

The Muscatine County Board of Adjustment met via GoToMeeting on Friday, June 5, 2020, starting at 10 a.m. with Chairperson Carol Schlueter and members Janelle Spies and Charles Clark present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Attending the virtual GoToMeeting: Joseph D. Williams.

Eric Furnas: Good morning this is Eric Furnas. I need all the Board of Adjustment members to let me know if you are present.

Eric Furnas: Charles Clark?

Charles Clark: Yes, Charles here.

Eric Furnas: Okay, Emily Geertz? (she was not able to attend) Janelle Spies?

Janelle Spies: Yes, I am here.

Eric Furnas: Okay and Carol is here, so I believe that we have a quorum. I apologize for the delay, ladies and gentleman. It's just the challenges of having to hold these meetings remotely. We are going to go ahead and get started. I need to go through some items, just some housekeeping items and procedural items that we just have to deal with by not having a physical and in-person meeting. This is Eric Furnas, the Muscatine County Zoning Administrator. This will be a GoToMeeting platform, due to Covid 19 issues we are not able to have the county building open and assessable to the public at this time. I believe that that is going to be resolved in the next couple of weeks. But this is what we are dealing with today. There will be some inherent challenges in holding this meeting in this format. So we will have to kind of slow some things down. One of the most important things is that if you are not speaking, you need to make sure that your device, whether it be your phone or computer microphone, is muted. I would like to start off with just taking another roll call of the board members that are on the line to make sure that we still have our quorum and then we'll go over some other items. Carol Schlueter, are you present?

Carol Schlueter: Yes.

Eric Furnas: Janelle Spies are you still with us?

Janelle Spies: Yes.

Eric Furnas: Emily Geertz? (not hearing anything) Charles Clark?

Charles Clark: Yes I am here.

Eric Furnas: Okay, Madam Chairperson we do have a quorum and I would make the recommendation when it is time to vote on a case that you do a roll call vote so that we can get an accurate recording. In this case we are going to need each person to identify themselves. When you speak the first time give your name and your home address. After that you just need to state your name when you speak. We will just ask for the attendees for each individual case because we have people joining us that are for different cases. I think we are ready, we do only have three members present, that is a quorum for the Muscatine County Board of Adjustment. However with only three members present any vote would have to be a unanimous decision for the request to be successful. We will try to remind each case when we get to yours, you will have the opportunity to ask the Board of Adjustment to table their decision right up until they take a vote. You can ask them to table it until next months meeting, but I cannot guarantee you that there will be four or five members at the next meeting either, but you do have that right to ask them to table your request until they are ready to vote.

Madam Chairperson now would be the time for you to ask the board members if they were able to review the minutes and resolutions and seek an approval for them if there are no changes.

Carol Schlueter: Okay, so everyone has had a chance to read the minutes and look at the resolutions from the last meeting. If there are no corrections, I will need a motion to approve the minutes and resolutions as written and a second to the motion.

Charles Clark: I will make a motion to approve the minutes and resolutions as written, this is Charles Clark.

Carol Schlueter: Thank you. I will go ahead and second them because I was there at the meeting. So a motion has been made and seconded to approve the minutes and resolutions as written. All in favor of the motion please say Aye (Janelle Spies; Charles Clark & Carol Schlueter). Okay, the minutes are approved.

Eric Furnas: Okay, and again on the procedural votes I would recommend that you have a roll call vote when we get to the individual cases. I think it would be more clear in the recording. I will start by reading Case #20-06-01. An application has been filed by Cindy M. Monserud, Record Owner and Joseph D. Williams, Applicant. This property is located in Pike Township, in the SW¼ of Sec. 6-T77N-R4W, 1661 Atwood Avenue, East of Atwood Avenue, containing approximately 41.71 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Mr. Williams to place a rural residence on approximately four acres of this property after it has been split from the farm. And again those who are in attendance just for this meeting, please identify yourself with your name and home address please?

Joe Williams: Sure, Joe Williams. 313 W. Dougherty Drive, Lone Tree, Iowa.

Eric Furnas: Okay, anyone in attendance for the Monserud/Williams application? Okay, Madam Chairperson we can proceed with asking the applicant about their request.

Carol Schlueter: Okay, Mr. Williams will you please tell the members of the board what you are asking for today?

Joe Williams: Sure, so my wife and I and two boys are looking to build a single family home on, as described as four acres, approximately four acres. There used to be an existing house at this location. There are multiple, multiple outbuildings that... as I submitted, we would like to restore quite a few of those buildings. Some of those buildings are unsafe, leaning, and I would more than likely tear some of them down as I have marked out with red "x's" in what I submitted. The house burnt down several years ago, I want to say in 2007 or so. So yeah we would be interested in building a single family home. We would be raising some livestock and chickens and all of that fun stuff for the kids.

Carol Schlueter: Okay, thank you. Have you purchased this property already?

