

MICHAEL BEST

& FRIEDRICH LLP

Michael Best & Friedrich LLP

Attorneys at Law

One South Pinckney Street

Suite 700

Madison, WI 53703

P.O. Box 1806

Madison, WI 53701-1806

Phone 608.257.3501

Fax 608.283.2275

Michael P. Screnock

Direct 608.283.2245

Email mpscrenock@michaelbest.com

July 2, 2014

VIA E-MAIL

Dane County Zoning & Land Regulation Committee

Re: Petition Nos. Rezone 10672/CUP 2270 – Stoughton Farms Inc.

We are writing on behalf of Magnum Communications, Inc. with respect to Stoughton Farms Inc.'s pending rezone and CUP petitions referenced above. On June 12, 2014, we attended the Town of Rutland's public hearing, and have had the opportunity to review the attached "Town Board Action Report – Rezone" (Action Report) in which the Town Board voted to deny Stoughton Farms' rezone petition.

Summary

The Town Board's Action Report demonstrates that its decision to deny Stoughton Farm's rezone petition directly disregards the applicable law in Wis. Stat § 66.0406, and is not effective. As a result, the Dane County Zoning & Land Regulation Committee ("Committee") is now required by Wis. Stat § 66.0406 to disregard the Town's denial when you take up these matters at your July 8, 2014 work session.

Analysis

The Town's denial of the rezone petition is an "action that affects the placement [or] construction" of Magnum Communications' proposed radio broadcast service facility because it was taken for the purpose of preventing the construction of the radio broadcast facility. As a result, the Town's action is subject to the limitations of Wis. Stat. § 66.0406(2).

Wis. Stat. § 66.0406(2) limits the permitted reasons for local regulation of the Magnum radio broadcast facility as follows:

(2) LIMITATIONS ON LOCAL REGULATION. Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

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July 2, 2014
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(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

The Town's Action Report demonstrates that the Town did not comply with Wis. Stat. § 66.0406(2), but instead denied the request for two reasons that were not "clearly defined public health or safety objectives":

- The Town first decided that "the scale of the proposed project doesn't fit the rural character of the Town" and therefore it does not "follow the Town's Comprehensive Plan."
- The Town then decided that the project site is not better suited for a use not allowed in the exclusive agriculture zoning district (by reference to the "1st two of the four conditions of rezoning approval set forth in 91.48 of Wis. Stats.").

These reasons directly violate both the letter of Wis. Stat. § 66.0406(2), and also the purpose of Wis. Stat. § 66.0406 to limit local authority to deny approvals for radio broadcast service facilities.

- The Town did not identify *any* public health or safety objective to be served by its denial.
- By finding that the proposed project is out of scale with the Town's rural character, the Town's denial has the effect of prohibiting the provision of radio broadcast services anywhere in the Town.
- The Town's denial does not reflect the minimum practical regulation that is necessary to accomplish any identified public health or safety objectives.

The Town's decision to rely on the existing Comprehensive Plan is also a direct violation of Wis. Stat. § 66.0406(3) which explicitly prohibits the Town from applying an existing resolution or ordinance in a way inconsistent with Wis. Stat. § 66.0406(2):

(3) CONTINUED APPLICATION OF EXISTING REGULATIONS. If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, *the existing ordinance or resolution does not apply, and may not be enforced*, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

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The effect of the Town's decision to disregard Wis. Stat. § 66.0406 is unambiguous. Wis. Stat. § 66.0406(2) states the "action may not take effect." As a result, the Committee cannot consider and, in fact, must disregard the Town Board's Action Report.

For the Committee's purposes, we think it is important to understand that as a matter of fact, in addition to the public safety needs for the proposed radio broadcast service facility, there is no legitimate health or safety concern, as addressed by the report issued by Evans Associates, dated May 6, 2014:

