

Vice Chairman, Keith Kruse, called the meeting to order at 7:00PM.

On Roll Call: Keith Kruse, Robert White, Rita Smith, L. R. Petersen, Sharon McKeever and Tammy McKeever, Zoning Officer. Absent were Colleen Anderson & Jim Eldridge.

It was moved by L. R. Petersen, seconded by Robert White to approve and accept the minutes of meeting number 227 held November 1, 2004, as submitted. All those present voted aye. Motion carried.

The next item of business was the election of officers. It was moved by Robert White, seconded by Rita Smith, that the current Chairperson, Colleen Anderson, the current Vice-Chairman, Keith Kruse & the current Secretary, Sharon McKeever be re-elected by unanimous ballot. All those present voted aye. Motion carried.

An amendment to the zoning ordinance was discussed in length relating to the maximum height of an accessory building in the Lake Residential District. It was moved by L. R. Petersen, seconded by Robert White to amend Article XI/Lake Residential District (RL), Section 5, Subsection 6 by deleting "Accessory building – 1 story or 12 feet, whichever is lower" and adding "Accessory building - 1 story or 20 feet, whichever is lower." All those present voted aye. Motion carried.

The commission reviewed the Ordinances & Land Use Plan. Discussion was had on signs and accessory buildings without a principal building. The issues were tabled to the next zoning commission meeting.

Meeting adjourned 8:00PM.

Respectfully submitted,

Sharon L. McKeever, Secretary

Vice Chairman, Keith Kruse, called the meeting to order at 7:00PM.

Roll Call: Keith Kruse, Robert White, Rita Smith, L. R. Petersen, Jim Eldridge, Sharon McKeever, and Tammy McKeever, Zoning Officer. Absent: Colleen Anderson.

It was moved by Robert White, second by L. R. Petersen to approve and accept the minutes of meeting number 228, January 24, 2005. Motion carried.

Tammy McKeever, Zoning Officer, presented the petition for Galen Banks, Galen's Pro Mow, that the Board of Supervisors considers a change in zoning of said land from A-1 Agricultural classification to C-2 Commercial classification and for a special permit to use the property for the retail sales and service.

Legal description of property for which a change in zoning is required: NW ¼ of SW ¼ Section 30, Township 97 North, Range 36. This includes 3.59 acres. Address is 3160 Hwy 71, Spencer, Iowa 513011. The following are the names of those persons owning property within 500 feet of the any part of the above-described property. Spencer Livestock Sales, Morton Buildings, Leo Milliman, Dale Anderson and Judith Trust

No written objections or comments from the audience.

Motion by Rita Smith, second by Jim Eldridge to recommend a change in zoning from A-1 Agricultural classification to C-2 Commercial classification and for a special permit to use the property for retail sales and service. The legal description of the above petition is NW ¼ of SW ¼, Section 30, Township 97 North, Range 36 West to include 3.59 acres. Motion carried.

Discussion was held on signs in the A-1 Agricultural District, Article V, Section 4.

Currently reads: 9) Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

Motion by Rita Smith, second by Jim Eldridge to change the above reading as follows:

- 9) Signs shall not have a surface area in excess of forty (40) square feet on any one (1) side and that not more than two (2) sides of such signs shall be used for advertising purposes; and or such signs shall not have an aggregate surface area in excel of twenty-five (25) percent of the total surface area of the building elevation to which they are attached;. Discussion. Motion carried.

Tammy stated the Dog Kennel Association has introduced legislation to be exempt from zoning ordinances. We will discuss this at a later date.

Discussion was held on Accessory Buildings. It was agreed Tammy will meet with the county attorney to come up with the correct verbiage for discussion at a later date.

Meeting adjourned 8:30PM.

Respectfully submitted.

Sharon L. McKeever, Secretary

Vice Chairman, Keith Kruse, called the meeting to order at 7:05PM.

Roll Call: Keith Kruse, Robert White, L. R. Petersen, Jim Eldridge, Sharon McKeever, and Tammy McKeever, Zoning Officer. Absent: Colleen Anderson and Rita Smith.

It was moved by L. R. Petersen, second by Jim Eldridge to approve and accept the minutes of meeting # 229, March 7, 2005. Motion carried.

The time having arrived for the public hearing on petition number 04-05 of Donald & Shayla Tibbetts, 406 Oak Street, Peterson, Iowa for a special exception use permit for a dog kennel located on the East side of the NE ¼ of Section 33, Township 94 North, Range 38 West of the 5th P.M. more particularly described as a piece of land 5 rods wide, East and West, and 16 rods long, North and South, coming out to the line of the highway, situated on the East side of the NE1/4 of Section 33, Township 94, North, Range 38 West of the 5th P.M, Peterson Township, Clay County Iowa.