Joe Williams: I have not. I was talking to Eric Furnas initially about purchasing it first but he advised me that maybe it might not be wise because there would be some risk involved with it. So I just decided not to purchase the property. But we do have an agreement with the owner on a price and things of that nature.

Carol Schlueter: Does any other board members have any questions for Mr. Williams?

Charles Clark: This is Charles Clark calling in, 2698 Emmert Avenue. What are you going to do about sewer and your waste? How is that going to work out? Is

there an existing septic system there or are you going to replace it by putting in a brand new one? How are you going to handle that sir?

Joe Williams: Yeah well I am not aware of a septic system that is there currently, so I would be installing whatever the code requires for a septic system. There are a couple of wells that are onsite that I would try to reuse but I haven't done too much investigating as to whether they are serviceable or not.

Charles Clark: So another question, so if you do have to do another well you will keep it on the property that you intend to purchase?

Joe Williams: Absolutely.

Charles Clark: Okay, that's all of my questions Carol. I am going to mute now.

Carol Schlueter: Okay, thank you Charles. Eric, I guess I am going to go back to you, I forgot to ask, was there any correspondence for this request?

Eric Furnas: No ma'am.

Carol Schlueter: Okay, would you give us your comments in regards to this request Eric?

Eric Furnas: I don't have a whole lot of comments, other than what I submitted on the development report. For those listening, we had noted a couple of the issues, according to our Rural Residence Special Use Permit Ordinance, these type of dwellings... or the properties to be considered... we look at... the Board of Adjustment looks at a number of factors. A couple of the ones that stuck out at me was the CSR2 rating of the parent parcel is 87, so it is considered prime farm ground. As you are familiar with, the ordinance recommends that we not approve rural residences with parcel averages of more than 55. I would note however, the intended site as proposed by the applicant doesn't appear to have ever been farmed. I do concur that it was the location of a former farmhouse. So it would not appear as if there would be any prime farm ground being taken out of production. One of the other things that I noticed was, even though it is located in Johnson County across the road, there does appear to be another house within 750 feet of the proposed building location. This is something that is noted of moderate importance, but it is something that the Board of Adjustment has been fairly consistent on, both the CSR2 rating and the separation distances issue when considering other rural residences by Special Use Permits. The benefits of granting such a request, obviously we could potentially have a structure on the tax rolls, and at least according to the applicant, removal of dilapidated structures. Those are my comments Madam Chairperson.

Carol Schlueter: Thank you Eric. Janelle do you have any questions or comments for this request?

Janelle Spies: I do not, this is Janelle.

Carol Schlueter: Okay I have a concern... oh, go ahead sir.

Joe Williams: There is a residence across the street, as I put in the application but it is abandoned, nobody lives there anymore. From what I've been told that was Cindy's brother that ... he currently owns it, but moved to around the Keosauqua area. So the house is abandoned and really is in terrible shape, I just wanted to note that.

Carol Schlueter: Okay, thank you. I was going to say, I have a problem with the 87 CSR2 rating because we usually... it has to be 55 or less before we approve anything like this and also the distance, the 750 feet from another house. But

you did say the house was abandoned but somebody probably could live there someday because the house is there. So those are my two concerns in regards to this request. Janelle or Charles, do you have any comments in regards to this request?

Janelle Spies: This is Janelle, I don't have any.

Charles Clark: This is Charles and no, I don't have anything else.

Carol Schlueter: Okay, if no one has any other questions or concerns, I would need a motion in regards to this request. Again, Mr. Williams, I want to express to you that we are only three people on a board of five, it needs to be a unanimous vote for it to pass. If you would like to table it, that is your choice at this time before we take a vote.

Joe Williams: Well I would like to have a little bit more discussion on the property. And how it is... and you know Eric mentioned that it has never been tilled up. So to me it's hard to grasp the... while it is good farm ground, I do understand that. You know there are other instances where one in particular was Dustin Feldman's property out by West Liberty. You know, all the farm ground around there was a 90 CSR2, that area had never been farmed ... but I think the difference was that there was a house there that was dilapidated and then torn down, so that allowed him to build that house. So I understand that there is a different dynamic there a little bit. So I just wanted to really understand the difference between something like that and something like this?

Eric Furnas: I can answer that. I believe Mr. Williams you hit the nail on the head there. That property was not...there was no application required for that property because it was considered a replacement of an existing structure. The structure was still standing, right, wrong, or indifferent, that does change the circumstances. You are allowed to rebuild any structure or replace a structure ... you can obtain a building permit to replace a structure within 12 months of it being torn down. Once that structure is down for more than a year than we are in this process of obtaining a Special Use Permit where we consider...

Joe Williams: Sorry about that Eric... the power went out in the middle of or at the end of what I said there here in town. So I lost connection with my internet.

Eric Furnas: I was just reiterating kind of what you had said, the main difference and you had already pointed that out, was that there was a standing and existing structure in that other case and so there's no need for a Special Use Permit in that circumstance. The owners are allowed to replace existing dwellings.

