

The Clay County Zoning Commission met February 23, 2004, 7:00PM in the Clay County Board of Supervisors Room. Vice Chairperson, Keith Kruse, called the meeting to order at 7:00PM. Those in attendance were Robert White, L. R. Petersen, Keith Kruse, Jim Eldridge, Sharon McKeever and Tammy McKeever, Zoning Officer. Absent were Colleen Anderson and Rita Smith.

Keith Kruse introduced the new Zoning Commission member Jim Eldridge.

Motion by Robert White, second by Keith Kruse to approve and accept the minutes of September 15, 2003. Motion carried.

The time having arrived for the public hearing on petition number 1-04 of Candy Carstensen & Sarah Kunath, 2305 365<sup>th</sup> Street, Spencer, IA 51301, for a special exception use permit for a non-farm dwelling located in the Northwest Corner of the Southwest Quarter, Section Twenty (20), Township Ninety-six (96) North, Range Thirty-six (36) West of the 5<sup>th</sup> P.M., Sioux Township, Clay County, Iowa.

Tammy McKeever, Zoning Administrator explained the application and reported the procedures to date. The property is zoned A-1 Agricultural. 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 February 18, 2004. No objections filed by mail or audience

Candy Carstensen & Sarah Kunath, 2305 365<sup>th</sup> Street, Spencer, IA were present to explain the petition. A 1974 Detroit Mobile Home will be placed on the property for a permanent residence for her daughter to reside.

Following all discussion, a motion was made by L.R. Petersen, second by Robert White to recommend to the Board of Adjustment that the petition of Candy Carstensen & Sarah Kunath for a special exception use permit for a non-farm dwelling located in the Northwest Corner of the Southwest Quarter, Section Twenty (20), Township Ninety-six (96) North, Range Thirty-six (36) West of the 5<sup>th</sup> P.M., Sioux Township, Clay County, Iowa, be approved. Motion carried.

The time having arrived for the public hearing on petition number 2-04 of Wireless Network Management, Inc., P O Box 164, Milford, IA 51351 for a special use permit to construct a communication tower for a parcel of land located in the Southwest Quarter of Section 24, Township 96 North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa.

Tammy McKeever, Zoning Administrator explained the application and reported the procedures to date. The property is zoned A-1 Agricultural. 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 February 18, 2004. No objections filed by mail or audience

Dean Lonning, representative for Wireless Network Management, was present to explain the petition. The permit would be for a 160-250' self - supporting communications tower for wireless services- cellular, high-speed wireless, PCS, Data, and E-911.

Also in attendance were LeAnn Black, 901 1<sup>st</sup> Avenue Southwest, Spencer; Jon Hjelm, 1622 1<sup>st</sup> Avenue Spencer; Chris Bjornstad, 401 Grand, Spencer; & Jerry Wilke, P O Box 164 Spirit Lake all in support of the petition.

Following all discussion, a motion was made by L. R. Petersen and second by Robert White to recommend to the Board of Adjustment that the petition of Management, Inc., P O Box 164, Milford, IA 51351 for a special use permit to construct a communication tower for a parcel of land located in the Southwest Quarter of Section 24, Township 96 North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa be approved. Motion carried.

There being no further business, motion by Petersen, second by White to adjourn. Meeting adjourned 7:45PM.

Respectfully submitted,

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Sharon L. McKeever, Secretary

The Clay County Zoning Commission met March 22, 2004, 7:00PM in the Clay County Board of Supervisors room. Vice Chairperson, Keith Kruse, called the meeting to order at 7:10PM. Those in attendance were L. R. Peterson, Keith Kruse, Jim Eldridge, Sharon McKeever, Rita Smith and Tammy McKeever, Zoning Officer. Absent were Colleen Anderson and Robert White.

Motion by Peter Peterson, second by Jim Eldridge to approve and accept the minutes of February 23, 2004. Motion carried.

The time having arrived for the public hearing on petition number 4-04 of Fred and Christine Ferguson, 3305 340<sup>th</sup> Ave., Ruthven, Iowa, to consider a change in zoning of said land, Section 1, Township 96, Range 35, Tr. 122' x 280' NE NW & pt NW NE, from C-2 Commercial classification to R-2 Residential classification and for a special permit to use the property for the purpose to build a house.

Tammy McKeever, Zoning Administrator explained the application and reported the procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Spencer Daily Reporter. No objections filed by mail or audience.

Christine Ferguson was present to request the petition. A modular home will be placed on the property for a permanent residence for Fred and Christine Ferguson.

