

Chairperson Colleen Anderson called the meeting to order at 7:10 p.m.

On Roll Call: Colleen Anderson, Robert White, Rita Smith, Debra Johnson, L.R. Petersen, Bonny Swart and Jim Vollmer. Absent none.

It was moved by L. R. Petersen, seconded by Rita Smith, to approve the minutes of meeting number 201 on December 21, 1999, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 10-00 of Steven W. Fear of 106 West 2nd, Everly, Iowa for a special exception use permit for a single family non-farm dwelling.

The Zoning Administrator explained the application and reported procedures to date. No written objections were received.

Steven W. and Rose Fear, 106 West 2nd, Everly, Iowa and Steve Berends, 2830 140th Avenue, Everly, Iowa were present to explain the application.

Also in attendance were Jay Stein, 3175 130th Avenue, Everly, Iowa and Mr. and Mrs. Jan Stein, 3175 130th Avenue, Everly, Iowa, adjoining property owners. They were in attendance not to object but to find out more about the project. Stein's concerns involved the proposed trucking business and included increased taxes, a truck wash, increased truck traffic, increased noise level and the ability to turn the trucks around. The applicant Steven W. Fear addressed all of these concerns except the increased taxes. He stated there would not be a truck wash, his business should not increase truck traffic, there should not be increased noise level and he hopes to put in a horseshoe driveway to limit turning the trucks around.

Following all discussion, it was moved by Robert White, seconded by Jim Vollmer to recommend to the Board of Adjustment that the special use application of Steven W. Fear for a single family non-farm dwelling be approved. All those present voted aye. Motion carried.

The next item of business was the public hearing on proposed amendments to the Clay County Zoning Ordinance correcting the reference to the article on special exception uses that is incorrectly listed in each of the zoning district articles, on clarifying the intent of allowing one extra house or mobile home as an accessory use in the A-1 district, and allowing one extra house or mobile home under a special exception use permit on a single family non-farm acreage in the A-1 district. The Zoning Administrator explained each of the proposed amendments, which were then discussed by the members of the Zoning Commission.

There were no oral or written objections to any of the proposed amendments. Following all discussion it was moved by Rita Smith, seconded by Bonny Swart to recommend to the Board of Supervisors that the following proposed amendments be approved:

AMENDMENT 1. Each of the following sections of the Zoning Ordinance is amended by deleting the phrase "as provided for in Article XVI of this Ordinance" and substituting the following in lieu thereof: "as provided for in Article XXII of this ordinance."

ARTICLE V, SECTION 3
ARTICLE VI, SECTION 3
ARTICLE VII, SECTION 3
ARTICLE VIII, SECTION 3
ARTICLE IX, SECTION 3
ARTICLE X, SECTION 3
ARTICLE XI, SECTION 3
ARTICLE XII, SECTION 3
ARTICLE XIII, SECTION 3
ARTICLE XIV, SECTION 3
ARTICLE XV, SECTION 3

AMENDMENT 2. ARTICLE V, SECTION 4 SUBSECTION 3 is amended by deleting the current language and substituting the following in lieu thereof: 3. One (1) additional house or mobile home on a farm if used by the owner, member of the immediate family, or an employee of the farm operation.

AMENDMENT 3. ARTICLE V, SECTION 3, is amended by adding subsection 18 as follows:

18. One (1) additional house or mobile home on a single family non-farm acreage if used by the owner, member of the immediate family, or an employee of a business operating on the premises.

All those present voted aye. Motion carried.

The next item of business was the election of officers. It was moved by Bonny Swart, seconded by Jim Vollmer, that the current chairperson, Colleen Anderson, that the current vice - chairperson, L. R. Petersen, and that the current secretary, Debra Johnson be re-elected by a unanimous ballot. All those present voted aye. Motion carried.

There being no further business, it was moved by Jim Vollmer, seconded by Robert White, to adjourn at 7:45 p.m. All those present voted aye. Meeting adjourned.

Debra Johnson - Secretary

Chairperson Colleen Anderson called the meeting to order at 7:05 p.m.

On Roll Call: Colleen Anderson, Robert White, L.R. Petersen, and Bonny Swart. Absent Rita Smith, Debra Johnson and Jim Vollmer

It was moved by L.R. Petersen, seconded by Bonny Swart, to approve the minutes of meeting number 202 on June 26, 2000, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 15-00 of Edwin Hillenga of 415 260th Street, Wesley, Iowa and Roger Crew of 102 East 24th Street, Spencer, Iowa for a change in zoning from C-2 Commercial to RL Lake Residential for a parcel of land located in the East Half of Section One (1), Township Ninety-six (96) North, Range Thirty-five (35) West of the 5th P.M., Freeman Township, Clay County, Iowa, containing approximately 5,555 square feet.

The Zoning Administrator explained the application and reported procedures to date. No written objections were received.

