

**SPECIAL MEETING MINUTES  
PORTOLA CITY COUNCIL  
35 THIRD AVENUE | PORTOLA, CA 96122  
OCTOBER 26, 2020 | 6:00 P.M.**

**1. CALL TO ORDER**

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Member of the public were able to join the meeting via Zoom live streaming. Mayor Pro Tem Powers called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

Councilmembers Tom Cooley, Pat Morton, and Mayor Pro Tem Bill Powers responded to the roll call. City Attorney Steve Gross, Deputy City Clerk Tara Kindall, and City Planner Karen Downs were also present. Mayor Oels and Councilmember Peiler recused themselves at the October 14, 2020 City Council Regular meeting.

**3. ORDER OF BUSINESS**

**A. Public Hearing to Consider Appeal of Conditional Use Permit (CUP) 19-01.**

Mayor Pro Tem Powers opened the public hearing at 6:00 p.m. Present were Mayor Pro Tem Powers, Councilmembers Cooley and Morton, City Attorney Gross, City Planner Downs, and Deputy City Clerk Kindall. He reviewed the schedule of the public hearing and the appeal procedures for the meeting.

Mayor Pro Tem Powers called for any public comment concerning any item not on the agenda. There were no comments submitted in writing prior to the meeting and no one on the Zoom meeting platform who wished to make any comments via the live streaming or chat platform.

**Staff Report:** Mayor Pro Tem Powers then asked for the staff report. City Planner Karen Downs reviewed her staff report and the events that lead us to this public hearing to consider the appeals of Conditional Use Permit 19-01 – Verizon Wireless Cell Tower. She explained that the conditional use permit is for a 133-foot monopine cellular tower facility to include: 9 new 8’ tall panel antennas; 9 new Remote Radio Units (RRUs); 2 raycaps; 2 microwave antennas; 20-kw generator with a 96-gallon diesel tank; high metal ice shield structure; other outdoor equipment within; 40’ x 40’ fenced are (chain link with slats and barbed wire).

Ms. Downs went on to describe the prior public hearing that was held on December 4, 2019. She explained that the Hearing Officer, who was the City Manager, Lauren Knox, as the City of Portola does not currently have a planning commission,

continued that meeting to a date certain so that more information and clarification from the applicant. The continued public hearing was then re-noticed for August 27, 2020. At that public hearing the Hearing Officer reviewed the additional information provided and additional public comment. Verizon's RF Engineer made additional comments to explain the Radio Frequency Emissions Compliance Report and answered the Hearing Officer's questions. Following the August 27<sup>th</sup> public hearing, the Hearing Officer deliberated and after considering the whole of the administrative record, issued Notice of Determination 19-01 on September 1, 2020 which approved Conditional Use Permit 19-01, based on the Conditional Use Permit Findings pursuant to PMC Section 17.88.060.

The City received three appeals following the issuance of the Notice of Determination 19-01. They were from, in the order received, Linda Hale, 725 Wolf Avenue; Josh Hart, PO Box 682; and Lisa Miller, 7275 Sylvan Road. Ms. Hale's appeal is a request for accommodation under the Americans with Disabilities Act (ADA), due to adverse reactions by electromagnetic sensitivity. Mr. Hart's appeal is to review the consistency with the Portola General Plan, safety risks to hospital staff and patients as well as the general public which constitutes an access barrier to members of the community attempting to access medical care, consultant conflict of interest, improper directions issued to councilmembers, problems with accessing hearing with "zoom" technology, lack of demonstrated need by Verizon, risk of wildfire, and lack of liability insurance on the part of the applicant. Ms. Miller's appeal is a request for accommodation under the Americans with Disabilities Act (ADA), due to adverse reactions by electromagnetic sensitivity.

City Attorney Gross reminded Council that per Portola Municipal Code this Public Hearing is a De Novo, or new, hearing. This means that City Council is allowed to hear and consider all the evidence, information and material that will be presented to you tonight as well as all the information that led to the issuance of the Notice of Determination. All emails that were received by City Council and Staff concerning this public hearing were also provided to all the appellants and the applicant so that everyone has access to the same information.

**Appellant 1 Presentation:** Mayor Pro Tem Powers then asked for the presentation from the first appellant, Linda Hale. Deputy City Clerk Kindall stated that Ms. Hale is unable to attend the meeting tonight and authorized Martin Paul, a researcher at the University of Washington and Heidi Hart to read a letter during her testimony time tonight. She also sent an email authorizing Joshua Hart to speak during her rebuttal time.

