

**CITY OF WAUPACA
CITY PLAN COMMISSION**

**PUBLIC HEARING
COUNCIL CHAMBERS, CITY HALL**

**MONDAY JULY 18, 2022
4:07 P.M.**

Present: Mayor Brian Smith, Chairperson, Commissioners Ivan Wayne, Ald. Henry Veleker, Pat Phair (arrived at 4:10 p.m.) and Justin Berrens, Public Works Director

Absent: Ald. Eric Olson and Angela LeSage (both excused)

Others Present: Jarod Rachu, Community & Economic Development Director

PUBLIC NOTICE

CONDITIONAL USE PERMIT

CITY OF WAUPACA

YOU ARE HEREBY NOTIFIED that Harmoni Towers LLC and AT&T Mobility, applicant, Mount Tom, LLC, owner, has made application to the City Plan Commission requesting a Conditional Use Permit in accordance with Section 17.104(3) of the Municipal Code, Permitted Uses and Conditional Uses, to allow Mobile towers as a Conditional Use in the R-1 Single-Family Residential District, more fully described as follows, to wit:

Bailey Street (no address assigned):

Lot One (1) of Certified Survey Map No. 8081 as recorded in Volume 34 of Surveys on Page 123, as Document No. 904083, located in and being part of the Southeast Quarter of the Southwest Quarter, Section 19, T22N, R12E, City of Waupaca, Waupaca County, Wisconsin.

Parcel No. 34-19-78-178 (Parent Parcel No. 34-19-78-176)

YOU ARE FURTHER NOTIFIED that the City Plan Commission will hold a Public Hearing on the request on Monday, July 18, 2022 at 4:00 p.m. in the Council Chambers, City Hall, 111 S. Main Street, Waupaca, Wisconsin. The hearing will be for the purpose of giving an opportunity for any person interested, their attorneys or agents, to be heard.

Sandy M. Stiebs
City Clerk

PUBLISH: July 7, 2022

Public Hearing
July 18, 2022

Jarod Rachu read the Public Hearing notice into the record and said that Harmoni Towers, LLC and AT&T Mobility are requesting a Conditional Use Permit to construct a new 200'-250' mobile tower on Bailey Street.

Mayor Brian Smith asked for testimony in favor of the subject limiting comments to 3 minutes or less.

Jonathon Lujack, Attorney representing Harmoni Towers and Michael Doran, Engineer representing AT&T said this application is for a new cell tower and they would like AT&T Mobility to be the anchor to provide better coverage and capacity for the area.

Hearing no further testimony in favor of the subject, Mayor Smith asked for testimony in opposition of the subject.

Claude Krawczyk, Attorney representing SBA said that SBA currently owns and operates the existing tower that is near this proposed tower adding that it is a well-utilized site with AT&T currently located on this tower. Mr. Krawczyk said SBA is opposed to the construction of this tower because they feel there is no need for another tower in this area.

Hearing no further testimony in opposition of the subject, Mayor Smith asked for rebuttal in favor of the subject.

Attorney Jonathon Lujack provided further testimony in favor of this tower and said that all of the requirements in the local zoning code have been met as well as all of the state requirements and conditions.

AT&T Engineer Michael Doran spoke on the fact that SBA is saying their tower can be extended, which it can however, it would be at AT&T's expense and could be upwards of \$150,000 should they stay on the SBA tower.

Hearing no further rebuttal in favor of the subject, Mayor Smith asked for rebuttal in opposition of the subject.

Attorney Claude Krawczyk pointed out case law describing that when one company claims economic burden status when co-location status is applied and felt it did not apply to this situation because it is substantially more expensive to build a new tower than to connect to an existing tower near the same location.

Hearing no further testimony in favor or testimony in opposition of this subject, Mayor Smith declared this Public Hearing closed at 4:27 p.m.

Mayor Brian Smith, Chairperson

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