

Town of Gnesen Planning Commission
April 20, 2022 Minutes – held both in person and via zoom

Members Present: Kathy Buran, Carter Williams, Pete Bergman, Sherri Underthun, Matt Thibodeau, Kevin Middleton, Joe Ferguson (via zoom), Dick Delano (via zoom), Nathan Horyza, Zoning Officer; and Sarah Blix, Planning and Zoning Secretary.

Members Absent: None

Others Present: Jay Haller, Marcia Haller, Deke Melone, Gavin Campbell, Dennis Campbell, Carol Jacobson, Gary Juten

APPROVAL OF AGENDA: A motion was made by Carter to approve the agenda, second by Kathy. All vote in favor.

APPROVAL OF MINUTES: A motion was made by Joe to approve the March 16, 2022 minutes, second by Kevin. All vote in favor.

PUBLIC DISCUSSION: None

CONTINUING BUSINESS:

Communication Tower Moratorium Subcommittee: Matt stated that everyone has received the draft that was created by the subcommittee. Matt thanked Sherri and the subcommittee for all their hard work. Sherri started off by asking if anyone had any questions regarding the intent and purpose sections of the draft. Matt asked for some background before Sherri got too far along. Sherri said that after going online and looking at other ordinances, the ordinance from Beltrami County seemed to be the easiest to fit with Gnesen Township, meaning that when you look at its intent and purpose it is all about maintaining the rural feeling of the area and to protect the health of the residents but still allowing them to have the modern technology that they deserve. Sherri said that she understands that the subcommittee came about because of health issues that the Haller's were experiencing. Sherri stated that in section 4 the draft states that each tower will be limited to 580 microwatts per square cm. Sherri stated that most towers have the right to go up to 500 microwatts per square cm, however a lot only go up to 100 microwatts per square cm. Carter asked if it was 580 microwatts per square cm per tower or per user. Sherri said it is per centimeter of the transmitting tower. Carter asked what exactly that meant. Sherri said that she was not sure, but that it was copied verbatim from Beltrami, which is why she wanted to discuss it. Carter asked if 580 microwatts per square cm was the maximum per tower, if there are multiple uses does that mean that each user of the tower only gets a part of that 580 microwatts per square cm. Sherri said yes, that 580 microwatts per square cm would be the maximum per tower. Carter said that the concern that he has if the tower has one user and they are already utilizing their limit of microwatts then what happens if another user adds on to the tower. Sherri said that then they would have to split the limit because they wouldn't be able to exceed the 580 microwatts per square cm. Marcia Haller said that on evenings and weekends the tower by their house increases their limits. Matt asked that everyone look at section 14 which talks about the factors that should be considered in granting a conditional use permit for towers. Matt said that in the criteria he did not see any reference to that 580 microwatts per square cm. Sherri said that it is stated in letter B. Jason Haller said that Sherri had it written as megawatts rather than microwatts. Sherri stated she will fix that. Marcia stated that if you take measurements at the base of the tower it will read zero whereas if you go out and measure higher up the readings will be much higher because the antenna don't go directly to the ground. Marcia said that a few Commission members had previously come to her house along with a specialist who was taking measurements and the readings at that time were exceeding 580 microwatts per square cm. Sherri asked how far away from their house was it reading 580 microwatts per square cm. Jason said at about 800 feet. Sherri said that in the draft they added a section that would require the tower owners to have a third party test the levels every 6

