

**CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES**

**September 11 2013**

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Carlson, Mark Beggs, Karl Walters and Cecil Troutwine

Members Absent: Barbara Ball

Staff Present: Matt Tapp, Director  
Debbie Viviano, Planner  
Tim Flook, Assistant County Counselor  
Angie Stokes, Secretary

**Mr. Knisley:** Good evening ladies and gentlemen welcome to the September Planning and Zoning Commission meeting we would like to call the meeting to order roll please, Director Tapp.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Present.

**Mr. Tapp:** Cecil Troutwine?

**Mr. Troutwine:** Here.

**Mr. Tapp:** Jim Carlson

**Mr. Carlson:** Present.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Present.

**Mr. Tapp:** Chairman Gene Knisley?

**Mr. Knisley:** Present, thank you. I would like to have the motion to approve the August 6th Planning and Zoning minutes do I have a motion please?

**Mr. Beggs:** Mr. Chairman I make a motion that we approve the August 6, 2013 Planning and Zoning Commission minutes as written.

**Mr. Knisley:** Thank you do I have a second?

**Mr. Carlson:** I'll second.

**Mr. Knisley:** Thank you, vote please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve.

**Mr. Tapp:** Cecil Troutwine?

**Mr. Troutwine:** Approve.

**Mr. Tapp:** Jim Carlson?

**Ms. Ball:** Approve.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Approve.

**Mr. Tapp:** Chairman Knisley?

**Mr. Knisley:** Approve.

**Final Vote: 5/0/ Approve August 6, 2013 Minutes**

**Mr. Knisley:** If the Commissioners would take just a moment to look at the August Monthly Report and review it if you have any questions or comments please give them at this time. Being none we will proceed with the meeting, we are having a regular agenda meeting this evening and we will be taping our minutes and they will be part of our staff report and part of our meeting minutes, that being said we will proceed with one case this evening. Case number 116 it's a Conditional Use Permit request to

erect a commercial communication tower, specifically being a high speed wireless service antenna, on Community Services District (C-3) zoned property located at approximately 18316 Collins Road. The applicant is Tony Holland, Isotech, Inc., representing Paradise Storage, LLC. Do we have a staff report, please Director.

**Mr. Tapp:** Yes Mr. Chairman, if I may so first attach the staff report as part as part of the record, please.

**Mr. Knisley:** So be it.

**Mr. Tapp:** And may we also mention that the case may be heard, forwarded to the County Commission on September 16, which is next Monday at 1:30 pm, if the board makes a decision tonight.

**Mr. Knisley:** Yes that will be here.

**Mr. Tapp:** Summarized the staff report September 13-116CUP dated August 5, 2013.

**Mr. Knisley:** Thank you Director, is there any discussion with the Commission at this time before I call on the applicant?

**Mr. Carlson:** I think I have a question for the applicant.

**Mr. Knisley:** Do you have a question Commissioner?

**Mr. Carlson:** I think the question I have would be for the person responsible.

**Mr. Knisley:** Ok I will call him to the podium, any other comments? I would like to call the applicant to the podium at this time if you will state your name and who you are with for the record.

**Mr. Holland:** I'm Tony Holland, I 'm President of Isotech, Inc., KC Coyote, Inc., High Speed wireless, we're out of Trimble, MO and we have just opened our new office for KC Coyote in Kearney, MO.

**Mr. Knisley:** Before the questions from the Commission I'm sure you're familiar with the staff report and our regulations at this time did you have any questions?

**Mr. Holland:** No everything looks just fine.

**Mr. Knisley:** Alright, do we have any questions from the Commission?

**Mr. Carlson:** I have a couple, is this basically the same tower that you are going to erect up on the around 170<sup>th</sup> .....

**Mr. Holland:** Arley road we call Arley, Walter, Fred Walter.

**Mr. Carlson:** Yes Walter's?

**Mr. Holland:** No this is a different tower, the Arley Tower was a lattice tower same height, only 60 feet high and with an extra 70 foot request to handle any of the expansion of antennas that will be above it, but it is a mono pole tower. It's primarily the size of a light pole that you would see on the interstate. 60 feet high.

**Mr. Carlson:** I noticed in here it said the basis that you would be receiving from a mile radius? Is that going to be consistent or is it expandable?

**Mr. Holland:** Basically, we do not install a customer beyond the ability of the tower to provide really top quality service. We have principals of installation by where we watch for weather patterns, foliage and things that might interfere and we make sure we have enough margin to allow heavy weather in the winter, ice that build up and things that not interfere with the signal. So a mile is fine it actually can reach five to ten miles but we usually don't install, we have other towers that are in the area that will satisfy those.

**Mr. Carlson:** So in other words you are building a network.

**Mr. Holland:** We have a network of 50 towers to cover six counties and they all talk to each other. We have two fiber providers and three locations making this type of network unique in that it's a multi carrier, multi path network; it's highly resilient, highly reliable if one the carriers has an upstream failure it relays all its signals over to the other carrier. Each of the towers have an extended power system in them that will allow them to go from 4 to 14 hours without any utility power at all, so basically this keeps the total network up. If you had a single provider such as Time Warner and Time Warner had a problem your internet would be disrupted. With the KC Coyote network if either one of those fiber carriers can have a failure. We did have some vandalism in Platte County just before Christmas. Took down the Platte County Fire District and some of their communications, our customers would have been in that network but our signal switched over to the Trimble fiber and was routed out through the St. Joe network and none of the customers saw any downtime.

**Mr. Carlson:** With the network the size of a mile, for example the Reed farm. Wouldn't probably be able to service the entire plot of ground I think that ground is more than a mile long and that's okay?

**Mr. Holland:** Yes that's fine and there may be some people on the farther distance and again what determines whether the install goes in or not in that distance is the strength of the signal. So there could be somebody that's on a higher elevation beyond that mile distance and they would be connectable to that tower. More likely they're going to be within the range of another tower or another transmission point.