Edwin and Vicki Hillenga, 415 260th Street, Wesley, Iowa and Roger Crew of 102 East 24th Street, Spencer, Iowa were present to explain the application.

Also in attendance were Warren and Sylvia Hutchinson of 424 SE Marion, Des Moines, Iowa 50315, adjoining property owners. No oral objections were made.

Following all discussion, it was moved by Bonny Swart, seconded by L.R. Petersen to recommend to the Board of Supervisors that the petition of Edwin Hillenga and Roger Crew for a change in zoning from C-2 Commercial to RL Lake Residential be approved. All those present voted aye. Motion carried.

The following old business was discussed: amendments to the ordinance and business use permits.

There being no further business, it was moved by Robert White, seconded by Bonny Swart, to adjourn at 7:30 p.m. All those present voted aye. Meeting adjourned.

Debra Johnson - Secretary

Chairperson Colleen Anderson called the meeting to order at 7:03 p.m.

On Roll Call: Colleen Anderson, Robert White, Rita Smith, Debra Johnson, L.R. Petersen, Bonny Swart and Jim Vollmer. Absent none.

It was moved by Robert White, seconded by L. R. Petersen, to approve the minutes of meeting number 203 on July 24, 2000, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 18-00 of Midwest Wireless Communications, P O Box 41664, Plymouth, MN 55441, for a special exception use permit to construct a 250' communication tower located in the Southeast five (5) acres of the SE ¼, SE ¼, Section Thirty (30), Township Ninety-four (94) North, Range Thirty-six (36) West, of the 5th P.M., Herdland Township, 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 August 15, 2000. No written objections were received.

Kurt Walter, 906 21 St. SE, Rochester, MN 55904, was present to explain the application. Mr. Walter explained that sites are chosen by engineer design and the willingness of landowners to sell property.

There was lengthy discussion on the soil type of the location proposed by Midwest Wireless Communications. The soil type is Primghar Silty Clay Loam, which has a planting suitability group number of I. It is one of the better soils for farming in the county and can be used for row crops much of the time.

Following all discussion, it was moved by Jim Vollmer, seconded by Bonny Swart to recommend to the Board of Adjustment that the special use application of Midwest Wireless Communications for a 250' communication tower located in the Southeast five (5) acres of the SE ¼, SE ¼, Section Thirty (30), Township Ninety-four (94) North, Range Thirty-six (36) West, of the 5th P.M., Herdland Township, Clay County, Iowa, be approved, subject to the removal of the tower within 12 months if it became obsolete. White, Smith, Johnson, Swart & Vollmer voted aye. Petersen voted nay. Motion carried.

The time having arrived for the public hearing on petition number 22-00 of Kirby L. Winter, 2710 330th Street, Spencer, IA 51301 for a special exception use permit for a single family non-farm dwelling in the Northwest ¼ of the Southwest ¼, Section 24, Township Ninety-seven (97) North Range Thirty-six (36) West, of the 5th P.M., Meadow Township, 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 August 15, 2000. No written objections were received.

Kirby L. Winter, 2710 330th Street, Spencer, IA 51301, was present to explain the application. Mr. Winter explained that due to a water problem it would be impossible to build on his parent's

home place. Kirby went on further to explain Mr. Gerdeman was not willing to sell property to the North of his parents.

Also in attendance were Vic and Gaye Winter, 3050 270th Avenue, Spencer, IA 51301, adjoining property owners.

There was lengthy discussion on the soil type of the location proposed by Kirby L. Winter. The soil type is Clarion Loam, which has a planting suitability group number of I. It is one of the better soils for farming in the county and can be used for row crops much of the time.

Following all discussion, it was moved by Debra Johnson, seconded by Rita Smith to recommend to the Board of Adjustment that the special use application of Kirby L. Winter for a single family non-farm dwelling in the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 24, Township Ninety-seven (97) North Range Thirty-six (36) West, of the 5th P.M., Meadow Township, Clay County, Iowa. be approved, subject to the approval of the variances by the Board of Adjustment. White, Smith, Johnson, Swart and Vollmer voted aye. Peterson abstained from voting. Motion carried.

There being no further business, it was moved by Bonny Swart, seconded by Rita Smith, to adjourn at 7:55 p.m. All those present voted aye. Meeting adjourned.

Debra Johnson - Secretary

Chairperson Colleen Anderson called the meeting to order at 7:05 p.m.

On Roll Call: Colleen Anderson, Rita Smith, Debra Johnson, L.R. Petersen, and Bonny Swart. Jim Vollmer and Robert White absent.

It was moved by L.R. Petersen, seconded by Debra Johnson, to approve the minutes of meeting number 204 on August 21, 2000, with the following corrections: Chairman Colleen Anderson did not vote on applications 18-00 and 22-00 and that both applications were class I soil type. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 31-00 of the preliminary plat submitted by Ruthven Interconnect, Inc. of Ruthven, Iowa of Windavere First Addition, Clay County, Iowa located in the SE ¼ of Section 36, T-97N, R-35W of the 5th P.M., Lake Township.

