

Chairperson, Russell Christensen called the meeting to order at 8:00 p.m.

On Roll Call: Larry Flaharty, John Olson, David Simington, Russell Christensen.

Motion by David Simington, seconded by John Olson to approve of Meeting No. 119 on September 25, 2006 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 02-07 of Nancy Nance, 1603 Eric Avenue, Spirit Lake, Iowa for a Special Exception Use Permit to move a mobile home onto a 4.96 acre tract of property in the Southwest ¼ of the Northwest ¼ of Section 32, Township 97, Range 35, Lake Township, Clay County, Iowa. A representative for the petitioner was not present therefore no action could be considered.

The time having arrived for the public hearing on petition number 03-07 of Northern Natural Gas, 6621 N 158<sup>th</sup> Street, Omaha, NE for a special use permit to construct a pipeline facility building for a parcel of land located in the W ½ of W ½ of SE ¼ of Section 18, Township 96 North, Range 38 West of the 5<sup>th</sup> P.M. and E ½ of SW ¼ of Section 18, Township 96 N, Range 38 West of the 5<sup>th</sup> P.M., Lone Tree Township, Clay County, Iowa, at an approximate cost of \$250,000.00. The proposed site is zoned A-1 Agricultural. There is currently a pipeline facility at the location described.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written objections were received. The zoning commission has met on the petition and they recommend that it be approved.

Brian C. Michael & Gregory J. Cade of Northern Natural Gas were present to explain the application. They plan on building a 20' X 10' foot building on a 200' X 100' property. It would be used to measure the natural gas to the Verasun Ethanol Plant in Hartley, Iowa. There are above ground valves currently on the property and a 16" line was constructed in approximately 1940. Minimal crops will be taken out of production.

Following all discussion it was moved by David Simington, seconded by John Olson to adopt the following resolution:

## **RESOLUTION**

*WHEREAS, Northern Natural Gas, 6621 N 158<sup>th</sup> Street, Omaha, NE has filed appeal number 03-07 requesting a special use permit to construct a pipeline facility building for a parcel of land located in the W ½ of W ½ of SE ¼ of Section 18, Township 96 North, Range 38 West of the 5<sup>th</sup> P.M. and E ½ of SW ¼ of Section 18, Township 96 N, Range 38 West of the 5<sup>th</sup> P.M., Lone Tree Township, Clay County, Iowa.*

*WHEREAS, the Zoning Commission has recommended that the special exception use permit to construct a pipeline facility building be granted.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the special use permit will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special use permit will not adversely affect the public interest, that said request for a special use permit to construct a pipeline facility building for a parcel of land located in the W ½ of W ½ of SE ¼ of Section 18, Township 96 North, Range 38 West of the 5<sup>th</sup> P.M. and E ½ of SW ¼ of Section 18, Township 96 N, Range 38 West of the 5<sup>th</sup> P.M., Lone Tree Township, Clay County, Iowa, be approved.*

Roll Call Vote: Flaharty, Christensen, Simington, & Olson, voted aye. Motion carried.

The time having arrived for the public hearing on petition number 04-07 of Paul Rekow, 2110 370<sup>th</sup> Street, Spencer, IA 51301 for a special use permit to construct a small wind turbine on a 6.63 acre tract of property in the SW ¼ SW ¼ Section 24 Township 96 Range 37 Riverton Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written objections were received.

Paul Rekow was present to explain the application. There is some noise associated with the wind turbine. The approximate cost of the work involved would be \$35,000 - \$50,000 for a 100 to 120' tower.

Following all discussion it was moved by John Olson, seconded by Larry Flaharty to adopt the following Resolution:

## **RESOLUTION**

*WHEREAS, Paul Rekow, 2110 370<sup>th</sup> Street, Spencer, Iowa has filed appeal number 04-07 requesting a special exception use permit to construct a small wind turbine on a 6.63 acre tract of property in the SW ¼, SW ¼, Section 24, Township 96, Range 37, Riverton Township, Clay County, Iowa.*

*WHEREAS, the Zoning Commission has recommended that the special exception use permit for a wind turbine be granted subject to Mr. Rekow confirming with a near by tower and the airport that no interference will take place due to the wind turbine.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the special use permit will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special use permit will not adversely affect the public interest, that said request for a special use permit to construct a small wind turbine on a 6.63 acre tract of property in the SW ¼, SW ¼, Section 24, Township 96, Range 37, Riverton Township, Clay County, Iowa, be approved subject to Mr. Rekow determining the wind turbine will not interfere with either the airport flight paths or the nearby communication tower.*

Roll Call Vote: Christensen, Simington, Flaharty & Olson, voted aye. Motion carried.

