

Vice chairperson, Keith Kruse, called the meeting to order at 7:00PM.

Roll Call: Keith Kruse, Rita Smith, Jim Eldridge, L.R. Petersen & Sharon McKeever. Special guests in attendance were Kirby Schmidt, Zoning Administrator, Duane Wilrett, Don Hemphill, City Attorney, Mark Carey, Marge Eeten, Ed Nygaard, Donna Fisher, City Clerk, Dick Thiessen.

The Clay County Zoning Commission and the Spencer Planning and Zoning Commission met to discuss present and future plans in the development of possible subdivisions with in a 2-mile area of the City of Spencer. Discussion was extensive and very informative. A future joint meeting will be planned. The city will bring updated maps and any or more available information regarding zoning plans.

The Clay County Zoning Commission extended their appreciation of the Spencer Planning and Zoning Commission attending their meeting, and look forward to a future joint meeting.

Motion by L. R. Petersen, seconded by Rita Smith to approve and accept the minutes of meeting number 234 held December 12, 2005, with the correction of "Following all discussion a motion was made by L. R. Petersen and seconded by Robert White to recommend to the Board of Adjustment.....". All those present voted aye. Motion carried.

The next item of business was the election of officers. Motion by Rita Smith, seconded by L. R. Petersen to nominate Keith Kruse as Chairman. No other nominations from the floor were received. All those present voted aye. Motion carried. Motion by L. R. Petersen, seconded by Rita Smith to nominate Jim Eldridge as Vice Chairman. No other nominations from the floor were received. All those present voted aye. Motion carried. Motion by L. R. Petersen, seconded by Rita Smith to nominate Sharon McKeever as Secretary. No other nominations from the floor were received. Motion carried. Motion by L. R. Petersen, seconded by Jim Eldridge to accept all the candidates by unanimous ballot. All those present voted aye. Motion carried.

Tammy McKeever, Zoning Administrator indicated that currently there are no set backs for the Highway C-2 Commercial District in the Clay County Zoning Ordinance. Discussion and plans for adjustment will be handled at a future meeting.

Motion by L. R. Petersen, seconded by Jim Eldridge to adjourn. Meeting adjourned 8:45PM.

Secretary,

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Sharon L. McKeever

Chairman, Keith Kruse, called the Clay County Zoning Commission meeting to order at 7:05 P.M.

On Roll Call: Keith Kruse, Bob White, Tammy McKeever, Colleen Anderson, Pete Peterson and Sharon McKeever. Absent: Rita Smith and Jim Eldridge.

Motion by Robert White, seconded by L. R. Petersen to approve and accept the minutes of meeting number 235 on January 23, 2006, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 06-06 of Chad Bjork, 50768 150<sup>th</sup> 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 (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. The property is zoned A-1 Agricultural and wind turbines are permitted as a special use.

Chad Bjork and Phil Sundblad were present to explain the application. The wind turbine would be locally owned by a group of farmers incorporated as Cross Wind Energy. The power would be sold to Cornbelt out of Humboldt and generate 2.1 mega watts. The land will be leased from Leo Stephas. The towers are 80 meters and the blades are approximately 150 feet each. The turbines are computer operated and generate 2.1 mega watts. FFA permits are required and would not interfere with cell phones.

Tom Carter was present to express concern over property deterioration and noise irritation. Mr. Carter would prefer not to look at a wind turbine everyday.

Following all discussion it was moved by Robert White, seconded by Colleen Anderson to recommend to the Board of Adjustment that petition number 06-06 of Chad Bjork, 50768 150<sup>th</sup> 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 (10) acres northeast corner, Logan Township, Clay County, Iowa, be granted.

The time having arrived for the public hearing on petition number 07-06 of Mark Jensen, 1221 Steuben Street, Sioux City, IA for a heavy industrial district use permit for a Ready Mix Concrete Plant on property located in the Northwest Quarter of Section 9, Township Ninety-six, Range Thirty-seven West of the 5<sup>th</sup> P.M. 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.

Mark Jensen, 1221 Steuben Street, Sioux City, Iowa was present to explain the application. The purpose being a ready mix concrete plant under the name of Lakes Ready Mix. Approximate cost of work involved is \$50,000.00.