months and that a conditional use permit would not be renewed, rather it could be revoked if the tower was reading about the 580 microwatts per square cm. Carter asked if the Haller's were looking at a copy of the draft, to which Jason said yes. Carter asked the Haller's to look at page 8, item B5 it states that a specific test will be required every 6 months by a qualified, independent tester and the results would have to be turned into the township office. Matt asked Joe if another part could be added to section 14 which would give the Planning and Zoning Board room to review and contemplate other types of scientific data that may become available after adopting this ordinance verbiage. Joe said that he just emailed some language dealing with the amendments of any rules, ordinances, statutes, regulations, that states that any amendments by a governed body to any statute, rule, regulation, etc... is IPSO Facto incorporated in this ordinance. Joe stated that what this means is that if the FCC modifies any of their standards then it would automatically added to our ordinance verbiage rather than having to go through another public hearing. Matt asked if it would be possible to also add that the planning commission can consider any outside scientific data, not just that provided by the FCC. Joe said he thought that it would be superfluous. Sherri brought attention to section 4 which states, "New towers will not be permitted within a 5-mile radius of any existing tower, or within 1500 feet of any existing residence." Sherri stated that she would actually like to see that verbiage removed because right now there is legislation in the State and House and they are trying to put 5G transmitters and receivers on existing utility poles which would make the need for new towers go away. Sherri said it costs approximately \$100,000 - \$200,000 to put up a new tower and that the companies really don't want to put up new ones. Sherri said that if the township regulates that towers can only be put up every 5 miles that would cause issues because 5G doesn't cover a 5 mile area, it covers a lot less. (word for word transcribing starts here) Marcia- "So when you are saying this are you actually listening to what you are saying because of what the health concerns are for people that are exposed to 5G? Do you know what that does? Have you guys, have you read any of the information that we have given? Sherri - "Yes, I have." Marcia- "Do you not take that into consideration when you say that?" Jason- "You are going to pipe this right to everybody's house, that's what you are doing." Marcia- "I understand people want high speed internet and video recording and all this other stuff, but do you not understand what it is doing to people's health." Sherri- "I do understand what you have given us. I have done my own research as well and I am telling you, this is not my decision, this is a decision that is currently going through our state legislature to put these on utility poles." Carter- "Sherri, this proposal that you brought is for towers." Sherri- "Yup." Carter- "Ok, so if you have a pole a power pole, how does a power pole fit into your definition of a tower." Sherri- "They are going to put transmitters..." Carter- "I understand what that is but my question is, what makes a power pole a tower because what we are dealing with here is a tower ordinance." Sherri- "Correct." Carter- "And if we have a power pole issue then maybe we are going to have to deal with power poles when that comes to the front." Sherri- "Correct." Carter- "I hearing everyday on the TV that 5G is available all over the country today you just have to sign up with certain internet companies and they will give you 5G anywhere you are so why do we have a need for all these new towers and all this stuff if it is working now?" Sherri- "I understand that except for there are areas that there are no poles and there will be a need for more cell towers because cell towers do not cover, 5G does not cover 5 miles. That is my understanding and that's where you have people who live up the road from me, there is a 4 mile radius up one way where there are no telephone or utility poles up that way so they would maybe need a tower to provide the same service that people would expect. Matt- "Ok, let me stop you there. So we've got this recommended ordinance which you've done great work on, Carter points out that it is a tower ordinance how is what you are telling us about the 5G on utility poles relevant? What would you like to say about that?" Sherri- "I wanted to say that even though they are going to be doing that, 5G does not cover for 5 miles and there may be a need for a cell tower within that 5 mile radius." Matt- "So what uh ok, any discussion on what Sherri is suggesting as far as removing this 5 mile radius or changing it?" Gary- "Can I ask a question, where did the 5 mile radius come from originally?" Sherri- "It was suggested by a committee member." Gary- "Ok." Matt - "So I looked at...." Sherri- "And I didn't take it out because I felt that it's not my dictation." Matt- "Hold on one second Marcia, I read last night and had that similar question. It looked like 22 miles was a number that was thrown around as a maximum for one tower reaching another and then there were some other regulations that said 10 miles is easy for antenna towers to communicate with each other and so after I read that I saw this and I clocked what 5 miles was to kind of get a feel for it in our township, so