- Health and Safety
 - RF Considerations: The proposed project will meet FCC RF exposure requirements. Based on research conducted by the Medical College of Wisconsin, there is no credible radio frequency concern related to RF health risks. Evans Report, pp. 4-5.
 - Air Traffic: The proposed site has received clearance from the FCC, FAA, and the Wisconsin Bureau of Aeronautics. Evans Report, p. 6.
 - Interference With Existing Communications: The proposed project will not interfere with existing public safety or other RF services. Evans Report, p. 6.
 - Fall Radius: In the event of catastrophic structural failure, the proposed tower is designed to fall on the tower property. Evans Report, p. 7.
 - Falling Ice: In the event that ice falls from the tower, it is expected to fall on the tower property. Evans Report, p. 8.
 - Summary: "Assuming that a qualified contractor does the installation, no undue impact is expected to public safety or convenience. . . ." Evans Report, p. 10.
- Location
 - The County's consulting engineer believes "it probably would be difficult to replicate [the] confluence of factors" that makes the proposed site ideal for the proposed use (Evans Report, p. 5):
 - The site is "most compatible with [surrounding] land use." Evans Report, p. 5.
 - The site is placed near a gravel pit and partially shielded by trees. Evans Report, p. 5.

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- The site is uniquely positioned to provide co-location space for internet, cell, and PCS providers, as well as public safety initiatives. Evans Report, p. 5. "The tower appears to be robust enough to support at least four more [cellular] carriers." Evans Report, p. 9.
- Magnum Communications "has done a thorough job of searching for alternative sites" and "there does not appear to be a clearly superior location or tower site offering the same or better tree screening and road setbacks." Evans Report, p. 9.

Based on these findings in the Evans Report, it is clear that there is no legitimate public health or safety objective to be accomplished by denying the proposed rezone and CUP requests. Moreover, it is clear that the tower site, which as the Committee heard during the April 29, 2014 public hearing has not been actively farmed for decades, is better suited for this proposed use.

Thank you for your consideration of these issues as you consider Stoughton Farms' rezone and CUP petitions at your July 8, 2014 work session.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Michael P. Screnock

MPS:skt

Enclosure

cc: Allen Reuter, Esq.
David Gault, Esq.

029538-0004\15232591.2

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10672

Dane County Zoning & Land Regulation Committee Public Hearing Date 4/29/2014

Whereas, the Town Board of the Town of Rutland having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 0 in favor 6 opposed 0 abstained

Town Board Vote: 0 in favor 4 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. Deed restriction limiting use(s) in the _____ zoning district to **only** the following:

- 2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

- 3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

- 4. Condition that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

- 5. Other Condition(s). Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Petition 10672 was denied because it doesn't follow the Town's Comprehensive Plan in that the scale of the proposed project doesn't fit the rural character of the Town and because the 1st two of the four conditions of rezoning approval set forth in 91.48 of Wis. Stats. have not been met. The statute states all four conditions of 91.48 must be met in order to approve a rezoning.

I, Dawn George, as Town Clerk of the Town of Rutland, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 6/12/2014

Town Clerk Dawn George Date: 6/16/2014



Michael Best & Friedrich LLP
Attorneys at Law

One South Pinckney Street
Suite 700
Madison, WI 53703

P.O. Box 1806
Madison, WI 53701-1806

Phone 608.257.3501
Fax 608.283.2275

Michael P. Screnock
Direct 608.283.2245
Email mpscrenock@michaelbest.com

May 22, 2014

VIA E-MAIL

Dane County Zoning & Land Regulation Committee

Rutland Town Board
c/o Town Clerk and Town Chairperson

Rutland Plan Commission
c/o Town Clerk and Commission Chairperson

Re: Petition Nos. Rezone 10672/CUP 2270 – Stoughton Farms Inc.

Enclosed please find a memorandum we have prepared that explains the new provisions of state law that significantly limit local authority to regulate radio broadcast service facilities. In short, with very limited exceptions, neither the Town of Rutland nor Dane County may take any new action or enforce any existing ordinance or resolution to prohibit a radio broadcast service facility. The only exception is if the action or regulation has a reasonable and clearly defined public health or safety objective, reflects the minimum practical regulation that is necessary to accomplish that objective, and reasonably accommodates radio broadcast services in the political subdivision. Wis. Stat. § 66.0406.

These new provisions are directly applicable to Stoughton Farms Inc.'s pending rezone and CUP petitions referenced above, which relate to the proposed Magnum Communications radio broadcast tower. The enclosed memorandum also addresses the interplay between the new statutory provisions and the farmland preservation law. Certain individuals have incorrectly suggested that the new law does not apply to exclusive agriculture districts and related farmland preservation zoning restrictions. As explained in the memorandum, the new law applies to any existing ordinance or resolution, including farmland preservation zoning ordinances, and to any new action that affects the placement or construction of a radio broadcast facility. Moreover, because the legislature explicitly envisioned communication uses in exclusive agriculture districts, there is no conflict between the new limitation on local regulatory authority and the farmland preservation zoning statute.

