



Hall County Regional Planning Commission

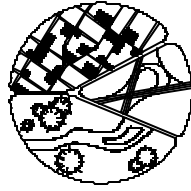
Wednesday, July 07, 2010
Regular Meeting

Item E2

June Meeting minutes

Insert a narrative here

Staff Contact:



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA

Minutes
for
June 2, 2010

The meeting of the Regional Planning Commission was held Wednesday, June 2, 2010, in the Community Meeting Room - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" May 22, 2010.

Present:	Leslie Ruge	Karen Bredthauer
	Bill Hayes	Pat O'Neill
	Don Snodgrass	John Amick
	Julie Connelly	Ray Aguilar
	Deb Reynolds	

Absent: Jaye Monter, Scott Eriksen, Mark Haskins
Other:

Staff: Chad Nabity, Rose Woods

Press:

1. Call to order.

Chairman O'Neill called the meeting to order at 6:00 p.m. He stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting were posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

2. Minutes of May 5, 2010 meeting.

A motion was made by Reynolds and seconded by Aguilar, to approve the Minutes of the May 5, 2010 meeting as presented.

The motion carried with 9 members present and 7 voting in favor (Aguilar, Ruge, Hayes, Reynolds, Bredthauer, Connelly, Snodgrass) and 2 member abstaining (Amick, O'Neill).

3. Request time to speak.

Eugene Carroll 2057 Wilderness Ridge Dr., Lincoln NE 68512 item # 5
and Robert Naumann 2905 N 169th Ave, Omaha NE 68116 for item # 5.

4. Public Hearing – Concerning a request to rezone the proposed Lot 1 and Outlot A of Crane Valley 7th Subdivision approximately 7.25 acres of land north of Faidley Avenue and west of Diers Avenue from B2-General Commercial to RD- Residential Development Zone, in the City of Grand Island. (C-16-2010GI).

O'Neill opened the Public Hearing.

Nabity explained the developer is proposing to build eight apartment buildings with eight dwelling units in each building on this site (64 units total). At the proposed density, this development would be 8.8 units per acre or 1 unit for every 4950 square feet. This is significantly less development than could be allowed in a B2 or RO or even R4 or R3 district. This development provides for public utilities within the development. Road access from Faidley Avenue into the development splits to provide a circular access pattern to the apartments. The access to the apartments north of Faidley would be a private drive not a public street.

O'Neill closed the Public Hearing.

A motion was made by Snodgrass and seconded by Reynolds to approve the Rezone request of Crane Valley 7th from B2 - General Commercial to RD - Residential Development Zone.

A roll call vote was taken and the motion passed with 9 members present voting in favor (Aguilar, Ruge, Hayes, Reynolds, Monter, Eriksen, Bredthauer, Connelly, Snodgrass) and no member present voting against.

5. Public Hearing – Concerning proposed changes to the Wireless Communications Tower Regulations for Hall County (6.01) the City of Grand Island (Chapter 36 Article XI), the city of Wood River (Section 7.11) and the Villages of Alda, Cairo and Doniphan (7.11). A copy of the proposed regulations is available at the office of the Hall County Regional Planning Department (C-14-2010All).

O'Neill opened the Public Hearing.

Nabity stated these new regulations if adopted would establish a consistent framework for approving wireless communications facilities across the County. The main advantage to contracting with CMS is technical expertise. The Center for Municipal Solutions is a group of professionals with extensive experience in wireless communications facilities. They have people that understand the engineering diagrams and discussion, and that can ask intelligent questions about the need for a tower and review the answers provided by wireless communication companies.

This expertise can be made available to the County, Cities and Villages at no direct cost to the communities. The regulations as proposed include a payment into an escrow account to be maintained by the community and used to pay the consultants. The process of getting a conditional use permit does not begin until the wireless company has paid the money into the escrow account.

The new regulations for Grand Island, Hall County, Alda, Doniphan, Wood River and Cairo suggest an existing tower or structure on government property to be the first site for a new cell phone location. That was followed by an existing tower or structure on private property. If an existing tower or structure couldn't be found, the new regulations favor industrially zoned land, then manufacturing property, then commercial property, then agricultural property and as a final resort residential property.

Nabity said by removing the priority for government property, it doesn't exclude government property from being used. It just doesn't give it a preference.

"Giving priority to government over its taxpayers?" Planning Commission Chairman Pat O'Neill asked. "I have a problem with that."

Nabity also entered into the record, a letter from The Wireless Infrastructure Association (PICA), they represent the wireless infrastructure industry.