my take on it is that 5 miles is closer than what some people that measure this say it can be done by. Sherri- "And I am hearing you on that it was just that 5G is actually not as powerful. My original notes say that one tower is needed within a 25 mile radius or two if one is the receiver and one is the transmitter." Jason- "They are all transmitters, there is no receiving. They are transmitters that is what they do. In the Twin Cities Areas this is a huge lawsuit, the small cell telephone stuff you are talking about because it's right out your window, it's aimed at your window. It's the same strength if not more and it is at window height so its way worse." Carter- "Sherri." Sherri- "Yes." Carter- "Would you be uncomfortable if we left this in the ordinance knowing that if we get new technology and new demands we can amend this at any time." Sherri- "I have no issue with that. I again, it was asked to be put in there, I put it in there, I am opposed to it but at the same time it's not my ordinance, it's the township ordinance." Matt- "Ok thanks, anybody else want to weigh in on the 5 mile or no 5 mile cap." Kathy- "Just a question to Marcia and Jay, how many feet are you away from the cell tower and are you comfortable with what it says in section 14 letter C – 'Proximity of the tower to residential structures and residential districts (1,500 feet from current residences and 5 mile radius of an existing tower)' are you happy with that?" Jason- "I mean that's better but I don't know if that is 100% safe, it may have been at 4G but 5G is different. We are at 800 and....I think 880 feet and we can go above this 580 microwatts per square cm that is not a problem. We can see 1200, 1400." Marcia- "Um, and just a reminder I understand that people want faster things but also in the ordinance the main thing of the whole entire ordinance is the general welfare and health of the residents not the convenience of having faster cell phones for watching, doing work at home and doing things at home, and watching videos at home it's about the safety of the residents. Having this stuff here is not the safety of the residents and my family is living proof of that." Sherri- "I beg to differ, it is part of the safety of our residents. When we have somebody who has a car accident and they can telecommunicate with the hospital and an ambulance to get that person the best care that they can get, that is a factor." Marcia- "You can do that with lesser than 5G, you can do that with 3G." Jason- "You can do that with 1G." Sherri- "Ok but we are not dictating what is being offered by the provider, we are not the ones that are creating this problem were are trying to...." Marcia- "You are the ones who can control the operations of the tower which we'll review in further down the road here, but you are the ones who can review, eh, do the operations of the tower and can say this tower cannot omit anything over such and such." Sherri- "If what you are saying is true right now Marcia then they are working out of line with the FCC guidelines." Marcia- "They are and they have a lawsuit against that if you would have read the thing that we gave you guys before there is a lawsuit and there under review to prove that 5G can't cause harm to people and they can't prove that right now." Sherri- "I would think that they are above that 580 microwatts per square cm and that's probably more of the issue but I don't know enough about 5G to argue with you on that. That is not my intent." Marcia- "So as you were saying that you disagree but they can do just what you were saying for the residents of the people for the 911 calls, that can be done on lesser than 4G, it can be done on 3G so having faster internet and being able to do work from home and being able to view movies from home and everything can be done, that's not necessary. That is not what these cell phone towers, telecommunication towers were meant to do in the first place." Jason- "Telecommunicate, not zoom. You want more get Starlink." Sherri- "Well that doesn't work either." Matt- "Alright, um let the minutes reflect that we will have Jay and Marcia's comments in there make a little note in there for yourself Sarah so as you read that everything they have said gets in the minutes please. Sherri take us back to this document." Sherri- "Um, you know it really is pretty basic if you look at the table of contents, it's really basic, it goes through pretty much everything that should be required of towers and all that we need to do to keep people safe while still providing the services the community is demanding." Matt- "So the 1500 feet from current residences, that was a number suggested by Beltrami?" Sherri- "No that was a number twice as much as what was suggested by Beltrami, that was suggested by a community member, and it was in an attempt to hear, not only listen and hear, but act on requests. I mean we are trying and we can disagree and we can agree to disagree but we can't take away other people's livelihood, their health, and safety. I hear your issues..." Marcia- "You don't hear my issues because you are not listening." Sherri- "I do. I am listening." Marcia- "What you're saying is not reflecting that you are listening to me." Jason- "Easy now." Sherri- "Its ok, the problem is we have the majority of people who have found other things that say that what you are saying isn't true, ok and there are all kinds of reports that show that what you're saying isn't necessarily true." Jason- "You'll find out, you'll find out."

Marcia- "Because the scientific proof hasn't been out there yet and because this is all new but believe me the scientific proof is coming out there and my family is a case study of this scientific proof and it's coming. Do you guys want to put something in the ordinance now that will reflect health issues among other people just because they want to have faster internet at home just to be able to do work from home and to be able to watch internet, or movies, and stream things from home, and because, because the proof and the stuff is not out there yet but it's coming, it is. Matt- "Alright, Jay and Marcia thank you for your comments, they are in the minutes and everybody in the township will get a chance to read them we appreciate A.) the research you have done, B.) the time you spent educating us, and C.) the amount of time you have spent at these meeting to talk with us. So with that we do need to move on, I understand but we do need to get through our old and new business so I am going to ask anybody else, we need to have comment or input on what we have reviewed in this recommended ordinance before we ask Sherri whether she and the committee feel comfortable submitting it to the Supervisors for their review and voting on. So, any other comments or questions, or concerns that people may have with the draft ordinance? (End of word for word transcribing) Kathy suggested adding in section 14 letter C the statement that says, for the general health and welfare for our residents we advise the 1500 foot setback from residents. Matt thought adding verbiage like that would be more appropriate in a different section and asked Joe his thoughts. Joe stated that he thought that putting it in the Intent and Purpose section would be best. Carter mentioned that it was already stated on page 2. Matt added that letter I section 1 makes reference to protecting the public and general health and welfare of the township. Sherri stated that she had four pieces of information that she wanted to send to the Town Board Supervisors. Sherri said that the sites are giving a neutral viewpoint which she feels it is very important to get all viewpoints. Kathy questioned if this was information that the Board has already been presented. Sherri said that it was not. It was information that was sent out to the Planning Commission but not the Town Board. Carter said he felt that the information should be sent by the Communication Tower Subcommittee since they are the group who is doing the research. Sherri made a motion to send the proposed ordinance verbiage regarding communication towers to the Town Board with the corrections that were suggested at tonight's meeting, second by Carter. Nathan said that he has a few questions beginning with section 15 number 5 under Tower Inspections. Nathan said there are testing requirements that are required every six months and the results of those are then sent to the Town Clerk. Nathan asked what the Town Clerk is supposed to do with the information once she gets it. Carter stated that the Town Clerk would keep an ongoing record of that tower and anytime it exceeds the 580 microwatts per square cm then the Board would have the ability to shut it down. Nathan said that 580 microwatts per square cm doesn't make sense to him and does not know what he is supposed to do with the information once it comes in as there is no basis to go off of. Gary asked if a testing company comes out to test and the tower exceeds 580 microwatts per square cm then would it be grounds for what. Carter said currently the township has no way of knowing if the tower companies are exceeding the microwatt limit that the FCC has placed on them. The way the ordinance proposal is written, the towers would be required to measure at specific places and report back to the township. If they are exceeding the FCC limit then there would be justification to allow them time to remedy the problem. Nathan stated he was still having a hard time understanding. Kathy questioned who we could get to better define what the FCC is trying to measure. Gavin Campbell stated he thought that the measurement was measuring how much radiation was in one square cm of air, not per tower or per plate on the tower. Carter also mentioned that the company that has to test the tower has to be an independent third party company. Joe suggested adding another line to the proposal that states that any and all expenses associated with enforcing this ordinance shall be borne by the tower operator. Nathan suggested adding more to section 8 letter I as it does not make sense the way it is written. Nathan suggested possibly adding the verbiage - per RF emissions where exposed to the public. Kevin asked what happens if they exceed the 580 microwatts per square cm. Joe said that at that time he would think the township would write a cease and desist letter and unless the tower company can bring their reading down to the required level then they get shut down. Matt suggested for section 8 letter I to read - Per FCC RF exposure guidelines the maximum permissible exposure level for each communication tower shall be limited to 580 microwatts per square cm. Nathan agreed that what Matt suggested was better. Gary asked what happens after the township issues a cease and desist. Carter said the township would have to notify the tower and then there will be penalties.