Following all discussion, a motion was made by Rita Smith, second by Jim Eldridge to recommend to the Board of Adjustment that the petition of Fred and Christine Ferguson to change zoning of above said land from C-2 Commercial to R-2 Residential be approved. Motion carried.

The Zoning Commission discussed at length the future plan to bring the manual of zoning sites up to date. A time plan will be brought into place to work on the manual.

Motion by Jim Eldridge, second by L. R. Petersen to adjourn.

Meeting adjourned 8:00PM.

Respectfully submitted,

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Sharon L. McKeever, Secretary

The Clay County Zoning Commission met June 28, 2004 in the Clay County Board of Supervisors room. Vice Chairperson, Keith Kruse, called the meeting to order at 7:00 PM. Those in attendance were L. R. Petersen, Keith Kruse, Jim Eldridge, Rita Smith, Robert White, Sharon McKeever, and Tammy McKeever, Zoning Officer. Absent was Colleen Anderson.

Motion By Robert White and second by Rita Smith to approve and accept the minutes of meeting #224 on March 22, 2004.

An informal presentation was given by Larry Swingen regarding a subdivision on a parcel of property currently owned by Ruthven Interconnect. Mr. Swingen made the presentation to get feedback from the zoning commission in regards to suggestions and advice that would be helpful in his future plans of the proposed property. The presentation was discussed and many questions were asked and answered.

The time having arrived for the public hearing on petition number 15-04 of Clay Regional Water, 1301 38<sup>th</sup> Avenue West, Spencer, IA 51301 for a special use permit to construct a 50' well, on a parcel of land located in part of the Southwest Quarter of Section 7, Township 97 North, Range 37 West of the Fifth Principal Meridian, Summit Township, Clay County, Iowa.

Tammy McKeever, Zoning Administrator, explained the application and reported the procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Spencer Daily Reporter. No objections filed by mail or audience.

Dale Brigham, Clay Regional Water Project Manager and Don Hemphill, Clay Regional Water Attorney, were present to address the request and field any questions. Motion by Robert White, second by L. R. Petersen to recommend to the Board of Adjustment to approve the petition for the special use permit to install another well to serve Clay County residents with a safe, reliable water source. Motion carried.

The time having arrived for the public hearing on petition number 11-04 for Jim Kitterman, 1612 4<sup>th</sup> Avenue Southwest, Spencer, Iowa, for a special exception use permit for a non-farm dwelling & pole barn located in the South ½ of Southwest ¼, Section 15, T 96 North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa.

Tammy McKeever, Zoning Administrator, explained the application and reported the procedures to date. The property is zoned A-1 Agricultural. The soil type is WmA, which has a planting suitability of III. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Spencer Daily Reporter. No objections filed by mail or audience.

Following all discussion, a motion was made by Rita Smith, seconded by Robert White, to recommend to the Board of Adjustment that the petition of Jim Kitterman for a special exception use permit for a non-farm dwelling & pole barn located in the South ½ of Southwest ¼, Section 15, T 96

North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa, be approved with an extension of 18 months to begin building the house. Motion carried.

The Zoning Commission will set a special date to bring the manual of zoning sites up to date.

Motion by Jim Eldridge, second by L. R. Petersen to adjourn. Meeting adjourned 7:45PM

Respectfully submitted,

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Sharon L. McKeever, Secretary

Chairperson Colleen Anderson called the meeting to order at 7:00 p.m.

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

It was moved by Robert White, seconded by Rita Smith, to approve the minutes of meeting number 224 on June 28, 2004. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 18-04 of Brian & Shelly Wilson, 2142 300<sup>th</sup> Street, Spencer, IA, 51301 for a special exception use permit for a non-farm dwelling located in the Southwest Quarter (SW ¼) and the North Half of the Southeast Quarter of Section Twenty-seven (27), Township Ninety-seven (97) North, Range Thirty-seven (37), Summit Township, West of the Fifth Principal Meridian, lying South of the center of the Little Sioux River in said Quarter Sections, being the intention hereof that the North Boundary of said Tract shall be the center line of the Little Sioux River, as same presently flows through said quarter sections, EXCEPT the following described tract: Beginning at the Southeast corner of the Southwest Quarter of said Section Twenty-seven (27) and running from this point of beginning North 90 degrees 00' 00" West (north 90 degrees 00 minutes 00 seconds West) along the South line of the Southwest quarter (SW ¼) of said Section 27 a distance of 705.40 feet; thence north 5 degrees 07' 30" East parallel with the East line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 620.00 feet; thence South 90 degrees 00' 00" East parallel with the South line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 705.40 feet to the East line of the Southwest Quarter (SW ¼) of said Section 27; thence South 5 degrees 07' 30" West along the east line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 620.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the South line of the Southwest Quarter (SW ¼) of said Section 27 has a bearing of North 90 degrees 00' 00" West. The area of the above parcel is 10.00 acres, which includes 0.0810 acres of highway right-of-way, 50 feet in width, along the south line of the above-described parcel of land, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. 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 July 27, 2004. No written objections were received. The property is zoned A-1 Agricultural and a single family non-farm dwelling is allowed as a special use permit. The soil type is WmA, which has a planting suitability of 3.