Also present was Mark Feldman, Anhydrous Ammonia Manager. Mr. Feldman indicated there is a 2" natural gas line approximately 3' deep with 300 lbs of pressure that angles across the property where the ready mix concrete plant is located.

Following all discussion it was moved by Robert White, seconded by L. R. Petersen to recommend to the Board of Supervisors that petition number 07-06 of Mark Jensen, 1221 Steuben Street, Sioux City, IA for a heavy industrial district use permit for a Ready Mix Concrete Plant on property located in the Northwest Quarter of Section 9, Township Ninety-six, Range Thirty-seven West of the 5<sup>th</sup> P.M. Riverton Township, Clay County, Iowa, be granted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 08-06 of Dana Kramer, 15 East 25<sup>th</sup> Street, Spencer, Iowa, for a special exception use permit for a house 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.

Dana & Nancy Kramer, 15 East 25<sup>th</sup> Street, Spencer, Iowa, were present to explain the application. They have an option to purchase approximately 2 acres and would like to build a home on this property. Mr. and Mrs. Kramer both recognized the fact that the anhydrous ammonia facility is one (1) mile North of their proposed located.

Following all discussion it was moved by L. R. Petersen, seconded by Robert White to recommend to the Board of Adjustment that petition number 08-06 of Dana Kramer, 15 East 25<sup>th</sup> Street, Spencer, Iowa, for a special exception use permit for a house in the Northeast ¼ of the Northeast ¼, Section 17, Township 96 North, Range 37 West, Riverton Township, Clay County, Iowa be granted. All those present voted aye. Motion carried.

There being no further business, Chairperson, Keith Kruse adjourned the meeting. Meeting adjourned at 8:00 PM.

Respectfully submitted,

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Sharon L. McKeever, Secretary

Chairman, Keith Kruse, called the Clay County Zoning Commission meeting to order at 7:00PM.

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

It was moved by Colleen Anderson, seconded by Robert White to approve the minutes of Meeting No. 236 on April 24, 2006, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 11-06 of Jon M. Hjelm for a change in zoning from A-1 Agricultural District to R-1 Agriculture Residential District and on the preliminary plat of River Bend Estates, located in the North Half of the Southeast Quarter (N1/2SE1/4) AND the North Half of the Southwest Quarter (N1/2SW1/4), all Section (14), Township Ninety-six (96) North, Range Thirty-seven (37) West of the Fifth Principal Meridian, 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.

Jon Hjelm, owner of River Bend Estates, was present to explain the application. Mr. Hjelm presented a Preliminary Plat of River Bend Estates, Attorney's Preliminary Title Opinion, River Bend Estates Protective and Restrictive Covenants, Certificate of Property Owners within 500' of the property, and a township map.

Also in attendance were Ronald Phillips, 2069 355<sup>th</sup> Street, Spencer, Kirk and Sue Anderson 2065 355<sup>th</sup> Street, Spencer, and Vern and Sandra Olberding, 2570 200<sup>th</sup> Avenue, Spencer. Kirk and Sue Anderson voiced a concern regarding the impact on wildlife in the area and Ronald Phillips voiced an objection to the subdivision because it is not conducive with agricultural activity. Vern and Sandra Olberding are in favor of the subdivision.

Discussion was had on the size of the outbuildings and the lots within the floodplain.

Following all discussion, it was moved by Colleen Anderson, seconded by L.R. Petersen to recommend to the Board of Supervisors to approve a change in zoning from A-1 Agricultural District to R-1 Agriculture Residential District on land located in the North Half of the Southeast Quarter (N1/2SE1/4) AND the North Half of the Southwest Quarter (N1/2SW1/4), all Section (14), Township Ninety-six (96) North, Range Thirty-seven (37) West of the Fifth Principal Meridian, Clay County, Iowa. EXCEPT the following: A parcel of land in the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa described as follows to-wit: Beginning at the southwest corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point of beginning north 01°18'42" east (north 01 degrees 18 minutes 42 seconds east) along the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 323.51 feet; thence south 89°44'45" east a distance of 313.43 feet; thence south 01°03'16" west a distance of 324.44 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 14; thence north 89°34'21" west along the south line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 314.87 feet to the point of beginning. All bearings stated in this description are based on the assumption that the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 has a bearing of north 01°18'42" east. The area of the above parcel of land is 2.336 acres which included 0.245 acres of highway right-of-way, 33 feet in width, along the west line of the above described parcel of land, (the "Real Estate"). Colleen Anderson, Jim Eldridge, L. R. Petersen, Robert White & Sharon McKeever voted aye. Rita Smith voted naye. Motion carried.

