we pointed out that the state law requires there's a 90 day shot clock from the point of the application being deemed complete. I only brought that up

because they talked about tabling it. I just wanted the town to be cognizant of those dates. There's probably ... And if it doesn't, if no decision is made, it's deemed automatically approved. Now if you're going to deny an application, the state law requires that when we issue that denial's based on substantial evidence, not anecdotal evidence and you'd have to get it in writing.

(38:47):

There are limitations. I'm not trying to ... It is what it is. It's important that these cities for the township. I

Speaker 1 (38:53):

Read

Speaker 4 (38:54):

That.

Speaker 1 (38:55):

The part that didn't meet our ordinance was the height and that was all we were meeting, to be honest.

Speaker 2 (39:06):

We got way off track. I

Speaker 1 (39:08):

Apologize for that, but we got way off correct.

Speaker 2 (39:11):

We can't deny it because of the possibility of radio car frequencies.

Speaker 1 (39:20):

I'll make the motion to approve, but based on the height-

Speaker 10 (39:23):

We're not done. We're not tough.

Speaker 1 (39:26):

We're

Speaker 8 (39:26):

Not

Speaker 10 (39:26):

Done.

Speaker 8 (39:26):

So actually two things. I mean, we met for almost an hour and we had, I feel like many valid concerns health and outside of health. And then we have two nay members of the committee. There's the two nay members. I'm wondering if there was a time where you get to hear their concerns from anything. I think it went from that meeting to the next meeting to this meeting. So I don't think there was time to kind of hear all of that. And secondly, I think this seems like an outrageous bully situation where they have 90 days. If you don't respond in 90 days, then it goes forward. And then if you try to oppose it, you open yourself to a lawsuit. So it's like there is no option. That's frustrating.

Speaker 2 (40:15):

Did you understand what he said?

Speaker 8 (40:16):

I did.

Speaker 2 (40:18):
About state law?

Speaker 8 (40:19):
I did. Okay.

Speaker 7 (40:21):
Pete, you've been doing this for 30 years. What are the grounds that it can be dismissed?

Speaker 4 (40:27):
If we don't disprove collocation and are searching.

Speaker 7 (40:33):
You just said there was a mile radius. There's lesser places that would do almost as good as the route,

Speaker 4 (40:38):
Correct? There's no collocatable structures.

Speaker 7 (40:42):
No, no, no. Not for collocation. I'm talking about you said that there was a mile radius.

Speaker 4 (40:48):
Again, the limit is-

Speaker 7 (40:50):
From this ideal spot right next to these guys' house that might be of a slightly lesser benefit, but that are viable spots, correct?

Speaker 4 (40:59):
You asked me the question was that's not ... The grounds of opinion of the more suitable spot for a neighbor, like we talked about it, what tends to happen is you move it away from one neighbor, you move it closer to another.

Speaker 7 (41:12):
How often does Verizon sit on these packets to where there's 45 days off the shot clock?

Speaker 2 (41:16):
Well, and you also have the wishes of the landowner.

Speaker 7 (41:21):
Yes.

Speaker 3 (41:22):
But the landowner owner is benefiting. They're the ones that want it. They're okay with it being on the property and they're getting paid. I don't know what the amount is, but I'm sure they're making money on this. So if that's the case, then it should be closer to their house. They're pushing this far on their property as they lastly back.

Speaker 10 (41:36):
They're trying to put it within 500 feet of somebody living.

Speaker 1 (41:40):
A couple hundred yards isn't going to make any difference.

Speaker 9 (41:43):

Sure it will. A couple hundred yards east if it won't make a difference.

Speaker 3 (41:47):

And if it costs Verizon to start over, then that's their- Who's your commitment from that corner to the other end of the corner? I didn't catch that.

Speaker 4 (41:56):

That we would have to ... My clients would ... They want the decision made on this app. He asked me if as far as RFE on the ground, if it would be any negligible difference. And I said that was the one answer. We could start all our due diligence all over. Our due diligence takes us anywhere from between about five months.

Speaker 2 (42:28):

So you're against having it on the corner because of the view?

Speaker 5 (42:32):

No.

Speaker 10 (42:35):

The view and the wildlife received health risks.

Speaker 5 (42:40):

So in the state of Wisconsin- Property

Speaker 10 (42:41):

Value.

Speaker 5 (42:42):

You can deny this.

Speaker 10 (42:44):

Property value.

Speaker 5 (42:45):

Or table it based on the fact that you are not sure about the environmental impacts. You're not sure about the property impacts. If you don't believe the stuff that I sent you today, then table it and go do some more ... I read

Speaker 2 (42:57):

It.

Speaker 5 (42:57):

Go do some of your own research then. Don't take my word.

Speaker 2 (43:00):

They don't believe it.

Speaker 5 (43:02):

That's fine.

Speaker 2 (43:03):

They have not proved it. You could

Speaker 8 (43:04):

Probably

Speaker 2 (43:04):
Get. It has not been proven. I have read one article.

Speaker 8 (43:09):
I could send you some.

Speaker 5 (43:11):
It's going to be a liability back onto you and if you think that if my kids get sick because of this, I'm going to roll over. You're dead wrong.

Speaker 2 (43:22):
Yeah. I've heard enough.

Speaker 10 (43:29):
It affects the bats. It affects the bees. It affects the fishes. He just

Speaker 5 (43:33):
Admitted that. And this impacts the bats. That's why they can't put it in the forest. I

Speaker 10 (43:39):
Took a reading.

Speaker 5 (43:41):
I'm trying

Speaker 8 (43:42):
To tell you as a derivative constituent how we. These are our kids. These are the kids listening. There's no grow up around here. Infertility ranks are declining. We are passionate because we are concerned.

Speaker 2 (43:56):
I understand. So we have to follow the law also.

Speaker 8 (43:59):
The law that lets them do what they want because they put an application.

Speaker 2 (44:03):
I didn't write the law.

Speaker 8 (44:05):
You don't even fully understand

Speaker 10 (44:07):
The law. Wildlife. I didn't write the law. Didn't do your own research. You don't have to deny it on health. Deny it on property value. Yes. There are so many other. It's right next to the scenic trail. Come on. How much money spend on

Speaker 5 (44:23):
That? Plans along the sour trail for native bees or native lands formulation and pollinators. It's all going to be gone. It's all going to be gone because you guys are being bullied by somebody when you just table it and do some more research. Do some more research on it. We're in the law. During the committee meeting, he had.

Speaker 8 (44:48):
You have all of us expressing concern. And we spend an hour saying things outside of help stuff as well. And you have two yay voters sitting at your table. Where's the advice from the name owner that had concerns? Equally concerned board committee that was not willing to share with you. This seems odd.

Speaker 2 (45:15):
We have to follow the state law.

Speaker 10 (45:18):
Which is the prove.

Speaker 8 (45:21):
You're asking him the state law, you don't

Speaker 5 (45:23):
Understand. Concerns. The state law in towers, you're asking him. You guys haven't done any research on it.

