

CITY OF GILLETTE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
City Council Chambers ~ City Hall  
April 24, 2018

PRESENT

Commission Members Present: Chairman Jim Nielsen, Brenda Green, Trevor Matson Sheryl Martin, Ted Jerred and Jennifer Tuomela.

Commission Members Absent: Vice-Chair Cindy Reardon.

Staff Present: Annie Mayfield, Planning and GIS Manager; Clark Sanders, Planner; Meredith Duvall, Planner; and Jill McCarty, Senior Administrative Assistant.

CALL TO ORDER

Chairman Nielsen called the meeting to order at 7:00 p.m.

APPROVAL OF THE  
MINUTES

A motion was made by Ted Jerred and seconded by Brenda Green to approve the Pre-Meeting Workshop and Regular Meeting Minutes of the City Planning Commission Meeting of February 27, 2018. Motion carried 6/0.

18.010ZA-ZONING  
TEXT AMENDMENT-  
Section 13 – Wireless  
Communication  
Facilities

Clark Sanders presented Case No. 18.010ZA.

The City of Gillette is requesting a zoning text amendment to amend Section 13, Telecommunication Towers and Antennas to be known as Section 13, Wireless Communication Facilities.

The proposed ordinance addresses the placement of cell tower structures on private property as well as City-owned property and rights of way, setback requirements, height restrictions, screening and stealth requirements, application and permitting requirements as well as bonding and insurance requirements. Further, it addresses associated application, registration, and annual renewal fees for wireless communication facilities. The ordinance provides regulatory review timelines for each cell tower type based upon the FCC regulations.

In conjunction with the ordinance, staff has prepared an application checklist, flow chart, and a new permit which will support the regulation of the new ordinance. All new macro cell towers placed on private land will be reviewed and approved through the Planning Commission. All new towers located on City of Gillette owned property or structures will be reviewed and approved by the City Council. All other facilities will be reviewed and approved administratively, with any request dealing with a tower in the right of way to be reviewed and approved by the Engineering Division through a subsequent Right of Way Lease Agreement being issued.

Clark said the City Planning Division had sent out a draft of the ordinance to wireless companies who currently have wireless facilities in Gillette and got feedback from them on the zoning ordinance. He said he had a letter from AT&T thanking the city for being able to have input on the proposed changes to the zoning text amendment. Clark said the changes were presented to the Public Works and Utilities Advisory Committee on April 18, 2018, and while no formal action was

taken by the committee, they did voice their support of the updated changes. Clark also said the case will be going to the May 1, 2018, City Council meeting.

Chairman Nielsen asked if there were any questions on the case.

Greg Worthen, with Visionary Communications, located in Gillette, was present and said he had questions on the draft ordinance. Greg said while he his colleagues found items they thought were questionable, he also thought they might just need to understand the meaning and definition of what was in the proposed changes to the zoning ordinance. Some of the concerns he said would directly affect the cost to his customer. Greg also said there were items they considered proprietary trade secrets to their industry in the proposed ordinance changes. Greg said he thought the fees that could possibly be charged at a "per foot" fee, rather than the current proposed annual fees, with the thought that if a large tower would go up then a larger fee would need to be paid.

Clark said the consultant was worked with to find fees that were standard throughout the industry and the nation. As well, the ordinance tries to address both broadband and cell companies at the same time.

Greg said had tried coming up with a cost estimate that would include the proposed fees and others such as needing sound engineering. Greg said he estimated a cost increase of \$10.44 per month to his end users for internet use. Annie Mayfield asked Greg to come to the Planning office to further discuss the different scenarios Greg said he had come up with while going through the proposed ordinance. Clark said sitting down together and going through his concerns, and going through the different interpretations would be good. Clark said sound studies are in the current ordinance, and the current ordinance has dealt mainly with large cell towers, and dealing with the newer small towers was new to the city as well.

Greg handed out a drawing of a proposed small cell tower he said he had presented to the city in September 2017, as well as location maps. Ted Jerred asked if there were several areas in Gillette that needed better wireless coverage. Greg said while there are some neighborhoods that have a definite need for better coverage, there are areas that could be using higher Mbps at their residence. He said in speaking with apartment buildings, some are not worried about higher, faster internet speed while some would want a higher speed connection to make their apartments more desirable to potential renters.

Chairman Nielsen asked Clark what he was envisioning for inviting Greg to talk with the Planning Division, and if it would be before the case was to be heard by the City Council. Clark said it would be best to talk before the Council meeting. Greg said he would call the City Planning office to set up a meeting to discuss concerns and questions further with Planning Division staff. Clark said Greg was encouraged to also attend the City Council meeting to voice concerns.

Ted Jerred said he knew there were certain "dead spots" in town from his own experience with cell phone companies, having to switch providers after not being able to use one at his residence.

Clark asked Greg if his primary concerns were registration and applications fees, or if it would be other concerns. Greg said it would be to get a good understanding of it all. As well as the requirement of the sound engineer, which he believes would dictate what fees he would have to charge to his customer. Greg said he questioned the fees, mainly because of the potential of a small cell tower only servicing a small group of people, then the fees would affect those being serviced in a greater amount than if the tower serviced more customers.

Annie asked what Greg's business model was, and if he was planning on expanding to more small cells. Greg said in order to get faster speed to the customer, he was looking at small cell towers. Annie asked Greg if the small cell towers were a cost difference for him, and Greg said it would depend of the area it was in. With a tower providing service to more customers it would be more cost effective.

Ted Jerred asked Greg if it was needed to have a larger tower a certain distance from the smaller towers. Greg said if the site provided services to more people fiber optics would be used. Ted asked if the smaller towers could then feed each other, and Greg said it would depend on distance and terrain.

There being no further comments or questions Ted Jerred made a motion to approve said case. Travis Matson seconded the motion. Motion passed 6/0.

OLD BUSINESS

None

NEW BUSINESS

Clark Sanders said there will be a meeting on May 8, 2018, and May 22, 2018.

ADJOURNMENT

The meeting adjourned at 7:32 p.m.

Minutes taken and prepared by Jill McCarty, Senior Administrative Assistant.