

Chairperson Russell Christensen called the meeting to order at 6:45 p.m.

Roll Call: Russell Christensen, Clinton Jones, John Olson, and Dave Simington were present.
Absent: Larry Flaharty

It was moved by Clinton Jones, seconded by John Olson to approve and accept the minutes of meeting number 114, on October 17, 2005. Roll Call Vote: Jones, Olson, Simington & Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 01-06 of Doug & Donna Fisher , 3366 320th Street, Ruthven, IA for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 31 1/2' instead of 20' for a parcel of land located on Lot (16), Hi's Bay AND Lot Sixteen (16), Hi's Bay Plat III, in the Northeast Quarter (NE ¼) 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.

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 following written objection was received.

Clay Cty Zoning Board of Adjustment

Dear Sirs:

This letter is in regard to the application filed by Doug and Donna Fisher for a variance to the city Board Zoning.

When we had Hi's Bay platted in 1949 it was stipulated in the buyer's agreement that they would build comparable to the existing homes. For over fifty years this has been done and Hi's Bay is a pretty place on Lost Island Lake.

There are only two other building sites on the bay besides Fisher's so it would be too bad to spoil the pattern now by erecting such a tall building.

I hope Fisher's have a nice home (but not 31 1/2' tall)

Sincerely,

Lulu Ruehle

Doug & Donna Fisher were present to explain the petition. The Fisher's would like a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 31 1/2' instead of 20' for a parcel of land located on Lot (16), Hi's Bay AND Lot Sixteen (16), Hi's Bay Plat III, in the Northeast Quarter (NE ¼) 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.

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

RESOLUTION

WHEREAS, of Doug & Donna Fisher , 3366 320th Street, Ruthven, Iowa have filed appeal number 01-06 for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 31 1/2' instead of 20' for a parcel of land located on Lot (16), Hi's Bay AND Lot Sixteen (16), Hi's Bay Plat III, in the Northeast Quarter (NE 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.

WHEREAS, The Board of Adjustment has held a public hearing and heard the appeal with one written objection 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 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 variance will not adversely affect the public interest, that said request for a variance be approved.

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

There being no further business, Chairperson Russ Christensen adjourned the meeting at 7:00 p.m.

Clinton Jones - Secretary

Chairperson Russell Christensen called the meeting to order at 8:01 p.m.

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

Absent: Larry Flaharty & Dave Simington

It was moved by John Olson, seconded by Clinton Jones to approve and accept the minutes of meeting number 115, on January 23, 2006 as submitted. Roll Call Vote: Jones, Olson, & Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 06-06 of Chad Bjork, 50768 150th Avenue, Laurens, Iowa for a special exception use permit for a wind turbine in the Northeast ¼ of Section 13, Township 95 North, Range 35 West, less ten (10) acres northeast corner, Logan 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.

Chad Bjork, 50768 150th Avenue, Laurens, Iowa and Phil Sundblad, 49106 100th Avenue, Albert City, Iowa were present to explain the application. They are local farmers who came together to form Cross Wind Energy. The wind turbine is a 2.1 mega watt, single pedestal base, 80-meter tower. The energy will be sold to Humboldt Cornbelt. There is an escrow account to remove the tower if the company is not solvent.

Tom Carter, 3345 410th Street, Ruthven, Iowa was present to object. Mr. Carter is primarily concerned about the noise, but also does not like the way they look.

Following all discussion by consensus of the board the meeting was recessed until Monday, May 1, 2006 at 7:00 p.m. This will give Mr. Carter time to visit a site and experience the actual noise level.

The time having arrived for the public hearing on petition number 08-06 of Dana Kramer, 15 East 25th Street, Spencer, Iowa, 51301 for a special use permit for a non-farm dwelling in the Northeast ¼ of the Northeast ¼, Section 17, Township 96 North, Range 37 West, Riverton 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 a single family non-farm dwelling is allowed as a special use permit.

Dana and Nancy Kramer were present to explain the application. They plan to purchase approximately two acres and build a home.

It is noted that the applicants, Dana & Nancy Kramer, have no object to usual farming activity and the diesel trucking operation near their proposed new home. They also agreed to not plant trees within 10 feet of the property line and no shrubs within 10 feet.

