

Mineral Point, Wisconsin
February 8th, 2016 @ 5:30 p.m.

The Regular meeting of the Common Council was held at the City Hall/Community Room on the above date and time.

The meeting was called to order by Council President Tom Schmit @ 5:30 p.m. Roll call and Alderpersons present: Basting, Schmit, Clark, Falconer, Oellerich, Mitchell, Pittz and Hurley. Clerk Treasurer – Debi Heisner and Attorney Peter Pfothenauer was also present. Mayor Bennett was absent.

Motion was made by Ald. Basting and seconded by Ald. Clark to accept the minutes of the January meeting as published. All in favor – motion carried.

In Public Appearance, Tim Angel and Margaret “Peg” Koehler, Iowa County Candidates for Iowa Co Circuit Judge, spoke to the Council.

Council President Schmit made mention of the upcoming Opera House event on February 20th. The proceeds for this event – Get Back Wisconsin, Beatles Tribute show will be going toward a new marquee for the Opera house.

Clerk Heisner mentioned that February 16th, 2016 is the Spring Primary Photo ID is a requirement. Polls are open 7 am. – 8 p.m. We are voting on the following: Justice of the Supreme Court as well as Circuit Court Judge for Iowa County.

After the Public Hearing for the amendment to the Zoning Ordinance there was a motion by Ald. Falconer and a Second by Ald. Clark to approve this amendment. Motion carried on a roll call vote. **ORDINANCE No. 772** is as follows:

REGULATION OF TRANSMISSION TOWERS

The Common Council of the City of Mineral Point, Iowa County, Wisconsin, do ordain: Chapter 154 ZONING CODE of the City of Mineral Point Code of Ordinances is amended by the addition of the following:

Section 154.0601 MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES

(A) Purpose. The purpose of this ordinance is to regulate by land use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. It is intended that the City shall apply these regulations to accomplish the following:

1. Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the City’s law enforcement, fire and emergency response network.
2. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of the citizens of Mineral Point.

(B) Authority. This ordinance is adopted under the authority of §§ 62.23 and 66.0404, Wis. Stats.

(C) Definitions. All definitions contained in §66.0404(1), Wis. Stats., are hereby incorporated by reference.

(D) Administration. This ordinance shall be administered by the Plan Commission with the assistance of the Zoning Administrator.

(E) Exemptions. Exempt from review under this ordinance will be: television antennas, satellite dishes, receive only antennas, amateur radio facilities, mobile public information services providing coverage of news events or of a temporary or emergency nature, ground mounted antennas. Exempt structures under this ordinance shall be subject to all other applicable provisions of any zoning or other development ordinance in effect.

(F) Siting and construction of a new mobile service support structure and facility; substantial modification of an existing support structure and facility (Class 1 Collocation).

1. Application Process. A land use permit is required for the siting and construction of any new mobile service support structure and facility, and for the substantial modification of an existing support structure and facility.
2. A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure (a Class 1 Collocation), a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. 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.
 - f. 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.

3. A permit application will be provided by the Zoning Administrator upon request to any applicant.
4. If an applicant submits to the Zoning Administrator an application for a permit to engage in an activity described in section (F) of this ordinance, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete. If the Zoning Administrator does not believe that the application is complete, the Zoning Administrator shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete.

An applicant may resubmit an application as often as necessary until it is complete.

The Zoning Administrator shall submit any complete application to the Plan Commission.

5. Within 90 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 90 day period:
 - a. Review the application to determine whether it complies with all applicable aspects of the City's land use regulations and, subject to the limitations in this section, zoning ordinance.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
7. Setback. No mobile service support structure can be closer than 20 feet or the height of the tower, whichever is greater, to any property line. If an applicant provides the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than this setback distance, the lesser of the two distances shall apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is \$3,000.00. The fee shall accompany the application and is non-refundable. Costs incurred by the City in obtaining legal, planning, engineering, and other technical advice in connection with the review of the application shall be charged to the applicant, except consultants' travel costs.

(G) Construction of a new mobile service facility on an existing support structure, with no substantial modification of the support structure (Class 2 Colocation).

1. Application Process. A land use permit is required for the construction of any new mobile service facility on an existing support structure, where the owner of the mobile service facility does not need to substantially modify the support structure.
2. A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed affected support structure.
 - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the Zoning Administrator upon request to any applicant.
4. If an applicant submits to the Zoning Administrator an application for a permit to engage in an activity described in section (G) of this ordinance, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete. If the Zoning Administrator does not believe that the application is complete, the Zoning Administrator shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete.

An applicant may resubmit an application as often as necessary until it is complete. The Zoning Administrator shall submit any complete application to the Plan Commission.

