



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
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PLANNING COMMISSION MINUTES
SEPTEMBER 17TH, 2015-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, July 16th, in the Harold “Andy” Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Tom Miller, Jason Dale, Kathleen Alexander, Harold Sargus, Mike Circo and Jackie Hill. Members absent were: Kevin Wetuski. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; and John Kottmann, City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order

The meeting was called to order by Chairman Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public. Gahan mentioned that due to the absence of a regular member, the alternate will be a voting member for the meeting.

2. Approval of Meeting Minutes – June 18, 2015

? moved, seconded by ? to approve the June 18th minutes with corrections. **Ayes:** *Krzywicki, Circo, Sargus, Gahan, Wetuski, Miller, Dale, Alexander.* **Nays: None.** **Abstain:** *Malmquist and Hill.* **Absent: Wetuski. Motion Carried. (8-0)**

3. Old Business

A. Public Hearing for Amendment to Section 7.11 of the Zoning Ordinance-Wireless Communication Towers

- i. **Staff Report:** Solberg states that in November of 2014, the City Council approved a contract to hire The Center for Municipal Solutions (CMS) to assist staff through on-call services of wireless telecommunication facilities application review. The review process for applications to install or add on to wireless telecommunication facilities is highly technical and has possible public concerns that require a professional review. Solberg stated that CMS gave them a sample ordinance that they like to stick to and that it’s a lengthy ordinance that is much stricter than they had originally planned for. Staff and CMS have been going back and forth the last couple of months between the existing City Ordinance and their model to make the proper modifications. He mentions that there is no red line copy because in the packet because the change is so significant that everything in the existing Ordinance would be scratched out. Solberg mentions

that this new ordinance will meet the intent of the existing ordinance and give them more power on the location of new cell towers.

ii. **Public Hearing:** Continued from August 20, 2015 meeting.

Gahan mentioned that there are 10 towers within the city now and asked if there was any idea as to how many would end up in the city. He also asked if there have been any recent applicants wanting to put up a tower.

Solberg mentioned that there is one application that is in, but it is over 8 months old and there has been no movement. This tower was for 66th and Harrison. He has received a letter from SHIPO about putting one up, but no application as of yet. He said that the effect of the change to 4G LTE is not as strong and does not reach as far as 3G signals. He said that cell companies want to put more towers due to this, but as of right now, no applications minus the one mentioned, have been submitted.

Miller asked if the communication tower that was approved in April or May moved forward to City Council for their approval.

Solberg stated that was for a satellite dish. He said that they decided to pull out at the last minute because what they were planning on doing wasn't going to work out.

Sargus asked if this would increase the cost of installation for whoever wanted to install new towers.

Solberg said that back in November when CMS was approved to be the consultant, the Master Fee Ordinance was changed to account for the cost of having them to review a cell tower. He believes the cost was \$4,000 and is now \$8,500 with the possibility of adding on if the review takes longer.

Sargus asked if the construction or installation costs go up due to the change.

Solberg said that it is unlikely that those costs would go up, most changes will occur with the application cost.

Hill asked to review section 7.11.01 in regards to the dangers of cell towers. She asked what documentation or proof was there to substantiate significant concerns.

Solberg said that that statement came from CMS and said that they could be asked to provide proof for that.

Hill said that she did research to see if there was a direct correlation between cell towers, antennae and the possible health risks and could not find anything.

Solberg said that the commission can recommend removing that sentence.

Krzywicki mentioned changing the wording to mention that the City of La Vista will regulate wireless communication facilities to safeguard the health and safety of the public. He said that putting a statement that bold in the ordinance

is saying that we approved the tower with knowledge that there was significant danger.

Sargus asked if the city attorney has seen this document.

Solberg stated that he usually does not see it until right before city council to see if he has any changes.

Hill recommends removing that sentence completely.

Hill asked about 7.11.18 in regards to liability insurance. She mentions that the Workers Compensation and Disability are statutory amounts and that there no required amount given for the Umbrella Coverage. She also mentioned that there is nothing listed for independent contractors or businesses that are not covered under Workers Compensation. She recommends changes to this section.

Krzywicki said that on 7.11.01 there is a typo that needs to be corrected. He also mentions that on section 7.11.09 in regards to height, there is no maximum height listed. He said that the section was very confusing and needs to be clarified.

Krzywicki asked if new towers are only going to be allowed in mentioned zoning districts.

Solberg said that there is no change in that aspect minus the ability to put it on city owned property.

Sargus asked if CMS is a local consultant.

Solberg said that the consultant is local. Mentioned that the commission can recommend continuing this item until the next meeting to talk about this more in depth with the consultant. Solberg mentioned that he is an on call consultant and if there is application submitted, he will review then come in to review.

Miller asked if we wanted to put height requirements on the fences that would surround the cell tower facilities.

Solberg said that other sections in the zoning ordinance that regulate height.

Krzywicki asked if there is a severability clause.

Solberg said that is in the zoning ordinance.

Recommendation: Malmquist moved, seconded by Hill to recommend continuing the public hearing to the next meeting. **Ayes:** *Krzywicki, Malmquist, Gahan, Miller, Hill, Dale, Alexander, Circo and Sargus.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Wetuski.* **Motion Carried. (9-0)**

4. New Business

A. None

5. Comments from the Floor

None.

6. Comments from Planning Commission

Hill mentioned having consultant come in for the next meeting.

7. Comments from Staff

A. Comprehensive Plan Update

Solberg talked about events coming up in regards to the Comprehensive Plan.

Solberg mentioned that the Imperial Palace in La Vista will be closing.

8. Adjournment

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date

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