Following all discussion, it was moved by Colleen Anderson, seconded by Jim Eldridge, to recommend to the Board of Supervisors to approve the Preliminary Plat of River Bend Estates located in the North Half of the Southeast Quarter (N1/2SE1/4) AND the North Half of the Southwest Quarter (N1/2SW1/4), all Section (14), Township Ninety-six (96) North, Range Thirty-seven (37) West of the Fifth Principal Meridian, Clay County, Iowa.

EXCEPT the following: A parcel of land in the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa described as follows to-wit: Beginning at the southwest corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point of beginning north 01°18'42" east (north 01 degrees 18 minutes 42 seconds east) along the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 323.51 feet; thence south 89°44'45" east a distance of 313.43 feet; thence south 01°03'16" west a distance of 324.44 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 14; thence north 89°34'21" west along the south line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 314.87 feet to the point of beginning. All bearings stated in this description are based on the assumption that the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 has a bearing of north 01°18'42" east. The area of the above parcel of land is 2.336 acres which included 0.245 acres of highway right-of-way, 33 feet in width, along the west line of the above described parcel of land, (the "Real Estate") subject to clarification from the Iowa Department of natural Resources regarding floodplains/wetlands and that no building be allowed in the flood plain area. Motion by L.R. Petersen, seconded by Robert White to amend the original motion to also include the out building size be changed from a maximum of 6,000 square feet to a maximum of 4,000 square feet. All those present voted aye. Amended motion carried. All those present voted aye. Original motion carried.

There being no further business a motion was made by Robert White, seconded by L. R. Petersen to adjourn. All those present voted aye. Motion carried. Chairman Keith Kruse adjourned the meeting at 8:08PM.

Respectfully submitted,

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Sharon L. McKeever, Secretary

Vice Chairman, Jim Eldridge, called the Clay County Zoning Commission meeting to order at 7:10 PM.

On Roll Call: Colleen Anderson, Robert White, Jim Eldridge, and Sharon McKeever.

Motion by Colleen Anderson, seconded by Robert White to approve and accept the minutes of Meeting No. 237 on June 5, 2006, as submitted. All those present voted aye. Motion carried.

Tammy McKeever, Zoning Officer announced that due to the absence of the applicant, Greg Reif, no action could be taken the zoning commission.

Motion by Colleen Anderson, seconded by Robert White that no action would be taken on the Special Use Application for Greg Reif. A subsequent meeting would be held August 7<sup>th</sup>, 7:00PM. All those present voted aye. Motion carried.

Motion by Robert White, second by Colleen Anderson to adjourn. All those present voted aye. Motion carried. Meeting adjourned 7:15PM.

Respectfully submitted,

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Sharon McKeever, Secretary

Chairperson, Keith Kruse, called the Clay County Zoning Commission meeting to order at 6:35 PM.

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

Motion by L. R. Petersen, seconded by Robert White to approve and accept the minutes of Meeting No. 238 on July 31, 2006, as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 21-06 of Jon M. Hjelm on the final plat of River Bend Estates, located in the North Half of the Southeast Quarter (N1/2SE1/4) AND the North Half of the Southwest Quarter (N1/2SW1/4), all Section (14), Township Ninety-six (96) North, Range Thirty-seven (37) West of the Fifth Principal Meridian, 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.

Jon Hjelm, owner of River Bend Estates, was present to explain the application. There will be a 50' setback of hedges. The outbuildings will be no larger than 4,000 square feet. The concrete manure pit has been removed.

Also in attendance was Scott Rinehart, Clay County Engineer. Mr. Rinehart will make a recommendation to the Board of Supervisors once he has received final plans for the roads from Mr. Hjelm. Ron Jacobsen, 3580 200<sup>th</sup> Avenue, Spencer, Iowa was also present to observe. No comments by Mr. Jacobsen.

