

Chairperson Colleen Anderson called the meeting to order at 1:15 p.m.

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

It was moved by L. R. Petersen, seconded by Debra Johnson, to approve the minutes of meeting number 215 on July 10, 2002, as submitted. All those present voted aye. Motion carried.

The next item of business was the election of officers. It was moved by L. R. Petersen, seconded by Keith Kruse, that the current chairperson, Colleen Anderson be re-elected by a unanimous ballot. All those present voted aye. Motion carried. L.R. Petersen nominated Keith Kruse for Vice-Chairperson. Bonny Swart moved that nominations cease and a unanimous ballot be cast for Keith Kruse, seconded by L. R. Petersen. All those present voted aye. Motion carried. L.R. Petersen nominated Debra Johnson for Secretary. Keith Kruse moved that nominations cease and a unanimous ballot be cast for Debra Johnson, seconded by Bonny Swart. All those present voted aye. Motion carried.

The commission reviewed a letter to the editor. Debra Johnson suggested agricultural preservation be moved to the top of the list of reasons for zoning.

Tammy McKeever, Zoning Administrator provided each commissioner with a zoning inventory list from 1963 to 1999. The list in its entirety will be completed by the next meeting.

The zoning commission reviewed their suggestions regarding sign ordinances from the July 10, 2002 meeting. At that meeting the suggestion read as follows: One (1) free standing or post sign referring only to a use or uses conducted on the premises may be erected provided that:

- (a) Such 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.

Following all discussion the board decided to remove the words free standing or post sign and add the words any other signs shall seek approval from the zoning commission. The County Attorney will be asked for an opinion of the legality of the wording.

The Zoning Administrator, Tammy McKeever, indicated special use permits should either be reviewed at a public hearing or the wording changed in the ordinance so that they are not reviewed at all by the commission.

Following all discussion, it was moved by L. R. Petersen, seconded by Bonny Swart to leave special use permit wording as written in the Clay County Ordinance. All those present voted aye. Motion carried.

Monday, February 24<sup>th</sup> at 7:00 p.m. was chosen as the date for the public hearing for the Ronald Brockmeyer petition.

L.R. Petersen requested the Zoning Administrator check with the County Attorney to determine if business use permits can be required of all businesses.

There being no further business, the meeting was adjourned at 3:37 p.m.

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Debra Johnson - Secretary

Vice-chairperson Keith Kruse called the meeting to order at 7:00 p.m.

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

It was moved by L. R. Petersen, seconded by Debra Johnson, to approve the minutes of meeting number 216 on January 6, 2003, with the correction of Keith Kruse elected as Vice-chairperson instead of L.R. Petersen. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 27-02 of Ronald and Margo Brockmeyer, 3266 335<sup>th</sup> Avenue, Ruthven, Iowa, for a change in zoning from C-1 Commercial classification to RL Lake Residential in a part of the fractional southeast quarter (Frl. SE ¼) of Section One (1), 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 exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on February 19, 2003. No written objections were received.

Ronald and Margo Brockmeyer, 3266 335<sup>th</sup> Avenue, Ruthven, Iowa were present to explain the application.

Also in attendance were Ione Mathison, 924 East 11<sup>th</sup> Street, Spencer, Iowa and C. J. Oestenstad, 815 East 11<sup>th</sup> Street, Spencer, Iowa 2 East 24<sup>th</sup> Street, Spencer, Iowa 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 Ronald and Margo Brockmeyer, 3266 335<sup>th</sup> Avenue, Ruthven, Iowa, for a change in zoning from C-1 Commercial classification to RL Lake Residential in a part of the fractional southeast quarter (Frl. SE ¼) of Section One (1), Township Ninety-six (96) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Freeman Township, Clay County, Iowa, be approved. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 06-03 of Gustoff Farms, Inc., 2580 390<sup>th</sup> Street, Spencer, IA 51301, for a change in zoning from A-1 Agricultural classification to I-2 Heavy Industrial and for a special use permit to use the property for automobile, tractor or machinery wrecking and used parts sales in the East One-Half (E ½) of the Southeast Quarter (SE ¼), Except the North 60 acres, the East 5 acres of the South 20 acres and the South 50 feet, all in Section 34, Township 96 North, Range 36 West of the 5<sup>th</sup> P.M., Sioux 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 February 19, 2003. No written objections were received.

Verle D. Gustoff, Sr. and Verle D. Gustoff, Jr. 2580 390<sup>th</sup> Street, Spencer, Iowa were present to explain the application. Representing them was City of Spencer Attorney, Don Hemphill. Dean

Torreson , Spencer City Manager addressed the reasons for the request. The City would like to move the salvage yard because it is located in a residential area, Spencer Municipal Utilities would like to develop the area to the east and it is less visible in the County.