MICHAEL BEST

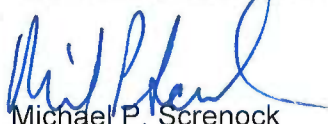
& FRIEDRICH LLP

May 22, 2014
Page 2

Thank you for your consideration of the enclosed memorandum as you continue to process the Stoughton Farms rezone and CUP petitions.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Michael P. Screnock

MPS:skt

Enclosure

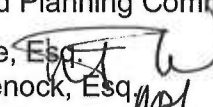

cc: Allen Reuter, Esq.
David Gault, Esq.

MICHAEL BEST

& FRIEDRICH LLP

MEMORANDUM

TO: Dane County Zoning & Land Regulation Committee
Rutland Town Board
Town of Rutland Planning Commission

FROM: William F. White, Esq. 
Michael P. Screnock, Esq. 

DATE: May 22, 2014

SUBJECT: Petition Nos. Rezone 10672/CUP 2270 – Stoughton Farms Inc.
Wis. Stat. § 66.0406 re Radio Broadcast Service Facilities

Various questions arose during the April 29, 2014 public hearing conducted by the Dane County Zoning & Land Regulation (“ZLR”) Committee on Stoughton Farms Inc.’s pending rezoning and CUP requests regarding the impact of the recently adopted legislation that specifically addresses a municipality’s authority to regulate radio broadcast service facilities. There appears to be some confusion as to the proper application of the new legislation to Magnum Communications’ proposed tower, and we offer the following explanation to help clarify the issue. As we explained at the April 29 public hearing, under the new legislation Magnum Communications is not required to obtain rezoning approval prior to constructing its tower, because the legislation provides that Dane County’s current zoning ordinance does not apply and may not be enforced to the extent it conflicts with the new law. Nevertheless, Magnum Communications has voluntarily petitioned for a rezoning and a CUP because it recognizes that the public will benefit from the rezoning process and from ZLR’s opportunity to craft reasonable approval conditions in the context of the CUP process.

Magnum Communications has not waived its rights under the new legislation, and fully expects that Dane County and Town of Rutland officials will keep that legislation in mind as they process the pending petitions.

During the last legislative session, the Wisconsin legislature created section 66.0406 of the Wisconsin Statutes as an express legislative limitation on local regulation of radio towers. This new statute is not the much-discussed legislation pertaining to cell tower siting. Rather, it addresses the very narrow subset of communications towers and related facilities that are used to provide radio broadcast services, defined as a “commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.” Wis. Stat. § 66.0406(1)(b). The operative language that specifically limits local authority is in section 66.0406(2), which states:

Beginning on May 1, 2013, ***if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action*** that affects the placement, construction, or modification of radio broadcast service facilities, the ordinance, resolution, or other action ***may not take effect unless all of the following apply.***

- (a) The ordinance, resolution, or other action ***has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.***
- (b) The ordinance, resolution, or other action ***reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.***

With the new legislation, the Wisconsin legislature also severely restricted a political subdivision's ability to deny a request "to place, construct, or modify radio broadcast facilities" through sec. 66.0406(4), which states:

"...the denial may be based only on the political subdivision's public health or safety concerns."

Finally, the Wisconsin legislature foreclosed local governments' ability to rely on existing ordinances to prohibit or limit the placement or construction of a radio broadcast service facility through sec. 66.04046 (3), which commands:

If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution ***does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).***

Accordingly, to the extent a town, village, city, or county has in effect any existing ordinances or resolutions that are inconsistent with the limited grant of local authority set forth in section 66.0406(2), the Wisconsin legislature commands that they may not be applied to a proposed radio broadcast service facility. The Dane County Planning and Zoning staff interpret the Dane County Zoning Ordinance to summarily preclude the construction of a radio broadcast service facility on any property currently zoned A-1 Exclusive Agriculture. To the extent that zoning ordinance is inconsistent with the standards established in sec. 66.0406(2), it does not apply and may not be enforced. That is, to the extent the A-1 Exclusive Agriculture zoning regulations do not reflect the minimum practical regulation that is necessary to accomplish a reasonable and clearly defined public health or safety objective, they do not apply to Magnum Communications' proposed facility and they may not be enforced against Magnum Communications. The same is true of the Town of Rutland's Ordinance No. 12.5 pertaining to the construction and operation of communication towers.

