

**MINUTES OF THE CLAYTON COUNTY
ZONING BOARD OF ADJUSTMENT
January 18, 2022**

Members Present: Ron Sass, Jim Smith, Linzy Martin

Persons Present on Conference Call: Sandi Coobs

Others Present: Patti Ruff, Sam Willet, Chad Ruegnitz, Gary and Sue Meyer, Andrew and Amy Phelps. Harold and Linda McMillin, Erik and Logan Peterson, Wil and Kari Doepke, Karen and Rick Kreiman, Peter Arling

Call to order . Meeting was called to order at 6:00 p.m.

Approval of the Minutes : Minutes from the December 2021 were approved with Linzy Martin making the motion and Jim Smith seconding that motion.

Election of Chair and Vice Chair was tabled until the next meeting.

Appeal #202 2-01 Sam Willet; Variance to Ordinance requirements from 40 feet from Right of Way to 17 feet from Right of Way of Kiln Road on Lot One (1) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) in Section Thirty-four (34), Township Ninety-two (92), Range Three (3) West of the Fifth Principal Meridian, Clayton County, Iowa.

Sam Willet presented his request to be closer to the front right of way than what is allowed in the Zoning Ordinance. He stated he would like to put up a bunk house for hunting purposes. The hillside drops off and is wet closer to the timber where the cabin would be if he adhered to the setbacks. Amy Phelps, neighbor to Mr. Willet is concerned about parked cars along the road and the closeness of the cabin to the road. They farm and run big machinery on the road which take up the entire road width and they are worried about congestion. Also, Mrs. Phelps asked if it was for private use and not guide hunting services. Mr. Willet assured her it was strictly for private use. Linzy made the motion to approve the variance to be 17 feet from the front right of way. Jim Second the motion. All voted in aye. Motion Carried.

Appeal #2022-02 Special Exception to the Use for a 100-foot wireless internet tower located at 26791 Great River Road in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) excluding Lot One (1) and Lot (2) of Section Twenty-nine (29); Township Ninety-two (92) Range Two (2) West of the Fifth Principal Meridian, Guttenberg, Clayton County, Iowa.

Chad Ruegnitz representing Alpine presented the details of the wireless internet tower Alpine is wishing to install on the Shirley Moor property. The tower would serve the Abel/ Esmann Island area along with a portion of Wille's Resort. They will not lease off the tower. Because the height is only 100 feet tall, no lighting is required. The tower has the potential to reach over 300 locations.

Sandi Coobs asked if this was one of many towers that would be going up as in a networking situation? Mr. Ruegnitz said, no. This would be only one tower to serve an underserved area. The goal of the tower is to increase speed not necessarily increase usage.

Patti Ruff read two letters she received via email from Larry and Anne Meyer and David and Dawn Hermann who voiced their opposition to the location of the tower adjacent to the Clayton Heights Subdivision where they reside. Patti then read a letter presented by the Kreiman's voicing their opposition to the location of the tower.

Sandi asked Chad why this site was chosen versus the other site locations that they looked at. Chad stated it came down to the location and the height of the tower to keep it under the 200 feet and lighting requirements the FAA would require. Also, the wireless internet goes by line of sight. This location at this height gives the best line of sight for the residences they are trying to serve.

Gary Meyer asked if Alpine was aware of an old barn foundation being in the area of where the tower would be located. Chad with Alpine said, yes the were aware and prepared for the extra expense if that was the case.

Peter Arling, an attorney for the Kreiman's, discussed the fact of the location being in the bluff lands of the Mississippi and potential impact as well as the delicate nature of being directly next to a residential area. Even though it is zoned A-1, being adjacent to a residential subdivision perhaps may not be the best use of the property.

Will Doeppke questioned whether fiber optics had been explored as an option to getting high-speed internet to the Island. Chad said that it had been explored a few years ago, and the cost would be \$10,000-\$12,000 per household. The tower is a more viable option. Plus, the Corp of Engineers did not give Alpine a clear answer on if the road leading out to the Island is a Levee and if burying fiber would cause structural issues.

Comment was made the tower would have no benefit to the Clayton Heights Subdivision.

Chad agreed.

Discussion between members focused on the benefits of the tower for many versus at the expense of a few. Linzy wondered if the appeal was tabled, could Alpine come back with alternate sites as well as a cost analysis on the tower versus fiber? Also, if Chad could speak for Alpine as to writing in contingents for never leasing tower space, nor going any taller to avoid lights and greater visual interference to the subdivision. Chad said yes on all accounts.

It was agreed that 30 days was enough time for Alpine to gather the necessary information. The appeal was motioned by Linzy and Second by Jim Smith to be tabled until February 15th at 6pm where Alpine can present said information. All voted aye. Motion Carried.

Discussion on Solar/Wind Ordinances; The members discussed with Patti a workshop was warranted to look in depth at our ordinances, and at the subject of solar and wind in general. A future date will be set for the workshop.

Adjourn 7:23pm