Mayor Pro Tem Powers reminded the appellants that there is a total of ten minutes for them to make their presentation.

Heidi Hart read a statement provided to her by Linda Hale. She cited adverse health issues that is a result of electromagnetic frequencies or EMF. Heidi then read from Dr. Martin Pall's report entitled "Eight Repeatedly Documents Finding Each Show that EMF Safety Guidelines Do Not Predict Biological Effects and are, therefore Fraudulent: The Consequences for Both Microwave Frequency Exposures and also 5G. 3<sup>rd</sup> Edition".

Neither Councilmembers Morton nor Cooley had any questions for Ms. Hart.

**Appellant 2 Presentation:** Mayor Pro Tem then asked for the presentation from the second appellant, Josh Hart. Mr. Hart requested that the appeal be upheld or a postponement of the decision be made until a reasonable ADA accommodation request effort can be initiated with community members to maintain unfettered access to our hospital. He explained the problems caused by the EMF to certain members of the community. He also reviewed certain parts of the Americans with Disabilities Act. Mr. Hart also highlighted the problems with the helicopter flight path if the tower is installed. He hired Keith MacKay, President of MacKay International, to further speak to Council about helicopter flight safety as it relates to this project. Councilmember Cooley asked about the exposure Mr. Hart had with the electric meters and if he was able to resolve the issue in any way by way of a claim or settlement? Mr. Hart stated that he did not file a claim against PG&E. Councilmember Morton thought the issue Mr. Hart had was with Plumas Sierra Rural Electric Cooperative (PSREC)? Mr. Hart stated that he had been referencing the 2011 incident in Berkley. Mr. Hart requested an accommodation from PSREC for an analog meter and explained the circumstances that unfolded between PSREC and himself.

**Appellant 3 Presentation:** Mayor Pro Tem Powers then asked for the presentation from the third appellant, Lisa Miller. Ms. Miller has electromagnetic hypersensitivity and explained her symptoms. She is concerned that the cell tower will have a huge negative impact in her ability to access services in Portola due to the EMF. Her former employer recognized her condition as a disability and made substantial changes to accommodate her. She shared information by Dr. Henry Lai about two different studies conducted for EMF. She then asked Dr. Toril Jelter to speak on her behalf for the remaining two minutes. She strongly opposes the cell tower. Councilmember Cooley asked Ms. Miller if she was able to identify certain sources of EMF that have a different effect than the others, i.e.: is there a difference between Bluetooth, cellular and Wi-Fi? She stated she doesn't notice a difference that they all feel the same to her. Mayor Pro Tem Powers asked about what light fixtures her previous employer changed out for her? Ms. Miller responded that one area in the shop where she taught had florescent lighting with the florescent tubes were the ones that were changed.

**Applicant Presentation:** Mayor Pro Tem Powers then called the applicant to present their report. Ms. Kristina Demolli with SAC Wireless, representative for Verizon, addressed City Council. She described the cell tower project. She reviewed the timeline of what has happened so far with the application of the Conditional Use Permit. She explained that the proposed location is optimal to help strengthen the wireless network as Verizon has noted a gap in coverage in this area. Beckwourth Peak is too far away to improve coverage with this tower. Next, Maher Zayouna, Radio Frequency Design Engineer for Verizon Wireless, reviewed the gap area in Portola in detail and why the proposed site is ideal to cover this gap in coverage. Next, Rajat Mather, with Hammit and Emmerson an independent consulting engineering firm, is a California licensed Professional Electrical Engineer whose job is to evaluate sites like these for exposure compliance with the Federal Communications Commission (FCC) standards. This site will comply with the FCC limits. The Radio Frequency (RF) levels at this site are 22 times lower than the limit, there are two main reasons why the levels are so low. First, the antennas that Verizon is using are directional. The energy directed by the antennas are not equal and are directed at the horizon 124 feet above the ground. Second, the radio frequency energy from the antenna falls with the square of the distance. This means that as the energy moves away from the antenna it will drop by the square of the distance, so if the distance is two the energy will drop by four, if the distance is ten then the energy will drop 100 times (the square of ten or  $10^2$ ). The FCC provides further information and clarifications on the RF Exposure Standard that they were tasked with setting in the 1996 Telecommunications Act. They conducted a review last year and found no basis to change the limits. There is a 50 times safety factor built into the standard which means that the FCC limits are set 50 times below the first effects of the RF exposure. The maximum calculated exposure to the hospital from this site is .89% more than 100 times below the limit. Councilmember Cooley had a question about his interpretation of the maps about the direction of the antennas and if any were pointed directly at the hospital, which he didn't think so by his interpretation of the map. Mr. Zayouna said he wasn't certain in the end how close to the hospital any of the antennas may point, but their coverage should improve. Councilmember Cooley then asked if they were to take a reading by the hospital today and another reading if the tower were to be constructed, then they could expect to see an increase in the readings? Mr. Mather responded that there would be a difference for a receiver like your cell phone, as far as exposure levels, they would be less than 1% of the limit which is similar to items such as a router, baby monitors, and many other devices, but it would add to the amount that is there now. Mayor Pro Tem Powers asked Ms. Demolli what safeguards in tower construction have been modified or added for fire safety? Ms. Demolli explained the many safeguards and fire safety protocols that this tower will have. He also asked about the tree growth projections for the trees surrounding the tower. Ms. Demolli stated that the average growth is about 1-2 feet per year, so it may take anywhere from seven to fifteen years for the surrounding trees to reach the same