Also in attendance were Lori Adams, 2515 400<sup>th</sup> Street, Spencer; Roger Hoberg, 2520 400<sup>th</sup> Street, Spencer; Roger Lundt, 521 West 10<sup>th</sup> Street, Spencer; Marilyn Moor, 521 West 10<sup>th</sup> Street, Spencer; Lola Wood, 2560 410<sup>th</sup> Street, Greenville; Gretchen Hagedorn, 1004 5<sup>th</sup> Avenue West, Spencer; Gina Kohrs, 2610 390<sup>th</sup> Street, Spencer; Adam Kohrs, 2610 390<sup>th</sup> Street, Spencer; Phyllis Krukow, 3665 280<sup>th</sup> Avenue, Dickens; Phil Kohrs, 2610 390<sup>th</sup> Street, Spencer; Rod Dillard, 2735 390<sup>th</sup> Street, Dickens; Robert Dillard, 2830 Highway 18, Dickens; Linda DeLaughter, 508 25<sup>th</sup> Street SW, Spencer; Scott Severeid, 508 25<sup>th</sup> Street SW, Spencer; Julie Kassel 4155 225<sup>th</sup> Avenue, Spencer; Paul Kassel, 4155 225<sup>th</sup> Avenue, Spencer. The following objections were made:

Linda DeLaughter, 508 25<sup>th</sup> Street SW, Spencer, states she owns the quarter section across the road. This land is agricultural ground and there is a real concern when a salvage operation is considering moving into the neighborhood. Aesthetics is of course a concern. This will establish precedence in the agricultural area. Road traffic also causes anxiety because of the increased undesirable traffic on a farm road. She has very good tenants and this would be one more thing they would have to worry about.

Roger Hoberg, 2520 400<sup>th</sup> Street, Spencer indicated he has lived in this area his whole life and knows that even if the property owners have the best intentions it will eventually deteriorate. It is the nature of the business.

Phil Kohrs, 2610 390<sup>th</sup> Street, Spencer, lives directly east of the proposed salvage yard property. Mr. Kohrs pointed out that he has no problems with the Gustoffs, but felt because of the lay of the land this is not an appropriate site for a salvage yard.

Gina Kohrs, 2610 390<sup>th</sup> Street, Spencer, lives directly east of the proposed salvage yard property. Mrs. Korhs informed the Zoning Commission that even with the additional 20' of setback she would still be able to see the junk because of the lay of the land.

Rod Dillard, 2735 390<sup>th</sup> Street, Dickens discussed the watershed in the area. Mr. Dillard indicated that the property is in the flood plain and that water leaving the property empties directly into the river ½ mile to the east. He realizes the Gustoff's have been in the area a long time but this is not a proper site.

Bob Dillard, 2830 Highway 18, Dickens discussed the hazardous materials of a salvage yard. EPA is very sensitive to the issue. Salvage yards should be placed on level ground. Mr. Dillard indicated this was the worst location he could think of and that Mr. Hemphill and the City Manager of Spencer would not want this across from them. Mr. Dillard also brought up the people who may operate the business after the Gustoff's.

Paul Kasse 4155 225<sup>th</sup> Avenue, Spencer farms the land owned by Gretchen Hagedorn. Mr. Kasse's concerns lie with the road use. The road in front of the proposed salvage yard is the main artery for agricultural use. This is the only place where the bridge crosses the Little Sioux River. Mr. Kasse has concerns with damage to his tractors from salvage cars losing parts on the road.

Lori Adams, 2515 400<sup>th</sup> Street, Spencer questioned whether the entire salvage yard located in the City of Spencer would be moved to the rural location.

Julie Kassel, 4155 225<sup>th</sup> Avenue, Spencer questioned why the City of Spencer could not help the Gustoffs. Spencer is always talking about economic development.

Dean Torreson addressed both Lori Adams and Julie Kassels questions. No, the entire salvage yard located in the City of Spencer would not be moved. As far as economic development there is not enough money to build a new facility in the city limits for the Gustoffs.

Don Hemphill responded to comments. Mr. Hemphill stated that the comments were very appropriate, but that it was also appropriate for the County to take part in salvage yards. Salvaging today is not what it was when the Gustoff's started. They are just putting forth a reasonable proposal. Salvage yards receive hundreds of cars every year that are no longer used. The City of Spencer meets the bulk of the needs and the County does little for industry.

Following all discussion, it was moved by Bonny Swart, seconded by Debra Johnson to recommend to the Board of Supervisors that the petition of Gustoff Farms, Inc., 2580 390<sup>th</sup> Street, Spencer, IA 51301, for a change in zoning from A-1 Agricultural classification to I-2 Heavy Industrial and for a special use permit to use the property for automobile, tractor or machinery wrecking and used parts sales in the East One-Half (E ½) of the Southeast Quarter (SE ¼), Except the North 60 acres, the East 5 acres of the South 20 acres and the South 50 feet, all in Section 34, Township 96 North, Range 36 West of the 5<sup>th</sup> P.M., Sioux Township, Clay County, Iowa, be denied. Swart, Johnson, Smith, voted aye. Petersen abstained. Motion carried.

There being no further business, the meeting was adjourned at 8:10 p.m.

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Debra Johnson - Secretary

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

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

It was moved by Robert White, seconded by L.R. Petersen, to approve the minutes of meeting number 217 on February 24, 2003. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 12-03 of Rodger & Beverly Carstensen, 718 East 5<sup>th</sup> Street, Spencer, Iowa, for a special exception use permit for a non-farm dwelling located in the Southeast Quarter SE ¼ of Section Twenty-eight (28), Township Ninety-seven (97) North, Range Thirty-seven (37) West of the 5<sup>th</sup> P.M., Summit Township, Clay County, Iowa, which will be four (4) acres, more or less.

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 April 23, 2003. No written objections were received.

Rodger & Beverly Carstensen, 718 East 5<sup>th</sup> Street, Spencer, Iowa were present to explain the application.

Also in attendance was Douglas Rutter, 107 West 9<sup>th</sup> Street, Spencer, Iowa owner of the above-described property. Mr. Rutter is in support of the proposed special exception use permit.

Following all discussion, it was moved by L. R. Petersen, seconded by Robert White to recommend to the Board of Adjustment that the petition of Rodger & Beverly Carstensen, 718 East 5<sup>th</sup> Street, Spencer, Iowa, for a special exception use permit for a non-farm dwelling located in the Southeast Quarter SE ¼ of Section Twenty-eight (28), Township Ninety-seven (97) North, Range Thirty-seven (37) West of the 5<sup>th</sup> P.M., Summit Township, Clay County, Iowa, which will be four (4) acres, more or less, be approved. All those present voted aye. Motion carried.

The next meeting was scheduled for Monday, May 19, 2003 at 7:00 p.m. in the Board of Supervisors Room.

There being no further business, the meeting was adjourned at 7:30 p.m.

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Tammy McKeever – Secretary Pro-Tem

Vice -chairperson Keith Kruse called the meeting to order at 7:00 p.m.

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

It was moved by L.R. Petersen, seconded by Robert White, to approve the minutes of meeting number 218 on April 28, 2003. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 15-03 of Michael Leonard, 2210 300<sup>th</sup> Street, Spencer, Iowa for a change in zoning from A-1 Agricultural classification to C-2 Commercial and for a special use permit to use the property for an auto dealership on a tract of land in the Southwest Quarter of Section 18, Township 97 North, Range 36 West of the Fifth Principal Meridian, 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 May 9, 2003. No written objections were received.

Michael Leonard, 2210 300<sup>th</sup> Street, Spencer, Iowa was present to explain the application.

Following all discussion, it was moved by Robert White, seconded by L. R. Petersen to recommend to the Board of Supervisors that the petition of Michael Leonard, 2210 300<sup>th</sup> Street, Spencer, Iowa for a change in zoning from A-1 Agricultural classification to C-2 Commercial and for a special use permit to use the property for an auto dealership on a tract of land in the Southwest Quarter of Section 18, Township 97 North, Range 36 West of the Fifth Principal Meridian, Meadow Township, Clay County, Iowa, be approved. Swart, Smith, Petersen & White voted aye. Johnson voted nay. Motion carried.

There being no further business, the meeting was adjourned at 7:30 p.m.

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Debra S. Johnson – Secretary

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

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

It was moved by L.R. Petersen, seconded by Robert White, to approve the minutes of meeting number 219 on May 19, 2003. All those present voted aye. Motion carried.

It was moved by L.R. Petersen, seconded by Keith Kruse to nominate Sharon McKeever as secretary of the Zoning Commission. Robert White moved that nominations cease and a unanimous ballot be cast, seconded by Bonny Swart. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 24-03 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 South One-Half of the Northeast Quarter of Section 12, Township 95 North, Range 38 West, Fifth Principal Meridian, Clay 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 13, 2003. The following written objection was received.

August 18, 2003  
Royal, Iowa 51357

Dear Gentlemen,

I oppose the installation of a communication tower next to my property. It is an agricultural zone.

The communication tower would be an eyesore. Also, it would lessen the value of my property and be a nuisance.

In addition, the communication tower might be a potential health risk with the transmission of the waves. Finally, it is not the place to put a tower in a residential area.

In conclusion, I do not want a communication tower next to my house. I am justly opposed to such an endeavor. Thank you.

Sincerely,

Lucille Walstrom  
Sharon Wessling, daughter

Dean Lonning, Wireless Network Management, P O Box 164, Milford, Iowa was present to explain the application. The communication tower will be a three legged free standing tower approximately 190'. Wireless Network Management will do cleanup on the property. Fans in the building would face away from the homes. There are no health risks associated with a communication tower. This is a prime location to provide service to Royal. Wireless Network Management would sell the remaining property unused for the communication tower. Electrical service to the tower would be underground.

Also in attendance were Lucille Walstrom, Douglas Walstrom, Alfred J. Wessling, Shawn Walstrom Wessling, Kathy Walstrom, Dennis Galloway, Jim Christensen, Dwight Schmidt, and Jim Ginger all of Royal. All were in attendance to object to the petition. Concerns from the attendees included: eyesore, tower collapsing, competition to already existing Royal service, lightening and health risks.

It was brought to attention that not everyone within 500' of the property was notified and that flagging had not been done by Wireless Network Management.

Following all discussion, it was moved by Robert White, seconded by Bonny Swart to recommend to the Board of Adjustment that the petition 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 South One-Half of the Northeast Quarter of Section 12, Township 95 North, Range 38 West, Fifth Principal Meridian, Clay Township, Clay County, Iowa, be resubmitted due to improper notification and flagging. All those present voted aye. Motion carried.

The next meeting was scheduled for September 15, 2003 at 7:00 p.m. in the Board of Supervisors Room.

There being no further business, the meeting was adjourned at 7:52 p.m.

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Tammy McKeever – Secretary Pro-Tem

The Clay County Zoning Commission met September 15, 2003, 7:00PM in the Clay County Board of Supervisors Room in the Clay County Administration Building. Vice-chairperson, Keith Kruse, called the meeting to order at 7:08PM. Those in attendance were Bonny Swart, Rita Smith, Keith Kruse, Robert White, Colleen Anderson and Sharon McKeever, and Tammy McKeever, Zoning Officer. Absent-L. R. Petersen.

Motion by Swart, second by White to accept and approve the minutes of August 18, 2003. Motion carried.

The time having arrived for the public hearing on petition number 31-03 of John Fischer, 22711 590<sup>th</sup> Street, Pomeroy, Iowa to change the zoning classification from Lake Residential to C-1 Commercial and a special permit to use the property for the a storage business on Lots 7, 8, 9, 10, 11, 12, 13, Block "A" of the plat of Sumner Beach in Government Lots 5 and 6, Section 36, Township 97 North, Range 35 West of the 5<sup>th</sup> P.M., 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 Daily Reporter on September 10, 2003. No written objections were received.

John Fischer, 22711 590<sup>th</sup> Street, Pomeroy, IA was present to explain the petition. John Fischer and his parents own the above-described property. They had anticipated developing but have not done so to date. The Fischer's thought the lots were zoned commercial and had been approached to sell. The property located to the East and West of these lots is zoned C-1 Commercial.

Also in attendance were Bernie & Ann M. Krommendyk, 3291 335<sup>th</sup> Avenue, Ruthven, IA and Rich & Carol Callaghan, 25166 295<sup>th</sup>, Neola, IA. All parties appeared in support of the petitioner.

Following all discussion, a motion was made by Robert White and second by Bonny Swart to recommend to the Board of Supervisors that the petition of John Fischer for a change in zoning from Lake Residential classification to C-1 Commercial and for a special permit to use the property for a storage business on Lots 7, 8, 9, 10, 11, 12 and 13, Block "A" of the plat of Sumner Beach, in Government Lots 5 and 6, Section 36, Township 97 North, Range 35 West of the 5<sup>th</sup> PM, Clay County, Iowa be approved. Motion carried.

The next meeting was scheduled for October 13, 2003, Monday, 8:00PM, in the Board of Supervisors Room, Clay County Administration Building.

There being no further business, motion by McKeever, second by White to adjourn. Meeting adjourned 7:43PM.

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Sharon L McKeever, Secretary