

Chairperson, Keith Kruse called the meeting to order at 7:00 p.m.

On Roll Call: Keith Kruse, Sharon McKeever, L. R. Petersen, Jim Eldridge, David Kaus, Rita Smith and Zoning Administrator, Tammy McKeever. Absent: Robert White

It was moved by L. R. Petersen & seconded by Rita Smith to approve the minutes of meeting number #241 on February 5, 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 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. Motion by Rita Smith, seconded by L.R. Petersen to table her request to the next meeting. All those present voted aye. Motion carried. Tammy McKeever will contact the party for further direction..

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.

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.

Also in attendance was Arvin G. Schmidt, P O Box 206 Everly, IA 51338 for explanations of the considered property. Mr. Schmidt was assured that the area would be properly groomed. This is a federally regulated project and there will be inspectors involved. They will adhere to upland erosion procedures. There will be a 6' chain link fence.

Following all discussion, motion by L. R. Petersen, seconded by David Kaus to recommend to the Board of Adjustment the special use be approved. All those present 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, motion by David Kaus, seconded by Jim Eldridge to recommend to the Board of Adjustment that the Special Exception Use Permit be approved. Motion by Jim Eldridge, seconded by Rita Smith to amend the motion subject to Mr. Rekow checking with the already existing tower in the area to make sure there will not be any conflict and the City of Spencer regarding the flight paths from the Spencer Municipal Airport. All those present voted aye. Motion carried.

Motion by Rita Smith, seconded by L. R. Petersen to adjourn. All those present voted aye. Motion carried.

Meeting adjourned. 7:56. p.m.

Respectfully Submitted,

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Sharon McKeever, Secretary

Vice Chairperson, Jim Eldridge, called the meeting to order at 7:00PM.

On Roll Call: Jim Eldridge, Robert White, L. R. Petersen, David Kaus, Rita Smith, Sharon McKeever and Tammy McKeever, Zoning Administrator. Absent: Keith Kruse.

It was moved by L. R. Petersen, seconded by Robert White to approve the minutes of meeting number #242 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 Exception Use Permit to move a mobile home onto the property where her daughter lives in the main home. Legal description of the property is 4.96 acres on a tract in the SW1/4 of the NW1/4 of Section 32, Township 97, Range 35, Lake 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. The land owners notified were Melanie Johnson, Duane Milton Trust, Donald Nattress, Margaret Pothast, Matt Mayer and Rochelle Nance. No written objections were received. The premises affected are located at 3240 290<sup>th</sup> Ave, Dickens, IA. 51333. This property is zoned A-1 Agricultural and an additional home is allowable as a special use permit.

Mike Rost, representative for the petitioner, was present to explain the application. The approximate cost of the work involved is \$35,000.

Motion by Rita Smith, seconded by David Kaus to recommend to the Board of Adjustment the special use permit be approved. All those present 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. The property owners are David Krogh, Greg Sunday, Earl Norgard, Leo Lang, Mervin Smith, and Ronald Woods. 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. This site allows for easy access to State Hwy 18 and from there to the respective projects while minimizing the load on the county road system. Water is readily available within this site and no agricultural land would have to be disturbed or otherwise taken out of production. The combined cost of County Road N-14 and M-50 projects are approximately \$1.8 million. The proposed site is currently owned by Clay County. The

temporary location of the plant site in this area would suite the intent. The plant, equipment and material stockpiles would occupy roughly four (4) acres and is generally located with a minimal amount of excavation. The Flynn Company, Inc. and its portable plants are registered with the IDNR and maintain applicable permits covering Air Emissions, Storm Water Discharges, and non recurring water use. The concrete batch plant would be erected only to facilitate the construction identified in this application. The plant would be up for 6 weeks depending on weather conditions. The site would then be returned to its pre-existing condition.

David and Betty Krog, were present to express concern about dust and hours of operation. According to Mr. DeMuth there is very little concrete dust produced from this operation. The hours of operation will be daylight hours only – 6:00 a.m. to 8:00 p.m. It was recommended by the zoning commission to have the Flynn Company contact the County Engineer to be assured the dust control and grading would be supervised by the county engineer.

Following all discussion, motion by L. R. Petersen, seconded by Rita Smith, to recommend to the Board of Adjustment that the petition be approved subject to dust control and grading supervised by the County Engineer. All those present voted aye. Motion carried.

There being no further business, motion by Rita Smith, seconded by Robert White to adjourn. All those present voted aye. Motion carried. Meeting adjourned 7:32PM.

Respectfully submitted,

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Sharon L. McKeever, Secretary

Chairperson, Keith Kruse called the meeting to order at 7:00 P.M.

On Roll Call: Jim Eldridge, David Kaus, Robert White, Keith Kruse, Robert White, L. R. Petersen, Rita Smith and Zoning Administrator, Tammy McKeever.

It was moved by David Kaus & seconded by Robert White to approve the minutes of meeting number #244 on May 14, 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 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, motion by L. R. Petersen, seconded by David Kaus to recommend to the Board of Adjustment to approve the application. All those present voted aye. Motion carried.

Motion by Robert White, seconded by Rita Smith to adjourn. All those present voted aye. Meeting adjourned at 7:38. p.m.

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Tammy McKeever, Secretary Pro Temp

Chairperson, Keith Kruse called the meeting to order at 7:06 P.M.

On Roll Call: Jim Eldridge, David Kaus, Robert White, Keith Kruse, L. R. Petersen, Rita Smith and Zoning Administrator, Tammy McKeever.

It was moved by Jim Eldridge & seconded by Robert White to approve the minutes of meeting number #245 on September 17, 2007 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #32-07 of Larry Swingen on the final plat of Prairie Lake Addition, formerly known as Swingen's Addition, located on a tract of land in part of Block M and in vacated Blocks I, J, and K, all in the plat of Sumner Beach being a part of the Southeast fractional quarter (SE Frac. 1/4) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Thirty-five (35) West of the Fifth Principal Meridian, Lake Township, Clay County, Iowa described as follows:

Commencing at the Northwest (NW) Corner of the Southeast Fractional Quarter (SE Frac. 1/4) of said Section 36; Thence on a previously recorded bearing of South 00 degrees 00'00'' East, along the West line of said Southeast Fractional Quarter (SW Frac. 1/4) 1164.61 feet; Thence North 90 degrees 00'00'' East, 682.32 feet to the Northernmost corner of Parcel C as it appears of record in Book 2004, on page 4311 in the office of the Clay County Recorder; Thence South 46 degree 31'00'' East, along the North line of said Parcel C, 80.00 feet to the Point of Beginning. Thence North 43 degrees 29'19'' East, 359.54 feet; Thence North 46 degrees 30'13'' East, 441.17 feet; Thence North 54 degree 44'00'' East, 163.79 feet; Thence North 32 degree 09'12'' East, 176.48 feet to the South line of Parcel A as it appears of record in Book 2003, on page 4046 in the Office of the Clay County Recorder; Thence North 89 degree 06'10'' East, along said South line, 155.11 feet to the West line of 335<sup>th</sup> Avenue; Thence South 32 degree 09'12'' West, along said West line, 287.03 feet; Thence continuing along said West line, South 54 degree 44'00'' West, 155.00 feet; Thence North 35 degree 16'00'' West, along the North line of an area reserved as a public Park in said plat of Sumner Beach, 120.00 feet; Thence South 54 degree 44'00'' West, along the West line of said Park, 32.90 feet; Thence continuing along said West line, South 46 degree 30'13'' West, 84.70 feet to the North line of Vacated Block J; Thence South 46 Degree 31'00'' East, along said North line, 120.00 feet to the West line of said 335<sup>th</sup> Avenue; Thence South 46 degree 30'13'' West, along said West line, 359.77 feet; Thence continuing along said West line, South 43 degree 29'19'' West, 356.11 feet to the North line of Parcel C, aforesaid; Thence North 46 degree 31'00'' West, along said North line, 130.00 feet to the Point of Beginning.

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.

Larry Swingen, property owner and Scott Shevel, surveyor of the plat were present to explain the application.

The following Clay County Engineer recommendations were reviewed: 1) The sanitary sewer district will have to bore under 335<sup>th</sup> Avenue. No open cutting of the road will be allowed. 2) The County wishes to request an additional 10' feet of right-of-way (similar to adjacent subdivision.) 3) The maximum entrances will be one per lot. No horseshoe driveways will be allowed.

Following all discussion, motion by Jim Eldridge, seconded by Rita Smith to recommend to the Board of Supervisors to approve the Final Plat subject to the Clay County Engineer's recommendations. All those present voted aye. Motion carried.

Motion by Robert White, seconded by David Kaus to adjourn. All those present voted aye. Meeting adjourned.

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Tammy McKeever, Secretary Pro Temp