Speaker 2 (45:31):
You made a motion. Do we have a second? I'll

Speaker 6 (45:34):
Second the motion.

Speaker 2 (45:35):
Okay. Those in favor of signify saying aye.

Speaker 10 (45:40):
You have a lawsuit either way.

Speaker 5 (45:42):
Let's go.

Speaker 7 (45:46):
Used car salesman, he's not going to come in and tell you what's wrong with the car, man. Yeah.

Speaker 8 (45:51):
You're listening to him. This is ridiculous.

Speaker 10 (46:11):
Thanks, Mike. We'll keep fighting. That's all we can

Speaker 7 (46:21):
Do. Put a nuclear power plant up in your front yard if you like it. Power plants are safe.

Speaker 10 (46:47):
Thanks for being here.

EXHIBIT 8

Speaker 1 (00:00:00):

Well, we will call the meeting to order. I've got a cold so I probably won't do too much talk. We're going to open it up to ... This is Pete

Speaker 2 (00:00:13):

Peter Shaw.

Speaker 1 (00:00:15):

He's with Northern Tower and I would hope that you would direct some of your questions to him. Please let's keep this orally. Try to answer your questions and if we can't, we may have to come back to you, but state your name and then ask your question and we'd like to keep it ordered. Is that possible? So with that questions of Pete, that tower is on the corner within how many feet of the corner?

Speaker 2 (00:00:53):

It's like ... Off the top of my head, I'm sorry. Has anyone here seen the application or is this your first time coming?

(00:01:11):

So essentially again, my name's Peter Show. I am here representing the admins Tower North Development LLC and Verizon Wireless. So Verizon Wireless needs a new facility. In this area they partnered up with Tower North Development LLC to build the tower facility. It's a pretty common practice in our business now. Most of your wireless carriers like AT&T, US Cellular, Verizon Wireless, they no longer have towers, so it's kind of a joint application. So what they're proposing is a 195 foot small tower on the northwest corner on the Christiansen property of 140th Street and 65th Avenue where it kind of makes them end.

(00:01:57):

We came in last month for the working session. We made an application for, I guess, conditional use. You guys are also citing a height variance, which obviously necessitates a public hearing. The tower will be constructed from deploy companies. That way anyone else that wants to use it, tower north is national relationships and contracts with most any carriers that will even accommodate local users. They can rent space on that tower so it's developed front to four different users. Come on in. No. Jesus. This is one part of our due diligence. There's a whole basket of due diligence we do. A lot of it is federal. Some information's enclosed in our application, but we're here for a local land use approval. The township's zoning is a little thin end powers. It classifies some things that needs a use approval. When you read our application and we discuss it last week's last month's working session, it's structured to meet the prevailing Wisconsin state statutes requirements.

(00:03:07):

So Wisconsin has kind of uniform requirements for citing these things.

They require six items there in the application be deemed a complete application and there's other criteria in which we've met and I guess we're here to solicit input from the public. Obviously towers like this always broad interest. They look at it as an investment in your community. They're here to provide service, serve their customers. There's always some concerns. So I guess we're here with the planning commission to answer not only the board's questions, but any questions you answered. Is there any other information I missed there?

Speaker 3 (00:03:48):
How many feet from the corner?

Speaker 2 (00:03:49):
What's that? The site will be set off 200 feet from the road and that's about the height of the town.

Speaker 3 (00:03:56):
From center line of the road or-

Speaker 2 (00:03:58):
From the right of way.

Speaker 1 (00:04:02):
The right of way is 53 feet. Yeah.

Speaker 2 (00:04:04):
So from the right of way line to the center of the tower, it'll be 200 feet.

Speaker 3 (00:04:11):
From both roads?

Speaker 1 (00:04:17):
I should have mentioned to you to start with. We are an advisory group. We do not make decisions for the town. We go to the board and the board makes the decision. That being George and I are both on the board and we're not making decisions, it's not a form. This would be a core, but the best reason we don't do

Speaker 4 (00:04:36):
That. Did Christiansen approach you about wanting this or is your company out scouting for places? So

Speaker 2 (00:04:43):
All it works is Verizon identifies a location on a map. They set up a geographic boundary with engineering parameters. So we go out and we analyze that area for possible locations for us. We identify the Christiansens. We approach them to see if they would be willing to host it. If they considered, they said yes. So here we are.

Speaker 5 (00:05:06):

Hi, my name is Liz. So can you explain, you said Verizon needs a new facility. What does that mean? Because we have a cell tower right there. I have had no problem with, I'm a Verizon customer. I've had no problem texting, receiving messages, even involved in township. So I'm just puzzled by why they-

Speaker 2 (00:05:25):

So your tower there is leave AT&T's on that. The one down here,

Speaker 1 (00:05:33):

The money grill right there.

Speaker 2 (00:05:34):

So there's two things. AT&T is not a roaming partner, Verizon, but you are ... I chest my phone, I have one or two bars out here. So you will get some service. Verizon, when they build their network, they want to see you have full service four bars inside. That's kind of the metric. So you can be getting some signal from the next side over. Also, if there is a roaming partner, are you familiar with Roming. Okay. Yeah. Is everyone familiar with Roman? Okay. Yeah. So that's where another carrier basically access our surrogate and they would provide service. Usually you're subordinated, you don't get the best service, but they want to provide service directly to their customers. So they've analyzed the area. They're filling holes in their network service gaps and that's what necessitates these.

Speaker 6 (00:06:26):

So how many partners will there be or surrogates or whatever? Well,

Speaker 2 (00:06:31):

How it works, again, that's kind of a question you're looking at is my co-location. So like say if you have a tower, you could have Verizon, Cellcom, US Cellular, AT&T, T-Mobile. They're providing ... Those are co-locators. That means each company is operating their independent equipment and serving their customers directly from that facility. When you talk about roaming, that means one company does not have its equipment there, but its customers can also get served by a competitor's equipment through a roaming agreement they have. So that really depends on which companies have roaming agreements, how they're set up, so on and so forth. There's really no way to give a clean answer on that, but the tower could have up to minimum four

Speaker 6 (00:07:19):

Independent things. And will Polk County Sheriff be involved in that at all?

Speaker 2 (00:07:23):

In what capacity?

Speaker 6 (00:07:24):
If they need a tower to transmit-

Speaker 2 (00:07:27):
If Polk County sheriff wanted to go on this tower, it would be available to them. They'd have to work out an arrangement with the tower owner

Speaker 1 (00:07:33):
And

Speaker 2 (00:07:33):
Then they would go through this, what we would call the co-location process.

Speaker 1 (00:07:36):
Okay. I will say this, you said that you got good service. I live on wapping gas and I get lousy service and the people down 90th pretty much all get lousy service. I have a friend who has business there. Shane Troph, you know Shane? And he saying ... I talked to him on the phone. We call each other by the back three or four times because we get dropped calls.

Speaker 7 (00:08:05):
Where's your service through?