**Mr. Carlson:** No more questions.

**Mr. Knisley:** Any other questions? Do we have questions from the public?

**Mr. Holdsworth:** Yes I do, I'm Clyde Holdsworth from Paradise, and we have a petition here (*original petition with September 2013 minutes and a copy in file*). This has been gathered I didn't know we were supposed to come see you before the meeting and you said the meeting would be tonight. There are several concerns from the community about the tower as my petition said it, we're real concerned what the need for this tower is, there is a four hundred foot plus tower less than a thousand foot away from us that they put in out there and the availability of that is no concern to me but it's the fact that we already have a pretty good mark on our community already with that tower and number two in that whole area within a five mile radius there is only one community Paradise and so why stick it in the middle of Paradise. It's kind of a concern the resident's had and I'm going along with that I understood they have been talking about putting it down by the gun club on some of Clay County property. Put it down there, I mean why stick it up there right in the middle of Paradise? The people are not very pleased with it, second of all it seems like I said once again the need of it being just for the sole monetary gain of an individual I don't see that great of an asset to the community, I mean obviously pretty much everybody that got the letter within 1,000 feet other than about three people in the town of Paradise don't want it and are pretty admittedly against it just for the simple fact that we got one tower they crammed one out there on Clay-Platte's deal and that was for emergency services and blah, blah, blah and with the trucks and so everybody kind of swallowed that but I don't see any great need for this tower. There are other places, there are all kinds, you know if it's such a great thing and okay with the County just move it down there on and no one will say a word, put it down there on the other side of the graveyard or someplace on County property and go about your merry way. But stick right there in the only community in the five mile radius and Paradise needs lots of help I will agree but people are trying to straighten up and trying to be houses changing hands and making it more of a community and I just don't think there's any need for this tower just because of ... I mean what if some other internet person wants to come in and put up a tower and compete with them? I mean so we just, I mean it would not be fair if that one guy put it up well how would you say the other guy couldn't put his up, just for private gain, I don't see the necessity or the need for it and the people. This was kind of a last minute thing that kind of, I 'd been going on I was going to attend the meeting and numerous resident's kind of cornered me and even though Clyde has left the building so to speak I'm still the go to guy I guess and they were very instrumental. Very excited about getting a petition together and voicing their, they just don't want it and I have to agree with them I don't see any need for it, especially under the circumstances. So we appreciate you looking at it and giving us a fair ride on it, thank you.

**Mr. Knisley:** Thank you for your comments any other comments from the public? Yes.

**Ms. Elkins:** I'm Kim Elkins, I live in Paradise.

**Mr. Knisley:** Spell your name please.

**Ms. Elkins:** E-L-K-I-N-S.

**Mr. Knisley:** Elkins alright, thank you.

**Ms. Elkins:** Alright he saying that there is no internet there well obviously there is. We have a convenience store on the corner and it has KC Coyote internet and it has free wi-fi so I don't see why we have to put a tower out these people's front door and my back door to look at when we have access to that internet anyway? If we choose to get it, you know and I go up there often and get on the free wi-fi and go in and get on the internet anytime you want, so I don't understand why they want to put a tower there for their internet when it's already there in town, if you chose to use their equipment.

**Mr. Knisley:** Thank you any other comments? Yes sir.

**Mr. Elkins:** Philip Elkins, I bought my house 13 years ago and I bought it as a residential area I drive a truck for a living I'm in commercial areas and everything else I moved up there to get away from this stuff as far as this wi-fi goes that everyone's toting. I work for a multi-billion dollar company, you guys heard of Yellow Freight, YRC? Our computers we carry are we-fi they are junk we wind up half the time they are not working today I spend 30 minutes trying to reboot mine, this is a multi-billion dollar company you know they researched it you know they are supposed to be going through a dependable towers this stuff is not what it is cracked up to be, cause they're not going to throw money into something like this and just the commercial development up there I was up there for a meeting on that storage unit about stuff being stored outside and apparently I got shoved to the side because now I look at it every day going to work. I've about been hit three times this year coming home from people pulling out of there so this is my home and I don't want the commercial I don't want to look at the crap I do that all day long. I drive 45 minutes to work and home to get away from this stuff and whether that's going to have any bearing or not it should because I pay taxes I've lived in this county for 55 years I grew up in Gracemore, 435 was not there, Worlds of Fun wasn't there, that was a farm field, look what they did to it, look at it now, it's all commercial all them houses are it's slum in there now, it's terrible. I don't want to see this little town go that way, that's my biggest fear.

**Mr. Knisley:** Thank you sir. Any other comments? Okay would you like to come up and respond?

**Mr. Holland:** If there are no comments I would like to make some comments on their concerns basically we are in the internet age, it's a time when our students are at home and they have to use their personal mobility devices, their computers to work. I do appreciate that was almost a compliment to be mentioned that Kelly's Corner does use the KC Coyote wi-fi it is Kelly's Corner that chooses to make that a free wi-fi hotspot for the customers and the community, Paradise Storage is also, I had their security system on our internet for about three years now we have four or five customers in Paradise, individuals that have the signal coming across the lake from the area of Smithville some of those towers over there. Basically what happens here is that the students and the parents and grandparents are into. They have PC's they have to do their homework, we have customers that do medical transcription from home they don't have to drive so far to the city to get to their work, people who are moving to the rural communities sometimes don't even buy property if they don't have acceptable wi-fi. We have already looked through the MO Broadband Now program, we have been in since 2009 and the mode of wi-fi of wireless internet in Missouri has changed from no supply and low supply to choices so our model is really a choice. Our type of wi-fi is probably not for everybody there are people that are adequately using internet on satellites, there are people who are adequately using aircards, there are some who are using their local tel-cos. As I expanded before this is a highly resilient internet product, it is good for home and for business we have customers that do work at home and use it for their communications with their relatives at the same time as they might be doing movies or working on their games some of the gaming that goes on. So it's been a very well accepted product there is over a 1,000 customers in a six county area that are using it, they choose us over the other ones. What we did see the County approved a tower on 142<sup>nd</sup> street a couple of years ago and we had a realtor that had a couple of buyers they were waiting to make a close on the \$500,000 plus houses the day or week immediately following that approval of that permit when that tower went up that realtor closed on those houses. If you remember the 144<sup>th</sup> street tower that we applied for we had the individual in the audience that had DSL but they couldn't sell their house because the people that wanted to buy their house the current internet provider really wasn't the style that they needed and our internet is and they were able to sell their house after the internet tower went up, so this is not, I think if you want to categorize what is Isotech and KC Coyote it's best categorized through a book called the Barnabas Effect. We are designed around that book written by Phd Lisa ... I can't remember her last name anyway she wrote that book basically it explains what a benefit cooperation is, we are a benefit cooperation we are a for profit cooperation but we exist solely for the benefit of the communities, in other words our influence here is economic development and we certainly do not want to go anywhere where the general citizens would not benefit from this service. We might remind the citizens here that a part of the conditions that we agree to and the tower is to allow a co-location for your narrow band police, fire, ambulance equipment so should you need to have a an extension of those types of services the Sheriff and the ambulance at the fire department can have a high speed quality sub metric type internet that allows as fast as upload as it allows download which is very good for communications for cameras, for video, for quick and