height as the proposed tower. He also asked if it was the intent to have the proposed 4G tower in operation for the next ten years, the term that is in the proposed contract? Paul Albritton, Counsel for Verizon Wireless, answered that this 4G proposed tower would be able to be in operation for the next ten years as that is the prediction of how long 4G will be in use. A brief discussion ensued. Councilmember Morton asked if this facility would be able to provide coverage when the City has a large event with 2,000 extra people in the area? Mr. Zayouna responded will help with events like this, but he isn't certain exactly how it would perform in that scenario. She also asked what kind of precautions are being taken for fire safety and what kind of wind gusts would the proposed tower be able to withstand? Mr. Albritton stated that the generator is designed to be fire resistant and is used in many different buildings. The tower itself is fire safe and all codes concerning fire safety protocol are being followed and inspected. It should be able to withstand 85 mph winds with up to 100 mph gusts. Councilmember Cooley asked if it were possible add a condition to the approval under which measurements will be taken at the hospital location today with an agreement that after the proposed tower is constructed and operational that testing be done, and the levels cannot exceed a 1% increase or Verizon would reduce that increase to no more than 1%? Mr. Albritton stated that as we are aware, Verizon is only required to maintain compliance within the FCC guidelines, but he is confident that the calculations performed by the engineers would be very close to the actual emitted level, which was .89%.

At this time Council took a 10-minute recess.

Mayor Pro Tem Powers called the meeting back to order at 8:05 p.m.

City Attorney Gross stated that the lines have been muted and were muted during the break so that no Councilmember or Staff was privy to the discussions that occurred during the break. He further stated that this is the time for Council to disclose any ex parte communication they may have received since the appeals were filed until today. Councilmember Cooley stated that he received communication from the applicant's counsel, Paul Albritton, as well as emails from Josh Hart and he did not respond to those communications. Councilmember Morton did not receive any ex parte communications. Mayor Pro Tem Powers stated he received emails from Mr. Albritton and Mr. Hart, as well as a conversation at the library where he listened to Ms. Hale. He did not respond to any of those parties. City Attorney Gross stated again that any ex parte communication with any party of this appeal received by staff was forwarded to the other parties so that the communications were received by all.

**Appellant 1 Rebuttal:** Josh Hart, who was authorized by Ms. Hale to speak on her behalf, spoke for her rebuttal. He observed that during the last two public hearings

on this topic there has been at least a 20:1 public comment ratio against the tower. If the project is this CUP there was a 20:1 comment ratio against this tower so if it is approved it will only have official consent, not social consent. The reality with wireless is that distance matters and the Beckwourth Peak tower provides adequate cellular service to Portola. The applicant has not demonstrated a significant gap in service. The applicant hasn't provided any dropped call reports. The only legal requirement is if a call can be made outdoors. People should be using wired technology in their homes. People should not be using their cell phones when driving. He stated that none of the people you heard from for Verizon were medical experts. No one at the FCC has any staff who are trained in medical issues. Wireless is not safe and there are multiple studies showing the harmful effects of microwave technology. Mayor Pro Tem Powers asked if he knew of any mitigations that a person who is affected by RF can make? Mr. Hart responded that the number one piece of advice that he suggests to others is to minimize your exposure as much as possible.

