

TO: Zoning Board of Adjustment
FROM: Matt Wyant, Planning Director
DATE: June 9, 2023

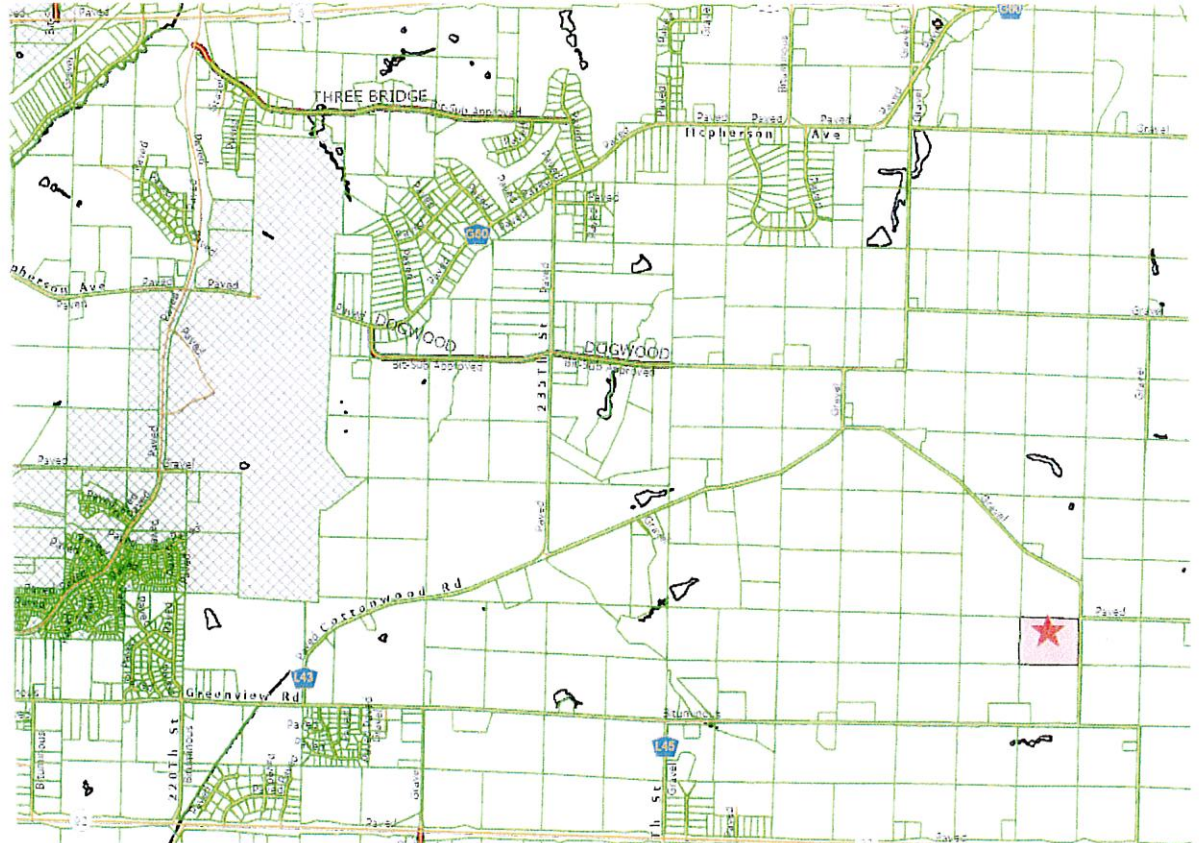
RE: Case #CU-2023-02

REQUEST: Conditional use approval to permit construction of a communication tower and equipment building in a Class R-1 (Ag-Urban Transitional) District.

LOCATION: Keg Creek Township

5-74-42 NW NE

The subject parcel is located approximately 3 miles to the east of the city limits of Council Bluffs on 258th St.