instant communications that you are going to see a lot more in the future. One of the things that we just learned, we are partnering up with one of the local radio stations and they are going to the high schools and they are broadcasting the high school games and they are telling us they are finding a lot of grandparents not even in the area that are really enjoying watching these team sports streamed lived video this doesn't happen on your local DSL, it doesn't happen on satellite, it can really happen the best on the KC Coyote's broadband the sub metric broadband that has the same upload as the download. Today we had a meeting in Smithville and heard from ADT and they are selling a ton of home security systems people are watching their home security systems from their smartphones, they are turning on their air conditioners, watching their garages and things and they are finding out that the dog is here and the dog here on typical wi-fi connections, we demonstrated to them that the dog runs like this across a sub metric connection, so this is what's coming into the city and the communities and the rural communities and for more than just an area there will be some capabilities for tourist that come in and people camping around, (*inaudible*) type things that come in they spend a lot of money buying a lot of air cards so that their people can stay connected and come to their events and come into the County area and that brings revenue into the County as well. So anyway over all again we do not want to be where we are not wanted we think that some of the objections might be a little bit explained away it's again a monopole, it is not anymore of an eye collector as a utility pole maybe only 30 to 40 feet higher than the barn structure that it'll be beside, it's an actual fall distance is certainly within the borders of the property and this is the nature of our towers they're not like cell towers, cell towers you can see for miles and miles because they're 200 feet maybe 300 feet high. These towers they barely reach above the trees in order to collect the signals that go from all the other networks and then rebroadcast that signal there so they're very low profile and is easy to ignore as a new utility pole or a new structure that comes up in your area. Part of the question about the PCEC tower I would like to answer for the group here is PCEC is a coop and they are run by a board and as such they cannot sign an agreement or a contract for long term not acceptable to our type of internet, once our internet is in place the internet itself becomes like the fourth utility it's no longer, not any easier to take that tower down or stop that service than it would be to turn off your gas or electric or your water, so there for we look for locations that have willing people that are willing to host a tower. Our tower hosts are very very important to the community they have brought, out of the 50 tower hosts that we have throughout the six counties they have enhanced the community by their willingness to allow us to lease some space on their property to put a tower up to bring our type of broadband internet. We believe the communities deserve choices so they can have the choices of satellite, they can have their air cards, they can have their local carrier or they can choose KC Coyote wi-fi sub metric service. Which is again a highly resilient service that is nearly always there, so that is really our comments on that, I think that this service would not be as disruptive to people that really some of them are already using it, you already have some customers in that community that using it and in addition to the people that have objections here we have seen an equal amount of responses because some of them are dial up customers in the beginning days, before we brought the wireless in we brought in local dial tone to this community. They were able to have the Isotech dial up system at a cost of a local network not having to spend long distance money or tie up their primary line. We just had modified this to bring in the higher speed broadband to satisfy the educational requirements, medical requirements, jobs, economic development for the community and really it just puts the students and the healthcare and the safety of the community at an even par with what you can get in the city. So that would be all I would say about some of the comments that have been made and I appreciate the people coming in.....yes sir.

**Mr. Carlson:** I watched a tower being erected a year or two ago at Lake Waukomis....

**Mr. Holland:** I don't have one at Lake Waukomis or a tower okay.

**Mr. Carlson:** But of course objection to the tower and they solved the objection by making the tower look exactly like a pine tree. You could not tell a pine tree wasn't there.

**Mr. Holland:** This is going to look like a utility pole; I mean it could look like a pine tree.

**Mr. Carlson:** This was a beautiful tree.

**Mr. Holland:** I have seen those in Arizona and California and everything too and we've had people ask that before but certainly anybody that wants to see what this would look like can go down Stark Road to the Boone Dock Subdivision drive around the subdivision and see if you can actually if that tower actually catches your eye. The very similar tower exists there and it's in the middle of a sub-

division and it was designed to handle people that were in that subdivision that wanted to work from home, they didn't want to drive into the city to do their job, people who were on call as technologist's or doctors or whatever and when that tower went up it's been there for a year now and the residence don't even notice it's there.

**Mr. Carlson:** You mentioned Platte-Clay and you have done as much as you can to . . .

**Mr. Holland:** We have worked with Platte-Clay for about six years trying to find a mutual place that we can go where our agreements with Platte-Clay is looking like it's ultimately ending up is that their likely to share our towers with us and not put any more of their own. They are waiting for us to bring a mobile product to our network, which is only a year or so away. Once we have a mobile product where their trucks can go from tower to tower and stay connected with their power grid and everything then they would be interested in, now co-locating and hosting with us mutually between them it would be more likely that we would sign a contract on that term then now. So we have been working with them, right now the price that it takes to get on their towers, because they don't own a lot of their towers, their towers are owned by American Tower. They have just a little bit, it's more costly even to think about getting on their tower then it is even to just build one of our own. So their cost factor in it but there is some relationships being built there and we are working with them. And we are working with the County as well here and we should see interaction between our towers and the County towers.