**Appellant 2 Rebuttal:** Josh Hart wanted to respond regarding the ADA. The applicant is putting forth information that is demonstrably false. The FCC guidelines that the applicant references have several lawsuits pending against those guidelines, and should they prevail it could very well change the guidelines. The FCC guidelines are completely inadequate. If a person uses their cell phone to call 911, they are only able to pinpoint the general location within 1000 square yards, causing serious problems for first responders, where a landline gives the exact location. There is no legal obligation for Verizon to have in car reception or in-home reception. Those are inappropriate. People should be using wired communication. Especially now with COVID-19, the need for wireless has diminished significantly. Councilmember Cooley asked if Mr. Hart was aware of the letter that came from Care Flight dated October 24<sup>th</sup> where they state that after analysis of the site, the tower does not propose an unsafe condition for our standard operations. Mr. Hart stated that is only in standard operations, but if there was a condition where there could be problems, like a fire with significant smoke, or someone new who is not familiar with the area that there could be a risk.

**Appellant 3 Rebuttal:** Lisa Miller stated she is very disheartened to hear the applicant disregard her health condition. She had done quite a bit of mitigation for RF at home, but it's different to go out in the public where it's impossible to control. She would like to yield the remainder of her time to Josh, however, an appellant can't yield their time to another appellant or the public. Mayor Pro Tem asked what the name of the electrician that helped in her home was. She said his name is Michael Neuert.

**Applicant Rebuttal:** Paul Albritton wanted to quickly address the appeal points with the ADA. The appellants accurately state disabilities are broadly defined under

the act, yet Electromagnetic Sensitivity has not been recognized by the World Health Organization as a disability. While the definition is broad, not all conditions are considered a disability with the ADA. The calculation made to demonstrate the possible emissions at the hospital from the proposed tower are done with the worst-case scenario, meaning everything is turned up to the maximum, which is not how it would be during normal operations. The helicopter landing zone is on the opposite side of the hospital from the tower, the flight path is towards the northwest not towards the tower. Prior to filing the application, Verizon contacted the Federal Aviation Administration (FAA) to ascertain if there was a landing zone in that area, there was not. The federal guide for helicopter pilots requiring them to fly 500 feet above the tallest structure, with the tower being only 20 feet higher than the surrounding trees, it would not hinder any helicopter from flying over it. As it is not possible to project what future expansions other properties may take in the future, the building code has requirements and setbacks that take into consideration possible future growth. This permit meets all code requirements. The fire risk is minor, and there is the benefit of redundant communications in an emergency. He also briefly reviewed some points of federal law. The application meets all requirements by the Portola Municipal Code with regards to this proposed facility and are well below many of the federal requirements. They have demonstrated not only a significant gap in service, but the tower on Beckwourth Peak is over capacity and this tower would help offload some of that. It's not as simple as just putting up another tower in the same area, that is not how cellular service works. There is also indemnification against liability for City. Councilmember Morton asked is they had any figures on how many people do not have landlines anymore and just use cell phones? Ms. Demolli stated that the latest data they have states the 59.2% of homes are wireless. Mayor Pro Tem Powers asked if there was a possibility for a signal light to be added? Do you have any studies that indicate how often towers are hit by lightning? The FCC requires any tower above 200 feet to have a signal light for aircraft and due to other FCC regulations and the construction of the tower it could be difficult to place lighting on the tower. There is a grounded lightning rod on the tower in case of lightning.

City Attorney Gross reviewed the protocol for the public comment section. Each person has five minutes to speak.

**Public Comment:** Deputy City Clerk Kindall then read the written correspondence received prior to the meeting. They were arranged in alphabetical order by last name.

- Naveen Albert, Waukesha, WI: Opposed. Health risks, discriminates against individuals with electromagnetic sensitivities.
- Bob Boschee, Quincy, CA: Opposed. EMF emissions has become a global issue, safety, and health reasons.

