

**Planning Commission  
April 11, 2017  
Linn County Annex**

Members Present: Ed Andersen, Dave Berglund, Fred Kautt, Charlene Sims, George Teagarden

Staff Present: Melissa Fund, Jackie Messer

Charlene Sims called the meeting to order at 7:00 pm; Fred Kautt led the Pledge of Allegiance.

Dave Berglund moved to approve the minutes of the last meeting, Ed Andersen seconded, 5-0.

**New Business**

**Posting Minutes on County Website**

Fred Kautt asked about posting the Planning Commission minutes on the county website, Melissa Fund advised that could be done, we would just need to notify Chris Martin, discussion about posting minutes.

Fred Kautt moved that the minutes from the Planning Commission be posted on the county website so that anyone could access them. George Teagarden seconded, 5-0.

**CUP 17-001- Midwest Connections tower installation**

Larry Stanislaus, General Manager with Midwest Connections, provided a background on the company and the services they provide in the area. Midwest is currently leasing a tower southeast of Parker, which is not capable of meeting their customer demands. The current tower is only 120 feet tall and their service relies on radio waves for transmittal, so anything that blocks sight lines blocks the service.

CUP is for a 180' tower located east of Parker on land owned by Allen Silver. This height keeps them under the 200' threshold, so they will not require FCC approval. The tower will be guyed with 3 wires at 120 degree angles. The site will also have a permanently anchored 8' x10' building for equipment. Because of the distance from power lines, the tower will be powered by (6) 250W solar cells and a wind turbine. The solar panels will be 2' x 4' feet and will be mounted on a stand that is anchored into the ground. The wind turbine will have a 6' radius, and be approximately 20' in the air.

Larry reported that the company is servicing 93 customers with their current tower, they feel they will gain at least 40 additional customers with installation of the new tower.

Dave Berglund wanted to know if they are using a repeater signal for transmission, Larry stated it was similar. Dave then advised he had been at a RWD meeting where another internet provider with similar service was stating they had already saturated this service area, they are using water towers for installation of their equipment. Discussion about the different providers and how they provide service. Larry advised that they do use water towers for some of their locations, however there was not a suitable tower already in the Parker area. The company felt that if they used an existing structure it would most likely cause them to lose some of their current service area, which is why they are wanting to install a new tower.

Charlene Sims asked who else was on the current tower Midwest Communications uses. Larry advised no one was, it is owned by American, who is a large tower provider. They buy towers when they become available and

then lease the space out. Discussion about disadvantages of leasing a tower vs. the advantages of the company owning their own tower.

Charlene Sims wanted to know if Midwest Communications would allow other companies to use their tower- Larry advised they probably would not, but they would be willing to provide a space for Linn County government use, provided the spectrum/frequency would be compatible with their equipment. Larry did advise the only thing to consider would be the energy resources available on this tower; if the County adds additional equipment they would possibly need to add additional solar panels to power it.

Ed Andersen wanted to know about battery back-up capabilities for the equipment. Larry explained that tower will have a 3 day capacity if there is no additional power coming into the system. Midwest does have emergency generators, etc., available that can be brought to site within a few hours if needed.

Ed Andersen asked how the land is currently being used. Larry advised it is currently in CRP, however the owner will be pulling the tower site out of CRP.

Ed Andersen asked how far the tower will be from the residence, Larry advised tower will be over 1000' from residence on the property and from the adjacent roadway.

Charlene Sims advised that the Board normally requires that towers be removed within one year if they are no longer being used. Larry Stanislaus advised that their contracts with land-owners stipulate they remove the tower within 60 days if it is no longer being used.

Ed Andersen asked if they will sell their tower to another company if it is not being used. Larry Stanislaus advised they would not, the only reason they would abandon this tower would be if alternate technology became available to provide service to all of their customers that are west or north of this tower.

Charlene Sims confirmed that reason for this request is that their current tower is not tall enough to meet their customer's needs and it is not in a location to service all customers. Larry confirmed this was correct.

Fred Kautt wanted clarification on who their customers are- Larry Stanislaus explained that they are paying customers who subscribe to internet service, Larry advised that tower will provide the same options and speeds to all customers.

Ed Andersen asked if the company will access the tower from 2100 road. Larry advised that their lease gives them access through the same driveway as the residence on the property, they will then gravel a small section back to the tower.

Charlene Sims asked for public comment:

Bob Newport reported that he opposes the tower as he feels that it competes with Peoples and other existing service providers in the area. He also feels that Midwest should utilize an existing water tower or else site the new tower on higher ground to the west of the proposed site. He also has concerns about the noise level of the tower.

