

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of November 6, 2014

Chair John Moeller called the meeting to order at 5:12 p.m. and called roll. Present: John Moeller, Janelle Pavlovec and Steve Johnson. Absent: Sue Sander and Jon Christy
Also in attendance: Zoning Administrator Chad Bird and City Attorney Rick Zahasky.

Moeller asked for consideration of the minutes of the October 27, 2014 meeting.

**Johnson moved and Pavlovec seconded approval of the minutes as presented.
Roll call vote: Unanimously approved.**

The next item on the agenda was a request from Black Hills Energy Company requesting permission to construct commercial communications towers contrary to the R-2 zoning requirements. This item was tabled from the October 27, 2014 meeting.

Steve Sweet and Sandy Koenig, representing Black Hills Energy proposed to construct several communication towers in the community. Five of them are in the city corporate limits. Four of them are proposed for residential zoning. Bird reiterated the current telecommunications code section (17.136) does not allow towers in residential zoning, except via special permit and with exclusions. The locations are in proximity to: 136 Pleasant Hill, 408 High Street, 1301 Laurel Drive and 1605 Division Street.

Moeller outlined the rules of meeting conduct and said that the Board had a chance to review new information and the geographic locations.

During the public comments, several residents spoke to the Board.

Heather Weigle, 202 James Court, spoke about concerns with cellular waves. She also noted that she has spoken with representatives from the City of Fairfield, IA who had not acted on a similar measure due to lack of information regarding health risks. She noted research that shows there is a health concern with radio frequency transmissions.

Jean Daywitt, 1503 Division, discussed codes sections and engaged in a conversation about the interpretation of section 3 of the relevant code which speaks of a 50% of tower height setback. Zahasky noted that since the right-of-way does not allow for that stipulation he believed the code was in conflict and literally interpretation would result in a taking of the applicant's right of use. She also demonstrated what the dimensions meant with a visual aid of yard sticks taped together to show tower height.

Weigle asked about co-locations and why they were not considered. Koenig explained that there were various reasons why co-location was or was not considered.

Marvin Cooper, 1601 Division Street, voiced concerns about the aesthetics of the poles and questioned what they would do to property values.

Helen Barkeia, speaking for Eileen and Duane Bruening, 301 Pleasant Hill, asked why the locations had moved from across the street. Bird noted that it was the general location that was up for discussion not the specific address.

James Ronan, representing his mother and her residence at 1605 Division Street, noted that he believes the East side of Division would be a better location and expressed concern that he did not receive the mailed notification of the meeting or he would have been present on October 27.

Darla Thorton, 1603 Division, echoed comments already shared. She noted that there is a beautiful bike trail but these poles would mar the landscape.

Sandy Koenig, representing Black Hills Energy, feels they are operating with the rules and regulations of the code sections and their franchise agreement. She noted there are costs associated with reading meters and this technology helps the company control costs.

Marvin Cooper, 1601 Division Street, disagreed with the statements about costs. He thought it sounded like scare tactics.

Erin Frana, 2778 Middle Hesper Road, asked if this issue was demographically driven as there seemed to be a large proportion of elder in attendance. She also asked whether there was any research behind the locations proposed.

Steve Sweet, representing Black Hills Energy noted that the engineers had selected the sites based on best reception and no consideration to demographics. The technology is based on reading meters and not people in homes.

Tex Sordahl, 1507 Division, asked how much this would cost and what the rate of return might be. Company officials did not have that information.

Moeller closed the public comment portion of the meeting. There was general discussion regarding the project.

Johnson said he does not see the true hardship in this case and is inclined to deny the application. He was fearful that other poles could be added in future years.

Pavlovec believes the franchise agreement gives Black Hills Energy the right to install gas delivery equipment but does not believe this equipment to meet that definition.

Moeller said that something is already in place for Black Hills Energy to operate and believes that this application does not meet the hardship test for him. He noted that their process is working fine, why change.

Johnson noted that there is a strong public response against the application.

Pavlovec noted that opinions matter to her.

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**Johnson moved and Pavlovec seconded a motion to deny the application.
Roll call vote: Unanimously approved. Application is denied.**

Other Business

No date was set for subsequent meeting.

There being no other business, the meeting was adjourned at 6:25pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. A. [unclear]", is written below the text "Respectfully submitted,".