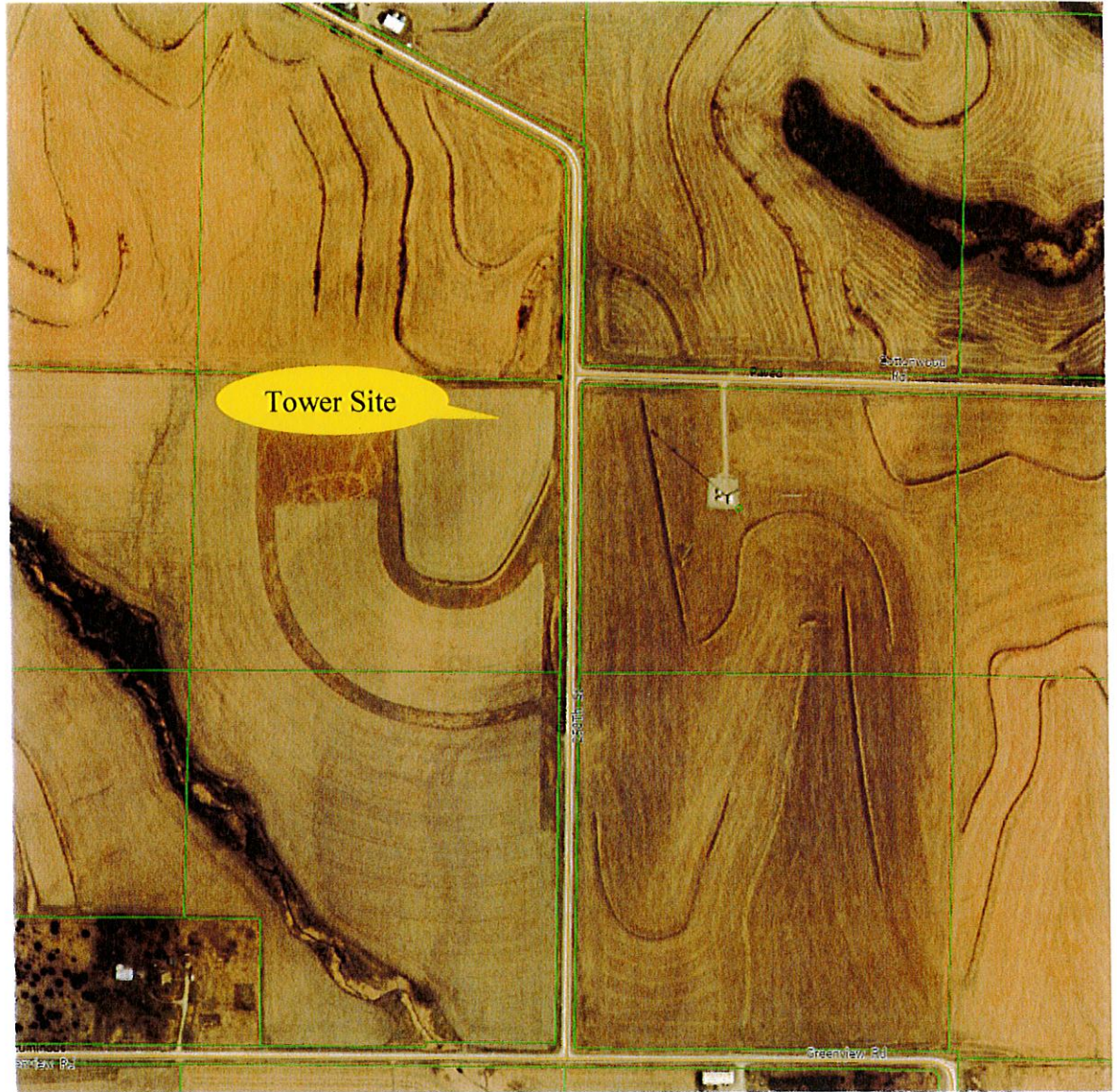
PROPERTY OWNER: Chad W Eitmann Trust

APPLICANT: USCOC Nebraska/Kansas LLC

GENERAL INFORMATION: USCOC Nebraska/Kansas LLC has made this request in order to allow them to erect a 185' (189' with 4' lightning rod) self-supported communication tower and equipment building to provide wireless communication services to cell users in Pottawattamie County.