The argument has been made that because the site of Magnum Communications' proposed facility is zoned under the State's farmland preservation zoning scheme, Dane County, and the Town of Rutland, may ignore the new statute. We understand that some people have suggested that somehow section 91.48 of the Wisconsin Statutes, which addresses rezoning of exclusive agriculture land, trumps the clear legislative restriction on municipal authority to "enact an ordinance, adopt a resolution, or take any other action" involving an application for radio broadcast service facilities. To begin with, section 66.0406 provides that the existing zoning ordinance does not apply and may not be enforced, even if the subject property is never rezoned. But even in the context of Stoughton Farms' pending rezoning petition, there is no conflict between section 66.0406 and the provisions of chapter 91, the farmland preservation statute.

Importantly, the statutory provisions establishing farmland preservation zoning districts (secs. 91.42(2) and 91.46(4), Stats.) expressly recognize that “transportation, communications, pipeline, electric transmission, utility, or drainage use” are permissible conditional uses in an exclusive agriculture zoning district. By expressly identifying “communications” as a permissible conditional use, the Wisconsin legislature has made the policy determination that a communication use, such as a radio broadcast service facility, is an appropriate use in a farmland preservation zoning district. Thus, there is no conflict between section 66.0406, which severely limits local authority to condition or deny a radio broadcast service facility, and chapter 91, which seeks to preserve farmland.

Moreover, the argument that chapter 91 trumps section 66.0406 runs afoul of the basic rules governing statutory construction under Wisconsin law. Under Wisconsin law, municipal bodies have only such powers as are expressly conferred upon them by the legislature or are necessarily implied from the powers conferred. *First Wis. Nat'l Bank of Milwaukee v. Town of Catawba*, 183 Wis. 220, 224, 197 N.W. 1013 (1924). A municipality may not pass ordinances or take action that infringes upon the spirit of a state law or are repugnant to the general policy of the state. *County of Dane v. Norman*, 174 Wis. 2d 683, 689, 497 N.W.2d 714 (1993). In addition, when the state has manifested an intent to regulate a specific field or subject, conflicting municipal ordinances on the same subject are invalid to the extent of the conflict. *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642, 651, 547 N.W.2d 770 (1996).

By enacting section 66.0406, the Wisconsin legislature has severely restricted local authority in the specific area of radio broadcast service facilities. The new legislation contains specific and express limitations on what a town or county may do and consider when presented with an application. When presented with an application pertaining to a radio broadcast service facility, local authority is limited to that authorized by section 66.0406. To the extent other legislation or local ordinances conflict, the Wisconsin legislature was plain and clear – section 66.0406 controls. Accordingly, to the extent that any Dane County or Town of Rutland ordinances may conflict with section 66.0406, they “may not be enforced.”

Statutory interpretation also “begins with the language of the statute. If the meaning of the statute is plain, [the courts] stop the inquiry.” *Seider v. O’Connell*, 2000 WI 76, 236 Wis. 2d 211, 232, 612 N.W.2d 659. Statutory language is given its common, ordinary, and accepted meaning. *Bruno v. Milwaukee County*, 2003 WI 28, 260 Wis. 2d 633, 660 N.W. 656. It is also a basic tenet of Wisconsin statutory construction that when a general statute and a specific statute are compared, the specific statute takes precedence. *Milwaukee v. Kilgore*, 193 Wis. 2d 168, 185, 532 N.W.2d 690 (1995). Here, the Wisconsin legislature has enacted an expressly specified statute and that statute controls. Indeed, section 66.0406 relates specifically to radio broadcast service facilities, which is a subset of the “communications” uses authorized as conditional uses under sections 91.42 and 91.46(4) of the farmland preservation statute, so there can be no doubt that section 66.0406 is the more specific statute.