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

RESOLUTION

WHEREAS, Dana Kramer, 15 East 25th Street, Spencer, Iowa, 51301 has filed appeal number 08-06 requesting a special use permit for a non-farm dwelling in the Northeast ¼ of the Northeast ¼, Section 17, Township 96 North, Range 37 West, Riverton Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for a non-farm dwelling 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 single family non-farm dwelling on land located in the Northeast ¼ of the Northeast ¼, Section 17, Township 96 North, Range 37 West, Riverton Township, Clay County, Iowa be approved.

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

The next item of business was the election of officers. It was moved by Clinton Jones, seconded by John Olson, that the current chairperson, Russell Christensen, that the current vice – chairperson, John Olson and that the current secretary, Clinton Jones, be re-elected by unanimous ballot. Roll Call Vote: Olson, Jones & Christensen voted aye. Motion carried.

There being no further business, it was moved by Clinton Jones, seconded by John Olson, to adjourn at 9:00 p.m. Roll Call Vote: Jones, Christensen, & Olson voted aye. Meeting adjourned.

Clinton Jones – Secretary

CLAY COUNTY BOARD OF ADJUSTMENT
MAY 1, 2006
7:00PM

The Clay County Board of Adjustment met May 1, 2006 in the Administration Building.

Chairman, Russell Christensen, called the meeting to order at 7:00PM. Roll Call: John Olson, Russell Christensen, Dave Simington, Larry Flaharty, Clinton Hones, Leo Stephas, Tom Carter, Chad Bjork, Phil and other rep, Roger Stephas, Chris Muggee and Dwain Higgins.

The meeting was convening from the previous meeting on April 24, 2006. Russell brought all members up to date on the original meeting notes.

Tom Carter was asked to present his findings regarding noise of the wind generation plant proposed to be build near his property in the NE ¼, section 13, Township 95 North, Range 35West, Clay County, less 10 acres NE corner. Tom suggested moving the plant to the East. Phil presented information stating the effectiveness of the generation would be decreased due to the lay of the land. Phil also stressed his appreciation of his stewardship of the land as a fellow farmer.

Clinton made the motion to grant approval of the wind generation plant. Second by John Olson. Discussion. Unanimous decision to grant the petition. Motion carried.

Motion by Dave, second by Clinton to adjourn. Meeting adjourned 7:35PM.

Respectfully submitted,

Sharon L. McKeever, Secretary Protem

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

On Roll Call: Clinton Jones, John Olson, Larry Flaharty, Dave Simington and Russell Christensen. Absent: none.

It was moved by David Simington, seconded by Clinton Jones to approve and accept the minutes of meeting number 116, on April 24, 2006 as submitted and minutes of the May 1, 2006 meeting as read. Roll Call Vote: Jones, Olson, Flaharty, Simington & Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 19-06 of Evertek Inc, 216 N Main Street, Everly Iowa, 51338 for a special use permit for a wireless communication tower located in the Southwest ¼ of the Northeast ¼, Section 28, Township 94 North Range 38 West, Peterson 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.

Chuck Beisner, 8650 Trenton Lane North, Plymouth, MN 55442, was present to explain the application. It is a 240' self-supporting tower using line of site technology. This is for cell phones.

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

RESOLUTION

WHEREAS, Evertek Inc, 216 N Main Street, Everly Iowa, 51338 has filed appeal number 19-06 requesting a special use permit for a wireless communication tower located in the Southwest ¼ of the Northeast ¼, Section 28, Township 94 North Range 38 West, Peterson Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for a wireless communication tower 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 wireless communication tower located in the Southwest ¼ of the Northeast ¼, Section 28, Township 94 North Range 38 West, Peterson Township, Clay County, Iowa be approved.

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

The time having arrived for the public hearing on petition number 18-06 of Evertex Inc, 216 N Main Street, Everly Iowa, 51338 for a special use permit for a wireless communication tower located in the Northeast ¼, Section 36, Township 95 North Range 37 West, Lincoln 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.

Chuck Beisner, 8650 Trenton Lane North, Plymouth, MN 55442, was present to explain the application. It is a 240' self-supporting tower using line of site technology. This is for cell phones.

Also in attendance was Carol Johnson, 1435 460th Street, Linn Grove, IA 51033 and Jane Larson, 2213 West 44th Street, Spencer 51301. Ms. Johnson voiced concern about her tax status and the continued use of the property for agricultural purposes. The board informed Ms. Johnson that her tax status would not change and that adjoining properties would continue to be agricultural. Ms. Larson had no comments.

