

**Planning Commission Meeting
December 11, 2018**

Meeting called to order: 7:05 p.m.

Board Members Present: George Teagarden, David Berglund (7:20 PM), Charlene Sims, Ed Andersen, Richard Morrell, Fred Kautt and Secretary Courtney Calkins. **Absent:** Melanie Staton, and Tate West.

Also present: Andy Mayhugh, Planning & Zoning Director.

Pledge of Allegiance led by Fred Kautt.

Minutes were discussed. After discussion, motion by Ed Andersen to approve the minutes of the November 11, 2018 meeting as written. Seconded by Richard Morrell Motion passed 5 - 0.

Staff presented cases to be heard tonight and announced that any case that a recommendation is made by the Planning Commission will be scheduled to be heard by the County Commissioners on 1.02.19

Case # CUP 18008

Midwest Connections Inc. Application to install a 160-foot internet tower.

Present: John Terry GM of Midwest Connections Inc.

Tower to be erected at 24203 1077 Rd. North of Parker. The internet tower's purpose is to serve the immediate area with high-speed wireless internet. They will run a single 20A electrical circuit from the existing main service panel to the tower. This is a community funded tower program for hard to reach areas. They built a tower on the road to Parker about 1 year ago. They have a handful of customers that approached them about helping to build and finance the tower.

Midwest is focusing on a small area (about 2 miles around the tower). Reaching beyond that area is based on terrain. It's wireless high-speed internet. They will not be able to broadcast beyond something like a bluff.

Andy Mayhugh: Since the tower is under 200 feet the FAA doesn't require it to be lit.

Ed Andersen: Where is the access road? It is the Stifter's drive way. Midwest will have 3 days of construction. They will not have any heavy equipment back there other than a 1-ton truck to raise the tower with a winch.

Charlene Sims: We want them (Midwest) to reach as many people as they can. The Parker tower has green Christmas lights on it for decoration purposes.

Fred Kautt: Are towers like this prone to lightning strikes?

John Terry: Yes, all three legs are grounded. The Parker tower had arcing on the guide wires that knocked out the top towers, so lightning can cause issues.

Charlene Sims: How is it powered?

John Terry: A 20-amp circuit by regular electricity. It is not solar. Midwest has one solar powered tower and has had lots of trouble with it.

Fred Kautt: Is this tower considered broad band?

John Terry: Yes, this is broad band. Our company will be the only company on the tower. The owner could change the lease in the future, but optimally Midwest will be on the tower long term.

Staff gave report with recommended findings of:

- Installation is a gain to public welfare.
- It will not detrimentally affect nearby properties and will meet the setback requirements.
- No change in zoning classification is required so the current zoning will continue to conform to zoning nearby.
- Staff recommends approval

And recommended the conditions of:

- A building permit for the tower's construction to be obtained within 1 year of approval.
- If the tower ceases to be used for a period of one year, it shall be removed.
- The applicant shall at least consider co-location of other antenna as they arise.

John Terry: Midwest has worked with other counties on EMS. We want to make sure it is safe and not just leasing tons of space.

Fred Kautt: The tower will not have lights? **John Terry:** No lights.

Ed Andersen: Have you had to take towers down?

John Terry: Yes, it's easier than putting them up. They have taken down two towers.

Richard Morrell: Would you re-use the material after a tear down? **John Terry:** Yes.

Charlene Sims: Anyone else that wants to speak for or against this issue?

Paul Werkowitch: I use their service in Blue Mound. Are they taking an existing tower down to place here or is this an additional tower? **John Terry:** Additional.

Ed Andersen: If the tower isn't in use for one-year Midwest will remove it? Midwest will consider other applicants for use as they come up? **John Terry:** Yes, to both.

Andy Mayhugh: Recommended approval.

Motion made by Ed Andersen to approve the application with staff findings with tower removed after 1 year of no use and Midwest to consider other applicants to lease space if it doesn't interfere with signals. Additionally, Midwest will have their permit within the year. Fred Kautt seconded. Motion passed 6 - 0. Approval goes before the Commission January 2, 2019.

Old Business: Proposed Amendments to Zoning Regulation.