Carol Schlueter: Okay, thank you Eric for that comment. Okay... I guess I should ask you again Mr. Williams, do you want us to go ahead with the vote today or would you like to table this request for a month? We might possibly have five members on the board for a regular meeting next month.

Joe Williams: If the request were denied, is there a certain timeframe of when it could be reapplied for?

Carol Schlueter: Eric, could you address that question?

Eric Furnas: Yes, I believe that you have to wait six months to reapply.

Joe Williams: Sorry, I am thinking right now... I apologize.

Carol Schlueter: That's okay, take your time.

Joe Williams: I think my wife and I are comfortable with proceeding.

Carol Schlueter: Okay, is there a motion from a board member for this request? It has to be a positive motion, and then you can vote anyway you wish to after that.

Janelle Spies: This is Janelle. I move to approve this.

Carol Schlueter: Okay, Janelle has made a motion to approve the request as stated. Is there a second?

Charles Clark: This is Charles, I will second that motion.

Carol Schlueter: Okay, it has been moved and seconded that we approve the request for Joseph Williams for the Special Use Permit in order for him to build a one family dwelling on approximately four acres after it has been split from the rest of the property. I'm going to ask for a roll call vote, either Aye or Nay. Janelle?

Janelle Spies: Aye, this is Janelle.

Carol Schlueter: Charles Clark?

Charles Clark: Aye, this is Charles.

Carol Schlueter: This is Carol and I am going to vote Nay to deny it, I am sorry.

Joe Williams: May I ask, what besides the CSR2 ... I mean with that house being dilapidated and falling down next door...what made your mind up on this?

Carol Schlueter: To me the CSR2 ... I did not go and look at the property and I probably should have done that. I'm just concerned with ... I've been on the board for a long time and I just have always voted the same way when the CSR2 is this high and also it's too close to another dwelling. Those are both of my concerns.

Joe Williams: Even though it was described as non-tillable ground? That still makes a difference with the CSR2?

Carol Schlueter: Yeah I guess to me it does.

Joe Williams: I mean, it is not income producing and... I'm sorry, but I was just pointing out that it's not income producing ground. So whether the CSR2 was 40 or if it was 90, if it is not producing any income, it's only worth what someone will give for it, in my opinion, I guess.

Eric Furnas: Mr. Williams, this is Eric Furnas and I am going to step in here. I think if you want to talk about our Comprehensive Land Planning, I would certainly be happy to do that, however, the vote has been taken and we do have five other cases waiting. So unfortunately we are not going to be able to debate after the vote has been taken. However, if you wish to talk to me after the meeting, I would be glad to do that.

Joe Williams: Yes, I apologize for that.

Eric Furnas: Nope, no problem.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Board of Adjustment met via GoToMeeting on Friday, June 5, 2020, starting at 10 a.m. with Chairperson Carol Schlueter and members Janelle Spies and Charles Clark present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Attending the virtual GoToMeeting: Dan Vander Voot.

Eric Furnas: Okay, we will start the next meeting and I will read the request. Case #20-06-02. An application has been filed by Interstate Power & Light Company, Record Owners. This property is located in Wilton Township, in the NW¼ of Sec. 13-T78N-R2W, Parcel C, East of Hwy. 38, 1235 Hwy. 38, containing approximately 2.99 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order to permit the construction, operation and use of an electrical substation on this property. So the parties that are on the line that have joined us for this case this morning please identify yourself and we'll get the screen changed for the next case.

Dan Vander Voot: Good morning I am Dan Vander Voot. I am the project manager for Alliant Energy and this effort. I don't know if you want my home address, but it is 114 Washington Ave. E., Albia, Iowa.

Eric Furnas: Okay, do we have any other parties that have joined this meeting concerning this case, Interstate Power & Light Company along Hwy. 38? Okay, sir were you present earlier when we talked about the fact that we only have three members present today and the option that you can ask to have this tabled until next month, if you wish, but you need to ask prior to the vote?

Dan Vander Voot: I wasn't but I do understand that, thank you.

Eric Furnas: Madam Chairperson it is all yours.

Carol Schlueter: Okay thanks Eric. Was there any correspondence for this request?

Eric Furnas: No ma'am.

Carol Schlueter: Would the applicant please state your name again and tell us what you are here requesting?

Dan Vander Voot: Yes, my name is Dan Vander Voot. I am representing Alliant Energy, which is legally Interstate Power & Light. What we are trying to do is to build an electrical substation to replace aging infrastructure in this area. So this substation will actually allow for the larger transmission line that are incoming and then the medium voltage distribution line that go out and serve the community. This is actually a perfect location because there is an existing line right here. So rather than require a new transmission line to be built, we can just tap off of that and construct the electrical substation. So that's why we are looking to build on this site.

Carol Schlueter: Okay, thank you. And did you say that this was Alliant Energy?

Dan Vander Voot: Yes I did, that's correct.

Carol Schlueter: Oh good. Does anybody on the board wish to ask any questions or make any comments concerning this request?

Janelle Spies: I do not.

Charles Clark: I have no questions.

