



City of Hamilton Annex

920 New York Avenue

Hamilton, MT 59840

MINUTES OF THE CITY OF HAMILTON ZONING BOARD OF ADJUSTMENT MEETING

July 24, 2017

TOPICS FOR DISCUSSION:

CUP#2017-03

Digital Skylines, Inc. representing Verizon Wireless; applicant requests to construct a 60' faux pine cellular tower with an equipment shelter and outdoor generator at 99 West Bridge Road, Hamilton, also known as Riverview Cemetery, Parcel 3

1 The following members were present: Sue Smith, John Trangmoe, Vivian Yang, Darwin Ernst,
2 and Donna Larson Shulund. Members absent: Clayton Dethlefsen and Drew Blankenbaker

3
4 Staff Present: Land Hansen, Zoning Administrator, Karen Mahr, City Attorney and Tamara
5 Rupp, City Secretary

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7 Darwin Ernst opened the Zoning Board of Adjustment meeting at 5:34 p.m.

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9 Sue Smith moved to accept the presented agenda. Seconded by John Trangmoe. Motion carried
10 unanimously.

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12 PUBLIC COMMENTS IN GENERAL:

13 None.

14
15 Vivian Yang arrived at 5:50 p.m.

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17 NEW BUSINESS:

18 CUP#2017-03 Digital Skylines, Inc. representing Verizon Wireless; applicant requests to
19 construct a 60' faux pine cellular tower with an equipment shelter and outdoor generator at 99
20 West Bridge Road, Hamilton, also known as Riverview Cemetery; Parcel 3.

21
22 Staff Presentation:

23 Land Hansen, Zoning Administrator, stated that for the application to be approved under the PI
24 (Public and Institutional Zone District), uses need to follow HMC, utilities, public or private
25 including communication equipment buildings. This application meets those requirements.

26 Application Presentations:

27 Julie Peabody from Digital Skylines, representing Verizon, gave an overview of the increasing
28 demand for wireless services, the current net service areas, site search process, alternatives
29 analysis and alternative locations.

30

31 Board Member Questions:

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33 Public Comments:

34 Written comments from the following:

35 Larry and Coleen Reynolds; 17 Ricketts Road, Hamilton

36 Daniel Dulebohn

37 Darlene Mettler-Chase; 129 Patricia Way, Hamilton

38 Donald Hill; 127 Patricia Way, Hamilton

39 Vince Saporita; 510 E. Villa Ridge Road, Villa Ridge, MO

40 Larry Strate; 246 Daly Avenue, Hamilton

41 Wayne Smith; 121 Daniel Court, Hamilton

42 Phil Stewart

43 Daniel Dulebohn on behalf of Patricia Rosa; Phil Stewart; Paul Policastro; Lyn James and

44 Marianne Holmes

45 Sherri Johnson; 54 West Bridge Road, Hamilton (2)

46 Joseph Atencio

47 Mary Eilers

48 Montana Fish and Wildlife

49 Kathy Haarman; 100 Cottonwood Ct, Hamilton

50 Wanda Johnson

51 Beth McCoy; Hamilton

52 Larry Strate; 610 North 1st Street, Hamilton (3)

53 William and Margaret Frankenberger; 3380 Fern Lane, Stevensville

54 Joseph Melnarik; 159 Kendra Way, Hamilton

55 Joanne Nielsen, 200 N 5th St, Hamilton

56 G. Witschen

57 Steve Peckinpaugh; PO Box 305, Stevensville

58 Rod Neilsen; 200 N 5th Street, Hamilton

59 Laurie Klein; 120 N 5th Street, Hamilton

60 Sherri Johnson; 54 West Bridge Road, Hamilton

61 Patricia Sewell

62 Austin Athman, 1110 S. Second Street, Hamilton

63 Margaret Ohl, 158 Manhattan Street, Hamilton

64

65 The following audience spoke opposing the cell tower being placed at the cemetery:

66 Persh Parker; Joanne Nelson; Angela Saporita; Kathrine Smith; Hazel Spencer; Darla Sather; Jan

67 Shigley; Melissa Petersen; Robert Parr; Patrice Promack; Larry Strate; Darlene Mettler Chase;

68 Tom Grimes; Roy Bates; Art Shigley; Don Hill; Gordon Maus; Laurie Burnham; Shirley Smith;

69 Persh Parker; Gene Hinricks; Deanne Harbaugh; Char Jones; Daniel Dulebohn

70

71 Collective opposing comments were: the cemetery is a peaceful, sacred place, don't want it
72 commercialized, worried about noise and look of tower, some are in agreement of technology
73 advancements but would like the tower placed in a different location. Daniel Dulebohn quoted
74 Montana Code 7-35-4102 vesting of title to cemetery grounds, stating the land must become
75 unsuitable to be used for anything else but a cemetery. Attorney Mahr stated that the council in
76 their discussions deemed this portion of the cemetery met the statutes stated.