Andy Mayhugh: Just a reminder, we are working on what the applicant must provide to apply for a permit.

David Fisher: Is a land owner near Centerville. David asked to show a PowerPoint Presentation about his safety concerns.

David covered various topics:

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| <ol style="list-style-type: none">1. Shadow Flicker.2. Fire.3. Noise.4. Projectiles/Ice.5. Wildlife6. ADLS system – on demand lighting.7. Independent avian impact study.8. Reduced property values. (<i>Vern</i> | <p><i>Wright spoke about having friends in Iowa whose property values have increased every year for the last 20 years.)</i></p> <ol style="list-style-type: none">9. Turbine Mapping. (<i>Danny Whitcomb asked if there was any information about who pays for</i> | <p><i>ice damage. David Fisher has called his insurance agent. He doesn't currently have an answer.)</i></p> <ol style="list-style-type: none">10. Midwest zoning regulations.11. Setbacks12. Height Limitations |
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The board discussed the presentation at length with public attendees and heard comments from Michael White, Vern Wright, Kevin Sutterby, Hal Aggers and David Fisher.

Charlene Sims ended the discussion with requests for final questions.

The Board took a 10 Minute break at 7:57 pm.

Old Business Continued:

Appendix: Overview: The appendix is based on Allen County. Andy Mayhugh sent it out to other counties and officials for review.

A. Removed "Or industrial" in Intent. We can't restrict Ag use. Would like to insert the word "Exclusively" for Ag purpose.

D. Setbacks. 1.5x is common. Andy Mayhugh recommends making the setback 2000 ft. from non-participating residential structure. Ed Andersen and Fred Kautt agreed.

Richard Morrell asked about height requirements and Andy Mayhugh indicated that everyone should do more research as they haven't set any.

Topographical map: The board discussed 10 ft. intervals as being a better fit for the requirement than the 20 listed.

They then discussed the choice of location for the testing tower and the reasons for the location.

K. This covers the storm water pollution prevention plan.

The next discussion was the fire department's role in fire prevention and responses to fires as well as training that might be needed.

L: Doug Bartlett had a comment about providing emergency information. It should be posted on the site as well. Equipment – The company will purchase or provide any special equipment.

The next discussion was focused on the need to submit information on the effect of burning a Conservation Reserve Program (CRP) off or a pasture. They also discussed CRP fields that might forego contracts for turbines and the cost comparison of turbine payouts and the resulting tax effects on properties.

Charlene Sims: Checked a news article wherein former senator Brownback called for the state to be 50% turbine powered by January of 2019. We are currently at 36%, so we are close.

The board discussed decommissioning turbines. Andy Mayhugh is not seeing what he needs. Costs are not going to be the same in the future. He hasn't found anything comparable.

Dave Berglund talked about the needs to increase every year or have some type of system tied to inflation. Putting money back each year into a trust fund. Similar to rock quarries putting money from sales into a reclamation fund.

Richard Morrell asked about requiring a percentage of the energy, which would keep it current if you used an average of the last 10 years.

Andy Mayhugh discussed having these requirements upfront, so the applicant can walk away if they aren't willing to meet the requirements.

Fred Kautt asked about who the applicants will they sell the energy to. The group discussed energy trading and eminent domain over power lines that would fall into court jurisdiction.

Site Clearance: Andy Mayhugh recommends changing the term to "And any applicable"

Andy Mayhugh would like to get the Appendix where everyone is comfortable with it. He asked to talk about Mr. Fisher's presentation because he had some good points. The board went on to discuss the presentation points of fire, wildlife and contingency plans for the unexpected or unknown as well as insurance requirements.

Andy Mayhugh: Suggested making some tweaks after looking at Mr. Fisher's submittal and try again next month. The definitions and section's in red will be the easy part to approve.

The group then discussed new energy developments and the progress of solar power in the state.

Danny Whitcomb: Stated that solar companies have approached his mother about leasing 160 acres of clear ground. So, they are looking in this county.

A motion was made Fred Kautt to adjourn and Richard Morrell seconded which passed unanimously.

Chairman

Attest:

Secretary

clc