Carol Schlueter: Okay thank you. Eric would you give us your comments or concerns on this request?

Eric Furnas: Sure, I just want to relate to the board that electrical substations, switching stations and similar public utility facilities, including all equipment and structures necessary to permit their operation are allowed through a Special Use Permit in the A-1 Agricultural District. What that means is that they have been deemed to be generally compatible with the agricultural district, with a low risk for conflict to the type of use normally found in the A-1 Agricultural District. The parcel that the applicant already owns meets the frontage and area requirements for minimum lot size already. They have purchased this property and have owned it for a number of years. I have received proposed preliminary site plans from this applicant and they look good, they look comprehensive as far as where the equipment will be, seeing that type of thing. They have obtained documentation that the Iowa Department of Transportation has already granted utilization of an existing entrance off of Hwy. 38. So staff has no concerns with this request.

Carol Schlueter: Okay, thank you Eric. If there are no other questions or concerns by the board members, do I have a motion in regards to this request?

Charles Clark: I would make a motion that we approve this request.

Carol Schlueter: Thank you, is there a second?

Janelle Spies: I will second it.

Carol Schlueter: Okay, thank you. It has been moved and seconded that we approve this request for a Special Use Permit in order to permit the construction, operation and use of an electrical substation on this property. I will ask for a roll call vote, please say Aye or Nay. Janelle?

Janelle Spies: Aye.

Carol Schlueter: Charles Clark?

Charles Clark: Aye.

Carol Schlueter: This is Carol, and I also will vote Aye. So it has been approved.

Dan Vander Voot: Okay, thank you.

Eric Furnas: Okay for the benefit of the applicant, Special Use Permits are granted by the Board of Adjustment but are reviewed by the Board of Supervisors. So in the next couple of weeks I will have them review this and you will get the notification of the approval here in the next couple of weeks.

Dan Vander Voot: Okay, just let us know if you need any additional information and we would be happy to provide that.

Eric Furnas: Okay, we will then sit down and take a closer look at the site plan and move forward... more from a construction standpoint. Thank you.

Dan Vander Voot: Thank you.

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Attending the virtual GoToMeeting: Nathan Meyer.

Carol Schlueter: Okay, Eric do you want to read the next request please?

Eric Furnas: Certainly. Case #20-06-04. An application has been filed by Jay R. and Angela M. Kemp, Record Owners and Windstream, Lessee by Nate O. Meyer. This property is located in Cedar Township, in the SE $\frac{1}{4}$ of Sec. 24-T76N-R4W, Amended Parcel N, 2558 Golden Avenue, containing approximately 51.80 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Windstream to place a 140' tall telecommunications tower within a 15' x 15' leased area that is West of Golden Avenue and South of the existing farm buildings. Anyone on the line who is here for this case, please state your name and address for the record?

Nathan Meyer: Yes, this is Nathan Meyer at 6869 Windjammer Drive, Brownsburg, ID 46112, representing Windstream and the applicant.

Eric Furnas: Okay, thank you. Is there anyone else here for the Kemp and Windstream case, please identify yourself with name and address? Okay, Madam Chairperson we do have our applicant on the line, so I think that we can proceed.

Carol Schlueter: Okay, thanks Eric. Any correspondence for this request?

Eric Furnas: We had one phone call from a resident, Pat Hafner, in that area who called on the 19th of May and just stated that they do not have the best cell phone service in that area and having more cell phone and internet service available would be beneficial. That is all that we received.

Carol Schlueter: All right thank you. Would the applicant please state your name again and tell the board what you are requesting today?

Nathan Meyer: Yes, my name is Nate Meyer. And the request is for Windstream to bring high speed broadband internet to the area. It's a project that is in part funded by the federal government and it is to help to bring internet availability out into more rural areas. They are doing this through Iowa, and other places as well. Another project that we are working with them on is in Nebraska and in Arkansas. So the purpose of this facility and this pole is for Windstream to provide that high speed broadband to the area. The pole will be a steel pole. It will be a non-reflective galvanized gray and it is 140 feet tall to the top. On the ground there will just be an H frame, which is basically like two fence posts with some angle iron between the posts to hold their equipment on the H frame. It's kind of a standard utility installation. So there's no shelter, buildings or large cabinet areas like you'd see on a more traditional cell tower site. Basically it's just the pole and that five foot H frame. According to the Muscatine County Ordinance, number 10-15-18-01, we meet all the setback requirements and we are proposing to install a fence around the pole. Normally Windstream would not put a fence around this type of facility, it would just be that pole and the H frame, but we are compliant with your ordinance by including the fence. So I believe that we meet all the requirements. I know in the aerial photograph and the staff report, it appears in that photo that the tower might be taken up some farm ground, but if you received a copy of our drawings, the second page of our drawings shows how the site is laid out over the aerial. It shows more of what the ground is being used for today. We are not using up any farm ground and

we have an easement agreement with the landowner to be able to put this facility there. So we are not purchasing any property, rather we have a utility easement. And that kind of sums up what we are trying to do and I am here to try answer any questions you may have.

