

BOARD OF ADJUSTMENT APPEAL SCHEDULING MEETING MINUTES
March 19, 2021

10:02 PM

1. Introductions

Al Kaltenberg – Columbia County Board of Adjustment
Ralph Hemling – Columbia County Board of Adjustment
John Kassner – Representing Buddy & Janel Savich
Jake Remington – Representing Tillman Infrastructure
Elizabeth Stephens – Representing Columbia County
Jacob Curtis – Representing Columbia County Board of Adjustment
Kevin Pollard – Representing SBA
Mike Bieniek – LCC Telecom
Kurt Calkins – Columbia County Planning & Zoning Director
Lauren Ramirez – Columbia County Planning & Zoning Office Administrator
Joseph Ruf – Columbia County Corporation Counsel Director
Susan Fischer – Columbia County Corporation Counsel

2. Scheduling of hearing date

Al Kaltenberg states normal Board of Adjustment meeting day is Wednesday, and asks if April 28th at 9:00AM is open with all parties.

All parties state that April 28th at 9:00AM is open.

Al Kaltenberg states that will be the date and time of the hearing.

John Kassner asks if there will be 1 hearing, or 2 hearings, due to the 2 appeals.

Al Kaltenberg states there will be 1 hearing.

Elizabeth Stephens asks if there will be 1 or 2 Decisions.

Al Kaltenberg states there will be 1, due to the same structure of appeal and hearing, unless there are any objections from parties.

No party objects to having 1 Decision.

3. Establishment of briefing schedule

Al Kaltenberg states 2 weeks prior to hearing, so on April 14th, the 1 position statement from each party will be due.

John Kassner asks if they can be filed electronically.

Al Kaltenberg confirms that electronic position statements are permitted.

Jake Remington asks who they should be sending them to.

Jake Curtis states everyone should send them to his colleague, Rebecca Roeker.

Al Kaltenberg states the County responses to those are due on the 21st, and can be up to 20 pages long.

Elizabeth Stephens inquires if the County will be responding to all 3?

Jake Curtis states that the hearing is on the 28th, the appellants due date is the 14th, and all parties can submit a response, limited to 10 pages, due on the 21st.

Jake Remington states he would like to confirm that position statements are limited to 20 pages.

Al Kaltenberg confirms, position statements are limited to 20 pages.

Al Kaltenberg asks John Kassner how he would like to handle the briefing he already submitted.

John Kassner states he would like to have the option to submit something by the 14th.

Al Kaltenberg asks if he would like us to disregard already submitted briefing, and submit a new one?

John Kassner states he will give an update by the 14th on position of it.

4. Resolution of Outstanding Procedural Questions

a. Permissibility of discovery

Al Kaltenberg states he would like to hear from appellants what their thoughts are with the facts turned in at the time of permit.

Kevin Pollard states additional information is not needed.

Al Kaltenberg asks if anyone else has opinion.

John Kassner states he would like written interrogations with AT&T and Tillman.

Al Kaltenberg states that that is above the scope with what we are dealing with. He adds that all facts are gathered, and if there are any new facts, they can take into consideration, but they are looking at more-so facts of permit issued.

Elizabeth Stephens states she objects to interrogations, that the permit was issued-so no new records needed.

Jake Remington states he objects to compulsory discovery. He states that had there been a hearing, you could not submit this anyways.

John Kassner asks if cross examination will be permitted.

Kevin Pollard asks if they are permitted to bring witnesses.

Al Kaltenberg states he is feeling like no discovery is needed, due to records stand and that's info we are using. He states we are not going to allow discovery on this matter. He states we will be letting public comment, 3 minutes max per person- with half hour window for public comment. He states then each party will have an hour with their arguments, then the County has an hour, and at that time, if you have people you want to use as witnesses, you can bring them during your hour. He then asks if they are comfortable with this.

John Kassner states he is confused with witnesses of parties, when they will be talking, or if they are part of their hour they have.

Al Kaltenberg clarifies that yes, witnesses brought in by you, will be part of your hours.

b. Permissibility of public comment

Al Kaltenberg states with Jake Curtis that public comment is going to be separate from witnesses brought in by a party to submit their case.

c. Length allowed for presentation of arguments

Al Kaltenberg asks if 1 hour is sufficient.

John Kassner states 1 hour is sufficient.

Jake Remington states that 1 hour is sufficient.

Al Kaltenberg asks if there is any objection to this.

Elizabeth Stephens wants to clarify if the board is the only one directing questions, and not other parties asking.

Al Kaltenberg states no parties will be asking questions.

John Kassner asks if questions will be part of the 1 hour.

Al Kaltenberg states yes.

John Kassner states that he has seen in the supreme court, too many questions being asked, that resulted in too much time being taken up.

Al Kaltenberg states we can separate their hour, from Board of Adjustment questions.

John Kassner thanks him.

Al Kaltenberg asks if there is anything else that needs to be discussed. He adds that this will be a written decision, so it may not come out exactly the day of the hearing.

Jake Curtis states that the statute says they have 14 days.

Kurt Calkins adds that there will be a court reporter.

Jake Curtis asks if there are any other questions.

Elizabeth Stephens says no.

Kevin Pollard says no.


Jake Remington says no.

John Kassner says no.

5. Adjournment

Meeting adjourned at 10:35 AM.

Respectfully submitted,


~~Patrick Beghin~~ Craig Robson
Board of Adjustment



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members
County Clerk
Vern Gove, County Board Chair