Tammy McKeever, Zoning Officer, explained the application and reported procedures to date. The property is zone A-1 Agricultural and a dog kennel is allowed as a special use permit. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on April 13, 2005 and the Peterson Patriot. The following written objection was received.

To: Clay County Zoning Commission and Clay County Board of Zoning Adjustment,

Concerning: Shayla Tibbetts' proposed dog kennel site.

I object to Shayla moving her dog kennel to this site because the close proximity of the site to city limits, the barking of the dogs, and the fact that sometimes the dogs get loose.

City Council members and the mayor have received several complaints from Shayla's neighbors about the dogs barking continuously and running loose. Three letters were sent regarding these issues and her intentions.

The site is not "in the country" it is directly on the city limit line. It is bordered on the east by woods and on the west by county road M27. Every time a deer, raccoon or other wild animal walks by the dogs will bark. Every time a loud or heavy vehicle comes down the hill the dogs will bark. Sounds echo in this location which will make it worse.

I live about 550 feet from the property. I can hear the horses on the property when they whinny. I have no problem with the horses but I would have a problem listening to several dogs barking at all hours of the day and night. An entire city block is within 1000 feet of this property. Eleven young children (nine of them under the age of 8) and eight senior citizens (three of them over 93) live within 1000 feet of this property.

Mrs. Tibbetts does not live on this property to settle the dogs down or put them back in the kennel.

In regards to the letters of support you have received:

I have no idea why the city council would send a letter of support when the property is on the city limits line. The problem is being moved from one end of town to the other.

Mr. Amly (not certain of spelling) is an **absentee** land owner.

The veterinarian did not address the barking, the large number of dogs, or the characteristics of this breed of dog.

Thank you,

Linda Eaton
308 Park Street
Peterson, IA 51047

The following written support letters were received.

To Whom It May Concern:

The City Council of Peterson supports Donnie & Shayla Tibet's in relocating their present dog kennel from the city limits to the out skirts of the city limits. Although, present kennel and dogs have always been well keep the Council agrees such relocation would be the best of the community.

Sincerely,
Peterson City Council
Denise Riley, clerk

To Clay County Zoning Office:

This is in regards to the kennel at Peterson Iowa that Shayla Tibbetts desires. I had purchased a Welsh Corgi from Shayla last year and observed her kennels first hand. The facilities were clean and all the dogs were happy and well taken care of. She is a concintious (sp) handler and breeder.

Thank you,
Connie Braunschweig
Alta Iowa

To Whom It May Concern:

Don and Shayla Tibbetts of 406 Oak St. Peterson, Ia 51047 wish to build a dog facility of their acreage North of Peterson, Ia. They are requesting a special use permit to do this.

I have worked with kennels for 35 years and have found many great people who have raised dogs (Shayla being one of the best). Kennels are a great assist for any community. They

provide registered dogs for hunting, companionship, and just good pets. The quantity of wastes would be minimal. The dogs Shayla is raising are normally quite by nature.

If you have any other concerns please feel free to call me at 712-928-2151.

Sincerely,

Charlie T. Schnack DVM

To All This May Concern:

I have known Shayla Tibbets for six years. My husband and I purchased a golden retriever pup from her eighteen months ago, and have been to her home several times since then.

We have seen Shayla associate with her dogs and the condition in which she keeps her kennels.

Shayla keeps her kennels and the area in which her dogs run and play very clean, with no odor of feces on the grounds. Her kennels are secure with no chance of her dogs getting out and running around town.

Shayla has a good relationship with her dogs, they are well behaved and kept in good health. She spends a lot of time playing and working with them.

The times we have been over at Shaylas the barking of her dogs have been minimal. A dog is a dog and they are going to bark on occasion.

It is in my opinion that Shayla and Donald be given a permit to move the dogs to their acreage.

Sincerely,

Rhonda R. Spaulding

Dear Commissioners:

We own the adjacent property to the north from this proposed project.

I think it is important for all of the communities in Clay Co. to do what they can to create businesses for legitimate purposes, however humble said projects may be.

I want to go on record as being in favor of the proposal, & express my hopes that it will in fact be approved.

Yours very truly,

Rodney B. Amlie & Pearl Amlie Trust & Estate

p.s. Please consider this letter to be addressed to the Board of Adjustment as well
Rod Amlie

Shayla Tibbetts, 406 Oak Street, Peterson was present to explain the application. Donald and Shayla Tibbetts are presenting a petition for a Special Exception Use Permit to build an \$8,000.00 small dog kennel that will house 15-20 dogs. Also in attendance was Nicole Krager,

4994 125th Avenue, Peterson, 51047 in support of the project and Linda Eaton, 308 Park Street, Peterson opposing the project. Ms. Eaton was concerned with barking.

Following all discussion, it was moved by L.R. Petersen, second by Robert White to recommend approve to the Board of Adjustment that the petition for Donald & Shayla Tibbetts, 406 Oak Street, Peterson, Iowa 51047, be approved for a special use permit for a dog kennel located on the East side of the NE ¼ of Section 33, Township 94 North, Range 38 West of the 5th P.M. more particularly described as a piece of land 5 rods wide, East and West, and 16 rods long, North and South, coming out to the line of the highway, situated on the East side of the NE1/4 of Section 33, Township 94, North, Range 38 West of the 5th P.M, Peterson Township, Clay County Iowa. All those present voted aye. Motion carried.

Tammy presented notification of an Introduction to Planning and Zoning workshop to be held in Spencer, Iowa, on Tuesday, June 7th, 2005 from 5:30PM to 8:45PM. Members interested in attending are to let Tammy know by May 17th, 2005. Registration will be paid for by the Zoning budget.

The new sign ordinance review was tabled.

There being no further business, motion by Robert White, seconded by Jim Eldridge to adjourn. Meeting adjourned at 7:35PM.

Respectfully submitted,

Sharon L. McKeever, Secretary

Vice Chairman Keith Kruse called the meeting to order at 7:05pm.

Roll Call: Keith Kruse, Robert White, Rita Smith, L. R. Petersen and Frank Rouse (substitute zoning officer) were present.

Absent: Jim Eldridge, Sharon McKeever and Colleen Anderson

It was Moved by L. R. Petersen, Seconded by Rita Smith to approve and accept the minutes of meeting number 230, April 18, 2005. Motion carried.

The time having arrived for the public hearing on petition number 08-05 of Clay Regional Water, 1301 38th Avenue West, Spencer, Iowa 51301 for a special exception use permit under Article V, Section 3, Subsection 13 for a constructed wetland wastewater treatment system for the City of Greenville to be located on an approximately 1.6 acre tract of land adjacent to the south corporate line of Greenville in the SE ¼ SW ¼, Section Thirty (30), Township ninety-five (95) north, Range Thirty-Six (36) West of the 5th P.M., Gillett Grove Township, Clay County Iowa.

Dale Brigham of Clay Regional Water explained that plans are to install new septic tanks for all of the houses in Greenville and outlet them to a constructed wetland to be located along the south side of town. Clay Regional Water will manage the whole system, including annual pumping of the septic tanks, with a monthly fee of approximately \$25.00 collected from each user. Although at least 200 systems of this type are currently in use in Minnesota and Wisconsin, this would be the first of its kind in Iowa.

It was noted that all property owners within 500 feet of the proposed site were notified and notice was also published in the Spencer Daily Reporter. There were no written or oral objections presented.

Following all discussions, it was moved by Robert White and Seconded by L. R. Petersen to recommend to the Board of Adjustment that the petition of Clay Regional Water, 1301 38th Avenue West, Spencer Iowa 51301 for a special use permit to construct a wetland wastewater treatment system on a 1.6 acre tract of land in the SE ¼ SW ¼ Section thirty (30), Township Ninety-five (95) north, Range Thirty-Six (36) west of the 5th P.M., Gillett Grove Township, Clay County, Iowa be approved. Motion carried.

The scheduled review of regulations on signs in the A-1 Agriculture District, Article V, Section 4 was postponed until a future meeting.

There being no further business, Motion by Rita Smith, Seconded by Robert White to adjourn. Motion carried. Meeting adjourned at 7:25pm.

Frank Rouse, Acting Secretary

Chairman Colleen Anderson called the meeting to order at 7:00 pm.

Roll Call: Keith Kruse, Robert White, Rita Smith, L. R. Petersen, Sharon McKeever, Colleen Anderson, Jim Eldridge and Tammy McKeever were present.

It was Moved by Rita Smith, Seconded by Robert White to approve and accept the minutes of meeting number 231 on June 6, 2005. Motion carried.

The time having arrived for the public hearing on petition number 19-05 of Greg Marco, Hagen Commercial Real Estate, for a change in zoning from A-1 Agricultural classification to I-1 Light Industrial and for a special use permit to use the property for storage and maintenance on a tract of land located in the East Half of the Northeast Quarter of Section one, Township Ninety-seven North, Range Thirty-seven West of the 5th P.M., Clay County, Iowa, described as follows: Commencing at the southeast corner along the east line of Said Northeast Quarter of Section 1-91-37, thence north along the east line of said Northeast Quarter a distance of 189 feet; thence west parallel to the south line of said Northeast Quarter a distance of 230 feet; thence south parallel to the east line of said Northeast Quarter a distance of 189 feet to the south; thence east along the said south line of said Northeast Quarter a distance of 230 feet to the point of beginning.

Greg Marco and Craig Hagen, Hagen Commercial Real Estate and Brad of Town & Country Disposal were present to explain the petition. Town & County Disposal provides service to Clay and Dickinson Counties. They have approximately six (6) trucks. They would like to centralize their facility. The structure will be 60 X 100 with 19' sidewalls. There will be a 6' chain link fence with privacy slating surrounding the building. The set back would mirror Sid & Sam's. This facility would be used for storage of trucks and light maintenance. No garbage would be stored at this location. Hours of the operation would be approximately 6:00 a.m. to 4:00 p.m. Access to the site would be gained through a shared drive with Sid & Sam's Flooring. The home office is located in Rock Rapids.

Marlin Voss, was present to represent the owner of Sid & Sam's. His concerns were regarding vermin. The petitioners explained no garbage would be stored here so vermin should not be an issue.

It was noted that all property owners within 500 feet of the proposed site were notified and notice was also published in the Spencer Daily Reporter. There were no written or oral objections presented.

Following all discussions, it was moved by Robert White and Seconded by Keith Kruse to recommend to the Board of Supervisors that the petition of Greg Marco, Hagen Commercial Real Estate, for a change in zoning from A-1 Agricultural classification to I-1 Light Industrial and for a special use permit to use the property for storage and maintenance on a tract of land located in the East Half of the Northeast Quarter of Section one, Township Ninety-seven North, Range Thirty-seven West of the 5th P.M., Clay County, Iowa, described as follows:

Commencing at the southeast corner along the east line of Said Northeast Quarter of Section 1-91-37, thence north along the east line of said Northeast Quarter a distance of 189 feet; thence west parallel to the south line of said Northeast Quarter a distance of 230 feet; thence south parallel to the east line of said Northeast Quarter a distance of 189 feet to the south; thence east along the said south line of said Northeast Quarter a distance of 230 feet to the point of beginning be approved. All those present voted aye. Motion carried.

There being no further business, Chairperson, Colleen Anderson adjourned the meeting. Meeting adjourned at 7:28pm.

Sharon McKeever, Secretary

Chairperson, Colleen Anderson called the meeting to order at 7:00PM.

Roll Call: Keith Kruse, Robert White, Rita Smith, L. R. Petersen, Sharon McKeever, Colleen Anderson and Tammy McKeever. Jim Eldridge absent.

It was moved by Robert White and seconded by Keith Kruse to approve and accept the minutes of meeting number 232 on August 29, 2005. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 20-05 of Clay Regional Water, for a Special Exception Use Permit to construct three (3) new wells located in the West half of the Southwest Fractional Quarter AND the West half of the Northwest Fractional Quarter ALL in Section 18, Township 97 North, Range 37 West of the 5th P.M., Clay County, Iowa; and the Southwest Quarter of the Northeast Quarter AND the East half of the East half of the Northwest Quarter AND the Southwest Quarter AND the North Half of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter AND West 8 rods of the Northwest Quarter of the Northeast Quarter, ALL in Section 7, Township 97 North, Range 37 West of the 5th P.M., 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 wells are permitted as a special use. The soil type is WmA, which has a planting suitability of 3.

Rod Steuben, Clay Regional Water, 1301 35th Avenue West, Spencer, Iowa was present to explain the petition. Clay Regional Water is requesting the special use permit to construct three (3) new wells to replace three (3) older wells. They have an option to purchase from Stan Snyder. Each site will be 400' X 400' because of state dictated setbacks. There is no for seen change in the water table. The old wells would be capped in a timely manner. Clay Regional Water has a water withdrawal permit from the Iowa Department of Natural Resources to pump 350,000 gallons of water per day. This is monitored on a weekly basis. The new wells will be 35-40 feet deep with steel casings. The dirt from the new wells will then be used in the closure of the old wells. The approximate cost of the work involved for the three new wells is \$150,000.00. By placing the wells North of the Williams Pipeline they are providing additional wellhead protection.