Marcia questioned section 1 letter D. Sherri stated that was taken directly from Beltrami's ordinance and was meant to keep communication tower farms from popping up. Marcia's stated that Gnesen only has one tower and that is the one that is by their house. Matt restated that there was a motion to present this ordinance proposal to the Town Board with the changes that were suggested that was already seconded by Carter. Matt asked if all were in favor. Pete spoke up and said that during the discussion he was trying to visualize what the final ordinance would even look like and can't seem to be able to. Pete said he would like to see a completed proposal before it should be sent to the Town Board, Kathy agreed. Kathy asked that Sherri make the changes then send it out again to each member of the Planning Commission to review and then discuss in May. Pete made a motion to table, second by Kathy. After much discussion Matt asked for a roll call vote, yays- 2, nays - 5, abstained – 1. Matt said that with that, the motion to table did not pass and that the ordinance proposal on communication towers will be submitted to the Town Board for their review.

Ordinance Review: Tabled until May

Short Term Rental Update: The subcommittee has met a few times and is planning on having a proposal for the June Planning Commission meeting.

NEW BUSINESS:

Candidate Interviews to fill vacancy: The Commission interviewed the three candidates that turned in a profile, Deke Melone, Dennis Campbell, and Carol Jacobson. Sherri made a motion to forward Dennis Campbell's profile on to the Town Board. Carter asked those who had reservations about having Dennis on the board what their thoughts were. After some discussion the commission voted for who they thought would best fit the needs of the Township and offer the most diversity on the Board. The final vote was 3 votes for Dennis and 5 votes for Carol. Sarah will send the Town Board a letter on behalf of the Planning Commission recommending Carol for open seat on the Planning Commission. Matt asked that a letter be sent to both Deke and Dennis thanking them for applying and letting them know that they are encouraged to reapply in the future.

Pfingsten Variance: Randall and Patircia sent in their application for a Variance to build a shed at their property located on 7252 Rice Lake Road. Nathan stated that the Pfingsten's lot is only 180 feet deep and so therefore they are not able to meet either the 85ft road setback or the 100ft setback from the OWHL. The Commission set the public hearing for May 18, 2022 at 7:00pm.

Elect New Officers: Matt agreed to continue as Chair for another year and Carter offered to be Vice Chair with Kathy as a backup if need be. Joe made a motion to accept Matt as Chair and Carter as Vice Chair, second by Sherri. All vote in favor.

ZONING OFFICERS REPORT: Nathan had nothing new to add.

- Pfingsten Variance Public Hearing will be held on Wednesday, May 18, 2022 at 7:00 pm.
- The next P&Z Meeting will be held on Wednesday, May 18, 2022 at 7:30 pm.

A motion was made by Carter to adjourn, with a second by Kevin. All voted in favor. Meeting adjourned at 9:34 pm.

Respectfully submitted,

Sarah Blix, Planning and Zoning Secretary

Matt Thibodeau, Planning Commission Chair

Date

Date