Brian & Shelly Wilson, 2142 300<sup>th</sup> Street, Spencer, IA, 51301 were present to explain the application. They have checked and are not in the flood plain. They will be utilizing rural water. They have 60.6 acres of hayfield. The driveway access will be from highway 18.

Following all discussion, it was moved by Robert White, seconded by Jim Eldridge to recommend to the Board of Adjustment that the petition of Brian & Shelly Wilson, 2142 300<sup>th</sup> Street, Spencer, IA, 51301 for a special exception use permit for a non-farm dwelling located in the Southwest Quarter (SW ¼) and the North Half of the Southeast Quarter of Section Twenty-seven (27), Township Ninety-seven (97) North, Range Thirty-seven (37), Summit Township,

West of the Fifth Principal Meridian, lying South of the center of the Little Sioux River in said Quarter Sections, being the intention hereof that the North Boundary of said Tract shall be the center line of the Little Sioux River, as same presently flows through said quarter sections, EXCEPT the following described tract: Beginning at the Southeast corner of the Southwest Quarter of said Section Twenty-seven (27) and running from this point of beginning North 90 degrees 00' 00" West (north 90 degrees 00 minutes 00 seconds West) along the South line of the Southwest quarter (SW ¼) of said Section 27 a distance of 705.40 feet; thence north 5 degrees 07' 30" East parallel with the East line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 620.00 feet; thence South 90 degrees 00' 00" East parallel with the South line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 705.40 feet to the East line of the Southwest Quarter (SW ¼) of said Section 27; thence South 5 degrees 07' 30" West along the east line of the Southwest Quarter (SW ¼) of said Section 27 a distance of 620.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the South line of the Southwest Quarter (SW ¼) of said Section 27 has a bearing of North 90 degrees 00' 00" West. The area of the above parcel is 10.00 acres, which includes 0.0810 acres of highway right-of-way, 50 feet in width, along the south line of the above-described parcel of land, Clay County, Iowa be approved. All those present voted aye. Motion carried.

There being no further business, the meeting was adjourned at 7:10 p.m.

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Tammy McKeever – Secretary Pro-Tem

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

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

It was moved by Jim Eldridge, second by Rita Smith to approve the minutes of meeting # 225 on August 2, 2004. All those present vote aye. Motion carried.

The time having arrived for the public hearing on petition number 22-04 of Ross and Ann Watson, 1101 Broadway, Greenville, Iowa, 51343 for a Special Exception Use Permit for non-farm dwelling located in a parcel of land in the Northwest Quarter of Section 12, township 95 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, described as follows to wit: Commencing at the Southeast corner of the Northwest Quarter of Section 12, Township 95 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point North 88 degrees 02.4 minutes West along the South line of the Northwest Quarter of said Section 12 a distance of 61.78 feet to the West right-of-way line of U.S. Highway No. 71; thence North 1 degree 18.9 minutes West along the West right-of-way line of U.S. Highway No. 71 a distance of 20.00 feet to the point of beginning and running from this point of beginning North 88 degrees 02.4 minutes West a distance of 276.00 feet; thence North 5 degrees 41.3 minutes East a distance of 642.23 feet to the North line of the South Half of the South Half of the Northwest Quarter of said Section 12; thence South 87 degrees 59.1 minutes East along the North line of the South Half of the South Half of the Northwest Quarter of said Section 12 a distance of 205.0 feet to the West right-of-way line of U.S. Highway No. 71; thence South 0 degrees 11.6 minutes West along the West right-of-way line of U.S Highway No. 71 a distance of 281.40 feet; thence South 1 degree 18.9 minutes East along the West right-of-way line of U.S Highway No. 71 a distance of 360.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the East line of the Northwest quarter of said section 12 has a bearing of north 0 degrees 15.8 minutes East. The area of the above parcel of land is 3.507 acres.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified a notice was published in the Daily Reporter. No written objections were received. The property is zoned A-1 agricultural and a single-family non-farm dwelling allowed as a special use permit. The soil type is EcB(Everly Clay Loam) with a planting suitability rating of 1.

Ross and Ann Watson, 1101 Broadway, Greenville, Iowa 51343, were present to explain the application. They will be utilizing rural water. They want to build a new house on the land zoned A-1 Agricultural, \$75,000.00 to \$80,000.00 estimate.