The time having arrived for the public hearing on petition number 01-07 of Iowa Lakes Regional Water, 1301 38<sup>th</sup> Avenue West, Spencer, Iowa for a special exception use permit for a wastewater treatment site in the Northeast ¼ of the Northeast ¼ Section 24, Township 96 North, Range 36 West, Sioux Township, Clay County, Iowa.

Tammy McKeever, Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior of the above-described properties were notified and a notice was published in the Daily Reporter. No written objections were received. The property is zoned A-1 Agricultural and waste water facilities are allowed as a special use permit.

Rod Steuben, Kelly Whitacre & Randy Vandyke, representatives of Iowa Lakes Regional Water and Sandy Richardson, Dickens City Clerk & Cliff Nissen, Mayor of Dickens were present to explain the application and answer questions. The premises affected are located at the SW corner of Hwy 18 and 280<sup>th</sup> Avenue. Iowa Lakes Regional Water is applying for a special use permit to construct a two cell low pressure lagoon for the City of Dickens, and may include an 8 x 12 monitoring building. The City of Dickens will own the facility and Iowa Lakes Regional Water will operate the facility. The lagoons will discharge in the fall and the spring. The approximate cost of the work involved is \$260,000.00. Iowa Lakes Regional Water has an option to purchase the property from Paul Sieh. The total area of 500' x 700' would be taken out of agricultural production.

Tom Roos, IDNR, indicated the City of Dickens is an unsewered community with no centralized collection system. Currently, most residents have septic systems that are probably not up to standards that discharge to a tile that outlet on the West side of Dickens by the elevator near the railroad tracks. This is untreated waste.

Randy Vandyke informed the Board that the City of Dickens requested the assistance of Iowa Lakes Regional Water. They have done sewer projects for Greenville, Ayrshire, Gruver and are currently working in Truesdale. They would like to start the project in the early spring. Dickens is applying for Community Development Block Grants. If they are not awarded they would try again next grand round so they need to ask for an 18 month extension of the permit. Michael Carr, DGR was in attendance as the engineer for the project. He indicates based on soil borings there would be a 1/16 of an inch per day of seepage. The lagoons will have a synthetic liner. Residents of Dickens will be required to hook up. Iowa Lakes will operate and the City of Dickens will own. Monthly fee will be determined by amount of water used. Grinder pumps are inside their own basin, which has the capacity to hold several hundred gallons. This will run on a float system. It is a small diameter pressure system to the lagoon. There will be audio and red light alarm for failures with interchangeable pumps. The lines will be directionally bored with will cause very little disruption to the town. The grinder pumps are two horse electric pumps, which has an equivalency to a 60 watt light bulb. The primary cell goes to the second cell for secondary treatment. It will be discharged once it meets effluent limits. Discharge is at a controlled rate. It discharges to the Lost Island outlet. The Department of Natural Resources issues a construction permit and NPDES permit. A NPDES permit allows discharging under a controlled basis. Iowa Lakes Regional Water will have a certified operator running the system. The operator takes the samples of the water. Mangold Lab then forwards those results to the DNR. The DNR does compliance inspections. The operator is certified by DNR. All State and

Federal laws will be abided by. The DNR would know how much was going into the lagoon and how much was coming out of the lagoon. Everything will be in compliance with DNR Rules.

The City Clerk and Mayor of Dickens indicate the citizens are behind the project.

Also in attendance were Larry & Marlene Knudsen, 2730 385<sup>th</sup> Street, Dickens, Iowa 51333. They are approximately 800 feet away from the project. Mr. Knudsen is concerned about overflow and the ability of the lagoons to handle overflows. He does not want flooding. Mr. Knudsen was wondering why it was sited at that particular location on Highway 18 and M54. Kelly Whitacre contacted all local property owners and indicated there were limited to areas where the lagoons could be located. Paul Sieh showed interest and this particular property would be easy access for operators.

Mr. Carr responded to Mr. Knudsen's concerns. He indicated they will do site grading. Ground water tables will require drain water tiles. Hopefully should runoff less than it does now. The site will be seeded. Surface water will never get to the top of the dike. If there was a torrential rain there are provisions for an emergency discharge. There is two foot additional storage available and it is inspected once a week. It would have to gain 2 feet of water within a week. Discharge pipe is the same size as the pipe coming into the lagoon. There is a 4" pipe feeding in and a 6" pipe leaving. The 4" pipe is pressurized. This is a requirement in the final design. Slope has not been finalized. They have existing easements for discharge pipe.

