

Dickinson County Board of Adjustment
November 22, 2021
7:00 P.M.

The Dickinson County Board of Adjustment met Monday November 22, 2021 at 7:00 P.M. in the community room of the Dickinson County Courthouse and via zoom.

Members present were Jeff Ashland, Kirby Berhow, Delmer Lee, Jen Johnson, and Alex Oponski via Zoom.

Also in attendance was Steve Goodlow- Dickinson County Assistant Attorney, David Kohlhaase- Dickinson County Zoning Administrator-via Zoom and Megan Kardell-Dickinson County Zoning Assistant

Jeff Ashland, Chairman called the meeting to order at 7:00 p.m.

First on the agenda was Roll Call.

Second on the agenda was New Business. 1st Item of New Business was AMG Technology Investment Group dba NextLink and Heath and Jessica Marchand, Conditional Use, Communications Tower, NE ¼, NE ¼, Section 21, Township 98, Range 36, Milford Township. The request was read.

Ashland said we have three applications for basically the same project, is that correct.

Shane McIntyre, AMG Technology dba NextLink said yes at three different sites.

Ashland said maybe we could go over the general details of what will be at each site, then discuss the specific details under each agenda item.

Goodlow said that is fine.

McIntyre introduced himself to the board. He represents NextLink they are a high speed internet provider and telephone. What will be at each of these sites will be a single monopole. A monopole is a 120' foot pole that is put into the ground about 15' feet. It has a 30" inch diameter, with a steel core and cement that goes inside that core and it is placed in the ground. They will pour an additional 3 to 5 yards of cement on the outside of that to get it all plumbed up. Then the pole will be constructed on the ground to its full length, they will have a crane set onto that pole, and it will be turned and cranked into place. There are no guyed wires. There is no cement foundation as far as a pad goes with bolts going up and no cabinet on the ground. The cabinet is located on the structure about 6 to 8 feet off the ground. It is a small 5 to 6 foot tall cabinet that houses all of their components to keep it protected from the elements. That is basically what is happening on each of these sites.

Ashland asked if the board has any questions.

Berhow asked how many units have they installed in the past, and how stable are they.

McIntyre said he does not know the exact number but they have towers in Kansas, Oklahoma, Iowa, Nebraska, Texas, and Illinois. Mainly the Northern states are taking the 120' foot pole, which is made by a company out of Muscatine, Iowa. They're a local company to Iowa, Musco Lighting is in 80 percent of the major NFL stadiums, and they've constructed lights up and down most of the major highway. These poles were designed specifically for NextLink for their application. They are all rated up to extreme high winds, they've never had one fall over or anything like that. Musco Lighting Company is a very reputable company. The poles are made out of galvanized steel.

Lee asked how the height of the 120' foot pole compares to the windmills.

McIntyre said he does not know the general height of windmills, but they have to be 300' feet or more. He believes the blades are required to have 150' feet clearance from the ground.

Ashland asked if there will be lighting on these poles.

McIntyre said they fall below the FAA lighting requirement. The FAA requires lighting for poles taller than 150' feet.

Ashland asked if there will be any type of strobe on the tower that would bother the neighbors.

McIntyre said no.

Ashland asked if they have encountered any interference with any other electronic devices.

McIntyre said no they have not. NextLink goes the extra mile and they file for a licensed bandwidth with the FCC. It is a dedicated channel they provide to them so they are not operating on anyone else's frequency. They're not disrupting us and we're not disrupting them.

Oponski asked if they emit any emf, electromagnetic field.

McIntyre said not that he is aware of, he couldn't answer that, he does not know. The wireless internet signal is the same thing coming out of your router, so maybe there is some there.

Oponski said he hopes it would be more powerful than a router.

McIntyre said it operates on a 5 gigahertz band, if that helps explain it, whether that is a radio type band or some sort of emf band.

Oponski said that is fine if you do not know, he was just curious.

Ashland said question for Kohlhaase usually when they have a conditional use, they are only good for 6 months.

Kohlhaase said if these conditional use requests are approved then a zoning compliance permit will be issued, that triggers the use to be okay. In this specific case, you do not have to put any stipulations on the approval for the use to be allowed until it ceases for a period of a year or more, but you have always put the stipulations on in the past, so maybe it would be good practice. That brings up a question that if someday these poles are obsolete and they need to be removed, what is the plan there. It would be good to have something stipulation in there that says when the zoning compliance permits are issued for the poles, these poles are good for as long as they are being used for the intended use and once that use ceases for a period determined by you, then the pole needs to be removed, and who is responsible for the removal. It might be spelled out in their lease.

McIntyre said a handful of counties, at least 75% of the ones they work with state, once the lease is up or outdated, they go and collect it and turn the ground to how it was.

Kohlhaase said that is a good point. Basically removing the structure and putting the ground back to its original state.

McIntyre said they are responsible for that.

No correspondence

Ashland opened the meeting to the public

Joe Berg 2504 240th St., it is kitty corner about 300' feet from where this is going to be erected. He asked if they have any problems with ice coming off of it, is it a 5G tower.

McIntyre said it is a 5 gigahertz tower not 5G.