Carol Schlueter: All right, thank you. Eric do you have any comments on this?

Eric Furnas: I would just reiterate some of the things that are on the development report. First off, telecommunications tower are a Special Use Permit in the A-1 Agricultural District. And as I stated in a previous case, that means that they have been identified as land uses that are typically compatible with the land uses in A-1 Districts. They are subject to all provisions in the Telecommunications Tower Ordinance, which I have reviewed. They are proposing the fenced in area and the proposed site does more than meet the fall zone requirements of our ordinance. One of the reasons I think that these are in our ordinances as a Special Use Permit is that they remove a very minimal amount of farm ground, a lot of towers are simply just farmed around. I think that it's obvious to everyone what kind of service that they do provide in our areas and as the spokesperson stated, there is a large push in support from both the federal and the state government to extend internet into the rural areas. So staff did recommend approval of this request.

Carol Schlueter: Okay, thank you Eric. Janelle or Charles, do you have any other questions or comments in regards to this request?

Janelle Spies: No comments.

Charles Clark: I have no comments.

Carol Schlueter: Okay, I have no concerns with this as well. Would somebody like to make a motion in regards to this request please?

Janelle Spies: I will make a motion to approve the request.

Carol Schlueter: Is there a second?

Charles Clark: I will second it.

Carol Schlueter: Okay, it has been moved and seconded that we approve the Special Use Permit in order for Windstream to place a 140 foot tall telecommunications tower in a 15' x 15' leased area that is west of Golden Avenue and south of the existing farm buildings. I will take a roll call vote. Janelle Spies?

Janelle Spies: Aye.

Carol Schlueter: Charles Clark?

Charles Clark: Aye.

Carol Schlueter: I will vote Aye. Your request has been approved sir.

Nate Meyer: Thank you very much, we appreciate your time and consideration.

Carol Schlueter: You're welcome.

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Attending the virtual GoToMeeting: Justin Winter and Jeff Snyder.

Carol Schlueter: Eric, can you please read the next request?

Eric Furnas: Case #20-06-05. An application has been filed by the City of Muscatine, Record Owner by Greg Jenkins and Justin Winter, Applicant. This property is located in Fruitland Township, in the NW¼ & NE¼ in Sec. 21-T76N-R2W, South of 41st Street, containing approximately 30 acres and is zoned I-2 Heavy Industrial District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for the applicant to operate a salvage yard and recycling business. I would ask that the applicant or spokesperson that is here for this case please identify yourself with your name and address. And then we will also proceed with asking identities who is here for this case.

Justin Winter: Justin Winter, 10547 County G44X, Muscatine, Iowa.

Eric Furnas: Thank you. Is there anyone else here for this case, a Special Use Permit for the City of Muscatine and Justin Winter? Please identify yourself with name and address.

Jeff Snyder: This is Jeff Snyder from 2424 41st Street and I am also representing the estate of Sam and Nancy Snyder, 2428 41st Street.

Eric Furnas: Okay, thank you. Anyone else for this case? Okay, Madam Chairperson it's back to you.

Carol Schlueter: Okay, was there any correspondence?

Eric Furnas: I did have a couple of emails from Mr. Snyder with some questions, but since he is present I will not try to relay what we talked about. I did also have an email from a resident, Roger Lane, he didn't feel very comfortable sending an email. He owns property along Stewart Road.

Carol Schlueter: And did you say he was opposed to this?

Eric Furnas: Yes he was.

Carol Schlueter: Okay, would the applicant please state your name again and tell the board what you are here requesting today.

Justin Winter: Justin Winter, I would like to purchase the property from the City of Muscatine.

Carol Schlueter: And what is the use of this property going to be?

Justin Winter: Well at the moment I think I'm going to store semi-trailers and stuff down there. But in the future I might have to move the business down there because Musco Lighting has interest in purchasing the business, the property that we are on right now.

Eric Furnas: Okay, I may need to step in here Madam Chairperson. Mr. Winters, you had submitted an application for a Special Use Permit that would allow the operation of a salvage and metal recycling business. The board does need to only consider, and can only consider and act upon that application at this time.

We've have no discussion and staff has not investigated any other type of use. However you if you want to give me a second, Madam Chairperson, as far as semi storage lot, I will check the ordinance... no it would be a separate Special Use Permit in the I-2 Heavy Industrial District. But at this time the board is only able to consider the application as submitted, just so you are aware.

Justin Winter: Okay.

Eric Furnas: That's not to say that you couldn't come back next month and submit a separate application and run a couple of different types of Special Use Permits on that property. But unfortunately, at this time, they can only consider the salvage and recycling business.

Justin Winter: Okay.

Carol Schlueter: Okay, so do you want us to go ahead with this application as stated here is for a salvage and recycling business or Eric can we table this and he can change his request for next month?

Eric Furnas: No, it would be a separate Special Use Permit application. And Mr. Winters were you on the line when we explained that there are only three members of the board present and your rights to request them to table it until next month?