Following all discussion, it was moved by Larry Flaharty, seconded by David Simington to adopt the following resolution:

#### *RESOLUTION*

*WHEREAS, Iowa Lakes Regional Water of 1301 38<sup>th</sup> Avenue West, Spencer, Iowa 51301 has filed appeal number 01-07 for a special exception use permit for a wastewater treatment site in the Northeast ¼ of the Northeast ¼ Section 24, Township 96 North, Range 36 West, Sioux Township, Clay County, Iowa.*

*WHEREAS, The Zoning Commission has recommended that the special exception use permit be approved with the following conditions: 1) 18-month extension to apply for a building compliance permit.*

*WHEREAS, The Board of Adjustment has held a public hearing and heard the appeal with objections voiced by two (2) citizens.*

*WHEREAS, The Board of Adjustment has determined that the granting of the special use permit will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the*

*neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use does comply with all conditions imposed on it by the provisions of the district in which such special use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special use will not adversely affect the public interest, that said request for a special use be approved.*

*NOW, THEREFORE, BE IT RESOLVED since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special exception use permit for a wastewater treatment site in the Northeast ¼ of the Northeast ¼ Section 24, Township 96 North, Range 36 West, Sioux Township, Clay County, Iowa, will not adversely affect the public interest, that said request for a special use be approved with the following conditions. 1) 18- month extension to apply for a building compliance permit.*

Roll Call Vote: Olson, Christensen, Simington and Flaharty voted aye. Jones was absent. All those present voted aye. Motion carried.

There being no further business, it was moved by Larry Flaharty, seconded by John Olson to adjourn. All those present voted aye. Motion carried.

Meeting adjourned at 9:00 p.m.

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Tammy McKeever, Secretary Pro Tem

Chairperson, Russell Christensen called the meeting to order at 7:36 p.m.

On Roll Call: John Olson, David Simington, Russell Christensen, & Clinton Jones.

Motion by David Simington, seconded by John Olson approve the minutes of meeting number 120 on February 26, 2007, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 02-07 of Nancy Nance, 1603 Eric Avenue, Spirit Lake, Iowa for a special use permit to place a mobile home on a 4.96 acre tract of property in the Southwest ¼ of the Northwest ¼ of Section 32, Township 97, Range 35, Lake Township, Clay County, Iowa.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written or oral objections were received.

Michael Rost, representative for Nancy Nance, was present to explain the application.

Following all discussion it was moved by Clinton Jones, seconded by John Olson to adopt the following resolution:

**RESOLUTION**

*WHEREAS, Nancy Nance, 1603 Eric Avenue, Spirit Lake, Iowa has filed appeal number 02-07 for a special use permit to place a mobile home on a 4.96 acre tract of property in the Southwest ¼ of the Northwest ¼ of Section 32, Township 97, Range 35, Lake Township, Clay County, Iowa.*

*WHEREAS, the Zoning Commission has recommended that the special exception use permit to place a mobile home on a 4.96 acre tract of property be granted.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the special use permit will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special use permit will not adversely affect the public interest, that said request for a special use permit to place a mobile home on a 4.96 acre tract of property in the Southwest ¼ of the Northwest ¼ of Section 32, Township 97, Range 35, Lake Township, Clay County, Iowa, be approved.*

Roll Call Vote: Jones, Christensen, Simington, & Olson, voted aye. Motion carried.

The time having arrived for the public hearing on petition number 10-07 of Flynn Company Inc , P O Box 327, Dubuque, IA 52001 for a special use permit for a portable concrete plant located in the Northwest Quarter of Section Twenty-(20), Township Ninety-six (96) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M. Freeman Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written objections were received.

Vince DeMuth, representative for Flynn Company, was present to explain the application. The projects are county projects which include 8.8 miles on N14 and 1.4 miles on M50. Concrete will be placed over blacktop.

David & Betty Krog, were present to express concern about dust and hours of operation. According to Mr. DeMuth there is very little concrete dust produces from the operation. The portable plant will sit on the East side of the property. The hours of operation will be daylight hours only. 6:00 a.m. to 8:00 p.m. This is a six week project and will begin in two to three weeks.