Speaker 1 (00:08:06):
Hmm?

Speaker 7 (00:08:07):
Where's your service through?

Speaker 1 (00:08:09):
I can't hear you. What

Speaker 7 (00:08:10):
Company?

Speaker 1 (00:08:11):
Verizon. I'm on Verizon. Verizon. I got Verizon and I just live not too far from where Gary Christensen.

Speaker 7 (00:08:17):
My name's Dell Stone. I'm just curious. Yeah. What's your company?

Speaker 6 (00:08:21):
T-Vobo. I'm wondering if that will ... Because I got crappy.

Speaker 7 (00:08:25):
And what's yours?

Speaker 8 (00:08:26):
Consumer Cellular.

Speaker 7 (00:08:27):
Never heard of that one. Do you have good service or no?

Speaker 8 (00:08:30):
I do, but I have many visitors

Speaker 7 (00:08:33):
Complain

Speaker 8 (00:08:34):
About the service.

Speaker 7 (00:08:35):
Sure. So I'm Dell Stone. I don't know if any of you know me. I'm retired from the Sheriff's Department and my first question about this is why. I don't know if we really have a clear answer to why. It sounds like you want an improved service?

Speaker 2 (00:08:51):
Verizon does, yeah.

Speaker 7 (00:08:52):
Verizon through the area.

Speaker 2 (00:08:54):
Years

Speaker 7 (00:08:55):
Ago when I worked at the Sheriff's Department, probably three, four years ago now, are you familiar with FirstNet?

Speaker 2 (00:09:04):
AT&T, yes. Okay.

Speaker 7 (00:09:05):
So what? But what FirstNet actually is?

Speaker 2 (00:09:08):
Yes.

Speaker 7 (00:09:10):
Okay. You're a cell phone guy. You could probably explain it better than IT.

Speaker 2 (00:09:13):
So AT&T basically has what's called FirstNet. It was a contract with

the federal government where they set up a second kind of independent network through their equipment where if you had emergency responders essentially could have phones that if you had a tornado or something and everybody was going on their phones, the FirstNet would be sure to segregate that traffic and get priority of first responders to make sure that their phones work.

Speaker 7 (00:09:37):
Perfect. And

Speaker 6 (00:09:38):
What is that called?

Speaker 7 (00:09:39):
It's called FirstNet.

Speaker 2 (00:09:40):
FirstNet.

Speaker 7 (00:09:43):
And I apologize, I have wrestler brain, so I speak really directly, not very eloquent. FirstNet, the big benefit to that for public safety and the government is your phone works during an emergency when the general public's phones do

Speaker 3 (00:10:01):
Not work. So that 911 would work then?

Speaker 7 (00:10:05):
911's going to be a separate deal versus our cell phone systems, okay?

Speaker 3 (00:10:09):
Okay.

Speaker 7 (00:10:09):
Same thing with the radios. So in regards to the sheriff's department needing another tower in Garfield Township, I have called Polk County on Polk County's radio from Spooner and from St. Paul and from the very southern edge of Sacra County. So to get better service on the ... And of course I'm no longer with the Sheriff's Department. If they have a current need, then they can speak for themselves on that. But I'm just telling you, my radio isn't going to work any better because I got a tower next to one of my friend's properties. Now on the cell phone side of thing, those FirstNet techs, I drove them all around the county about three hours in the truck and they brought along their equipment and they were monitoring coverages for all different type of cell phone carriers. So you basically get a real good look at how well phones and services perform in our county.

(00:11:16):

They wanted a contract with the sheriff's department. I don't even remember if they got one. I can't remember, but I put my phone next to their equipment on the dash and they said my phone outperforms everything and it wouldn't even be an improvement for me to go to FirstNet personally. So that's their tax trying to get a big contract with the Sheriff's Department and I use AT&T and I don't think I've never been anywhere in Polk County and I've never been anywhere in this world where somebody has a phone that outperforms mine. I just wonder why we need to just put towers up and scatter the landscape. The other thing they told me, those techs told me was that for our ... We're a little under a thousand square miles for a county and I don't know if per capita is the right word for it or whatever, but we have more towers in Polk County than would be normal for our population and for our

Speaker 1 (00:12:23):

Towers. The number of towers are based a lot on the traffic and that is one of the issues. I live on the lake and during the summer I get lousy circles and it's because there's so much traffic people on the lake are trying to use-

Speaker 7 (00:12:42):

I'll come have a cup of coffee with you sometime and bring my cell phone and show you what kind of- Just switch days up to you. I'll bring the coffee, okay? They're not all created the same and adding more towers why? For AT&T because they need it.

Speaker 3 (00:13:02):

Especially right next to the Phoenix Stower Trail.

Speaker 4 (00:13:07):

So I wrote something that I think I'd like to share because my concerns are the adverse health effects and the environmental impact that it has, especially when we're locating them so close to one another. So if you don't mind, I would like to just read what I have prepared. There's a lot of research out there and I tried my best to condense it to hit some main points that I felt were important. So my name is Stephanie Jansen. This tower is actually situated closer to my home than it is to the property owners. So tonight I'm speaking about the proposed 5G and rural cell towers as a local issue that affects our property values, our health, our environment,

(00:14:11):

And the limited oversight from regulators. Research on these topic on this topic is mounting. So I prepared an informational packet which I will provide if you wish. First, it's property values. Cell towers placed near homes are associated with declines and property values. Community and realtor studies show that properties within tower visibility range can experience declines of up to as much as 20, even 30%. Given that many of us have bought homes with the expectation of

stable property values, this is a risk and an unforeseen liability to neighboring properties. How will placing two of them within two miles of each other impact our values? Second is health concerns and the burden of evidence. There's a growing body of peer reviewed research and expert recommendations regarding RF radiation from cell towers and 5G antennas. While RF is non-ionizing, many scientists and public health authorities urge caution because prolonged exposure has been linked to a range of health concerns including but not limiting to headaches, memory issues, dizziness, insomnia, depression, fertility issues, in animals and humans, cancers, alterations of hormones, high risk of type two diabetes, blood pressure variability, memory and attention in school aged kids and delayed finding gross motor skills in children.

(00:15:53):

The American Academy of Pediatrics has called for updated safety considerations, giving children's greater vulnerability. In comparison to older generations, children born now will experience a longer lifetime with higher exposure and given their young bodies, thinner skulls, developing brains puts them at a greater risk. Studies confirm concerns that living near cell towers increase the risk for adverse health issues in children. In 2011, the World Health Organization's International Agency for Research on Cancer classified radiofrequency electromagnetic fields as a group to be possible carcinogen.

Speaker 1 (00:16:36):

Now hold up. Hold that one. The World Health Organization, I looked at their- Can I just

Speaker 4 (00:16:43):

Finish reading

Speaker 1 (00:16:44):

What I have to say? I

Speaker 4 (00:16:46):

Don't

Speaker 1 (00:16:46):

Want to have- 5,000 people and they said that there is no ... They said there's no proof of that. They said- I respect your opinion. The jury's still out, but there's no proof.