Justin Winter: Yes sir.

Eric Furnas: Okay.

Carol Schlueter: Okay, so you want us to go ahead with the request as stated for the salvage yard and recycling business?

Justin Winter: Yes ma'am.

Carol Schlueter: Okay, can you explain that to me? I guess I don't really know what you do.

Justin Winter: I pull scrap metal, we pick it up from different businesses in Muscatine and we have customers that bring in scrap. We sort it out and process it and then we send it to different places for reuse.

Carol Schlueter: So you have this business at another location now in Muscatine?

Justin Winter: Yes ma'am.

Carol Schlueter: And you want to move that business to this location?

Justin Winter: Yes ma'am.

Carol Schlueter: Okay, now I understand. Do the other board members have any questions or concerns on this request?

Janelle Spies: Does this require any time of IDNR approval?

Eric Furnas: Yes I did look into that and I believe that Mr. Winters can speak to that as well. These types of operations are required to have NPDES discharge permits, there are recycling licenses I believe through the Department of Transportation. With today's regulations, as you can imagine, when you bring a junk vehicle in you have to collect the fluids, like gasoline, oils and transmission fluids. They are required to collect those fluids now on concrete or other impermeable surfaces. So they are monitored and regulated by the DNR as well

and I believe it is the Department of Transportation for the auto recycling license. I think that Mr. Winters could speak to more of that.

Justin Winter: Yes we have to contain everything in cement barriers, we've got to put everything in totes. Then we have a company come in and they buy the antifreeze. We ourselves, we have oil furnaces that we heat the shop with, so we burn the oil in the furnaces. But we've got to follow a lot of rules.

Janelle Spies: Do you currently have an NPDES permit where you are at?

Justin Winter: Yes.

Janelle Spies: Have you had any issues with that?

Justin Winter: No.

Janelle Spies: Have you been audited for your NPDES permit?

Justin Winter: Yes.

Janelle Spies: Okay, that's all I have.

Carol Schlueter: Okay, thanks Janelle. Justin you are in the city limits of Muscatine now?

Justin Winter: Yes ma'am.

Carol Schlueter: Charles do you have any questions?

Charles Clark: Yes just two questions. How will you secure the site? And what measures will you take in order to keep the site presentable? Like a wall or something so that when people drive by it looks presentable. I've seen other salvage businesses in the area and they put up a substantial size wall in order to keep the site presentable. And second of all, what will you do to prevent a collection of varmints, i.e. rats, raccoons and other things that might be in the area? What measures will you take?

Justin Winter: Well we will put a privacy fence up all around the property, just like what we got here in the city. Then to address the varmints... we don't let metal and stuff lay around. I mean, it's constantly being moved all the time. So there's nothing laying around here long enough for them to move in and make houses in. Some of the issues that we get into though is... I mean you bring stuff in from plants, you will bring varmints and stuff in with the loads, but we've had companies come in and get rid of them for us.

Carol Schlueter: Okay, thank you. Is there anyone else that has any questions or concerns concerning this request?

Jeff Snyder: I do Madam Chairperson. This is Jeff Snyder at 2424 41st Street again. I have lived west of this property my whole entire life, literally, I am 61 years old. I have environmental concerns and also concerns on the aesthetics. If you want to take a ride something and take a look at some of these junk yards, they are not real pleasing to look at, with fencing or without fencing it doesn't really matter. There are mounds and mounds and mounds of stuff. I just have got a bad feeling about this whole thing personally. We live in a sandy area and I'm worried about water contamination from some of the collections that might get past the collection sites that Justin talked about. Possible debris along our roadway as the trucks are coming and going also. Thank you.

Carol Schlueter: Okay, Eric... this property is zoned for this, correct?

Eric Furnas: Well the property is zoned I-2 Heavy Industrial District. However in the I-2 District, all potential uses, other than what is already allowed in I-1 Light Industrial District, all other uses are allowed by Special Use Permit only, which is why we are here today. So it would suggest that those types of uses are generally acceptable in this zoning district, but it does allow the Board of Adjustment by their authority to review Special Use Permits on a case by case basis. Like to consider proximity of existing residences and impacts to the surrounding property owners, that type of thing. So to answer your question, no it does not automatically mean that this is a permitted use, that's why it's a Special Use Permit.

Carol Schlueter: Okay, thank you. Eric will you give us your comments in regards to this request?

