



Council Agenda Item

Meeting Date:	February 20, 2025
Agenda Item:	BTS Towers Agreement
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what, when, where, why)

City staff has been working with a consultant for BTS Towers to help find a location for BTS Towers to install a telecommunication tower for AT&T. They were originally looking at Lot 10B off of East Main Court in the Business Park. However, with the potential sale of that property, staff did not want to enter into an agreement to muddy the sale of said property. Looking at other possibilities, the northwest corner of Lot 2T off of Greenway Court in the Business Park seems to be a good fit. The 100' X 100' easement area would be located in an area most likely not to be developed. Access could come from Howard Road along the north property line, which also should not interfere with development of the property.

The one caveat is that Lot 2T is zoned as Technology Park. Current city regulations do not allow telecommunication facilities in the Technology Park zoning. However, this is contrary to state statute 66.0404 which allows for telecommunication facilities in all types of zoning districts. The City's zoning code would need to be updated to allow telecommunication facilities as a Conditional Use Permit (CUP) in the Technology Park zoning.

Attached is the Option and Lease Agreement which has been reviewed by staff and the City Attorney with edits highlighted.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee at the November 2024 Public Works Committee meeting did approve the site location on Lot 10B off of East Main Court. At the Feb 11, 2025 Public Works meeting, the Committee recommend approval of the location of the tower and the Option and Lease Agreement with two contingencies: 1) The Plan & Architectural Review Commission changing the zoning code to allow a CUP for telecommunication facilities in the Technology Park zoning district; and 2) The Plan & Architectural Review Commission approving such CUP for BTS Towers. Additionally, the approval made two changes to the Agreement. (1.) Changing the rent amount from \$800 to \$1,000; and (2.) In Paragraph 7 adding a Bond in the amount of \$10,000 be required.

FINANCIAL IMPACT

(If none, state N/A)

BTS Towers would pay \$2,000 for an Option Period of 2 years. If the Option is executed, rent in the amount of \$1,000 per month (\$12,000/year) would be made for the initial Term (Term being five years). The rent payment would escalate at 15% respectively for the next 9 Terms.

STAFF RECOMMENDATION

After the Public Works Committee meeting staff reviewed Municipal Code 19.55.050 which relates to a Conditional Use Permit (CUP) for wireless telecommunication facilities. As part of the CUP, a performance bond in the amount of \$20,000 is required. Thus Paragraph 7 has been updated to include a \$20,000 bond instead of the recommended \$10,000.

Staff recommends a motion to approve the Option and Lease Agreement with BTS Towers, contingent upon the following:

- The Plan & Architectural Review Commission changing the zoning code to allow a CUP for telecommunication facilities in the Technology Park zoning district
- The Plan & Architectural Review Commission approving such CUP for BTS Towers

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Lot 2T
2. AT&T Tower Location
3. Option and Lease Agreement