- Margann and Paul Bridges, Portola, CA. In Favor. They had one close by before and barely noticed it and the increase in signal was appreciated.
- Rose Buzzetta, Quincy, CA. Opposed. Risks to individuals trying to get health care at EPHC, EMF sensitive individuals, helicopter care flights.
- Susan Christensen and Bill Martin, Quincy, CA. Opposed. Safety issues so close to health care facility.
- Eastern Plumas Rural Fire Protection District Board of Directors. Supports. Needed for safety redundancy during emergencies.
- LouRene Fitzsimmons, Portola, CA. Opposed. Too near hospital, detrimental to health, effects property values.
- Chief Robert Frank, Eastern Plumas Rural Fire Protection District. Support. Tower on Beckwourth Peak has failed before, this will help emergency services.
- Lisa Fredrikson. Opposed. Need safer, wired telecommunications, health concerns, EMF are dangerous.
- Mark Graham, Elk Grove. Opposed. Cell tower often exceed EMF emissions, City should hire independent expert, Verizon failed to justify the equipment, their site analysis is incomplete.
- Michael and Judith Martini, Portola, CA. Support. Need better reception, so many have dropped their landline.
- Jan Riddle, Portola, CA. Opposed. Eyesore, safety hazard, against 5G.
- Cindy, Russell, MD, Menlo Park, CA. Opposed. Unsafe for hospital and helicopter, health and safety issues when close to people.
- Jen Terhune. Opposed. Not enough neutrally funded and peer reviewed health studies regarding this technology, negative health impacts of EMF's.
- Teresa Whitfield, MSN, RN, Portola, CA. Support. Member of EPHC Board of Directors, community needs better cell services, does not increase fire risk, Electromagnetic Hypersensitivity is not a medical diagnosis.
- Shirley Wiggin, Chilcoot, CA. Opposed. Same reasons as Josh Hart and other citizens.
- Terri Woods, Portola, CA. Opposed. Health risks.
- Sam Wilbanks. Support. Project would benefit many more citizens than it would adversely affect, private pilot, no light required, competent licensed pilots would fly much higher than the surrounding terrain at night, base decision on current law, regulations, and health standards.
- Emily Compton, Graeagle, CA. Support. Economic growth, telecommuting, improved communications during emergencies.

The Deputy City Clerk went over a few instructions to assist members of the public with the Zoom platform who wished to give public comment.

- Bob Marshall, General Manager of Plumas Sierra Rural Electric Cooperative and Plumas Sierra Communications, Portola, CA. Support. Explained how redundant cellular service is so important in emergencies. 5G is not coming as it is an urban application and we are too rural. There are already so much RF due to the all the current cell phones, routers, and other devices in the community. EMF and RF are completely different. Verizon is bringing an investment to our community.
- Corby Erwin, Portola, CA. Support. Gathered information about RF. In 1996 the WHO began the International EMF Project, which is designed to review the scientific literature concerning biological effect of EMF. The FDA, EPA, and other federal agencies worked together with the WHO on this project. Studies have shown that environment levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant biological effects.
- Carol Mero, RN, Portola, CA. Oppose. Community has a right to know about the risks of harm and the important legal issue of informed consent. There are hundreds of international scientists, hundreds of physicians, public health officials, technology experts, and public policy makers who are unitedly advocating for the precautionary principle in policy making decisions about wireless installation for the protection of public health and safety. There is a preponderance of evidence that RF technology should not be installed where people live, work, go to school, conduct business due to biological harms and significant fire hazard.
- Matt Brubaker, System Control and Data Acquisition Operator with PSREC, Portola, CA. Support. Wireless, cellular and radio communication is imperative to safely and effectively communicate with field crews during outages due to severe weather, fire, and public power safety shut offs. During the Loyaltan and North Complex fires they were able to keep in contact with ground crews because of the robust existing cellular infrastructure including the multiple towers fed by Plumas Sierra Power and Fiber, however, in some instances of severe winter weather that power has been lost to the Beckwourth Peak tower. This increases outage times and precludes them from communicating with their crews. This proposed tower would increase redundancy and add more safety in emergency situations.
- Paul Gee. Oppose. Other people who made comments were paid by Verizon. Compliance with the FCC RF Exposure Guidelines does not ensure public safety. The oaths that Council took were to protect and

provide safety, not provide compliance. A proper study by an independent engineer should be done by the City before making a decision. Insufficient evidence of gap in coverage.