Eric Furnas: Well just a little background on the property, so you can take into consideration the potential for future uses. This property is owned by the City of Muscatine. Historically it has been used as a disposal site for cinders, and quite frankly, probably other items over the years. But I do know that they did dispose of large amounts of cinders from the coal burning electrical plant in the past. We do tend to expect heavy industrial uses, obviously, this was zoned heavy industrial years ago. However, as I stated before this is a Special Use Permit so you do get to consider the impact on the immediate surrounding property owners. I would point out that due to the deposition of cinders on the property the soils on much of the site would present some challenges to establishing foundations needed for buildings and structures. So it has possibly limited other things such as warehouses, trucking terminals and large buildings with footings. The nature of metal salvage and recycling does require large amounts of open space for the gathering and receiving, processing and shipping out, this does have that. The property is served by 41st Street in this location, which is fully paved. Those are my comments at this time. I will bring up the map at this time, because we did talk about the surrounding property owners. I will get this on the screen so that you can see it. So for those of you that are looking at the computer or the board members in your packet you should have a map that shows the zoning districts and the outline in blue shows the proposed area, it is actually two parcels. So everything that is in light gray is zoned I-2 Heavy Industrial District. Part of this property does adjoin an established mobile home park. To the east there is some rental storage units and then the rest of the area, even though it is zoned I-2 Heavy Industrial District, there is a mix of a few residential lots. They are not zoned residential, but the primary use is residential, a little bit to the west.

Carol Schlueter: Okay, Mr. Snyder, do you live in the mobile home park? Is that where your residence is?

Jeff Snyder: No, I live west of the property headed towards 61.

Carol Schlueter: Eric, can you show us where that property is?

Eric Furnas: So there are two smaller parcels directly to the west along 41st Street. I believe his is the closest one, is that correct Mr. Snyder?

Jeff Snyder: That's my mother and father's estate, it's the first property. I live in the next one to the west. Okay, so there are a couple of fields to the west and then a few parcels carved out.

Carol Schlueter: So those two residential properties are in and around all the heavy industrial, right?

Eric Furnas: They are currently within an I-2 Heavy Industrial District, that is correct.

Carol Schlueter: Do the board members have any additional questions or any concerns for this request?

Janelle Spies: I want to go back to your NPDES, your current permit. What do you currently sample for there?

Justin Winter: The DNR will come in here and do annual checks on us and then we have to fill out reports like when we send in mercury switches, we've got to send them into the state. We've never had soil samples done here. But we have the groundwater discharge permit. And we've got, like I told you earlier, we have several rules that we've got to follow. As far as Mr. Snyder's concern, I would leave a row of trees along that west property edge. Then everything that we do, we have to do a lot of it on concrete so we don't get oil contamination on the ground.

Carol Schlueter: Janelle, did he answer your question for you?

Janelle Spies: Yes, I'm good.

Carol Schlueter: I don't have any other concerns with this. Again, Mr. Winters you know that we are only three people on our board today so it needs to be a unanimous vote in order for it to pass today. You still have the choice if you would like to table it until next month or next meeting, hopefully we would have five members here but we don't know that. Do you want us to go ahead and call for a motion and vote?

Justin Winter: Yes ma'am.

Carol Schlueter: Okay, thank you.

Jeff Snyder: This is Jeff Snyder and I would like it tabled, if I could do that.

Carol Schlueter: Eric, isn't just the applicant that can ask to have it tabled?

Eric Furnas: Traditionally that has been the case, however, it's actually within the boards authority to table for literally any reason.

Carol Schlueter: Okay.

Jeff Snyder: Eric, the other concern that I would like to bring up is that if you look directly north of that property, there is a gravel pit over there. The water source is literally within feet of this property. So I wanted that taken into consideration also.

Eric Furnas: Well Madam Chairperson, this might be an issue where the board wants more information, that's certainly ...we can certainly look at this if there is an inclining to table or you can move forward. But I can attend to any additional questions, I would need it to be tabled if there more questions or more of those items that you would like me to verify, it probably would be appropriate to table at this time, but that is completely up to the board.

Carol Schlueter: Board members, what are you thinking, would you like to have it tabled and maybe do a little more checking on this site?

Janelle Spies: Yeah I would like for it to be tabled to look into a few things.

Charles Clark: Sorry, I cut into Janelle, but I agree with her. I would like a little more information as to the water table down there on the island. I have concerns about that and there are already two salvage yards down there in that area that I know of. One is just outside of Muscatine right along the city limits, the other

one is there is Fruitland. And do we really want a third one in that area? Those are my concerns and I think that it should be considered by the full board.

Justin Winter: Well I own the one in Muscatine, that's where I want to move that to is down there.

Charles Clark: So then are you going to abandon your site there?

Justin Winter: No, Musco Lighting has interest in buying this property.

Charles Clark: So that will disappear then and Musco Lighting will own it?

Justin Winter: Yes.

Charles Clark: So you are moving your operation?

Justin Winter: Yes sir.

Charles Clark: Now is that still operational? When I drive by I don't see much going on there.

Justin Winter: The one by Musco Lighting? Yeah that's me, we are operating. We've got semi's running in and out of there all day long.

Charles Clark: No, no sir... there's another salvage yard operating, if you will, along down by Fruitland.

Justin Winter: Yes, it's operational.

Charles Clark: Okay.

Carol Schlueter: And you own that one also?

Justin Winter: No, I just own the one by Musco Sports Lighting by the industrial connector or Dick Drake Way.

Carol Schlueter: Okay, thank you.