Following all discussion it was moved by David Simington, seconded by Clint Jones to adopt the following resolution:

## **RESOLUTION**

*WHEREAS, Flynn Company Inc , P O Box 327, Dubuque, IA 52001 has filed appeal number 10-07 for a special use permit for a portable concrete plant located in the Northwest Quarter of Section Twenty-(20), Township Ninety-six (96) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M. Freeman Township, Clay County, Iowa.*

*WHEREAS, the Zoning Commission has recommended that the special exception use permit be granted subject to dust control and grading supervised by the Clay County Engineer.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the special use permit will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing, that the granting of the special use permit will not adversely affect the public interest, that said request for a special use permit for a portable concrete plant located in the Northwest Quarter of Section Twenty-(20), Township Ninety-six (96) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M. Freeman Township, Clay County, Iowa, be approved.*

Roll Call Vote: Jones, Christensen, Simington, & Olson, voted aye. Motion carried.

There being no further business, motion by Clinton Jones, seconded by John Olson to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 8:02 PM.

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Clinton Jones, Secretary

On Roll Call: Clinton Jones. Absent: Larry Flaharty, John Olson, David Simington and Russell

The meeting was continued to 7:00 p.m. on June 4, 2007 due to the lack of a quorum.

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Clinton Jones – Secretary

Chairperson, Russell Christensen called the meeting to order at 7:00 p.m.

On Roll Call: John Olson, Russell Christensen, & Clinton Jones.

Motion by John Olson, seconded by Clint Jones to approve the minutes of meeting number 121 on April 16, 2007 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 21-07 of Steve Cizek, 3146 335<sup>th</sup> Street, Dickens, Iowa, 51333 for a 15' variance to erect an attached garage to his house located within fifty (50) feet of the road right-of-way in Freeman Township, Clay County, Iowa.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written or oral objections were received.

Steve Cizek was present to explain the application.

Following all discussion it was moved by Clinton Jones, seconded by John Olson to adopt the following resolution:

**RESOLUTION**

*WHEREAS, Steve Cizek, 3146 335<sup>th</sup> Street, Dickens, Iowa, 51333 has filed appeal number 21-07 for a 15' variance to erect an attached garage to his house located within fifty (50) feet of the road right-of-way in Freeman Township, Clay County, Iowa.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written or oral objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing that the granting of the 15' variance to erect an attached garage to his house located within fifty (50) feet of the road right-of-way in Freeman Township, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.*

Roll Call Vote: Jones, Christensen, & Olson, voted aye. Motion carried.

There being no further business, motion by Clinton Jones, seconded by John Olson to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 7:05 PM.

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Clinton Jones, Secretary

Chairperson, Russell Christensen called the meeting to order at 7:30 p.m.

On Roll Call: John Olson, Russell Christensen, & Clinton Jones.

Motion by John Olson, seconded by Clint Jones to approve the minutes of meeting number 123 on July 16, 2007 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #28-07 of U.S. Cellular, 715 Traton Circle, Concord, North Carolina 28025 for a special exception use permit for a 250' wireless telecommunications tower in the SW ¼ SE ¼ Section 32-94-38, parcel G, 7.02 acres, Peterson Township, Clay County, Iowa.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written or oral objections were received.

Stacey Monroe, Reggie Collette, & Daniel White of U.S. Cellular were present to explain the application. Also in attendance were Freddie & Rose Mary Hunt, owners of the property.

Following all discussion it was moved by Clinton Jones, seconded by John Olson to adopt the following resolution:

**RESOLUTION**

*WHEREAS, U.S. Cellular, 715 Traton Circle, Concord, North Carolina 28025 has filed appeal number 28-07 for a special exception use permit for a 250' wireless telecommunications tower in the SW ¼ SE ¼ Section 32-94-38, parcel G, 7.02 acres, Peterson Township, Clay County, Iowa.*

*WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written or oral objections presented.*

*WHEREAS, the Board of Adjustment has determined that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

*WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.*

*WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.*

*WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.*

*WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.*

*WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.*

*NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing that the granting of the special exception use permit for a 250' wireless telecommunications tower in the SW ¼ SE ¼ Section 32-94-38, parcel G, 7.02 acres, Peterson Township, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.*

Roll Call Vote: Jones, Christensen, & Olson, voted aye. Motion carried.

There being no further business, motion by Clinton Jones, seconded by John Olson to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 7:38 PM.

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Clinton Jones, Secretary