Speaker 4 (00:16:58):

I respect your opinion. Can I continue to finish what I've got here? I've

Speaker 1 (00:17:05):

Done a lot of reading. Okay.

Speaker 4 (00:17:07):

So like I said, can I finish this? I'm not coming here to interrupt your meeting and cost pay us. I just want to finish what I wrote.

Speaker 1 (00:17:14):

Go ahead. Absolutely.

Speaker 4 (00:17:15):

In 2019 and 2024, those same agency agencies recommended that radiofrequency radiation be reevaluated, but have not taken the steps to do so. Many scientists believe there is enough available peer reviewed evidence to support the conclusion that radio frequency is a proven human carcinogen. Long-term exposure to cell towers raising legitimate health concerns, especially for families with children who have lack of autonomy to avoid living near them. Third, significant gaps exist in government oversight of cell tower radiation and its potential health effects. As the environmental health trust notes, there is no US government agency with oversight for cell power radiation health effects. No research, no reviews, no reports, no environmental monitoring for the daily full body radio frequency radiation exposure from cell towers. The Federal Commission Communication Commission FCC continues to rely on its 1996 radiofrequency exposure limits based solely on thermal radiation and do not address the non-thermal biological effects of today's technology.

(00:18:36):

Studies suggest that current safety limits for wireless radiation may be at least 200 times too high to adequately protect against cancer risk. Despite substantial scientific evidence, including over 11,000 pages of supporting documentation and the 2021 federal court order requiring the FCC to better explain how its limits protect human health, the agency has failed to provide a satisfactory response. Instead, the FCC has prioritized accelerating the deployment of wireless infrastructure in communities like ours. Fourth, liability. To quote the environmental health science, major insurers rank radio frequency radiation admitted by cell phone towers as high risk liability, often comparing the issue to asbestos or led. Due to the financial risk, most insurance policies exclude coverage and damages related to non-ionizing EMF, including RF radiation emitted from cell towers. In turn, US wireless carriers have been unable to secure insurance coverage for potential liabilities for well over a decade.

(00:19:54):

Telecom companies reassure communities that cell towers are safe, yet they warn their shareholders of cell tower radiation related risks in their annual reports stating that regulations could change or legal cases could result in unfavorable rulings which could impact their cashflow. Lastly, environmental impacts and community character. To quote the township's comprehensive plan. In areas of high growth such

as Western Wisconsin, natural resources are being threatened from sprawl and increased demand. Planning for the future of the town's natural resources is important in order to preserve our environment and indirectly our health.

(00:20:41):

The expansion of outdoor RF exposure is increasingly viewed as an environmental pollutant as defined by wireless companies themselves and is now the dominant exposure source in many areas. RF exposure limits were designed solely for humans and never been established for wildlife, local ecosystems, migrating birds or aquatic species. Again, no federal oversight of the effects on wildlife. Independent studies show bees and insects absorb 5G frequencies at higher intensities, linking cell tower and EMF exposure to increased stress, reduced hunting population or production, memory impairment, and alter pupil development in bees. A research review of over 1,200 studies found low intensity EMF exposures can cause adverse effects on birds and insects, including disrupted orientation and migration reproduction, mating, nesting, den building, and life expectancy. The proposed tower site is home to many migrating birds such as the sandhill cranes, blue herons, Canadian geese, swans, and ducks, potentially disturbing feeding, roosting, and migration.

(00:22:04):

Natural habitat is part of this community's charm and an attraction for so many visitors, vacationers, and recreational activities. Additional towers risk altering the fabric of our neighborhood and our community character.

Speaker 1 (00:22:18):

Okay. I think-

Speaker 4 (00:22:20):

Antennas near rivers, wetlands and migratory bird habitat can significantly elevate RF radiation. Studies indicate that tower exposure to radiation creates developmental challenges.

Speaker 1 (00:22:33):

I'm going to ask you

Speaker 7 (00:22:34):

To stop and let Pete ...

Speaker 4 (00:22:37):

I'm almost done.

Speaker 7 (00:22:37):

Why don't you just let her read that and then of course we want to hear- Absolutely.

Speaker 4 (00:22:41):
I'm just asking to finish by- This

Speaker 3 (00:22:43):
Is all really good information.

Speaker 1 (00:22:44):
You've been talking for 10 minutes.

Speaker 4 (00:22:49):
This is a committee, right? This isn't a board meeting. This is a committee. So I just want to finish what I'm saying. I didn't come here to ... Listen, I live here. I live closer to this tower than you do. And there is very ...

Speaker 3 (00:23:02):
I live here too. You want to put this 400 feet?

Speaker 4 (00:23:06):
This poses a potential risk to the aquatic life and many species that call this river home.

(00:23:13):
I'll admit I don't fully understand the entire process for things like this, but I have spent the past several days carefully reviewing the materials on the township's website. I want to thank the board and committee for your dedication to our residents and for the thoughtful attention that you give to us for our property rights. I don't think that this is an easy decision. My goal tonight is to raise awareness and highlight the health concerns of my family and others in our community, as well as the current lack of regulation, oversight, liability protections, and the potential unintended consequences of adding another 5G tower to our neighborhood. For these reasons, I respectfully ask the committee to at minimum table this discussion tonight. Please allow more time to further research the risks and carefully consider the lack of oversight and regulation, especially given the town's proposed proximity to our waterway and the wildlife that call this place home.

Speaker 9 (00:24:16):
Thank you.

Speaker 1 (00:24:19):
One of the things the FCC did update, you said 1996. They updated it in 2019.

Speaker 4 (00:24:28):
So are you aware that they had a congressional meeting yesterday specifically talking about the overreach of authority that the FCC is trying to imply to take what we stand for right

Speaker 1 (00:24:39):

Now? I've read so many things and there's so much misinformation and information. And so when I did, I went through the three organizations that I trusted, the World Health Organization, the FCC and the American Cancer Society and they've all come out with the same thing that yes, the jury might still be out on some of those things. They are reviewing them, but there's nothing that they found to

Speaker 4 (00:25:15):

Date. So the FCC- Should

Speaker 1 (00:25:16):

I let Pete add some

Speaker 2 (00:25:19):

Context to this as well? First of all, just so we can frame this appropriately, you mentioned the 1996 Telecommunications Act, there's Wisconsin 660404. I've been doing this for 30 years. The FCC license regulates these activities. So they basically, they're the ones that deem what the operational safety levels, frequencies and operating as far as public exposure, they set the limits. They are constantly reviewing them. There's a litany of contributing bodies, including Occupational Safety Health Administration, the EPA, the National Institute of Occupational Safety and Health, OSHA, FDA. It's not just 30 year old technology, but for tonight it's important that you know that in the 1996 Telco Act, the state it's not appropriate and they cannot base any decision on RFE. The FCC is-

Speaker 4 (00:26:16):

That's part of the regulations that the FCC- But

Speaker 2 (00:26:18):

Again, that's the rule.