Charles Clark: So this is just a one for one replacement then? The one you've got now will disappear and be sold and you are going to establish a new one?

Justin Winter: Yes sir.

Charles Clark: The same practices that you have now with your old one?

Justin Winter: Yes sir.

Charles Clark: Okay, that's all I have right now Carol thank you.

Carol Schlueter: Okay, so I know that Janelle said that she would like to have it tabled. Do you want to have it tabled Charles? Or are you ready to make a motion and take a vote on it?

Charles Clark: I agree with Janelle, I would like to table this until we have a full board, possibly next time. So if you will, I will make that a motion to table this request Madam Chairperson.

Carol Schlueter: Okay, so it has been moved that we table this request until next meeting so that we can get more information in regards to it, is there a second to that motion?

Janelle Spies: I will second that motion.

Carol Schlueter: Okay, it has been moved and seconded that this request of Justin Winters be tabled until our next meeting which will hopefully be in July. And I guess Mr. Snyder, your concerns, I guess I would suggest writing them down and getting them to Eric or to Mr. Winters so that they can deal with your questions and have answers to them for next meeting.

Jeff Snyder: Yes and I commend Eric. I sent him questions and he answered all of the questions that I had emailed him. But it's like I say, I think that we need to investigate it a little more and see what comes out next month. Thank you very much.

Carol Schlueter: Well just get the questions to him soon enough so that he can get the answers before our next meeting.

Jeff Snyder: Correct, I will do that.

Carol Schlueter: Okay, Mr. Winters you could probably answer anything that comes up too, right?

Justin Winters: Yes ma'am.

Carol Schlueter: Alright, thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Board of Adjustment met via GoToMeeting on Friday, June 5, 2020, starting at 10 a.m. with Chairperson Carol Schlueter and members Janelle Spies and Charles Clark present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Attending the virtual GoToMeeting: Daryl Eichelberger and Dawn Eichelberger.

Eric Furnas: Case #20-06-06. An application has been filed by Eichelberger Inc., Record Owners by Roger Eichelberger and Daryl Eichelberger. This property is located in Lake Township, in the NE¹/₄ of Sec. 32-T77N-R3W, containing approximately 43 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for a one family dwelling to be built on approximately 10 acres after it has been split from the property.

Carol Schlueter: Okay, was there any correspondence in regards to this?

Eric Furnas: I had one phone call yesterday from a neighbor in the vicinity, it was more of a question and clarification where the house was to be built. When I explained it, that person had no objections and that person was Ronnie Honts, who lives on Independence Avenue, really more for seeking clarification.

Carol Schlueter: Okay, and would the applicant please state your name and address?

Daryl Eichelberger: This is Daryl Eichelberger, 2180 Independence Avenue, Muscatine, Iowa.

Carol Schlueter: Anybody else online for this request, please state your name and address.

Dawn Eichelberger: Hi, this is Dawn Eichelberger, 807 Broadway Street, also in Muscatine.

Carol Schlueter: Okay, thank you. Would the applicant again please state their name and tell us what you are requesting today.

Daryl Eichelberger: This is Daryl Eichelberger again and I am requesting a Special Use Permit be issued so that a single rural residence can be built on a piece of unused pasture ground. At this time I would like to sell approximately 10 acres to my daughter so that she can build a residence on it.

Carol Schlueter: Okay, Eric what are your comments in regards to this request please?

Eric Furnas: I would refer you to my development report. There are a couple of parcels south of 215th, actually it is one parcel that is split by 215th Street. If you look to the south on the maps that are included, there is a piece of some scrubby pasture with some timber or brush on it that is in between those highlighted circles on the map. This property has a CSR2 average over the entire property of approximately 42, which that is well below the 55 threshold. The site identified for the proposed residence does exceed 750 feet from the next nearest residence. It is just over a quarter of a mile from a paved road. And the proposed building site, although there are some large hog confinements in the area, it is over 1,250 feet from any state managed livestock facility. So those are kind of the big issues that we typically look at, the CSR2, the separation distances, paved road close by. So I guess staff would recommend approval of this request.

Carol Schlueter: Okay thank you Eric. Board members, do you have any questions?

Janelle Spies: I don't have any.

Charles Clark: I have no questions.

Carol Schlueter: Okay, yeah I don't either. In looking at the map it looks like you meet all the requirements, such as the distance, the CSR2 is only 42. Is there a motion for this request?

Janelle Spies: I will make a motion to approve this request.

Carol Schlueter: Okay, is there a second?

Charles Clark: I second that motion.

Carol Schlueter: Okay, it's been moved and seconded that we approve the Special Use Permit in order for a one family dwelling to be built on approximately 10 acres after it has been split from the property. All in favor please say Aye, to deny please say Nay. Janelle Spies?

Janelle Spies: Aye.

Carol Schlueter: Charles?

Charles Clark: Aye.

Carol Schlueter: I will vote Aye too, so your request has been approved.

Daryl Eichelberger: Board members, thank you for your consideration.

Carol Schlueter: You are welcome.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator