

Members present:

Cindy Hall, Chairperson  
John Hinz  
Paul Thomsen  
Catherine Davies (via zoom)  
Nicole Stecklein (via zoom)

Staff present:

Michele Lubben – Land Use Administrator

Visitors present:

Robert Hinz – Tri-County Propane 1504 S. Main St., Monticello  
Justin Adamson – Windstream representative (via zoom)  
Trent Fellers – Windstream representative (via zoom)  
Ashlee Miller – Windstream representative (via zoom)  
Jennifer Jack – Windstream representative (via zoom)

Introductions of the Board of Adjustment, staff and visitors took place.

A quorum of members of the Jones County Board of Adjustment was achieved at 4:02 p.m. and Chairperson Cindy Hall called the meeting to order.

Motion by Thomsen seconded by Hinz to approve the agenda for the meeting. All aye. Motion carried.

Motion by Stecklein seconded by Hinz to approve the April 21, 2020 meeting minutes. All aye. Motion carried.

Motion by Thomsen seconded by Hinz to open the public hearing at 4:03 p.m. for owner Takes Electric (Theresa Tallman and L J Takes Life Estate) and applicant Tri-County Propane LLC (Robert Hinz), who have applied for a Special Permitted Use in the C-1 Commercial Zoning District for property legally described as S ½ Parcel A Old Airport and 100' abandoned railroad right-of-way lying easterly of the south 266.25' of Parcel A in SW NW in Section 34 of Lovell Township, generally located at 1504 S. Main St., Monticello IA. More specifically, the Special Permitted Use request is to allow an additional LP tank container to be located on property. Proposed container size is approximately is 11 ft. x 48 ft. and contains 30,000 gallons of LP storage. All aye. Motion carried.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. All adjoining landowner letters were sent and received. One written comment was

received and read to the Board from Robert Ballou regarding maintaining a 50 foot setback to the rear yard according to the ordinance. No verbal comments were received.

Applicant Robert Hinz was present to answer questions on the proposed LP storage tank. The Board recalls the process in which the applicant went before the Board in 2018 for a LP storage tank along Hwy 151 in Fairview Township. The Office of the State Fire Marshall has sent a preliminary approval of the tank and the site plan. Once it is set, the Fire Marshall will issue a final approval upon inspection.

Motion by Thomsen seconded by Hinz to close the public hearing at 4:08 p.m. All aye. Motion carried.

Motion by Thomsen seconded by Hinz to approve the Special Permitted Use in the C-1 Commercial Zoning District for owner Takes Electric and applicant, Tri-County Propane.

Roll call vote:

Davies – Aye

Stecklein - Aye

Thomsen – Aye

Hall - Aye

Hinz – recused himself due to familial conflict of interest

Motion carried 4-0. The application is approved. The Land Use Administrator will issue the written decision to the owner and applicant by regular mail. The Land Use Administrator will send the approval to the State Fire Marshall also. The red zoning sign was returned.

Motion by Hinz seconded by Thomsen to open the public hearing at 4:10 p.m. for applicant Windstream Communications and Site Acquisition Specialist Ashlee Miller of Flex Deployment Solutions who have applied for a Special Permitted Use in the A-1 Agricultural District for property within the county road right-of-way legally described as SE SE in Section 31 of Greenfield Township generally located at 24005 15th St., Lisbon IA. The proposal is to allow communication tower equipment on a 95' utility pole located within Jones County road right-of-way on property with underlying ownership of Roger C. and Karla Brannaman subject to Article XIV Wind Turbine and Communication Tower Requirements. All aye. Motion carried.

Representative for Windstream Communications Trent Fellers was available to answer questions regarding the proposed communication tower. Fellers indicated Windstream has received federal Connect America funds to enhance wi-fi connectivity to areas not receiving adequate coverage. They chose this site because it was near existing fiber and electric service. Fellers indicated the tower was installed in October 2019 and had thought they had received proper authorization from the county when they received the utility permit. The tower is a 100' wooden utility pole with antennas that provide a signal to homes via a wireless signal. The speed provided should be enough to keep up with the current technology which include streaming movies and gaming. The tower could provide service for up to 44 households in the area. They are unsure how many current households have this service.

The Commission asked questions regarding Windstream's background – they are a local exchange carrier, not in major markets, that bought Iowa Telecom lines and are now under Windstream based out of Little Rock Arkansas. Radwin is the telecommunication device on the pole that is from an Israeli company. Windstream noted it was unclear whether they fell under the regulated public utility through the Iowa Utilities Board and FCC and were exempt under the ordinance, however, due to the communication that is being provided, the Land Use Administrator felt it fell under Article XIV Wind Turbines and Communication Tower Requirements. Windstream will not be providing mobile services and there is no room for co-location to cell phone providers. This tower has a main purpose for accelerating broadband in rural areas.

Anderson addressed the tower and setbacks to property lines and structures within the right-of-way. There was a letter from the FAA that there is no conflict to airfields in the area.

Davies proposed this is a one time approval and future requests shall be presented to the Board before installation. The Board and Windstream discussed the implications if the tower has to be taken down due to denial of the application. Davies strongly suggested that in the future the company goes through the proper channels and conform to the zoning regulations.

Motion by Stecklein seconded by Thomsen to close the public hearing at 4:45 p.m. All aye. Motion carried.

Motion by Stecklein seconded by Davies to approve the Special Permitted Use for applicant Windstream Communications in the A-1 Agricultural District for property within the county road right-of-way legally described as SE SE in Section 31 of Greenfield Township generally located at 24005 15th St., Lisbon IA. The motion was subsequently amended to approve the Special Permitted Use with the conditions that the official records note that this does not meet the requirements within Article XIV Wind Turbines and Communication Tower Requirements, however, this is a one-time approval and future requests must comply with Article XIV Wind Turbine and Communication Tower Requirements.

Roll call vote:

Stecklein: Aye

Davies: Aye

Hinz: Aye

Thomsen: Aye

Hall – Nay

Motion passes 4-1. The red zoning sign will need to be returned before the approval can be issued.

Next meeting, if needed, will be June 16, 2020 at 4:00 p.m. The Land Use Administrator will see if any applications are submitted before the May 27<sup>th</sup> deadline. If an application does need to be heard, an electronic meeting could be held.

Motion by Thomsen seconded by Hinz to adjourn at 5:00 p.m. All aye. Motion carried.