Berg asked if they will ever change the usage on the tower. If they went from internet to cell tower.

Kohlhaase said the monopole is being requested to have communication services, so if the Board would like to get specific to that usage, that would be a stipulation agreed upon by the applicant. We have communication towers where antennas have been changed out, they lease spaces to other company's etc., he would ask the applicant their intended uses and plans for the future.

McIntyre said they are solely using it for wireless internet, they do not and will not sublease to anyone, they are not in the phone business, they do not want the liability of someone else climbing their towers. It is kind of a bad deal, he's talked to plenty of land owners who have cell towers on their property, they have five or six companies whom show up unannounced, accessing their property, getting on the tower, they do have an easement, but it is nice to have one company forever, with the company trucks, who will call before they come out, doing one thing continually. That is what they do, plan to do, all we will ever do.

Ashland asked McIntyre about the ice on the tower.

McIntyre said some ice does get built up on these, they have ice shields to protect some of the backhaul equipment, but they've never seen an accumulative amount of ice damage any equipment or property. That is something they will monitor, they've been in the northern states for about 3 years.

Berg said he heard that the 5G towers emitting high frequencies causing cancer and messing up the internet.

Ashland closed the meeting to the public.

Ashland said these are some stipulations we talked about putting on this application, in effect as long as it is used for this purpose and if it ceases the intended use for a year or more the tower needs to be removed and the ground returned to its original condition, and no other uses on the pole.

Oponski said can we just put the stipulation is only for high speed internet, instead of saying for its intended use.

Kohlhaasse said that's better, yes.

Ashland asked the applicant if that is okay.

McIntyre said that is perfect.

Lee motioned to vote that the tower is only used for high speed internet, and in effect as long as it is used for high speed internet, if the uses ceases for a period for a year or more the tower needs to be removed and the ground returned to its original condition, Oponski seconded the vote.

Vote recorded as 5-0 approve. Oponski, Ashland, Lee, Berhow, and Johnson

2nd item of New Business was AMG Technology Investment Group dba NextLink and Brent and Karen Lacour, Conditional Use, Communications Tower, NW ¼, NW ¼, Section 17, Township 98, Range 38 Westport Township. The request was read.

Ashland asked if there was anything different about this site.

McIntyre said no. But he will welcome any questions.

Ashland asked if the board had any questions.

Berhow said it is not a huge issue, he just noticed that the siting was off a little bit, evidently they do not have any issues with siting near structures.

McIntyre said the landowners are the ones whom tell use where they will allow it on their property. This property owner had some areas he wanted this, and others he did not. What we tell all of the participants is, we're willing to put the tower wherever they want as long as they are in compliance with whatever this board requires. They carry insurance on every tower up to 5 million dollars.

Ashland asked how did they pick these sites.

McIntyre said some are done through surveys, mailers, or door knocking. These were done through a Facebook ad they had run. His boss identified an area of concern for them, they needed high speed internet out there, and basically the property owner reached out to the company about being a tower host. Also they identify properties they would like to work with, they were awarded a grant with an obligation to cover so many houses/units in each one of those census blocks/counties.

Ashland asked if these towers will cover the entire County.

McIntyre said they may be putting more up, those who live in a 4 to 6 mile radius is who they will be able to cover.

Lee said he was going to ask the same question.

No Correspondence.

No public in attendance.

Oponski motioned to vote that the tower is only used for high speed internet, and in effect as long as it is used for high speed internet, if the uses ceases for a period for a year or more the tower

needs to be removed and the ground returned to its original condition motion, Johnson seconded the vote.

Vote recorded as 5-0 approve. Berhow, Johnson, Ashland, Lee and Oponski approve.

3rd Item of New Business was AMG Technology Investment Group dba NextLink and Sonny and Chelsey Van Lenning, Conditional Use, Communications Tower, NW ¼, SW ¼, Section 31, Township 99, Range 35 Richland Township. The request was read.

No Correspondence

No public in attendance.

Berhow motioned to vote that the tower is only used for high speed internet, and in effect as long as it is used for high speed internet, if the uses ceases for a period for a year or more the tower needs to be removed and the ground returned to its original condition motion, Johnson seconded the vote.

Vote recorded as 5-0. Johnson, Oponski, Berhow, Johnson, and Ashland approve.

Third item on the agenda was Old or Unknown Business. Kardell was asked by a potential applicant to see if the Board would allow them to utilize a zoom platform for an upcoming meeting due to them being out of the area. The Board discussed the topic at length and ultimately decided any applicant making application to the Board of Adjustment needs to be present at the meeting or have a designated representative represent them in person. The Board of Adjustment will return to business as usual.

Fourth item on the agenda was Approval of the minutes from October 25, 2021. Berhow motioned to approve. Lee seconded the motion. All were in favor.

Fifth item on the agenda was Communications. Kardell asked if anyone has any conflicts with the December meeting due to it being during the holiday season. Barring any unforeseen conflicts, the Board will be present.

Sixth item on the agenda was Adjournment. Johnson motioned to adjourn. Berhow seconded the motion. All were in favor.

(For more information see recording BOA 11 22 21)