Following all discussion, it was moved by L. R. Petersen, seconded by Robert White, to recommend to the Board of Supervisors to approve the Final Plat of River Bend Estates located in the North Half of the Southeast Quarter (N1/2SE1/4) AND the North Half of the Southwest Quarter (N1/2SW1/4), all Section (14), Township Ninety-six (96) North, Range Thirty-seven (37) West of the Fifth Principal Meridian, Clay County, Iowa. EXCEPT the following: A parcel of land in the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa described as follows to-wit: Beginning at the southwest corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point of beginning north 01°18'42" east (north 01 degrees 18 minutes 42 seconds east) along the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 323.51 feet; thence south 89°44'45" east a distance of 313.43 feet; thence south 01°03'16" west a distance of 324.44 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 14; thence north 89°34'21" west along the south line of the Northwest Quarter of the Southwest Quarter of said Section 14 a distance of 314.87 feet to the point of beginning. All bearings stated in this description are based on the assumption that

the west line of the Northwest Quarter of the Southwest Quarter of said Section 14 has a bearing of north 01°18'42" east. The area of the above parcel of land is 2.336 acres, which included 0.245 acres of highway right-of-way, 33 feet in width, along the west line of the above-described parcel of land, (the "Real Estate"). All those present 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 exception use permit for a wireless communication tower 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 sight technology. This is for cell phones.

Following all discussion, it was moved by Robert White, seconded by Jim Eldridge, to recommend to the Board of Adjustment to approve the special exception use permit for a wireless communication tower in the Southwest ¼ of the Northeast ¼, Section 28, Township 94 North Range 38 West, Peterson Township, Clay County, Iowa. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 18-06 of Evertek Inc, 216 N Main Street, Everly, Iowa 51338 for a special exception use permit for a wireless communication tower 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 was present to explain the application. This land will be leased. This will also be a 240' self-supporting tower with line of sight technology used for cell phones.

Following all discussion, it was moved by L. R. Petersen, seconded by Robert White, to recommend to the Board of Adjustment to approve the special exception use permit for a wireless communication tower in the Northeast ¼, Section 36, Township 95 North Range 37 West, Lincoln Township, Clay County, Iowa. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 14-06 of Greg Reif, 2319 260<sup>th</sup> 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 5<sup>th</sup> 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 Rita Smith, seconded by Jim Eldridge, to recommend to the Board of adjustment to approve the 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 5<sup>th</sup> P.M., Summit Township, Clay County, Iowa. All those present voted aye. Motion carried.

Motion by Rita Smith, second by Jim Eldridge to adjourn. All those present voted aye. Motion carried. Meeting adjourned 7:55PM.

Respectfully submitted,

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Sharon McKeever, Secretary

Chairperson, Keith Kruse, called the Clay County Zoning Commission meeting to order at 7:31PM.

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

Motion by Robert White, seconded by Rita Smith to approve and accept the minutes of Meeting No. 239 on August 28, 2006, as submitted with the removal of the next to last paragraph on page 2.. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 27-06 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 on land located in the North 200 feet of the South 320 feet of the West 200 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. The legal description is to be finalized by a survey. A plat was provided.

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.

One attendant, Walt Kline, asked questions and voiced concerns regarding possible health issues. A buffer zone was discussed and a possible solution to diminish noise and visual site.

Following all discussion it was moved by Colleen Anderson, seconded by Robert White to recommend to the Board of Adjustment to approve the special use permit to construct an electric substation on land located in the North 200 feet of the South 320 feet of the West 200 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, subject to Interstate Power & Light Company providing an aravita barrier. Discussion. 5 Ayes, 1 No. Motion carried.

The time having arrived for the informal preliminary meeting of Larry Swingen and Scott Shevel, regarding the Larry Swingen Subdivision, in the Sumner Beach platting area. A drawing of the area was presented for discussion.

Motion by Jim Eldridge, seconded by Colleen Anderson to adjourn. All those present voted aye. Motion carried. Meeting adjourned 8:25 PM.

Respectfully submitted,

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Sharon McKeever, Secretary