Following all discussion, it was moved by Rita Smith, seconded by Pete Petersen to recommend to the Board of Adjustment that the petition of Ross and Ann Watson, 1101 Broadway, Greenville, Iowa 51343, be approved for a special exception use permit for a non-farm dwelling located in the Northwest Quarter of Section 12, Township 95 North, Range 37 West of the Fifth



Principal Meridian, Clay County, Iowa. Described as follows: Commencing at the Southeast corner of the Northwest Quarter of Section 12, Township 95 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point North 88 degrees 02.4 minutes West along the South line of the Northwest Quarter of said Section 12 a distance of 61.78 feet to the West right-of-way line of U.S. Highway No. 71; thence North 1 degree 18.9 minutes West along the West right-of-way line of U.S. Highway No. 71 a distance of 20.00 feet to the point of beginning and running from this point of beginning North 88 degrees 02.4 minutes West a distance of 276 feet; thence North 5 degrees 41.3 minutes East a distance of 642.23 feet to the North line of the South half of the Northwest Quarter of said Section 12; thence South 87 degrees 59.1 minutes East along the North line of the South Half of the Northwest Quarter of said Section 12 a distance of 205.00 feet to the West right-of-way line of U.S. Highway No. 71 a distance of 281.40 feet; thence South 1 degree 18.9 minutes East along the West right-of-way line of U.S. Highway No 71 a distance of 360.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the East line of the Northwest Quarter of said Section 12 has a bearing of North degrees 15.8 minutes East. The area of the above parcel of land is 3.507 acres. All those present voted aye. Motion carried.

There being no further business, motion by Pete Petersen, second by Rita Smith the meeting be adjourned. Meeting adjourned at 7:20PM.

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Sharon L. McKeever, Secretary

Chairperson, Colleen Anderson, called the meeting to order at 8:03 P.M.

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

It was moved by Keith Kruse, second by Rita Smith to approve the minutes of Meeting # 226, August 30, 2004. All those present voted aye. Motion carried.

The time having arrived for the public hearing on zoning file number 30-04 for Janna M. Mugge 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 a construction company shop and office complex on a parcel of land in the Southwest Quarter of Section 4, Township 96 North, Range 37 West of the Fifth Principal Meridian, Riverton Township, Clay County, Iowa, described as follows: beginning at the southwest corner of Section 4, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point of beginning north 90 degrees 00 minutes 00 seconds east along the South line of the Southwest Quarter of said Section 4 a distance of 1,320.00 feet; thence north 2 degrees 00 minutes 00 seconds east parallel with the west line of the Southwest Quarter of said Section 4 a distance of 1,323.07 feet; thence south 89 degrees 48 minutes 12 seconds west a distance of 1,320.17 feet to the west line of the Southwest Quarter of said Section 4; thence south 2 degrees 00 minutes 00 seconds west along the west line of the Southwest Quarter of said Section 4 a distance of 1,318.54 feet to the point of beginning. All bearings stated in this description are based on the assumption that the south line of the Southwest Quarter of said Section 4 has a bearing of north 90 degrees 00 minutes 00 seconds east. The area of the above parcel of land is 40.000 acres, which includes 3.262 acres of highway right-of-way, 55 feet in width, along the south line and west line of the above-described parcel of land.

The Zoning Administrator, Tammy McKeever, explained the application and reported procedures to date. 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. No written objections were received. The property is zoned A-1 Agricultural classification and a petition has been filed that the Board of Supervisors consider a change in classification to Light Industrial, I-1.

Jon Hjelm was present to explain the application. Jon stressed the strong feeling of the applicant to build on the above site. The company in good faith to the neighbors wanted to purchase 40 acres to provide a buffer. They will farm what is not used for the construction company. Safety is a concern for the company. Traffic will be minimal. Property owners notified were Cory Jungjohan and Shannon Jungjohan, DF industries, Inc., Ronald K. Lachner, G. Kent Lachner, Karen K. Lachner, Marilyn K. Lachner/Schmidt and William K. Lachner, and Douglas W. Pingel.

Following all discussion, it was moved by L. R. Petersen, seconded by Robert White to recommend to the Board of Supervisors that the petition of Janna M. Mugge be approved for a

change in zoning of said land from A-1 Ag classification to light Industrial I-1 classification and for a special permit to use the property for a construction company shop and office complex. All those present voted aye. Motion carried.

There being no further business, motion by Robert White, second by Rita Smith the meeting be adjourned. Meeting adjourned 8:35 P.M.

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Sharon L McKeever, Secretary