77
78 Two audience attendees spoke and were in favor of the placement of the cell tower at the
79 cemetery.

80
81 Public concerns were addressed: the generator needs to run once a week for roughly an hour that
82 may produce noise but can be scheduled for a time least inconvenient for the surrounding
83 neighbors or people visiting the cemetery; it will be accessed quarterly for maintenance of the
84 generator and every couple of years for maintenance on the antennas; lightning strikes are will
85 have a lightning rod on the top so the lightning will hit the tower and be grounded. Julie Peabody
86 explained the co-location on the tower where other agencies can place receivers on the tower to
87 eliminate more towers being built; rent will be paid for the placement of the co-location.
88 Attorney Mahar clarified the lease agreement only allows for two co-locations with the Council's
89 approval and with a lease agreement in place for those entities. The area designated for the cell
90 tower use is 30X45 or 1350 sq. feet area and does not allow for any expansion; the agreement is
91 for 25 years with 5 year increments. Taylor Thorness informed the audience there will be an at
92 least a 6 foot fence surrounding the perimeter, not to contain barred wire, and the cabinets and
93 gate will be locked; there will not be pegs on the lower section of the tower.

94
95 Regarding the issue of health concerns, Attorney Mahr stated that federal law preempts this
96 board to consider health issues and they are not allowed to make their decision tonight based on
97 health issues.

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99 Board Comments/Discussion:
100 Members expressed their concerns and comments regarding placing a cell tower at the cemetery,
101 weighing the pros and cons. Member asked how far is the proposed site from the nearest grave
102 site; answer is roughly 500 feet.

103
104 The question was asked to the audience, if you had a choice of the cell tower located at the
105 football field or the cemetery, no audience voted for the cemetery.

106
107 Karen Mahr stated that the application follows the health, safety comfort or general welfare and
108 safety health of the community/city.

109
110 **Vivian Yang moved to approve Conditional Use #2017-03 made by Digital Skylines, Inc.**
111 **representing Verizon Wireless. Seconded by Sue Smith.**

112
113 Land Hansen, Zoning Administrator, read the conditions of the approval of the application:

- 114
115 1. Maintain submitted site design and conditions of contract.

116 2. The applicant will provide the City a copy of a geotechnical survey and structural analysis for
117 the wireless communication facility prior to construction so the City can insure the structural
118 integrity of the facility and compliance with applicable safety standards. This should ensure that
119 the tower integrity is not endangered by erosion of the soils on the slope to the east of the
120 proposed site.

121 3. The applicant will provide a statement verifying that its request and a copy of the FAA Form
122 7460-1 has been submitted to the Montana Aeronautics Division for a formal response and shall
123 comply with any and all conditions required by the Montana Aeronautics Division. The City
124 will have the opportunity to review the Montana Aeronautics Division response prior to
125 construction to determine whether those conditions will result in a material change to the
126 proposed facility.

127 4. The applicant will execute and record, at its expense, the required documents to finalize lease
128 of the property from the owner prior to construction. The signed lease will constitute the
129 required letter of intent to remove the facility at the expense of the applicant if it is abandoned, as
130 well as the signed statement by the property owner consenting to the city's entry on to the
131 property to remove an abandoned facility.

132 5. Applicant will secure the following permits and licenses: Building Permit

133
134 **Vivian Yang amended her motion to approve Conditional Use #2017-03 made by Digital**
135 **Skylines, Inc. representing Verizon Wireless to include all of the above stated conditions.**
136 **Seconded by Sue Smith.**

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138 **Vote by roll call. Vivian Yang voted aye, John Trangmoe voted aye, Donna Shulund voted**
139 **aye, Sue Smith voted aye. Motion carried.**

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141 OLD BUSINESS:

142 None.

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144 MINUTES: May 22, 2017

145 Vivian Yang moved to approve the May 22, 2017 minutes as presented. Seconded by Donna
146 Shulund. Motion carried unanimously.


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148 Board Discussion:

149 Next meeting on August 28, 2017 at 5:30 p.m.


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151 Open Discussion:

152 Donna Shulund moved to adjourn the meeting. Seconded by Sue Smith. Motion carried
153 unanimously.

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155 Meeting adjourned at 8:10 p.m.

156
157 
158 Tamara Rupp

159 Secretary

157 
158 Darwin Ernst

159 Chairman