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

RESOLUTION

WHEREAS, Evertex Inc, 216 N Main Street, Everly Iowa, 51338 has filed appeal number 18-06 requesting a special use permit for a wireless communication tower located in the Northeast ¼, Section 36, Township 95 North Range 37 West, Lincoln Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for a wireless communication tower 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 wireless communication tower located in the Northeast ¼, Section 36, Township 95 North Range 37 West, Lincoln Township, Clay County, Iowa be approved.

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

The time having arrived for the public hearing on petition number 14-06 of Greg Reif, 2319 260th Ave, Milford, Iowa, 51351, for a special exception use permit to construct a 10 KW wind generator located in the E ½ of the W ½ of the NW 1/4, Section Five (05), Township Ninety-seven (97) North, Range Thirty-seven (37) West, of the 5th P.M., Summit 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.

Greg Reif was present to explain the application. Mr. Reif plans on constructing a wind generator for his personal use. It is a 120' stand alone tower with a battery backup. Following all discussion, it was moved by David Simington, seconded by Larry Flaharty to adopt the following resolution:

RESOLUTION

WHEREAS, Greg Reif, 2319 260th Ave, Milford, Iowa, 51351, has filed appeal number 14-06 requesting a special use permit f to construct a 10 KW wind generator located in the E ½ of the W ½ of the NW 1/4, Section Five (05), Township Ninety-seven (97) North, Range Thirty-seven (37) West, of the 5th P.M., Summit Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for a wind generator 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 10 KW wind generator located in the E ½ of the W ½ of the NW ¼, Section Five (05), Township Ninety-seven (97) North, Range Thirty-seven (37) West, of the 5th P.M., Summit Township, Clay County, Iowa be approved.

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

There being no further business, it was moved by Larry Flaharty, seconded by John Olson, to adjourn at 8:40 p.m. Roll Call Vote: Jones, Flaharty, Simington, Christensen, & Olson voted aye. Meeting adjourned.

Clinton Jones – Secretary

Chairperson Russell Christensen called the meeting to order at 8:25 p.m.

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

It was moved by Clinton Jones, seconded by John Olson to approve and accept the minutes of meeting number 118, on August 28, 2006 as submitted. Roll Call Vote: Jones, Olson, Simington & Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 27-06 & 28-06 of Interstate Power and Light Company, P O Box 351, Cedar Rapids, IA 52406-0351 for a special use permit to construct an electric substation and a variance to Article V, Section 5 of the Zoning Ordinance on the soil type for a parcel of land located in the West 200 feet of the East 304.02 feet of the South 320 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 96 North, Range 36 West of the Fifth Principal Meridian, 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.

Ted Francois and Richard Bellcock, representatives of Interstate Power and Light Company were present to explain the application and answer questions. The applicant's have an option to buy the property for a 200' x 200' property site, to build an electric substation within a zoned agriculture property, substation to be placed in a grassy area to avoid ground that is currently tilled and farmed. The approximate cost of the work involved is \$600,000.00. If approved this substation would sit directly under the 69KV line and provide the additional power needed to support the growth of this area. The power would be obtained from Corn Belt Power and Company line which is presently crossing the property.

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

RESOLUTION

WHEREAS, Interstate Power and Light Company, P O Box 351, Cedar Rapids, IA 52406-0351 has filed appeal number 27-06 & 28-06 requesting a special use permit to construct an electric substation and a variance to Article V, Section 5 of the Zoning Ordinance on the soil type for a parcel of land located in the West 200 feet of the East 304.02 feet of the South 320 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 96 North, Range 36 West of the Fifth Principal Meridian, Sioux Township, Clay County, Iowa

WHEREAS, the Zoning Commission has recommended that the special exception use permit to construct an electric substation be granted, subject to Interstate Power & Light Company providing an aravita (tree) barrier.

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 and 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 use permit and variance will not adversely affect the public interest, that said request for a special use permit to construct an electric substation and a variance to Article V, Section 5 of the Zoning Ordinance on the soil type for a parcel of land located in the West 200 feet of the East 304.02 feet of the South 320 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 96 North, Range 36 West of the Fifth Principal Meridian, Sioux Township, Clay County, Iowa, be approved subject to Interstate Light & Power providing a tree barrier.

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

There being no further business, it was moved by David Simington, seconded by Clinton Jones, to adjourn at 8:42 p.m. Roll Call Vote: Jones, Simington, Christensen, & Olson voted aye. Meeting adjourned.

Clinton Jones – Secretary