**Mr. Carlson:** I would like to ask our Attorney to look into that possibility of talking with Platte-Clay and getting them to be more receptive because this is the second tower that we've had in two months and we are going to see a lot more towers I am afraid and I think if we could combine them.

**Mr. Flook:** I can try and find out or Matt or whoever needs to . . .

**Mr. Holland:** We would appreciate

**Mr. Flook:** What the holdup is, is it a pure matter of competition going through rural . . .

**Mr. Holland:** Actually we cooperate with them quite a bit in our Sandbar office we have a radio on the roof of the First Missouri Bank and we coordinate our frequencies with their frequencies so it doesn't interfere with them and so they are very aware of us they're aware that we want to work with them it's just a matter of getting a mutual agreement together on that. One of the things that we have in our philosophy is that environmentally we put our equipment where things already exist so we share the Smithville Fire Department's tower, we share amateur radio operator's towers, we share gain evaluator legs where they exist. The other part of the environmentally note that we put on that is our towers are so short, they're not as tall as a cell tower so there for the blend in a lot better with the communities and there is a term for what we do it's called small cell technology. The cellular companies started out putting up very large towers and they've gone to you for permits and you have seen quite a bit of resistance from those types of things and now they want small cell technology, they would like to come back to the counties and the cities and ask for more real estate for more permits. We didn't approach it that way, we found out that it's a better acceptable solution to go to the communities with a shorter towers, more of them and them closer together, they do back each other up and provide alternate routes, we call about a multipath network. They provide alternate routes, in case there is an outage or something. The whole goal here is to provide a service to the community that is equivalent or better in a rural environment then you would have available in the city and so far we feel like we've been able to do that. In this with a little bit of KC Coyote product came about, got named one time on a trip through Arizona I saw a coyote chasing a roadrunner across the road and I said that's it. That roadrunner is always running away from that coyote and I think we are going to get pretty close to catching him.

**Mr. Carlson:** The tower you erected for the Walter's.

**Mr. Holland:** Yes.

**Mr. Carlson:** That's a personal tower, this tower you're going to erect for this group is a personal tower, is that the . . .

**Mr. Holland:** Those are both, no they are actually commercial towers. We have a few towers that have been erected by individuals that want to use them for their own personal use. This becomes kind of a combination, I think we referred to it as semi-commercial tower; it is for the benefit of the private landowner as well as a private use for him and his family as in the case of Paradise Storage that secures their property basically because they can monitor their cameras from anywhere. And so they've provided a safety factor for having the internet available there. It is commercial in that, yes we are a for profit organization. Our funds that we make, we're out of Trimble, we're out of Kearney we put them

back into our communities, we have I couldn't tell you I know we have many many businesses in our network group and our family of users that we don't have a need of repair or replacement or landscaping or anything, we don't have a customer within our family that we can't go to. So we are very very locally orientated we are a member of the Dairy Development Council, we've tried to stay involved with the communities as much as possible to find out what the needs are. And we want to meet the needs and if it's determined by the Commission and by the Planning and Zoning people that there's not a need and it's too much of a resistance we're for that as well. We're not out to make the buck we're here to supply services to the communities that basically help them to be living in their community and buying and selling their property in their community just like people would have in the larger cities, but still enjoy the rural environment.

**Mr. Carlson:** You are saying it's a commercial tower ....

**Mr. Holland:** Yes.

**Mr. Carlson:** ..and it's owned by an individual ...

**Mr. Holland:** It's owned by an individual.

**Mr. Carlson:** On an individual's property

**Mr. Holland:** That's correct.

**Mr. Carlson:** And you lease it for five years?

**Mr. Holland:** That is true.

**Mr. Carlson:** So really it's a personal property?

**Mr. Holland:** The owner of the tower will pay a personal property taxes in the County and this case this is a little bit of a reverse role for us and Paradise Storage, this time Isotech is going to buy and own the tower. When we sign our agreements with them and we haven't discussed all the details yet. So I won't disclose everything, but we will pay the personal property on their tower, on the tower on their property and we will lease or exchange services or something in kind for having the privilege of using that property. Basically, we don't look for the highest hill, we don't look for things like that to put those towers on, we look for willing landowners who know and feel like it would be a benefit to their community. So the Massie's at Paradise Storage already have the service, there is an antenna on a utility pole on their property right now that services other people in Paradise, but erecting this tower here allows that community to become connected to the rest of the six county network and it could possibly be in the future a great aid to your public service group, if you choose to use it as one.

**Ms. Elkins:** *(inaudible)*

**Mr. Holland:** Yes I would be glad to answer.

**Ms. Elkins:** *(inaudible)*

**Mr. Knisley:** Ma'am, yes thank you.

**Ms. Elkins:** So you are saying right now...

**Mr. Knisley:** We have to have your name again.

**Ms. Elkins:** Kim Elkins in Paradise. So you are saying right now she can't access her security system but putting that tower up there now she can?

**Mr. Holland:** No I didn't say that at all, they are currently accessing their security system through our network without the tower.

**Ms. Elkins:** Then why do we need the tower?

**Mr. Holland:** The tower provides the services for the community for other residents in the community and for police, fire and ambulance as the statement in that.

**Ms. Elkins:** Okay you harped on the kids.

**Mr. Holland:** Yes there's....

**Ms. Elkins:** We don't have very many kids in the town of Paradise.

**Mr. Holland:** But you have grandkids and we've got grandkids...

**Ms. Elkins:** Sure I have grandkids but they don't go to school there.

**Mr. Holland:** We've got grandparents that say this internet is grandparently these kids come over because they can stay connected with their friends.

**Ms. Elkins:** I have 20 grandchildren okay I am telling you right now I don't have internet in my home and we all have cell phones though we don't need the internet we can call each other, you know.

**Mr. Holland:** The internet...your cell phone coverage can be augmented as well by the internet here our cellular coverage has expanded/expandable because of this type of internet.

**Ms. Elkins:** Here's my favorite one you say for education for the kids in Paradise, I can think of four on my hand, that's all the kids in Paradise that's it.

**Mr. Holland:** Well someday you will transition out of your home and maybe out of your skin and people will buy your house and maybe somebody will buy it who will have kids.

**Ms. Elkins:** That's a while in the future.

**Mr. Knisley:** Let's stick to the point, I think we got your message, thank you very much. Any other comments? Yes you in the green. We'll let Clyde here talk first, whatever.

**Mr. Houghton:** I'm Brian Houghton, I live at 18401 Holmes.

**Mr. Knisley:** What is it?

**Mr. Houghton:** Houghton H-O-U-G-H-T-O-N

**Mr. Knisley:** Thank you.

**Mr. Houghton:** I just bought my house a year, year and a half ago, I've been remodeling it, I've put a bunch of money into it and I drive an hour and fifteen minutes one way to work and back so I come home as soon as I hit the lake and I pass it, it's a weight off my shoulders. Every day when I come home or every day when I go to work I'm like oh time to do it. I don't understand why a commercial tower to benefit just the storage unit, which is already disrupting my view of the lake, how's an extra tower there, which you have already said everybody's got service around there that wants it. Everybody in our town has KC Coyote that wants it, the storage unit is using it, the Paradise general store is using it, how is that tower going to benefit me, besides lowering the price of my house for one and two cruise around the corner every day when I come home from work trying to shake off a day and see this nice pretty tower. You want to make it look like a tree like he said I'm all about it.

**Mr. Holland:** It's probably not going to look like a tree.

**Mr. Houghton:** If you want to make look like a tower I'm not interested. I got internet in my house, I got wi-fi I don't have any problems with any of that stuff it all works just fine and dandy. My fiancé's kids come over, my grandkids come over they communicate with everybody in the world, I don't understand the reason why we need this tower there for this guy's personal benefit? When it lowers the property...

**Mr. Holland:** It's not only just for their benefits there are others that benefit.

**Mr. Houghton:** Okay everybody, you just said everybody in Paradise has it that want's it and it's working just fine.

**Mr. Holland:** No I did not say that, there are some people in Paradise that want it and don't have it yet but there are people in Paradise that can have it and do have it.

**Mr. Houghton:** Okay then Paradise General Store there's wi-fi right there with your service.

**Mr. Holland:** (*inaudible*)

**Mr. Houghton:** Okay how many other residences in the Paradise area have your service.

**Mr. Holland:** I think about five.

**Mr. Houghton:** Okay, does the storage units, over there right across the pasture from my house they have your service also right?

**Mr. Holland:** That is correct.

**Mr. Houghton:** Is it not working okay?

**Mr. Holland:** Its working fine, working very good.

**Mr. Houghton:** What is the propose of the tower then, why can't we move it?

**Mr. Holland:** The tower is to expand the network capabilities for everybody in the County that can use it, especially we really are making a consideration by allowing this one item be added in so that the County can co-locate their police, fire and ambulance first responder equipment on it. But it does more than that it'll eventually bring in, it is bring your community into a new era and if you don't want it you know it's up to the Commissioners and it's up to the Commission here to decide whether it's a value or not. For your little community and for everybody surrounding it and for the total value of the network and believe me from our experience it will not lower the value of your home it will actually increase the value of your property to have choices and that's where we are now, no service to little service to now choices and that's what we are seeing all throughout Missouri.

**Mr. Houghton:** Okay sir where do you live at?

**Mr. Holland:** I live in Trimble, Missouri.

**Mr. Houghton:** Okay do you drive home every day and see your tower?

**Mr. Holland:** I do I drive to the office and see it every day.

**Mr. Houghton:** Okay I don't want to see that. My fiancé works at KU Med Center she runs the old (*inaudible*) program there. We moved to Paradise about three years ago bought the house a year and half ago so we didn't have to deal with that.

**Mr. Holland:** Well I appreciate that and I have no problem....

**Mr. Knisley:** I think we've got the message back and forth here, appreciate it sir. Thank you very much.

**Mr. Holland:** (*inaudible*)

**Mr. Knisley:** Clyde would like to come up and speak sir? Name.

**Mr. Holdsworth:** Clyde Holdsworth, Paradise, MO. I almost take offense to listen to some of Tony's talk, first thing we do is drag the kids into it all. The children need that internet, how are they going to study, you know that is not the case at all here and that's really not the issue as far as I'm concerned and the issue is the town people don't want it. There's internet available, we have a card that we run, I'm not an internet person I can barely run my cell phone but my wife has it and my kids have it. We have Sprint or AT&T or somebodies card and we have fine service and so I don't think that's going to befall the community if we don't have this and secondly I don't know that the police and the fire people are just chomping at the bit that they won't be able to protect our homes if we don't have this. You know this just so much malarkey and the fact that it's a coming thing I know it's a coming thing but the whole bottom line to it is and he himself just said that the thing with Platte-Clay tower is a lot of it is the price. The price to get on that tower, well go out there and get on it and I don't care what the price is, why do we need to put this in our community to save some money for somebody who isn't going to share any of it. I mean he is going to share the internet with us and I am a little bit, I will tell the Massie's, I'm surprised that they would sell out the entire town for \$60 or \$70 worth of internet and that's all they are getting. They are not out to gain anything financially by it and I appreciate that but the matter of it is I just cannot understand that reasoning. Buster Summer's hadn't sold that property out there that big Clay-Platte tower would never been there so I kind of fall on that and thirdly he's based in Clinton County. He's not paying all the Clay County taxes that he probably suggest that he would pay.

**Mr. Holland:** We're actually in Clay and Clinton.

**Mr. Holdsworth:** But you're based out of Clinton.

**Mr. Holland:** We have Isotech offices in Clinton County; we have KC Coyote offices in Kearney.

**Mr. Holdsworth:** Well I haven't done all my homework I'm just telling what I know and nobody's going to say run Isotech out of town, let him go somewhere else they can go down to the gun club, let him go onto the County property where no one would have a single word to say about except the County and no one would say, you would not hear a peep out of anybody. Why come up there in the middle of a community the only community around and stick.. and he talks about well there's a lot of other people that have voiced they really want it. None of the thousand foot range people that were notified of the deciding factor in this have not approved it. Now there's no question about it I'm sure there are people out there, Fred want's internet, Fred put up a tower and I'm sure that Robin and Joe and they all want internet that's fine my family want's internet but just do it a different way. Don't stick right in the middle of town, I mean go down and put it down there at the gun club. From what I understood they suggested that's what I heard I don't know it for a fact but there's been suggestion of that. Put it on the County property what would it hurt, I mean it's not going to hurt anything there in Paradise where all the people are at and the children are playing around. Like my brother said put up a tower and see if that is the first thing somebody wants to climb, I mean whether it's climbable or not, with that being said no one is against internet here at least I'm not, I'm all for more police protection, I'm all for the poor little children, but I get so sick and tired of listening to this. I sat on the school board for 12 years and these people come in and they are just doing it for the kids well give me a break, I mean if you want to do something for the kids really stand up and take a stand, but I won't get into that. Anyway I just think that it's just a bunch of malarkey if they want internet then put it up somewhere else don't stick it right in the middle of town and we would seriously appreciate you consider that because the people that were notified were the people that are directly affected by this I don't care how many people out in the community, I'm sure Tony is right there's just as many people that would like to have the tower as the people who don't want to have the tower, but they don't live

next to it. They don't live next door to it, so the people who are affected by it don't want it and they voiced pretty strong opposition and I would just appreciate considering that. Thank you very much.

**Mr. Knisley:** Any other comments from the public? Yes ma'am if you will come up and state your name.

**Ms. Massie:** I am Cara Massie..

**Mr. Knisley:** Massie?

**Ms. Massie:** Cara Massie, yes sir, and I own the piece of property that Paradise Storage sits on and so that last comment was a bit disheartening to me. I really want the board to understand that it has never been and will never be our intention to sell out the residents of Paradise. I really came in here fully believing that putting an internet, wireless internet tower on our property would be mutually beneficial for the area at large, including the information we received about co-locating for County services. It's important to our business that we maintain healthy relationships with the residents that border our commercial property and it is not my intention to cram development down their throats that they're strongly opposed to. So please, just hear me say that we really want to be a good neighbor and we also don't want to move in development that's really not welcomed. Thank you.

**Mr. Knisley:** Thank you. Any more comments? Being none we will close it to the public now at this time. Any comments or questions from the Commission?

**Mr. Beggs:** You did say this was zoned C-3 right?

**Mr. Tapp:** Yes.

**Mr. Beggs:** Highest density commercial that we have?

**Mr. Tapp:** Right. And Mr. Chairman if I have moment.

**Mr. Knisley:** Yes.

**Mr. Tapp:** I would also like to include the petition and the Mr. Clyde Holdsworth had submitted along with the rest of the citizens at Exhibit B as in boy to the record just so we have an identifier on it.

**Mr. Knisley:** Yes so be it, we will do that.

**Mr. Carlson:** Can I ask another question?

**Mr. Knisley:** Yes.

**Mr. Carlson:** Is the storage facility located on a commercial property?

**Mr. Tapp:** Same piece of property yes.

**Mr. Knisley:** Any other questions or discussion?

**Mr. Tapp:** Jim in on the map on the wall illustrates the red dot if you can kind of see under the aerial photography kind of bleeds it out, the red dot is proposed location of the tower and then you can kind of see the roof line of both of the newer storage buildings up by Collin's road so it's all commercial.

**Mr. Houghton:** Can we scroll on down and see all the houses right next to it all..

**Mr. Tapp:** To the North sure. Is that good?

**Mr. Houghton:** I think that is everybody directly affected and all those houses are covered by trees also.

**Mr. Beggs:** Can you zoom out or show more area? Instead of panning can you zoom that?

**Mr. Tapp:** Zoom in or zoom out?

**Mr. Beggs:** Zoom out just a little bit. That's good.

**Mr. Tapp:** Right there? So this whole region is generally the unincorporated place called Paradise formally Gosneyville the store's here, this is commercially zoned, that's commercially zoned, this is all commercially zoned.

**Mr. Knisley:** There's really not much south of there?

**Mr. Tapp:** No its Corp land, green is the Corp land.

**Mr. Knisley:** Is that where it starts?

**Mr. Tapp:** Right, the cemetery then the Corp land and then the Smithville Fire Protection District owns this piece right here.

**Mr. Houghton:** The fire department wants to use this they can put it there.

**Mr. Tapp:** Brian could you step up to the mic so we have it on the record, thank you.

**Mr. Knisley:** Your name please sir.

**Mr. Houghton:** Brian Houghton and if you run a scroll on down a little bit more the gun club is just on the other side of this property here.

**Mr. Tapp:** The trap shot right?

**Mr. Houghton:** The trap shooting range okay see all this green property there is your trap shooting range. There's more Corp property over here, why do they need to stick it right next to everything we got to look at? When I cruise home every day I've got to look at and stare at that tower. Thank you.

**Mr. Knisley:** I don't think you can put it on Corp property could you?

**Mr. Tapp:** The Corp would have to approve it.

**Mr. Holdsworth:** Clyde Holdsworth. That was my question is there any great, is there a problem putting it down on the County property? I mean what, I can't understand something so easy and we're not going to do it. We are going to make people mad for no reason. If we could stick down there on the County property?

**Mr. Tapp:** It's Corps land we don't own any land in there.

**Mr. Holdsworth:** Well you guys have a 99 year lease or whatever it is. You put everything else there, you have your own towers up, down there.

**Mr. Tapp:** What we are doing right now though, Clyde, is we're doing co-locate on the Platte-Clay Electric. We're sending a wi-fi signal as well as the new radios for the Sheriff's office to that tower and it's going to hit the Park's office towers and that's our system.

**Mr. Holdsworth:** Okay.

**Mr. Tapp:** It's going to happen no new towers.

**Mr. Holdsworth:** Well there again if he needs a tower. Why couldn't it be put on Corp property?

**Mr. Tapp:** That would be a question for Tony and the Park's department.

**Mr. Holdsworth:** I mean I know we are done with public comments but I just can't understand why that and not the other when it could be just an easy fix, I would think. Thank you, I will try not to bother you again.

**Mr. Knisley:** I have a question for Tony, have you ever contacted or had a need to put it on Corp property around the lake there at all.

**Mr. Flook:** You know what I would do just to be safe I would just go ahead and have a motion to reopen public comments consider Mr. Holdsworth's comments part of public comments then ask questions, because you are going to make a decision on the record and you have an extra take, you want to have that as part of the records so are Mr. Holdsworth's comments. I would do it just to play it safe.

**Mr. Knisley:** I agree with you, I would like to open the public discussion at this time on the last two comments that were made.

**Mr. Beggs:** Do you need a motion?

**Mr. Knisley:** We need a motion?

**Mr. Beggs:** I make a motion that we reopen public comments.

**Mr. Walters:** I second.

**Mr. Carlson:** I second.

**Mr. Knisley:** Vote?

**Mr. Flook:** All in favor.

**Mr. Knisley:** All in favor?

**All:** Aye.

**Mr. Knisley:** Alright.

**Mr. Holland:** The question was why do we not consider the Corp property. One of the things that if we consider the Corp property because of its face to the lake it drops considerable the surface of the lake is about 826 feet we would have to have considerable higher tower on a lower piece of property in order to communicate with the rest of our network. So primarily we don't usually consider that, the primary factor considering where our tower is a willing tower host so we're totally fine with whatever the committee wants to do it's not going to make any enemies with them or us or anything. A little surprised that we are getting a little resistance here but sometimes that happens.

**Mr. Knisley:** Alright thank you.

**Mr. Beggs:** I have a question after hearing the comments. Are you willing to proceed? Are you willing to proceed or pursuing this?

**Mr. Holland:** I would ask the Commission to consider all of the information that you have gotten and make your decision based on what your best thoughts are how it would serve this community and other communities the whole county as a whole. Part of our network would also benefit from it so we would be fine with whatever decision you make.

**Mr. Knisley:** Have you, has there been any reason to try and find another location around that area or where you just contacted or you just thought this would be a good place? Is it the high level or is it or what other reason?

**Mr. Holland:** A few years ago we've been providing the services to Paradise sort of as a pay forward type solution, we haven't charged them for any of their services with the option that at some point when we found it economically feasible and the right time that we would ask to use their property to put a tower up. So we've approached them recently because of the high build out that we have experienced in recent, in the last year, we've grown 25% per year up to 2008 and we are growing about 50% per year now that's just because communities want this type of service so it's the time. It's, we've had this in our plans for quite a while and right now in our mode for where our business is we felt like it was time to approach the Massie's and see if we could go ahead and execute what we had verbally agreed on before. So that's how that all came about right now.

**Mr. Knisley:** I have a question for maybe Clyde, what's the population of the Paradise and the general area? Do you have any idea?

**Mr. Holdsworth:** Roughly a hundred, I am just guessing I mean it was 93 once one time, there's roughly, well you can almost count the houses 20 some houses so probably not that large cause there are not that many kids in towns anymore. And how much difference in elevation is there between down there and Paradise? You said it was eight something, do you have the elevation?

**Mr. Holland:** About 70 feet.

**Mr. Holdsworth:** A 70 foot drop between there and the lake? That surprises me.

**Mr. Knisley:** Thank you Clyde, any other comments? Yes if you would come up and state your name.

**Ms. Massie:** I am sorry.

**Mr. Knisley:** That's alright, that's okay that what we are here for.

**Ms. Massie:** Cara Massie again, I realize I am reiterating the comment that I just made but please hear me when I say I really came in thinking that this would be a mutually beneficial agreement for the Paradise Community. This is not a large revenue stream this is not a method of economic development for our corporation if it's something that the surrounding community owners really do not want I'm not in a position to make enemies over this issue, so please take that into consideration and thank you for your time.

**Mr. Knisley:** Thank you. One more comment.

**Mr. Holland:** I would like to almost mirror what she said. Certainly we value our reputation more than silver and gold and so we would not want to make enemies of anybody in the community in fact even Clyde has helped us with his bucket truck in the past to put up towers and we've had and we want to keep a good relationship with all the community around. Many of them bring their computers into our store and into our shop to get them repaired, we have as many people in Paradise that use other facilities and other services that we have and so it is our desire to have harmony in the whole matter.

**Mr. Knisley:** I have a question just for curiosity we approved one up on 144<sup>th</sup> street I believe.

**Mr. Holland:** That is correct.

**Mr. Knisley:** It was about a year or two now.

**Mr. Holland:** That is correct.

**Mr. Knisley:** What kind of customer base do you have, member or subscribers.

**Mr. Holland:** That tower has probably twenty customers directly attached to it. But because it relays, that tower relays from a primary fiber point in Kearney and it reaches out to Excelsior, it reaches out to Home Ave, it reaches up to Lawson and so those communities themselves because of that tower's ability to be a primary link to a fiber connection has served a wider area. Even though it's just directly has... I know it's a hard technology to grasp but is a very dynamic network and so one tower may only have twenty people on it one tower may have a hundred people on it but the towers may interact with other towers there by making them a part of the organism.

**Mr. Knisley:** My next question what kind of tower will this be?

**Mr. Holland:** This tower really probably be an edge node, it probably just be only that type of tower for serving anybody that comes into the community as guests at the lake, as guests in the store, or guests around other campers and things that come around perhaps. And I don't want to belay the issue of the children, I don't want to offend anybody on that but that is a big issue in all the school districts

right now with can my child do his homework on his iPad and they are passing these things out so we are just trying to help that situation. I know that a lot of what we've heard a lot of that over the news stuff that really doesn't sit well with anybody but we try to benefit the whole community.

**Mr. Knisley:** Alright Mr. Holland.

**Mr. Holland:** Thank you.

**Mr. Flook:** Mr. Chairman may I ask a quick question?

**Mr. Knisley:** Certainly.

**Mr. Flook:** I just want to make sure are you saying that you want to proceed on your application or are you saying you don't want to proceed given the debate tonight?