Larry Stanislaus explained the coverage area for the new tower will only be 7-8 miles, and that the new tower needs to be over 130 feet, which eliminates existing water towers in the area. The new tower should have no

noticeable noise- the solar panels will not generate any noise, the wind turbine will make minimal noise, but should not be able to hear that from the road, etc.

Bob Newport wants to know the cost of tower- Larry said he would provide that information to the Board if requested. Bob wants to know what kind of revenue the county will make on the tower, Larry advised that would be determined by the county appraiser, he is not sure what they are paying for taxes on their other towers.

The Board asked if any letters received from surrounding landowners, Melissa Fund advised there were not, Bob Newport confirmed he did not send a letter either.

Charlene Sims reviewed the staff findings on the tower, including the conditions that Midwest Communications meets all federal and state guidelines, and that they will provide one space for Linn County to install communications equipment as needed. Charlene Sims also requested that Midwest have a phone number listed on the tower so they can be contacted if any problems. Midwest agrees to the conditions.

Bob Newport wanted to know if there will be any flashing lights on the tower- Midwest advised since it is less than 200 feet it will not have any lights on it. Further discussion about the size and specifics of the tower and related structures.

Bob Newport states he just doesn't see how there are that many people in the area who need internet from Midwest, he believes the market is already saturated. Larry advised he already has a list of customers who would like to join once the tower is available. Bob is concerned about having to view the tower "for the rest of his life", and how this will affect his plans for developing his property.

Charlene Sims confirmed that the lease is for 5 years, Midwest stated it was.

Bob Newport asks the Board if they will make Midwest remove the tower if he can hear noise from it while deer hunting. The Board stated that would not be a condition of the CUP. Discussion about previous projects that were approved even though there was public concern about noise.

Ed Andersen moved to approve CUP# 17-001 with the conditions recommended by the staff. Dave Berglund wants to add conditions that the CUP is good for 5 years, and that tower be removed if not used for more than 1 year. Ed Andersen also wants Midwest to place a placard on the building with their emergency contact information.

Fred Kautt asked Larry if the public can contact him if there are any other concerns, Larry confirmed they can reach him at (620)432-1011.

George Teagarden seconded the motion to approve the CUP with the stated conditions.

Jackie Messer again asked for confirmation on what type of lights would be on the tower, Larry advised that if you are under 200 feet, the FCC does not require lights on the tower.

5-0 vote.

CUP will be presented to the County Commissioners on 4/17/17.

## **Huff Road**

Charlene Sims introduced county resolution 2017-10, notice of the intent of the County Commission to declare certain portions of Huff Road minimum maintenance.

Discussion about where Huff Road is located, Melissa Fund advised it has been renamed to W 1475 road and is north of Mound City on K7 highway, near W 1525 road.

Dave Berglund motioned to approve the resolution, Ed Andersen seconded, 5-0 vote

## **Old Business**

### **Review of Zoning Districts**

Charlene Sims advised she had looked again at Future Land Use map near page 154 of the Comp Plan. When she compares it to the Existing Land Use map, near page 96, the two maps don't match as far as types of use, etc. She advised the idea is to have the types of land use listed in the comp plan match our definitions in the zoning regulations.

Dave Berglund thinks that the comp plan was adopted from another county and the map legends apparently weren't changed to match our definitions.

George Teagarden wants to know if the future land use classifications can be downgraded to allow for development other than what is specified. Charlene Sims thought they could, that if someone wants to build a house in a future commercial district they could, but we wouldn't allow someone to build an industrial park in what was intended to be a residential area, etc.

Dave Berglund thought would be best to let Meghan Swanson return to work and review the issue so that she can advise the board as well.

Charlene Sims stated she does not like how broad the allowed uses in some of the zoning districts are, especially for districts like Highway Retail. She feels that the Board needs to consider narrowing the type of businesses that are allowed in each district, or that we move towards requiring every business to have a CUP. Our current definitions allow a wide variety of businesses to start operations without any oversight from the Board.

Dave Berglund advised that he prefers CUPs to zoning districts, as it allows land to revert to agriculture if it is not developed. The county has several areas that were zoned with specific projects in mind that never developed, and since those lands are now zoned a certain way, anyone can come in and develop it as long as it meets the regulations for that district.

Discussion about ability of board to rezone land, agreed that that the property owners need to request the re-zoning and that the Board cannot initiate that process independently.

Charlene Sims re-iterated that she wants to update the definitions, discussion about the process and different types of zoning districts. Dave Berglund would like to see how other counties have developed their zoning regulations, etc., he believes that our regulations were originally based on Miami county regulations. Discussion tabled for a future meeting. Staff will try to get additional information on zoning regulations in surrounding counties.

George Teagarden motioned to adjourn, Dave Berglund seconded, 5-0 vote.

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Chairman

Attest:

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Secretary

mef