The Zoning Administrator explained the application and reported procedures to date. A notice was published in the Daily Reporter on November 8, 2000. No written objections were received. The Zoning Administrator reported that there were three (3) pieces of required data missing from the preliminary plat as follows: 1) The complete legal description of the property to be platted. 2) An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are not outstanding liens or encumbrances on the property. The names of record titleholders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the place of law in the State of Iowa. 3) Acreage of the land to be subdivided.

James E. Thiesse P.E. of Kruse, Cate & Nelson, 1801 Highway Boulevard, Spencer, IA 51301, representative for Ruthven Interconnect, Inc. was present to explain the application. There will be six lots for single-family dwellings and one lot will be utilized for condominium type housing. He addressed each issue that was brought before the Board by the Zoning Administrator and the County Engineer and asked that the open cutting of 335th Avenue be reconsidered. Mr. Thiesse explained that the sanitary sewer system and rural water system were available as public utilities.

Roger Clark, Clay County Engineer, gave a review and made the following recommendations: 1) Driveway permits will be required from Clay County Engineer's Office. This will need to be conveyed to purchasers of the proposed lots and written on the final plat. 2) Recommended the sanitary sewer district bore under 335th Avenue, but this will be negotiated when needed. 3) According to the preliminary plat the County will be receiving an additional 10' feet of right-of-way. This will need to be written into the legal description. 4) The maximum entrances will be one per lot. No horseshoe driveways will be allowed. This includes lot 1 (Fox Hill). No entrances will be allowed on 330th Avenue. 5) Interior streets for future development are a concern. No dead ends or cul-de-sacs will be allowed. Developer may want to look at the area east of the commercial property and north of Windavere First Addition on the vicinity map. How will this property be accessed?

Also in attendance were Jim Donahue, 3274 335th Avenue, Ruthven, Iowa, adjoining property owner; Ron Brockmeyer 3266 335th Avenue, Ruthven, Iowa, Real Estate Agent; and Steve Trimble, 43255 230th Avenue, Havelock, Iowa, Ruthven Interconnect Representative. Donahue's concerns involved the water drainage from the proposed subdivision. He questioned

whether state and federal permits had been obtained and if a hydrology report had been completed. Specifically Mr. Donahue mentioned the Department of Natural Resources 304 and 404 permits. Mr. Donahue felt the subdivision would cause his driveway to be washed out when precipitation was received. Ron Brockmeyer provided history regarding the land where the proposed subdivision would be located, including but not limited to the zoning changes over the years, taxes and Sumner Beach Parks.

Following all discussion, it was moved by L. R. Petersen, seconded by Rita Smith to recommend to the Board of Supervisors that the preliminary plat submitted by Ruthven Interconnect, Inc. of Ruthven, Iowa of Windavere First Addition, Clay County, Iowa located in the SE ¼ of Section 36, T-97N, R-35W of the 5th P.M., Lake Township be approved, subject to obtaining all required state and federal permits and all required preliminary data being added to the final plat as follows: 1) The complete legal description of the property to be platted. 2) An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are not outstanding liens or encumbrances on the property. The names of record titleholders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the place of law in the State of Iowa. 3) Acreage of the land to be subdivided. Also the sub divider will need to adhere to the following recommendations of the Clay County Engineer: 1) Driveway permits will be required from Clay County Engineer's Office. This will need to be conveyed to purchasers of the proposed lots and written on the final plat. 2) According to the preliminary plat the County will be receiving an additional 10' feet of right-of-way. This will need to be written into the legal description. 3) The maximum entrances will be one per lot. No horseshoe driveways will be allowed. This includes lot 1 (Fox Hill). No entrances will be allowed on 330th Avenue. All those present voted aye. Motion carried.

The next item of business was an informal presentation regarding a possible subdivision in the SW ¼, Section 8, Riverton Township. Irl (Pat) Carper is the property owner and was unable to attend the meeting. The Zoning Administrator informed the Board regarding Mr. Carper's possible intentions to create a subdivision of five (5) lots with approximately 200' of frontage and 700' deep. Mr. Carper had requested feedback of items that may be of concern to the Zoning Commission. The Board has some concerns regarding a subdivision in the above-mentioned area including driveways off the blacktop. Further information will need to be provided by Mr. Carper.

The Zoning Administrator informed the Board that Jim Vollmer, Board Member of the Clay County Zoning Commission since 1976 will be resigning at the end of his term December 31, 2000. A plaque will be awarded to Mr. Vollmer at a presentation at Chairperson, Colleen Anderson's home in April of 2001.

Board member, L. R. Petersen, requested the Clay County Zoning Commission meet in late January to review subdivision regulations and general zoning ordinances.

There being no further business, it was moved by Rita Smith, seconded by Bonny Swart, to adjourn at 8:45 p.m. All those present voted aye. Meeting adjourned.

Debra Johnson - Secretary