

**Waterloo Town Council  
Special Meeting  
April 30, 2017**

A meeting of the Waterloo Town Council was held on April 30, 2017 at 4:00pm at the Waterloo Town Hall. Members present were:

David Bolton

Dorsey Brown

William Hubartt

Tena Woenker/Town Manager

David Kruse/Town Attorney

The following business was discussed and action taken: Unless specified all votes were unanimous.

**Special Meeting:**

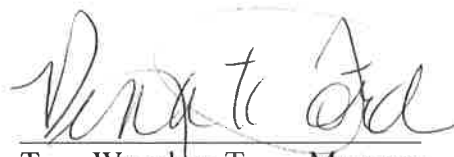
1. Tena Woenker informed the Council of a new state law (SEA 213) allowing telecommunication companies to place new wireless equipment in public right-of-way without the need for permits from the local governments. SEA 213 has a May 1 deadline for local governments to designate their own underground utility areas.

Therefore, the Council unanimously approved **Resolution 17-05** (Designating Underground Utility Areas)

I, Tena Woenker, the duly qualified Town Manager, do hereby certify that the above and foregoing is a true and exact excerpt of minutes of the meeting of the Waterloo Town Council, Waterloo, Indiana, at which a quorum was in attendance and acting throughout, and held April 30, 2017 as such appears in the official minutes of said Waterloo Town Council, in my custody.

Meeting was adjourned at 4:45 pm

  
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David Bolton, President

  
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Tena Woenker, Town Manager

**RESOLUTION NO. 17-05**  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WATERLOO,**  
**INDIANA,**  
**TO ESTABLISH AN UNDERGROUND AND BURIED UTILITY DISTRICT**

**WHEREAS**, the Town of Waterloo, Indiana (“Town”), pursuant to I.C. 36-9-2-7, may regulate the use of public ways, right of ways and easements, herein called ROW; and

**WHEREAS**, pursuant to I.C. 36-1-2-24, the Town Council has the power to administer public utilities and to regulate public utilities within the Town’s ROW; and

**WHEREAS**, public necessity, health and safety now require that all utilities located within the Town’s ROW shall be placed underground or buried; and

**WHEREAS**, the general welfare of the Town of Waterloo is inextricably linked to the preservation of the Town’s heritage and has established a permit and review process and commission to regulate development, the Waterloo Plan Commission, to preserve the esthetics of the Town.

**WHEREAS**, the Town, by and through its Town Council, now finds that it is in the best interests of the public health, safety, and general welfare of its citizens to prohibit the erection of all poles, overhead lines, and associated overhead structures used or useful in supplying electric, communication or similar and associated services within the Town’s ROW; and

**WHEREAS**, to further the aforementioned public necessity, the Town Council now hereby establishes an Underground and Buried Utilities District (“Area”) and designates the Area to be in effect throughout all ROW within the corporate boundaries of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Waterloo, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Town hereby establishes an Underground and Buried Utilities District (“Area”) to be in effect and to apply throughout the Town’s ROW, and is hereinafter defined as follows:

- a. In all areas of the Town where no overhead or above ground utilities, utility facilities, overhead lines, or associated overhead structures used or useful in supplying electric, communication or similar and associated services currently exist;
- b. In all areas of the Town where planned road projects, redevelopment areas and/or economic development areas provide for and require underground buried utilities and utility facilities, including but not limited to electric, communication or similar and associated services; and
- c. All other areas of ROW or proposed ROW throughout the Town, whether or not above ground utilities or utility facilities currently exist.

**RESOLUTION NO. 17-05**

Section 3. From and after the effective date of this Resolution, no person, corporation, or utility shall erect or construct within the Town's ROW, any pole, overhead line, or associated overhead structure used or useful in supplying electric, communication or similar associated services.

Section 4. Unless otherwise expressly authorized by the Town Council, all utilities located within the Town's ROW shall be placed underground and/or buried.


Section 5. All existing overhead poles, wires, and/or utility transmission lines may remain within the Town's ROW. Existing utility poles and wireless support structures may be replaced, but may not be relocated without prior written authorization of the Town Council. This section does not prohibit the collocation of small cell facilities on existing utility poles and wireless support structures.

Section 6. New utility poles or wireless support structures may not be located within any ROW area without the utility first having applied for and received the approval of the Waterloo Plan Commission and Town Council.

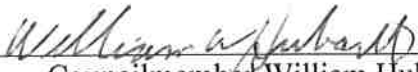
Section 7. If any portion of this Resolution is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Resolution so long as enforcement of same can be given the same effect.

Section 8. This Resolution shall be in full force and effect from and after April 30, 2017.

**PASSED AND ADOPTED by the Waterloo Town Council this 30 day of April, 2017.**

  
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Council President David Bolton

  
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Council Vice-President Dorsey Brown

  
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Councilmember William Hubartt

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Councilmember Jess Jessup

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Councilmember Alex McConnehey

ATTEST:

  
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Renata Ford, Clerk-Treasurer