Only one telecommunications company came to speak against the regulations. Viaero site acquisition specialist Eugene Carroll of Lincoln objected to the new rule that a third-party review must be done for any tower request. He specifically objected to the third-party reviewer being the Center for Municipal Solutions (CMS), which Nabity has recommended be given a three-year review contract.

Carroll said CMS is against new telecommunications towers.

"Their motto is -- towers will go in as a last resort," he said. "That is not really an independent report." Carroll said the fees required under the

new rules are also "not fair and reasonable" as required under Nebraska law. Application for a new telecommunications tower would cost \$3,000. A new configuration on an existing tower would cost \$1,500.

Along with that, the telecommunications company would have to place \$8,500 in an escrow account to pay for the cost of the third-party review. Carroll said there's no basis for the \$8,500. It's unknown how much the third-party company will spend and charge out.

Bob Naumann of CMS said more than 700 communities nationwide have hired CMS to provide tower expertise to cities and counties. CMS does not work for any telecommunication companies it is independent of the telecommunication industry, but has all the same engineering, site and analysis experts. The goal is to not have more towers than necessary while protecting communities from unnecessary lawsuits related to telecommunication towers.

The \$8,500 escrow account is common and has never been used in total. Any funds left over are refunded to the telecommunication company, per their request, Nabity said.

Naumann said the fees paid out from the escrow account are determined greatly by how cooperative and forthcoming with information the telecommunication company is that is applying for the tower. "The cost is as much in their control as anybody's," Naumann said.

Regarding the \$3,000 application fee, Nabity urged the commission to remember that fee covers the expenses of the tower over the life of the tower, which is about 20 years.

Considering that the current Hall County fee for a five-year conditional use permit is \$500, that permit would cost \$2,000 over 20 years. Add in periodic staff time for reviews and updates over that time and the \$3,000 is reasonable, Nabity said.

O'Neill closed the Public Hearing.

An amended motion was made by Reynolds and seconded by Ruge, to amend Section 36-168.09 to eliminate items 1 and 3, that doesn't give preferential treatment to government property. A roll call vote was taken and the motion passed with 9 members present and 6 voting in favor (O'Neill, Ruge, Reynolds, Bredthauer, Connelly, Snodgrass) and 3 members abstaining (Aguilar, Amick, Hayes).

A motion was made by Amick and seconded by Hayes to approve the Wireless Communication Tower Ordinance. A roll call vote was taken and the motion passed with 9 members present (Aguilar, Amick, O'Neill, Ruge,

Hayes, Reynolds, Bredthauer, Connelly, Snodgrass) voting in favor and no members present abstaining.

6. Final Plat – Woodland Park Eleventh Subdivision – located north of Capital Ave and west of North Rd., in Grand Island, in Hall County, Nebraska. Consisting of 4.317 acres. (11 Lots)

A motion was made by Ruge and seconded by Bredthauer to approve the Woodland Park Eleventh Subdivision plat as presented. A roll call vote was taken and the motion passed with 9 members present (Aguilar, Amick, O'Neill, Ruge, Hayes, Reynolds, Bredthauer, Connelly, Snodgrass) voting in favor and no member present abstaining.

7. 2010-2011 Budget and Fees.

Based on the proposed budget Regional Planning Commission is requesting \$100,475 in budget authority for fiscal year 2010-2011 from both Hall County and the City of Grand Island. The budget as submitted to the County last year was \$211,332. This included \$105,666 from both Hall County and Grand Island. Once again the Planning Department is requesting no funding for Capital equipment this year. The proposed changes to the budget will cover increased personnel costs, the Director's salary will be frozen for the 2010-2011 budget year and the secretary position will be eligible for step increase and both the secretary and technician positions include a 3.5% increase in base salary as approved with the union contract

Nabity proposed increasing routine fees charged by the department for services such as rezoning requests and filing plat maps. He also recommended a new \$10 fee for a signed floodplain interpretation, \$50 for a map amendment that is sent to the Federal Emergency Management Agency and a \$500 fee for tax-increment financing applications. Nabity said all those fees are user fees.

A motion was made by Hayes and seconded by Bredthauer to approve the Budget as submitted. A roll call vote was taken and the motion passed with 9 members present (Aguilar, Amick, O'Neill, Ruge, Hayes, Reynolds, Bredthauer, Connelly, Snodgrass) voting in favor and no member present abstaining.

8. Planning Director's Report

Nabity asked for some volunteers to be on the Community Beautification committee. Anyone wishing to nominate a specific business were encouraged to do so.

9. Next Meeting July 7, 2010

10. Adjourn

Chairman O'Neill adjourned the meeting at 7:10 p.m.

Leslie Ruge, Secretary
by Rose Woods