

City of Menahga
Special City Council Minutes
Thursday, October 18, 2018

The Menahga City Council held a special meeting on Thursday, October 18, 2018. Mayor Foss called the meeting to order at 2:00 pm.

Comprising a quorum of the council, the following members were present:

Roger Henstorf
Craig Lawrey

Tim Ellingson
Patrick Foss

Larry Karjala

Acting as the Board of Appeals, the Council heard from Nicholas Delaney, representing American Tower Corporation regarding their request for the reversal of a Conditional Use Permit approved at the September 10th meeting on recommendation by the Planning Commission. Mr. Delaney stated ATC believes the criteria for issuing the CUP was not met and that a cell tower does not fit the description of a utility or is necessary for public welfare. He also referenced a letter from former City Administrator Teri Osterman in regard to the ATC tower built in 2009, labeling it an accessory use and not requiring a Conditional Use Permit. Mr. Delaney also said that according to a recent FCC registration, the tower Uniti was proposing to build would be located about 250' to the East of the original planned location and would be 312' in height. He stated if the City were to rescind the CUP, Uniti would not be aggrieved because it appears they are abandoning their original plan.

Council member Ellingson commented that he considers a cell phone a public service. Additionally, he questioned why it is necessary to have two towers, whether the new tower would create interference with existing equipment, which companies were contracted to lease space on the new tower, what reason AT & T would have to contract with another tower provider, why the existing towers and the proposed tower are located within the city limits, how the proposed tower would work against the purpose of the zoning ordinance, how the construction of the tower is detrimental to public welfare and how many people view ATC's towers as an eyesore? Mr. Delaney answered the questions, stating that the approving resolution doesn't say it's a public service, he wasn't qualified to determine whether the proposed tower would cause interference, AT & T contracted to lease space on the new tower and he was unsure of any others, he had no information as to why they needed another tower, not sure why the towers were all located within the city limits but the city allowed them, the tower is not a permitted conditional use and would depreciate the value of nearby properties.

Scott Buell, with Uniti Towers responded to ATC's objections saying the City used the most stringent process, a Conditional Use Permit, to allow for the construction of the cell tower. He addressed the assertion that tower height increased since the original application was submitted by clarifying that the height had not changed, the FCC registration reflects an allowance for buffer room for regulatory purposes. The proposed location of the tower moved slightly to accommodate a wet spot originally thought to be farther North. The reason for moving it is to assure a guyed wire would be properly secured.

Addressing the new location, Mayor Foss said that the move impacts the same individuals that were originally mailed notification of the CUP hearing and in that notice, the exact location of the cell tower on the parcel was not specified and therefore not an issue. He also stated that some

items aren't specifically addressed in the ordinances but he didn't see where the ordinance doesn't allow the Council to address particular requests.

Council Member Karjala asked Mr. Buell who was leasing space on the proposed tower; Mr. Buell replied AT & T. Council Member Ellingson asked why AT & T would be on both; Mr. Buell replied that AT & T commissioned a new tower partner and will decommission equipment on the other tower. Karjala asked whether moving the tower to the East, they would remain in compliance in regard to setback requirements; Buell replied that different jurisdictions had different ways in handling these things but he thought the land use permit would address that separately from the CUP. Ellingson asked whether he felt interference would be a problem; Buell said he did not think so, as both AT & T and Verizon have equipment on the existing towers and they've handled any issues so far. Mayor Foss asked the Council Members who serve on the Planning Commission whether they felt the commission's position has changed since their recommendation to approve the CUP; Karjala and Ellingson replied they did not.

Mayor Foss asked for a motion to uphold previous decision by the council to approve the CUP. Motion by Ellingson to uphold the Council's decision to approve the Conditional Use Permit to Uniti Towers, seconded by Lawrey; Mayor Foss asked for any further discussion. Mr. Delaney asked whether Mr. Buell had adequately answered Council Member Ellingson's question as to whether the proposed tower was necessary. Mr. Delaney said it is his understanding that they didn't need to change towers, but would then have another option to do so. He felt this addressed the matter of duplicity. There being no further discussion, all in favor, motion carried.

The Board of Appeals hearing closed at 2:45 pm.

Council reviewed the preliminary budget.

Council Member Henstorf recommended an increase park revenue to \$21,000 due to current revenues being higher for the previous two years. Alvina Kytta, Deputy Clerk stated that park revenues have increased and accordingly, work load has increased. Due to online reservations using credit cards, the revenue must be deferred to be recognized in the correct month. The bookkeeping time, calls and posting sites all require a fair amount of additional staff time. Member Lawrey asked whether it would make sense to hire a part-time person to manage the campgrounds. Karjala asked whether the on/off fee should be charged only when it's requested by a resident. This would need to be a policy change.


The meeting was recessed for a break at 4:02 pm.

The meeting reconvened at 4:15 pm.

The Council agreed to wait to discuss the Streets budget in detail when Superintendent Thelin is present. It was decided to eliminate the lifeguard salary item from the budget saving \$10,000 plus some additional expenses. Several other items such as office supplies and legal services were reduced. Items to check into before next meeting are where Frisbee Golf expenditures will be paid from, whether expenditures for water hookups at the city park have been paid yet and the reason budgeted amounts for city paid tax and assessments are significantly higher the last two years than actual expenditures.

Two possible dates for the next budget meeting are 11/14 at 2 pm or 11/15 at 1 pm.

Motion to adjourn the meeting at 4:57 pm. by Lawrey, Second by Ellingson.


Gina Ellingson, Administrator


Patrick Foss, Mayor