The language of section 66.0406 is clear and unambiguous. If the legislature had intended to carve out farmland or farmland preservation ordinances from the application of section 66.0406, it could have done so. It did not. The legislature could have easily qualified the language of section 66.0406 by exempting out farmland or farmland preservation ordinances adopted pursuant to chapter 91. It is clear that the legislature knew how to accomplish its objectives by the language used in the statute. The rules governing statutory construction also recognize that when the Wisconsin legislature enacts a statute, it is presumed to act with full knowledge of existing statutes. *Mark v. Joint School District No. 3*, 92 Wis. 2d 476, 489, 285 N.W.2d 604 (1979). When the legislature enacted sec. 66.0406, it did so with the full knowledge of chapter

91, including sections 91.42, 91.46 and 91.48, and in so enacting section 66.0406 expressly commanded that “if a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) ... [it] may not be enforced...” Any municipal ordinances based upon sections 91.42, 91.46 and 91.48 may not be enforced if they conflict with the Wisconsin legislature’s newly enacted statute governing radio broadcast service facilities.

With the enactment of section 66.0406, the legislature expressly specified the limitation placed on political subdivisions when presented with a request relating to radio broadcast service facilities. Deference is afforded to the policy choices enacted by the legislature and such deference requires that statutory interpretation focus primarily on the language of the statute. It is the enacted law that is binding on the public, including municipalities.

As explained above, in response to questioning during the ZLR public hearing on Magnum Communications’ pending zoning and CUP petitions, counsel for Magnum Communications stated that it is not necessary for Magnum Communications to pursue its rezoning request under current law. Nevertheless, Magnum Communications recognizes the public value in going through the rezoning and CUP process and to allow the ZLR Committee to craft reasonable conditions of approval. Magnum Communications retains its position that under section 66.0406, Dane County and the Town of Rutland are without authority to enforce existing zoning and communication tower regulations, to the extent they conflict with section 66.0406(2). Magnum Communications is exploring its options to enforce its rights under section 66.0406 in the event either the Town or the County expresses an intent to ignore the clear directives of section 66.0406 in the context of processing Stoughton Farms’ pending rezoning and CUP petitions. Magnum Communications remains hopeful that such action will not be necessary, and that the Town of Rutland and Dane County will act in accordance with section 66.0406 and the best interest of the public with respect to those petitions.

Straight from the Horse's Mouth on Rutland Radio Tower

This is in response to Mr. Lueders' article, "Locals Lose their tower power", which appeared in many publications throughout Wisconsin, this past March.

My brother, David Soldwedel, and I own Stoughton Farms. We've been farming in Rutland since 1960. Do the math. We are older. Farming is our business, Rutland our place of residence. Our commute is short. We no longer raise livestock but continue to farm the tillable acres. We've always been good stewards of the land, good neighbors and positively engaged in Rutland Township.

Needless to say, my brother and I were quite taken aback and frustrated after reading Mr. Lueders' column. First, with Mr. Lueders himself. His credentials state that he is a director at the Wisconsin Center for Investigative Journalism. Our land, still owned by my brother and me, was the very subject of his article, yet he never even contacted us. Second, with Rutland Town Chairman, Dale Beske, who was quoted referring to the tower approval process as "a game". We have never considered the government approval process a game, nor should any land owner, statewide, facing challenges to our constitutional property rights. 'Straight from the Horse's Mouth' is our story.

In early 2010, we were approached by Dave Magnum of Magnum Communications. After several months of reviewing his radio tower project and the related Rutland and Dane County ordinances, we agreed to sell him land behind a 60 acre field adjacent to a quarry and Conservation Reserve Program acres. Clearly, towers are lawful; Rutland has three cell towers – all closer to roads and environmental areas than Magnum's would be. The most recent was erected on Town property. Dane County's consulting engineer, wrote that this radio tower is "in the public interest." As for lights, a Rutland resident said during a town meeting he can see seven lighted towers from Rutland and didn't want to see another. He didn't realize he made the point that lighted towers aren't a new concept. Five towers between 400'-500' are in the region just south of Madison.

My understanding is that land owners still have property rights. There's much my brother and I like about using this site for a tower. Of the 15.5 acres Magnum would buy, 8.8 are fallow. Of the 6.7 that's tillable, the skinny tower (only 48 inches wide), transmitter shed and anchors take up just .04% of the tillable land. No trees would need to be removed and the land would remain mostly in its natural state, in essence, a permanent "green space". UW-Madison endured a similar

ordeal before building their WSUM radio tower. Dane County Executive, Joe Parisi, stated he wants to create “green” jobs. What’s more “green” than a tower for a radio station? No smoke comes out; you apply electricity to it and create jobs. Businesses will sponsor radio coverage of high school athletics.