- Toril Jelter, MD, Walnut Creek, CA. Oppose. The World Health Organization's diagnosis for EMF Sensitivity is idiopathic, environmental, and intolerant. FCC guidelines are very outdated and not based on current science. Landlines can also work in emergency situations.
- Heidi Hart, Portola, CA. Oppose. The FCC works for the extremely profitable telecom industry. FCC guidelines are not protective of our health and are outdated. Have not used a cell phone for 12 years. We need to stop equating cell phones with internet service, they are not the same. The proposed tower would impact the aesthetic charm of our quaint mountain town. Property values tend to decrease in areas with cell towers. Safety concerns with fires. Will prevent access to the hospital. This tower does not belong in our town. It is too close to the hospital, schools, and homes. Don't believe Verizon's lies. Mr. Albritton stated tonight that the proposed tower is not close to any homes, but there are three homes within the immediate vicinity. The height limits in Portola's Code exist for a reason. This proposed tower is too high. On a personal note, as someone who is married to a person with EMF Sensitivity the impact it has on daily life is very similar to the frustrations everyone is experiencing now with COVID. The ability to go places, visit with family and friends, attend events, be out in public, etc. is extremely impacted every day for people who have this condition.
- Doug McCoy, CEO of Eastern Plumas Health Care, Portola, CA. He appreciated the information about Care Flight's position on helicopter safety. He is concerned about providing services to everyone in Portola and safety is always a concern so having helicopter safety is very important. His only request is if there is an alternative site that could be considered, he would recommend looking into that consideration given the medical concerns that were expressed tonight in terms of proximity to the hospital's location. There is currently not a plan to relocate the helicopter landing area.

The Deputy City Clerk called for any more comments, as there were none, public comment was closed.

**Deliberation:** Mayor Pro Tem Powers announced that they will now go into deliberation starting with comments from the City Attorney who will provide any direction necessary. City Attorney Gross stated they have the staff report that includes the options Council has tonight. They may accept the appeals, which

would deny the CUP; reject the appeals, which would approve the CUP; or reject the appeals and make amendments to the CUP with a list of conditions.

Mayor Pro Tem Powers asked the Councilmember's if they had comments on what they heard tonight overall. Councilmember Morton was interested in what everyone had to say. She's concerned about people talking about 5G, which is not what is being proposed. Councilmember Cooley appreciated the presentations made. He is concerned about the degree of latitude that they actual have in making their decision, and asked Counsel to explain those in a bit more detail. City Attorney Gross explained that there are laws that restrict a local government's flexibility to place conditions on cell towers, provided they meet FCC Guidelines. While he is sympathetic to those who suffer from sensitivity to the radio frequency emissions, unfortunately, the law does not allow the City to impose conditions or deny an application based on RF emissions. If Council makes a decision or proposes any condition based on RF emissions, he believes they would be violating federal law and recommends they not do that. Councilmember Cooley also asked for some guidance on the Americans with Disabilities Act and the accommodation that has been requested and does the reference in Title 2 of the ADA to services mean services provided such as telecommunication services? City Attorney Gross explained that services in Title 2 are access to public streets, sidewalks, and buildings. The accommodation request by the appellants is that if this tower is constructed and in operation, the RF emissions produced by it would stop them from accessing public buildings, such as the hospital. The ADA was enacted before the Telecommunications Act. When Congress enacted the Telecommunications Act they were cognizant of the ADA and the determination was made not to consider RF emissions as a basis for any decisions. Mayor Pro Tem Powers commented that as a lifelong member of the community who has been involved as a volunteer firefighter, a teacher, and other roles; he feels he understands that the needs of the community will be different for different individuals. He also understands the challenge of being in a position where the law limits what we can do. He wants to acknowledge the concerns for safety that were expressed by so many tonight.

Mayor Pro Tem Powers then asked the Councilmember if they had any conditions they might want to suggest. Discussion ensued. Councilmember Morton suggested a light on the tower. Councilmember Cooley explained that the FCC has very specific regulations for a reason, and he, as a private pilot, knows that it is very misleading if there is a light on something but there are higher structures around it. So, he feels that they should follow the FCC Regulations and not require that a light be placed on the tower, as a structure must be at least 200 feet tall and this is only 133 feet. He would like to suggest having a baseline established of current emissions, and then regular testing after so that the effects of the tower could be measured more accurately and have an annual report by an independent agency be

an added condition. A lengthy discussion ensued. After considerable discussion concerning emissions testing Mayor Pro Tem Powers asked for a motion.

Councilmember Morton moved and Councilmember Cooley seconded a motion to deny all three appeals and approve the Conditional Use Permit as provided in the packet with the attached conditions modified to add an additional condition, and to direct staff to provide the revised Conditional Use Permit and a letter setting forth the direction of the Council signed by the Mayor.

Roll call vote, yes: Cooley, Morton, and Powers. So carried

Roll call vote, no: None.

#### **4. Adjournment**

There being no further business Mayor Pro Tem Powers adjourned the meeting at 11:24 p.m.

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Tara Kindall, CMC  
Deputy City Clerk