**Mr. Holland:** I will not withdraw my application I will leave it up to the Commission and accept the answer.

**Mr. Flook:** Alright.

**Mr. Beggs:** Do you feel the same? I mean I know Isotech is representing you but is that your feeling as well?

**Ms. Massie:** I am fine with whatever the Commission decides. It's the right thing to do (*inaudible*)

**Mr. Knisley:** Very good.

**Mr. Beggs:** Do you want to explain what the Commission is really here to make sure if it fits in the development code.

**Mr. Knisley:** We do, we have our Land Development Codes and our other codes and we are actually an advisory board, we advise to the County Commission we make our decisions, we pass it on to the County Commission and they will have the final say and that's the reason whatever we do if we pass it or whatever you are certainly welcome to come to the County Commission meeting and state your comments like you did today. We try to look at the overall picture of the County, actually I've been on long enough we try to have fifteen year projection and I've seen fifteen years and more and it pays off. One of the comments we thought of when we started having to discuss these cell towers we didn't want an antenna farm in our County. It's been very hard because it's, everybody has a right to come and do business in our County but we have to be real careful on how we get those position and placed this technology with the internet towers had just been what three or four years now, Tony I believe you've come to us and we have approved. How many have we approved in the County now?

**Mr. Holland:** I think it's about six and I think the first one we approached you with was around 2008.

**Mr. Knisley:** Alright and we haven't had any problems with any of the towers or any comments from the public around through that time.

**Mr. Tapp:** No, I think we've had zero complaints with any of the towers.

**Mr. Knisley:** Alright, but that's our goal.

**(Someone in the audience):** But how many were in the community?

**Mr. Holland:** They're all in communities, with the exception of some of the grain elevators and a few farms.

**Mr. Knisley:** But that's our goal here is to listen to the public and take in their concerns and also the growth of the County and what it's going to do to benefit our citizens of the County, so that's where we are this evening any other comments from the Commission, attorney?

**Mr. Flook:** I would say this is one of those types of proceedings that's good for me to try to reinforce how you all approach this, some of you already know this very well, but those that are new, but basically this is for the public benefit as well is this Commission makes a recommendation, they make the recommendation base to the County Commission and they base it on two parts; one part is, is the permit or what's being proposed within the scope of the Zoning Regulations or within the power of our Zoning Regulations and then the second part is, is there a substances evidence to support the decision for or against. Okay, so one is it legally within our regulations and two is there substance evidence to support what we think is the right decisions. So your testimony today what you described will take some of its direct evidence and some of its opinion they have to sort that out. I was just going to remind you those are your two factors and of course they've got the page four of the report walks through the, page four – five walks through the factors of the code consideration for you, so as you discuss it you are following those factors and you will stay right where you're supposed to be in your mission.

**Mr. Knisley:** Thank you Counselor. Any other comments?

**Mr. Beggs:** Mr. Chairman I would like to go ahead and make a motion that we approve the Conditional Use Permit to erect a 70 foot tall monopole commercial communication tower specifically for high speed wireless service as shown on Exhibit A.

**Mr. Knisley:** With the conditions.

**Mr. Beggs:** With the conditions shown on Exhibit A.

**Mr. Knisley:** Okay thank you, there has been a motion to approve the tower with the nine conditions. Do I have a second?

**Mr. Walters:** Second.

**Mr. Knisley:** We do have a second, vote please

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve with conditions.

**Mr. Tapp:** Cecil Troutwine?

**Mr. Troutwine:** Opposed.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Opposed.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Approved with conditions.

**Mr. Tapp:** Chairman Gene Knisley?

**Mr. Knisley:** Opposed.

**Final Vote: 2/3/0 Motion does not pass Sept 13-116CUP; Commercial Communications Tower**

**Mr. Tapp:** The motion did not pass.

**Mr. Knisley:** The motion did not pass on this case I don't know what the applicant has at this point.

**Mr. Tapp:** I would point to legal counsel and perhaps reverse the motion and say maybe another motion for the floor to not approve the application so you have majority vote of some type. Because right now you have is the vote that did not pass.

**Mr. Flook:** The next vote would be effectively recommendation for the Commissioners.

**Mr. Tapp:** Recommend denial, so that you have a recommendation.

**Mr. Flook:** So one of you that was opposed should probably should make the motion and second and then you guys reverse your vote I guess and that will be your comment to the Commission.

**Mr. Carlson:** I think I can do it, I would like to make a motion that we oppose the case number ..

**Mr. Flook:** I would say move to deny.

**Mr. Carlson:** Move to deny case number 13-116CUP a request for a conditional use permit to erect a commercial communication tower, specifically being a high speed wireless service antenna on Community Services District (C-3) zoned property located at approximately 18316 Collins Road.

**Mr. Knisley:** Can I have a second on that motion?

**Mr. Troutwine:** Second

**Mr. Knisley:** It has been seconded by Cecil, vote please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Disapprove.

**Mr. Tapp:** Cecil Troutwine?

**Mr. Troutwine:** Yes.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approved.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Disapprove.

**Mr. Tapp:** Chairman Gene Knisley?

**Mr. Knisley:** Approve.

**Final Vote: 3/2/0 Deny Sept 13-116CUP; Commercial Communications Tower**

**Mr. Knisley:** Alright ladies and gentlemen it's very enlightening discussion and hope you well and any other, let's see we'll go on and proceed with our agenda here this evening. Do we have any comments from the Director any other business?

**Mr. Tapp:** None just that if the applicant and the owner so chooses to progress to the County Commission it'll go Monday, September 16<sup>th</sup> at 1:30 pm in this very same room. So 1:30 pm Monday just to reiterate that.

**Mr. Knisley:** Yes sir.

**Mr. Holland:** Under the circumstances we are going to reverse our request and we would like to withdraw our request. Thank you.

**Mr. Knisley:** Alright thank you Mr. Holland. Okay your welcome, being no other business do I have a motion to adjourn?

**Mr. Beggs:** So moved.

**Mr. Walters:** So moved.

**Mr. Knisley:** Second?

**Mr. Beggs:** Second.

**All:** Aye.

**Meeting Adjourned**

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*Chairman, Planning & Zoning Commission*

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*Secretary, Planning & Zoning Commission*

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*Recording Secretary*