Speaker 4 (00:26:19):

And that's happening in Congress

Speaker 2 (00:26:22):

Yesterday. As of today, it's been the rule for 30 years and it's not the position of this board to regulate FCC license activities no more than it would to be to license their traffic control out of an airport. It's just the way our government works. You got federal, state, local. So the

Speaker 6 (00:26:40):

FCC runs the show business.

Speaker 2 (00:26:41):

If they have license, if you've obtained a license, now when you talk

about regulation, Verizon has a very rigorous regulatory limits. They're going to operate within the confines of their license, which the FCC dictates that to.

Speaker 4 (00:26:56):

But if the FCC is not running studies on the adverse health effects of radiation, how are they-

Speaker 2 (00:27:01):

Well, that is not the town board's job to please succeed.

Speaker 4 (00:27:04):

I'm not- Again, this is all- So to your point, you're telling me that it's not the town, but basically what's happening in Congress right now and what they're trying to deliberate is the fact that the FCC is trying to fast track all of this stuff and strip all local authority away. So even if you didn't want to have this, you'd have to jump through hoops to deny this and they all know that.

Speaker 2 (00:27:31):

Well, it's a land use

Speaker 4 (00:27:32):

Hearing. But this directly affects my lifestyle and the way that I live. I do not own a microwave. This is a health risk that you are planting and you're not giving me autonomous choice whether I want to be affected by it.

Speaker 10 (00:27:50):

Have you considered other sites in this area?

Speaker 2 (00:27:52):

They considered several other sites in their search rinks. So again, that comes down to a search rink. Verizon identifies a search ramp. That has been provided to town. There's no publication opportunities. Moving east, we run into the height limitation zoning ordinance from neighbor airport. So it really kind of limited the location, but it would have been in this immediate proximity. Airport

Speaker 10 (00:28:15):

Would have been

Speaker 2 (00:28:15):

Great.

Speaker 4 (00:28:16):

Yeah, but it wouldn't have been 400 feet from my house. I homeschool my kids. I am at home every single day. We run a home business there. There's no way for me to shut this off. There's no way for me to give my body or my kids' body a break. And that's what this comes down to

is a lack of choice.

Speaker 11 (00:28:35):

I have a few things I'd like to share. It's really like two minutes.

Speaker 2 (00:28:38):

Again, I just caution the board. I mean, taking testimony on deliberating health defenses completely out of balance. I think it's got to stay in box because- It's just a violation of law. Yes, we

Speaker 4 (00:28:52):

Know that. This is a violation of law to put my health and the risk that my family is going to be at and there's no liability insurance. Nobody's covered. The counties or the municipalities are not covered, the landowners are not covered and they're-

Speaker 3 (00:29:07):

Can deny it based on

Speaker 8 (00:29:09):

Wildlife. The lady of property value. The lady in the rear had asked for the floor. Disagree. Yeah,

Speaker 11 (00:29:14):

Like two minutes, really. And I don't think anyone here is ... We're not going to solve the issue of is it a health risk or not? That's out of this room. We're just concerned as residents or maybe not. And some people might be for it here, but we don't have any monetary incentive, so that's not our reason to come here. We may have other concerns, but I'm Megan and I am about one property removed from the tower. So I'm just coming to talk to you today to voice my disapproval for the tower. While I do agree with others' rights to do what they want with their property, this doesn't affect just the Christensen. This affects everyone else around them.

(00:30:01):

So basically the surrounding neighborhood would be involuntarily stripped of their protection from the effects of this tower and we have no choice in the matter. Okay so one thing that hasn't been, I mean it's been touched on, but I am wanting to talk a little bit about the impact of RF, EMF, radio frequency, electromagnetic fields in relation to honeybees. I am a beekeeper. I have bees. I have done research, looked at many studies about this exposure that can contribute both to disruptive bee health and colony health. Basically she's said a couple of things, but reduction in colony population, longer return times the high, reduced breeding efficiency, altered flight patterns and then stress signals increasing being sent out from the bees. So basically honey weeds depend on sight smell and the earth's magnetic field for their navigation and it's actually pretty cool, but they use these magnetite crystals in their abdomen to detect

subtle magnetic changes.

(00:31:08):

And so even minor EMF interference called like electric smog or electromagnetic pollution, it can impair their ability to orient forage and then return home. And studies have shown that this can lead to colony collapse disorder. So when worker bees fail to return, basically population drops and the colony can't continue. So as a beekeeper, I am concerned about this for several reasons.

(00:31:39):

But furthermore, as a homeschooling family, we are at a residence the majority of the week. We're very concerned about our own family's exposure to radio frequency, whether that's controversial or not. I mean it is controversial, whether that's proven way or not, like that is a sincere concern for us even to the effect that we don't have wifi. We turn airplane mode on for large portions of the day and that's a choice that we have, right? But this tower would remove that choice from us. It would just be gone. So in addition, just the implementation of this tower as an eyesore really. I mean, especially the sour trails there, anyone driving pilot, it's a well used area. An eyesore, an electromagnetic pollutant really in our township. It would open up the entire township to this type of controversial and potentially hazardous industrialization in the future.

Speaker 1 (00:32:39):

Okay. Anybody have questions for B?

Speaker 10 (00:32:42):

How many Verizon customers are in this area in Garfield Township? I

Speaker 2 (00:32:47):

Don't have that data. You didn't have to

Speaker 10 (00:32:48):

Include that in your submission

Speaker 2 (00:32:50):

Package? You don't.

Speaker 10 (00:32:52):

What would be the ... I mean, obviously

Speaker 2 (00:32:54):

The residence. It's also visitors. So when you look at customer traffic, you don't just say, okay, how many mailing addresses do we have that get Verizon bills? It's also you have traffic that travels in and around your seasonal traffic.

Speaker 10 (00:33:11):

Do you have Verizon?

Speaker 2 (00:33:12):
I do.

Speaker 10 (00:33:13):
How many times have you driven up and down 65 in lost service? Because that's a primary.

Speaker 2 (00:33:18):
I don't know if I've been on my phone. I'm not signal testing. I mean- The questioning that we're getting here.

Speaker 10 (00:33:25):
Well, you said travelers, that was a reasonable follow on.

Speaker 2 (00:33:30):
So I'm saying, again, what you're suggesting is Verizon and Tower North are looking to invest in two sites which are incredibly expensive, but they don't need them. I mean, that's kind of the connotation.

Speaker 7 (00:33:41):
So

Speaker 2 (00:33:42):
Just out of pure economics, they're

Speaker 7 (00:33:43):
Not- My phone works everywhere. You have

Speaker 2 (00:33:46):
An AT&T phone.

Speaker 7 (00:33:47):
Sure. Yeah.

Speaker 2 (00:33:48):
So

Speaker 7 (00:33:49):
That's like somebody with an unreliable vehicle looking at someone that's driving a reliable vehicle and going, "Woe is me. " Get a reliable vehicle.

Speaker 2 (00:33:59):
Verizon has a license. It's a competitive service to AT&T. To say my AT&T phone works fine so you don't need Verizon service. That's basically discriminating against Verizon, which again is a violation of federal law. I mean, the FCC issues these things, like you said,

they want to have a competitive service environment through the whole country. All networks aren't the same.

Speaker 4 (00:34:20):

It's funny because we would like to welcome companies into our community and right now you're telling me the SEC it's a violation to turn you away. That's what you just

Speaker 2 (00:34:31):

Reiterated. Well, what it is, is it's a violation to say we don't want Verizon service because you are the AT&T. No,

Speaker 4 (00:34:38):

I don't care who you have. I don't want Verizon Power here because I have been spinning in my river.

Speaker 2 (00:34:43):

I'll address some of the things I mentioned. Part of their due diligence or federal diligence process is they have to do a NEPA study. It's a National Environment Protection Agency. They consult with US Fish and Wildlife. They consult with the West Wisconsin DNR. They do a SHIPO study where they send out tribal notifications to something like 17 plus tribes in this area to consult. They do archeological studies so they cannot turn their site up without people clearance. I don't have a copy of that, but I gladly get it to the board as a condition.

Speaker 4 (00:35:12):

I'd like a copy

Speaker 2 (00:35:13):

Of myself. So you can get a summary copy that has to clear that the FCC will let them turn on if you don't do these studies.

Speaker 1 (00:35:22):

What is the strength of your signal under the tower?

Speaker 2 (00:35:25):

Well, it can vary. There's multiple technologies and again, let's talk about how RF from cell towers work. When you're in your house, you can turn your television on, right? Your television works. You can turn your AM radio on. So what's happening for that, and you might be familiar, you have an indiscriminate signal RF energy that's coursing through the landscape twenty four seven, 365 until your antenna picks it up, right? That's also non-ionizing radiation, right? So your whole life, you have lived in an environment that has RF energy. Cell phone towers, they work on demand and intermittently. So as users use their handsets and connect with the cell phone tower, they know that they're there. When the RF energy starts coming out the towers when the user makes a connection, starts transmitting data back and forth. It's not

blasting out an intermittent signal twenty four seven a day.

Speaker 10 (00:36:21):

How many ... Well, no, it is. There's somebody twenty four seven.

Speaker 2 (00:36:26):

But again, if you have one user on it- It's just in

Speaker 10 (00:36:27):

This township, right?

Speaker 2 (00:36:28):

Yeah. If you have 24 users on there, and again, the closer you are in the tower, the less energy it takes for your phone and the tower to communicate. When you're far away from a tower, you've all been there and your phone is heating up. You ever had that with your phone top?

Speaker 10 (00:36:43):

No.

Speaker 2 (00:36:43):

None of you? No one's? Absolutely.

(00:36:47):

So why does that happen? No idea. Why does your phone heat up when you're using it on a cell tower like in typically an area? Because your phone has to communicate back to the tower. It's a two-way relationship. It's just not a television set where you put up an attendant grab the signal. You have a reverse path performance. So what your phone is doing to get to that tower is it's pushing up more power taking, that's where your battery dies quicker so it's making choices. So it has to emit a more powerful signal to get back to the tower and the tower has to be a more powerful signal to get into it. Now why do we need more towers in these types of areas? If you look at what they're doing, you have different topographies. You said your phone works good certain times a year.

(00:37:31):

We have leaf on, leave off conditions. It might work good over here and here because you have many different terrain elevations. You have rock out properties. You have some areas that are heavily forested, some that aren't. So depending where you are at in relation to that tower can affect the device performance. A lot of issues you have are on lakes because lakes are the lowest portion of the landscape, right? So you can get out many miles from the lake and then people go on the lake and they say my phone doesn't work on the lake that well because the signal's going under your head. So again, when you have a lot of challenges like this, that's why it can affect one person's device performance to the next and that's how they design their networks. They're not here to ... They get the concern. I've dealt with it.

(00:38:11):

I do understand it and I appreciate it. But there is thought to this. There is process and due diligence and there is regulation outside your township that considers a lot. We

Speaker 4 (00:38:23):

Basically don't have a choice at the end of the day because federal law comes through. And the FCC is not complying with their 2021 court order.

Speaker 2 (00:38:32):

And again-

Speaker 4 (00:38:33):

They're not updating and they're not studying.

Speaker 2 (00:38:35):

If that's the case, but again, it's not for a local land use committee. I mean, that's just the point. We're only

Speaker 11 (00:38:40):

The risk takers.

Speaker 2 (00:38:42):

Go ahead.

Speaker 11 (00:38:42):

I'm sorry. And like I said, we're not going to solve the health. There's studies that say it's no health effects. There's a ton of health effects. We're not going to solve that tonight. What we're asking is for by putting in that cell tower, we're taking away choice and the rights of the residents to make that choice. I mean, for how many years did they say smoking was safe, right? And now we're like, how stupid were they? Who knows what it looks like in 50 years if they're going to be like, wow, which side were you so stupid on? It might be this side, it might be that, but it's taking away the choice.

Speaker 4 (00:39:17):

I don't want my kids to be the test subject for 5G rollout. 5G is different than four than three. It's a different frequency. And the reason these towers have to be so close is because it's such a high frequency. And

Speaker 11 (00:39:31):

It's so new. They haven't done anything. They know nothing about it. They just roll it all in with two, three and 4G and say it's fine.

Speaker 1 (00:39:42):

Three minutes because we've got two more meetings to after this one.

And we do have a little bit more business here to attend.

Speaker 12 (00:39:52):

Would you guys want to work less than a football field from your house? Growing up your kids? I'm just asking. Would you want it on your home?

Speaker 10 (00:40:04):

Show of hands. Huh? You'd like one within a football field of your home?

Speaker 1 (00:40:10):

I can't hear you.

Speaker 12 (00:40:12):

Let's say that the cell towers helped the bees and they help her son and their kids. All right, let's just say that. All right. Would you want an ugly cell tower 200 feet in the air in your backyard?

Speaker 1 (00:40:25):

195.

Speaker 12 (00:40:28):

You'd be

Speaker 8 (00:40:29):

Fine. Another question

Speaker 12 (00:40:30):

Might be— By a show of hands, food like that would not care. I don't know.

Speaker 8 (00:40:34):

Another question might be if the federal regulation allows it and the competitive investor has decided to commit the capital to it and the consumers enjoy the service, where else are they going to put it? It has to go somewhere then.

Speaker 3 (00:40:56):

It's not 400 feet from where somebody's living. I literally have— So there's regulations at that corner.

Speaker 4 (00:41:02):

Suggestion

Speaker 3 (00:41:03):

Regulations

Speaker 4 (00:41:05):

For safe distance away. So the further you get away, it drops more.

But it is literally closer to my house than to Christiansen's and it's on their property. So we're taking the bigger hit and risk.

Speaker 3 (00:41:18):

And then our property value, let's say we're valued at a million dollars, 15 to 30% we're talking \$300,000 in south belows. And then the wildlife on top of it, I have walleye that's gone in my driveway. The river runs through my driveway and they spawn there every year. The suckers, the wall eyes, we got wood ducks, we got sandhill cranes, we got blue herons.

Speaker 4 (00:41:44):

Which are protected, migrated

Speaker 3 (00:41:46):

First. All in this field. It's all part of the. Which has been done. Thank you.

Speaker 4 (00:41:56):

I'm not here to argue. I respect your position, you're doing your job. I'm asking the board, this is where we live. Because that's what you get paid. This is what's going to impact our daily life. Okay. The choices that we make. The health of my kids.

Speaker 6 (00:42:12):

Should we table this motion or what do you want to do here?

Speaker 1 (00:42:15):

We've got to stop it because we've got Todd here yet to-

Speaker 4 (00:42:21):

I have one quick thing. If there's another tower so close and companies share towers, why can't more companies be a part of a tower that already exists? Well,

Speaker 2 (00:42:31):

There's three companies on there and again, the networks have all different needs. So you just, because you have one tower doesn't mean every company know the Verizon network. Obviously needs are different than AT&T T-Mobile. The first thing they do is look for co-location. Building towers is expensive. It does not have to be encouraged. I mean all the state law.

Speaker 10 (00:42:49):

But what's your return on investment for putting your own tower up instead of putting on a Verizon?

Speaker 2 (00:42:55):

For Verizon, it's nothing. I mean, they basically ... Well, it's not their tower. So they have tower partners that come in and construct

these things as investment. It depends. The return on investment would take 30 years to figure out. This is very slowly business if you research it. If you have a mutual fund, you probably have stock in one of the three biggest tower companies America.

Speaker 10 (00:43:17):

In the last 12 months, how many additional towers has Verizon started to build?

Speaker 2 (00:43:21):

I don't have that number off the top of my head.

Speaker 10 (00:43:23):

Well, you can look because their stock started to go

Speaker 4 (00:43:26):

Up. I would like to know why your company already has the tower planted on your map as if it's already been installed. Well,

Speaker 2 (00:43:38):

It's been installed. That's part of the due diligence we do. One of them is we get what's called an antenna structure registration with the FCC. And we also do, even though they didn't probably need to do it here, because we're under 200 feet in front of the airport, they'll also do the FDA determination of hazard, which was included. So once they register that structure, the FCC will list it in the location for the public to see. I mean, it's not. It's just part of the standard due diligence process.

Speaker 4 (00:44:03):

Do you guys have a copy of the map where this is going to go? Can I get a copy of all of the information? You don't have to do it right now. You have something going on tonight. Can I meet up with somebody later this week and get-

Speaker 12 (00:44:21):

Do you want us to map with the tower?

Speaker 1 (00:44:23):

Well,

Speaker 3 (00:44:23):

Everything,

Speaker 1 (00:44:24):

Application,

Speaker 3 (00:44:24):

Everything.

Speaker 1 (00:44:25):
No, go online. The town website's got-

Speaker 4 (00:44:30):
It's got the application that Barb and Dave ... It

Speaker 1 (00:44:33):
Doesn't show exactly where that this is. No, but the map is online.
The map

Speaker 4 (00:44:39):
For this cell tower is online?

Speaker 1 (00:44:42):
I don't think so. No. The map for the cell tower is not online. That's

Speaker 4 (00:44:45):
What I'm requesting is the map for the cell tower.

Speaker 1 (00:44:47):
Look online. You got the quarter. You got a map of it?

Speaker 2 (00:44:52):
The map? We gave you guys a.

Speaker 3 (00:45:00):
How about the application that you turned at? Yeah,

Speaker 2 (00:45:02):
They have a copy.

Speaker 3 (00:45:03):
Yeah, we'll need ...

Speaker 4 (00:45:04):
Can I just, to respect your time and where you have to go, can I
contact somebody this week and get a copy of those documents?

Speaker 6 (00:45:14):
Reasonable request.

Speaker 3 (00:45:15):
I'll find you. Okay.

Speaker 6 (00:45:18):
Darrell's going to do that.

Speaker 1 (00:45:19):
I'll find you one. You live on

Speaker 7 (00:45:23):
A plate?

Speaker 1 (00:45:25):
If you stick around for the annual meeting,

Speaker 2 (00:45:28):
Give me one. The other thing I want to draw the board's attention to is you're on a shot clock. I mean, you have 90 days to make a determination on our application the board does from our day of filing, which was like early February. So we're March, April, next month. If there's not a determination, it's automatically deemed approved by state statutes.

Speaker 4 (00:45:49):
So like I said, the FDA is working to take our local control away.

Speaker 11 (00:45:56):
So if you apply, you automatically get it, whether they say it's okay or not. Yep.

Speaker 2 (00:46:01):
You can

Speaker 11 (00:46:01):
Put it anywhere in the whole town. If you apply. Again,

Speaker 2 (00:46:04):
I'm trying to bring this to everyone's attention.

Speaker 11 (00:46:07):
To

Speaker 2 (00:46:07):
Make you aware. This isn't nefarious. I just want to make sure everyone's understanding. And this is

Speaker 11 (00:46:12):
Very

Speaker 2 (00:46:12):
Good

Speaker 11 (00:46:13):
To understand. Yes.

Speaker 2 (00:46:13):
But this is Wisconsin State Statute 6604. They established a shot clock because for years, this law is about 10, 12 years old. There were times when they would table these things for two years. So

Speaker 11 (00:46:24):

This could be put on my property if you apply and put it online or anyone.

Speaker 2 (00:46:29):

Yeah. I'm just saying they have to act in a certain amount of time. So whatever they're going to do, you just be aware of it. I just want them to be aware of it so there's no surprises.

Speaker 1 (00:46:38):

We're going to have to cut this off completely. Apparently so. We've had-

Speaker 4 (00:46:43):

So before you guys- Nope, it's

Speaker 1 (00:46:45):

Shut off.

Speaker 4 (00:46:45):

Are you tabling this or are you approving

Speaker 1 (00:46:48):

It? No, we're not tabling it. We're

Speaker 4 (00:46:49):

Not tabling

Speaker 1 (00:46:49):

It. We got

Speaker 3 (00:46:50):

Based on one

Speaker 1 (00:46:51):

Person.

Speaker 6 (00:46:52):

So are you making a motion?

Speaker 1 (00:46:53):

No. I've made the motion. Okay.

Speaker 6 (00:46:56):

Are you good?

Speaker 1 (00:46:57):

Let's make the motion.

Speaker 3 (00:46:59):
Yeah.

Speaker 10 (00:47:01):
We obviously have concerns.

Speaker 3 (00:47:02):
But it's not ... Who wants a cell phone tower? Anybody here?

Speaker 9 (00:47:07):
I want one on our farm. Okay,

Speaker 3 (00:47:09):
Great.

Speaker 9 (00:47:10):
Because when we're on the farm, we are in the valley at the bottom.
There is no cell service anywhere when he's hunting over there.

Speaker 7 (00:47:19):
Ma'am, are you Verizon? What company do you use for cell phone?

Speaker 9 (00:47:23):
It doesn't matter whose cell phone it is. I have three different
phones and none of them work.

Speaker 1 (00:47:29):
Okay. The only one that just is a satellite phone. That's it.

Speaker 7 (00:47:37):
Work there.

Speaker 1 (00:47:39):
We have some other business. We get done with it. So we have to shut
it off and I'll make the motion to approve it. I've gone through all
kinds of stuff in the last ... The one from the World Health
Organization was too long I couldn't print. I think it was about 40
pages long. And so I did not print that one. I did print the one from
the American Cancer Society. I printed the one for the FCC. I printed
two of them for the FCC.

Speaker 6 (00:48:18):
Is there a second?

Speaker 1 (00:48:19):
No.

Speaker 6 (00:48:20):
No. I won't

Speaker 1 (00:48:22):
Say that. There a second. Table it down there.

Speaker 6 (00:48:27):
Thank you. Well, hold it. George.

Speaker 8 (00:48:30):
I'll second the motion.

Speaker 6 (00:48:31):
Seconded by George. And I just want to go on the record.

Speaker 1 (00:48:34):
Discussion. Our discussion, not yours. Seconded by George.

Speaker 8 (00:48:40):
So my discussion would be on trouble by the reaction of our residents. I understand that we don't have a lot of flexibility. Ours is a land use decision, not a health and safety, not an FAC safety decision, a regulatory decision, a simple land use decision and the FCC will allow it. It is a competing network to other existing networks and it would be discriminatory for us to disallow a competing competitor to other private enterprises.

Speaker 6 (00:49:36):
Well, I think in the meantime though, there's getting to be data coming out that maybe you guys ... I mean, when was that first one built?

Speaker 1 (00:49:48):
If I look at it this way, this approval is for 195 foot tower. That is what the conditional use was for. It's a 195 foot tower and that is what I made the most to be approved. I don't think we have any choice other than to do that. Now you can have a choice of where, I guess, but I do know that my service at my house is lousy and I live on the lake. I know that my neighbors say the same thing, especially in the summer. So anyway.

Speaker 6 (00:50:42):
Doesn't everybody have.

Speaker 7 (00:50:51):
Gentlemen, is there an opportunity to this Christiansen property have the tower be elsewhere on the property so it isn't impacting the people that came here tonight? Like they say it's going to be closer to their homes, their children, their bees, their water, than the actual people that want the tower on their property?

Speaker 2 (00:51:15):
I would point the board if you didn't look at it yet. You got to look

at 660404.

Speaker 4 (00:51:20):
There's a

Speaker 2 (00:51:21):
Lot of limitations. The state statute on how and you can make a decision on what you can make a decision on and what are the limitations of that.

Speaker 6 (00:51:28):
What's that statute again,

Speaker 2 (00:51:29):
Please? 660404. There's a copy of it in your application materials.

Speaker 4 (00:51:35):
I have counsel with litigation on Thursday specifically for this on the aspect of helping property owners and local townships such as ours from being overrun by

Speaker 1 (00:51:48):
This. We have a motion. Any other discussion amongst the board? We have a motion

Speaker 6 (00:51:54):
Sent by George. All in favor?

Speaker 1 (00:51:57):
All in favor? Aye. Opposed?

Speaker 6 (00:52:00):
Opposed? One

Speaker 1 (00:52:01):
Opposed.

Speaker 6 (00:52:03):
It's just advisory. Are you

Speaker 1 (00:52:05):
There?

Speaker 6 (00:52:06):
Opposed. Okay.

Speaker 1 (00:52:10):
Okay. Motion isn't carried. Are you Heather?

Speaker 4 (00:52:13):

Stephanie.

Speaker 1 (00:52:14):
Huh?

Speaker 4 (00:52:14):
Stephanie.

Speaker 1 (00:52:15):
With Stephanie. Okay.

Speaker 12 (00:52:19):
I'll find you. Todd?

Speaker 1 (00:52:20):
We've got some business to ... We have to figure out. Now the rest of you, the board will take this up and discuss it after like a six o'clock. So if you want to stay,

Speaker 9 (00:52:45):
You

Speaker 1 (00:52:45):
Can go through the town board annual meeting. You got to go through that. If you don't want to, that's okay. Todd, do you want to ... I got to go. So anyway, Todd, Todd, forget it.

Speaker 10 (00:53:24):
Yeah, I guess. We do

Speaker 1 (00:53:32):
Have one issue and well it's a lot of overbuilt.

Speaker 10 (00:53:40):
That's why the variance is ... Yeah,

Speaker 1 (00:53:42):
That's why you have to go.

Speaker 10 (00:53:48):
Yep. So I got the survey completed and what he did ... No, no. He just mapped out where where everything is because my property wasn't served. No, I seen some stakes there. Yeah, so we just had them survey it so we knew because I had no idea where the problems ... We had some old fence posts and we're setbacks. Well, these ones were actually good. These ones were not. So just to know where we were and where we could potentially put things with the setbacks, that this was a line that he did. So then what he did is here's the current garage

Speaker 6 (00:54:39):

That

Speaker 10 (00:54:42):

Shed and then there's another shed right here that ... We would be removing 96 here. What would you have told? Yeah, so we would be adding 134, 134 to what we

Speaker 3 (00:55:22):

Have. He actually were asking about Joy, working at Stephanie with the best friends with Joy.

Speaker 10 (00:55:38):

We got together? 64 garage. So he dropped his ticket right off like, oh yeah, you're 60 days through the 90 day window when we have a choice.

Speaker 3 (00:58:45):

This is the planning commission committee.

Speaker 2 (00:59:25):

What's the primary job description? It's

Speaker 10 (00:59:31):

Going to be the monitor and figure out cell function. That got to be from radios to all that stuff. The rest of the time is cellular. If they don't have cellularity or people actually have a chance to waste their program, they don't have the chance to do that, they have CC shrinks. Guess what they're not going to do? It It's the self-looking ice cream. So I didn't want to bring that up, but this guy obviously gets paid to come out and argue this stuff.

Speaker 12 (01:00:10):

He was not arguing. He had a good demeanor, but also lost and completely looked away. I looked right at him like, "Would you want it in here?" So he completely looked away from me. Kelly going, "Why do you need to be picked up?" And I'm the only guy without a gun.

Speaker 10 (01:02:15):

That was my thought process coming over. They didn't know smoking music. They're going to sacrifice the population because obviously Garfield township, they're not going to have a choice on cell phones would you want that right next to you on the shoreline? You want to have a say in this. They're like, "Oh, if you don't respond in 90 days, we're going to put a fountain pump right next to your

Speaker 2 (01:03:47):

House

Speaker 6 (01:04:33):

." The whole

Speaker 9 (01:04:34):

System