

**MILLS COUNTY
ZONING BOARD OF ADJUSTMENTS**

403 Railroad Avenue
Glenwood, IA 51534

MEETING MINUTES

Meeting Date:	<i>March 24, 2015</i>	Time Called to Order:	<i>6:30 PM</i>
---------------	-----------------------	-----------------------	----------------

		Present	Absent
BOARD MEMBERS	DeShawne Bird-Sell <i>(Chair)</i>	X	
	Patrick Collins	X	
	Cory Leick	X	
	Richard Biermann	X	
	Melanie Wilgenbusch	X	
COUNTY STAFF ATTENDEES	Darin Whatcott <i>(Zoning Official)</i>	X	
	Richard Crouch <i>(Board of Supervisors)</i>	X	
	Holly Jackson (Zoning Technician)	X	

General meeting notes and minutes:

1. Approve meeting agenda.
Biermann motion to approve, 2nd by Collins: Motion carried.

2. Approve minutes from previous meeting on February 24, 2015.
Wilginbusch motion to approve, 2nd by Biermann: Motion carried.

3. New Business:
Discussion/Formal Action on Special Use Permit #15-002 for the proposal to erect a free standing 72-foot communications tower; to deliver more suitable internet service to the rural residents and businesses in the area; at 23226 Centre Drive on the property of the existing Lake Ohana Market site, along Barrus Road & 230th Street in the Oak Township. [Sect 13/Twp 73/Rng 43—Brief Property Description: Lot 1 Lake Ohana Centre].
Due to a family emergency, Applicant was not available to present. Special Use Permit Presentation by County Staff, Darin Whatcott.
Applicant's Presentation: Whatcott presented the following to the Board:
 - Application by Spiral Communications states the purpose of erecting a 72-foot free standing communications tower to provide more sustainable internet service to rural residents and businesses in the area. The tower is free-standing without guide wires.
 - Applicant provided a site plan showing the setbacks and where the tower will be constructed and located. Also enclosed with the packet, are photos of the site and proposed tower.

4. Public Comment. No public comment.
5. Staff Report: Mr. Whatcott read the staff report that was provided to the members of the Zoning Board of Adjustment.
6. Board Discussion: The Board discussed the SUP-15-002 with the following points addressed.
 - Previous towers and any issues. Whatcott stated that no issues have arose from previous towers allowed by this Board.
7. Board Action: Motion by Leick to approve SUP #15-002 according to the conditions set forth in the Staff Report provided. 2nd by – Wilgenbusch. Passed with a vote of 5-0.
8. For purposed of the record, Leick has recused himself due to conflict of interest in the next agenda item.
9. Old Business: Re-Discussion/Formal Action on existing Zoning Special Use Permit #12-005 from the August 27, 2013 ZBA meeting and tabled at the February 24, 2015 meeting; for an 18-month second review of this SUP regarding any County and public concerns and/or issues for the existing Resource Extraction of soil materials at the location East of 230th Street and South of Brothers Avenue (Oak TWP) [Sec 12 TWP 73 Rge 43—Brief Legal Description: SW ¼ NW 1/4].
 - a. Applicant presented at the February 24, 2015 meeting.
 - b. Public Comment. Due to a misprint on the Notice originally sent out, those that were not properly notified of the meeting or did not have an opportunity to speak previously are allowed to speak. Four people spoke regarding the existing Special Use Permit SUP-12-005. Comments by public included the following:
 - Will there be a travel survey taken?
 - Number of trucks on the road
 - Vibration/Noise
 - EPA regulations
 - Worried about issue to dog farm
 - What type of soil is this?
 - Erosion
 - Conflict of Interests on the Board
 - Book Submitted to the Board made by a member of the public
 - c. Board Discussion regarding public comment and accusation of conflict of interest among Board Members. No conflict of interest was determined. Discussion continued regarding public comment. Board addressed the public comment, the pending SUP-12-005 and the Staff Report presented. Questions were presented to the Applicant by the Board.
 - d. Staff Report recommendations approved with the addition of performance standards presented by the applicant in the previous minutes from the February 24, 2015 meeting.
 - e. Board Action: Motion by Biermann to approve SUP 12-005. 2nd by Collins. Motion carried. Next meeting to be held May 26, 2015 at 6:30 p.m.
10. Meeting Adjourned:

Motion to adjourn by Wilgenbusch; 2nd by Bierman - Motion carried.
Meeting adjourned.

END