5. Within 45 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 45 day period:
 - a. Review the application to determine whether it complies with all applicable aspects of the City's land use regulations and, subject to the limitations in this section, zoning ordinance.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The fee for the permit is \$500.00. The fee shall accompany the application and is non-refundable. Costs incurred by the City in obtaining legal, planning, engineering, and other technical advice in connection with the review of the application shall be charged to the applicant, except consultants' travel costs.-5-

(H) Conditions. Upon approval of the application, but prior to the issuance of a permit, the applicant shall:

1. Provide a bond, naming the City as beneficiary, in the amount of \$20,000.00, to assure removal of mobile service facilities and support structures which are abandoned or fall into disuse.
2. If facilities or support structures are on leased land, provide evidence to the City that the lease: 1. provides that the lessee is permitted to submit an application for mobile service facilities and structures; 2. does not preclude the lessee from entering into leases on the site with other provider(s); 3. does not preclude the lessor from leasing other property to other mobile service providers; and 4. contains no provision operating as a bar to collocation of other providers.
3. Provide certification that the mobile service facility and support structure are in compliance with any other applicable local, state, or federal regulations, including but not limited to the City's Historic Preservation and Exterior Lighting Ordinances; FCC license and registration requirements; FAA findings of no hazard; State of Wisconsin building requirements.
4. Enter into an agreement with the City committing the owner of the mobile service facility and support structure and his or her successors to allow the shared use of the support structure if an additional user agrees in writing to meet reasonable terms and conditions for shared use. All such Agreements shall be in a recordable format, and, upon approval of the application, shall be recorded with the Iowa County Register of Deeds at the owner's expense.
5. Provide evidence of liability and property damage insurance at levels common in the industry.

(I) Severability If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Approved by the Common Council of the City of Mineral Point at its regular meeting on February 8, 2016, at City Hall.
This ordinance is effective upon publication as provided by law.
Greggory Bennett, Mayor
Attest:
Debi Heisner, City Administrator/Clerk-Treasurer

The following Ordinance Amendment was approved with a motion by Ald. Oellerich and a second by Ald. Mitchell. Motion carried on a roll call vote. **ORDINANCE NUMBER 773**

AN ORDINANCE REVISING PARKING RESTRICTIONS ON COMMERCE STREET

The Common Council of the City of Mineral Point does ordain that Schedule III of Chapter 74 of the Municipal Code of the City of Mineral Point, regarding parking restrictions on Commerce Street, be amended as follows:

<u>Street</u>	<u>Location</u>	<u>Restriction/Duration</u>
Commerce Street, west side	From its junction with Street to Front Street	No parking from 2:00 a.m. to 6:00 a.m.
Commerce Street, east side	From its junction with Doty Street to Fountain Street	No parking from 2:00 a.m. to 6:00 a.m.

This Ordinance shall be in force following its adoption and publication as provided by law.
Adopted at Mineral Point, Wisconsin, this 8th day of February, 2016.
Greggory Bennett

Mayor
Attest:
Debi Heisner
City Administrator - Clerk-Treasurer

The following Ordinance Amendment was approved with a motion by Ald. Oellerich and a second by Ald. Mitchell. Motion carried on a roll call vote. **ORDINANCE NUMBER 774**

AN ORDINANCE REVISING ATV OPERATION ROUTES WITHIN THE CITY

The Common Council of the City of Mineral Point does ordain that Chapter 72 of the Municipal Code of the City of Mineral Point, regarding operation routes within the City, be amended as follows:

Paragraph (B)(1)(a) of §72.085 of Chapter 72 is amended to read as follows:

Water Street, from its intersection with the Tri-County Cheese Trail at Old Darlington Road to its intersection with Nichols Street; Nichols Street, from its intersection with Water Street to its intersection with Commerce Street; Commerce Street, from its intersection with Nichols Street to its intersection with Doty Street; Doty Street, from its intersection with Commerce Street to its intersection with High Street.

Paragraph (B)(2) of §72.085 of Chapter 72 is deleted.

This Ordinance shall be in force following its adoption and publication as provided by law.
Adopted at Mineral Point, Wisconsin, this 8th day of February, 2016.

Greggory Bennett
Mayor
Attest:
Debi Heisner
City Administrator - Clerk-Treasurer

Clerk Heisner and Finance Chair Schmit presented a Debt Schedule of all the City's current debt. Shown was our equalized value and that we are currently at 42% of that value in debt service. This was shown to the council to be a tool in planning our future projects. It is not recommended that we exceed 50% of our equalized value. Clerk Heisner then spoke on the ITF/PERF that has been received by the State for

the clean water loan program and what rating we were given. City Engineer, Bart Nies will be present to go over these numbers more in depth at the March Council meeting.

The Memo of Understanding with Iowa County the deals with emergency services was approved with a motion by Ald. Falconer and a second by Ald. Basting. All in favor Motion carried.

There was a motion by Falconer and a second by Hurley to approve 2 Temporary Class B Licenses for the Mineral Point Opera House on February 18th and February 20th, 2016. Motion carried on a roll call vote.

There was a motion by Ald. Clark and a second by Ald. Hurley to pay the monthly bills as presented. Motion carried on a roll call vote. City bills \$179,146.62, Water bills \$14,902.67, Sewer bills \$16,290.65 and the DARE account \$589.14.

In Committee Reports, Steve Falconer, Ordinance Committee Chair brought up the topic of gambling machines in the City of Mineral Point. This was discussed at the last committee meeting. Currently the State law prohibits the use of gambling machines and the City ordinances also prohibit them.

There was a motion by Ald. Oellerich and a second by Ald. Basting to adjourn the February meeting at approximately 7:00 p.m. All in favor - Motion carried.

Next Meeting date is March 14th, 2016@ 5:00 p.m. (note the time change)

Debi Heisner, City Administrator/Clerk Treasurer