Also in attendance was Ray Dirksen, 1585 290th, Everly; Clint Quist 2980 160th Avenue, Everly; Orlin Wimmers 1645 290th Street, Spencer; Larry Stockdale, 3095 160th Avenue, Everly; Del Roskens, 1355 300th Street, Everly; Arlene Griffin, 3040 160th Avenue, Everly; Tom W. Griffin, 3040 160th Avenue, Everly; Terry Griffin, 1410 3rd Avenue East, Spencer; Lisa Myers, 2950 150th Avenue, Everly; Bill Myers, 2950 150th Avenue, Everly; & Ted Fischer. All were opposed to the petition. Many of their concerns were the effect it may have on personal wells and water levels.

Mike Anderson, Iowa Department of Natural Resources, 401 SW 7th Street, Suite M, Des Moines, Iowa; Julie Sievers, Iowa Department of Natural Resources, 1900 North Grand Avenue, Spencer;

and Randy Van Dyke, Clay Regional Water, 1301 35th Avenue West, Spencer were also present to answer questions regarding water withdrawal.

Following all discussions, it was moved by Keith Kruse, seconded by Robert White, to recommend to the Board of Adjustment that the petition of Clay Regional Water for a Special Exception use Permit to construct three (3) new wells located in the West half of the Southwest Fractional Quarter AND the West half of the Northwest Fractional Quarter ALL in Section 18, Township 97 North, Range 37 West of the 5th P.M., Clay County, Iowa; and the Southwest Quarter of the Northeast Quarter AND the East half of the East half of the Northwest Quarter AND the Southwest Quarter AND the North Half of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter AND West 8 rods of the Northwest Quarter of the Northeast Quarter, ALL in Section 7, Township 97 North, Range 37 West of the 5th P.M., Clay County, Iowa, be approved with the following conditions: 1) The three old wells be capped in a timely manner.

2) Clay Regional Water will not exceed their DNR water withdrawal permit of 300,000 million gallons per year.

There being no further business, Chairperson, Colleen Anderson adjourned the meeting. Meeting adjourned at 8:50PM.

Sharon L. McKeever, Secretary

Vice Chairperson, Keith Kruse, called the meeting to order at 7:00PM.

Roll Call: Keith Kruse, Pete Petersen, Robert White, Sharon McKeever, Jim Eldridge and Frank Rouse. Frank Rouse was presiding over the meeting due to the absence of Tammy McKeever, Zoning Administrator.

It was moved by L. R. Petersen, seconded by Robert White to approve and accept the minutes of meeting #233 on September 19, 2005. All those present voted aye. Motion carried.

Frank Rouse introduced Jon Hjelm. Jon presented an informal presentation of a possible Subdivision in Riverton Township along the river. Jon will return with more information.

The time having arrived for the public hearing on petition number 29-05 of Tim and Patricia Campbell of 584 Dam Road, Arnolds Park, IA 51331, for a special exception use permit for a non-farm dwelling located in the Northeast Quarter of Section 26, Township 97 North, Range 37 West of the Fifth Principal Meridian, Summit Township, Clay County, Iowa.

Frank Rouse, subbing for the Zoning Administrator, noted that all property owners within 500 feet of the exterior of the above-described property were notified and a notice was published in the Spencer Daily Reporter. No written objections were received.

Tim Campbell was present to explain the request. After purchasing the property on tax sale, it was decided that the existing buildings should be buried. He would like to divide the 5-acre parcel into two tracts of land and place a house on each tract. Following all discussion a motion was made by L. R. Petersen and seconded by Robert White to recommend to the Board of Adjustment that the special use permit be approved. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 30-05 of James Kitterman requesting a special exception use permit under Article V, section 3, subsection 16 for a dog kennel to be located in the South Half of the Southwest Quarter, Section 15, Township 96 North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa. It was noted that all property owners within 500 feet of the exterior limits of the above-described properties were notified and a notice was published in the Spencer Daily Reporter. No written objections were received.

Jim Kitterman explained that he would like to train hunting dogs. Each dog would stay at his kennel for approximately two months. A portion of an existing pole barn would be remodeled to house the dogs. No additional building would be constructed. The maximum number of dogs at any one time, including his own, would not exceed ten. Approximate cost of the kennel is \$4,000.00. Following all discussion a motion was made by Robert White, seconded by Jim Eldridge to recommend to the Board of Adjustment that the special use permit be granted. All those present voted aye. Motion carried.

A date will be set at a later time by Tammy to meet with the City of Spencer Zoning Commission.

There being no further business, motion by L. R. Petersen, seconded by Robert White to adjourn. Meeting adjourned at 7:50 PM.

Respectfully submitted.

Sharon McKeever, Secretary