As for Ms. Polakowski, a Madison lawyer, she and her husband had resided in Rutland, approximately two miles further east of their present residence. Prior to closing on the 50 acres to build their dream home, Magnum could be seen driving Rutland roads in a van displaying large station logos. He talked with many land owners, the Town Clerk (one of the three Rutland towers is on her farm land and neighbors also battled her), walked our land with Town Chairman Dale Beske, and even appeared before the Rutland Planning Commission. The Dane County Board had not even voted on Magnum's original tower application, yet, the Polakowskis started building their house. Apparently, like all the people who built houses next to the two WIBA towers on Fish Hatchery Road, they realized a tower isn’t a reason **not** to build.

Constitutional property rights are all too often ignored. Land owners need to be heard.



CITY OF STOUGHTON

Mayor's Office

381 East Main Street, Stoughton, WI. 53589

April 29, 2014

Dane County Planning & Development
City-County Building, Room 116
210 Martin Luther King Jr Blvd
Madison WI 53703
Att: Zoning and Land Regulation Committee Members

Re: Proposed Radio Station Tower in the Town of Rutland

Dear Supervisor Miles and Members of the Zoning and Land Regulations Committee:

As Mayor of the City of Stoughton, I respectfully request your support of the proposal to build a radio station tower in the Town of Rutland. Approval of the tower would allow 95.9 FM WBKY radio to serve the Stoughton, Oregon, McFarland and Verona area.

Letters of support from Stoughton officials and other area leaders date all the way back to 2004. We have been patiently looking forward to WBKY being able to serve our area for all these years.

A local radio station would have provided an invaluable asset after the 2005 Stoughton area tornado. Constant communication and information during events such as a tornado, missing person, fire or other emergency is imperative for our emergency services, citizens and surrounding communities.

Approval of the WBKY tower would provide many additional positive impacts such as enhanced local communication for community events or initiatives, organizations, sporting events and other school programs. A local station will enhance economic development in our smaller communities by providing a venue outside of Madison for advertising jobs, goods and services.

I look forward to WBKY receiving the final approvals necessary to begin operating a station in our area in the near future.

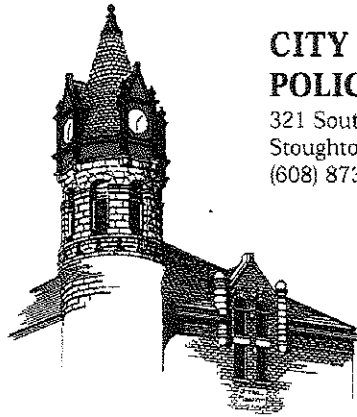
Sincerely,

Donna L. Olson, Mayor
City of Stoughton
608-873-6677
dolson@ci.stoughton.wi.us

RECEIVED

JUN 17 2014

DANE COUNTY PLANNING & DEVELOPMENT



**CITY OF STOUGHTON
POLICE DEPARTMENT**

321 South Fourth Street
Stoughton, WI 53589
(608) 873-3374

GREGORY W. LECK
CHIEF OF POLICE

June 10, 2014

Dane County Planning & Development Department
Room 116, City-County Building
210 MLK, Jr. Blvd.
Madison, WI 53703-3342

RE: Proposed Radio Tower in Rutland Township

Dear Members of the Dane County Zoning and Land Regulation Committee:

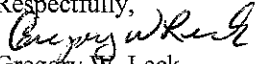
I am writing you today to urge your support for the Proposed Radio Station Tower in the Town of Rutland by Magnum Broadcasting. Both this tower and radio station would be a great public safety asset to the southeastern Dane County area.

The Stoughton area, almost uniquely epitomizes the need for viable broadcast radio. The Stoughton area citizens and other visitors to southeastern Dane County have recent firsthand experiences in dealing with critical incidents where the benefits of better communication were needed. During the Stoughton tornado of 2003, the I-90 fog related 300 vehicle crash incident, and the I-90 snow related stranded motorist event, the one thing we struggled with during all three events was having a way to keep those citizens impacted or involved by the situations informed. Having a local radio station, both willing to assist and located in the geographic area would have been a real asset.

Additionally, as we continue to examine area communication needs in both the radio and cellular areas. The benefits of a communication tower located in Rutland Township for antenna needs cannot be understated. The availability of this tower for public safety communication equipment may only become more acute in the near future.

I urge the Zoning and Land Regulation Committee to facilitate bringing this valuable asset to our southeastern and south central Dane County citizens and the communities it will serve, and fully support Magnum Broadcastings proposal.

Respectfully,


Gregory W. Leck
Chief of Police
City of Stoughton

Cc: Dave Magnum



City of Verona

111 Lincoln Street
Verona, WI 53593-1520
Phone: (608) 845-6495 Fax: (608) 845-8613
www.ci.verona.wi.us

April 28, 2014

Dane County Planning and Development
City-County Building, Room 116
210 Martin Luther King, Jr Blvd
Madison, WI 53703
Attn: Zoning and Land Regulation Committee Members

Re: Proposed Radio Station Tower in the Town of Rutland

Dear Supervisor Miles and Members of the Zoning and Land Regulation Committee:

As Mayor of the City of Verona, I am respectfully requesting your support of the proposal to build a radio station tower in Town of Rutland. Approval for this tower would allow 95.9 FM WBKY radio to service the Stoughton, Oregon, McFarland and Verona area. There are significant positive impacts if this new service were approved. This is clearly evident by the number of organizations and community leaders that support the project.

Approval of the WBKY tower would help to enhance local communication for community organizations, sporting events, and could assist in reaching residents during emergencies. In addition, this project would help to support economic development and job creation in the area.

I have also been impressed by the support shown by those in other communities where Magnum Radio currently has radio stations. Not only does Magnum Radio provide a valuable communication service, they also are true partners in the community in so many other ways.

I look forward to WBKY receiving the final approvals necessary to begin building the station in the near future. If you have any questions, please feel free to contact me.

Sincerely,

Jon Hochkammer

Jon Hochkammer
Mayor

Cc: Joe Parisi, Dane County Executive
Sharon Corrigan, Dane County Board Chairperson
Donna Olson, Mayor City of Stoughton
Majid Allen, Dane County Planning and Development



April 29, 2014

Dane County Planning and Development
City-County Building, Room 116
210 Martin Luther King, Jr Blvd
Madison, WI 53703
Attn: Zoning and Land Regulation Committee

Re: Proposed Radio Station Tower in the Town of Rutland

Members of the Zoning and Land Regulation Committee:

On behalf of the McFarland Village Board, I am writing to encourage your support for the proposal by Magnum Communications to build a tower to be located in the Town of Rutland for radio station WBKY-FM. The Village Board was briefed again recently on updated details of the proposed tower project and the current Board is unanimous in their feeling that a new radio station focusing on the local markets of Stoughton, Oregon, Verona, and McFarland would bring significant benefits to our community and to the area.

As was the case when the tower project was previously considered by Village officials in 2011, the major benefits to the Village we perceive from the radio station include: an enhanced ability to communicate with residents about municipal government, school district, and community activities; a greater capability to inform residents in the event of an emergency; and a strengthened economic climate as a result of jobs attraction and creation and access to new ways for local businesses to promote themselves. Based on the impressive track record of community involvement previously demonstrated by Magnum Communications, we believe this local radio station can play an important role in knitting more tightly the social fabric of the community and in reinforcing community identity. We are also pleased that the tower operators have now taken proactive steps to reduce potential dangers the tower might pose to birds.

For these reasons, the Village of McFarland strongly supports the effort to bring radio station WBKY-FM to the local area. We look forward to Magnum Communications receiving the necessary final approvals to begin building the radio tower in the near future.

Sincerely,

Brad Czebotar
Village President

----- Forwarded message -----

From: Denyse Behnke <kdbehnke@gmail.com>

Date: Tue, Apr 29, 2014 at 12:00 PM

Subject: Magnum Broadcasting

To: "magcom chorus.net" <magcom@chorus.net>

To whom it may concern,

We would like to extend our support for the proposed Magnum Communication tower in the Township of Rutland. We believe the tower will service as a great resource for the surrounding communities for its emergency services as well as the news and athletic event broadcasts.

Kevin and Denyse Behnke

4635 County Road A

Oregon WI