SITE REVIEW:

The applicant, US Cellular, proposes to lease a 100' x 100' area for the tower site, which is part of a 30.11 acre parcel owned by Chad W Eitmann Trust.



**ZONING
STANDARDS FOR
TOWERS:**

Section 8.004.220 of the Zoning Ordinance stipulates the standards and requirements that shall govern the design, development and placement of towers and antennas. [SEE ATTACHED DOCUMENTS](#) supplied by [USCOC Nebraska/Kansas LLC](#).

PLACEMENT OF TOWERS AND ANTENNAS: The applicant for construction of a tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted shall when submitting an application for a *conditional use* permit and/or a building permit file an application which includes the following documents. Antenna placement on existing towers previously permitted shall only require a building permit. Towers and the associated equipment for emergency communications or other County systems are exempt from the development standards of this Section and from *conditional use* permits recited in the various zoning *districts*. (Ordinance #2007-09/10-12-07)

- .01 A site plan, drawn to scale, identifying the site boundary; tower location, tower height; guy wires and anchors; existing and proposed structures, including *accessory structures*; photographs or elevation drawings depicting design of proposed structures, parking, fences, and landscape plan; as well as existing uses on abutting parcels. A site plan is not required if the applicant's antenna is to be mounted on an approved existing structure. (Ordinance #2007-09/10-12-07)
- .02 A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the county; (Ordinance #2007-09/10-12-07)
- .03 A report from a structural engineer containing the following:
 - a. A description of the tower, including a description of the design characteristics and materials;
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222;
 - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate. (Ordinance #2007-09/10-12-07)
- .04 If the applicant is other than the site owner, written authorization from the site owner for the application. (Ordinance #2007-09/10-12-07)
- .05 Identification of the owners of all antennas and equipment to be located at the site; (Ordinance #2007-09/10-12-07)
- .06 *Written evidence by the applicant in regards to the reasoning for choosing the proposed location and the reason the applicant did not choose collocation. The evidence shall include a sworn statement from an individual who has responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant.* (Ordinance #2015-05/12-18-2015)
- .07 Evidence that a valid FCC license for the proposed activity has been issued; (Ordinance #2007-09/10-12-07)
- .08 A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential *districts*; (Ordinance #2007-09/10-12-07)
- .09 A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use; (Ordinance #2007-09/10-12-07)
- .10 Documentation that the proposed tower site and height have been approved by the appropriate Airport authority. (Ordinance #2007-09/10-12-07)
- .11 All towers and telecommunication facilities shall be of camouflage design standards. Examples of camouflage facility include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunication towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not required by FAA, painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black. (Ordinance #2007-09/10-12-07)

- .12 All towers up to fifty (50) feet in height shall be set back a distance equal to the underlying setback requirements in the applicable zoning *district*. Towers in excess of fifty (50) feet in height shall be set back a distance equal to the manufacturer's designed fall distance. Documentation to said fall distance shall be submitted with the application. Setback requirements shall be measured from the base of the tower to the nearest boundary line of the tract of land on which it is located. (*Ordinance #2007-09/10-12-07*)
- .13 All towers shall be located a minimum distance of equal to or greater than the height of the tower from adjacent dwellings or structures other than those associated with the tower facility. (*Ordinance #2007-09/10-12-07*)
- .14 To limit climbing access to the tower, a fence six (6) feet in height with a locking portal or an anti-climbing device is required around the tower base. (*Ordinance #2007-09/10-12-07*)
- .15 No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be a the applicant's expense. (*Ordinance #2007-09/10-12-07*)
- .16 *RECORDS. All records, documents, and electronic data in the possession or custody of the County are subject to Iowa Code Chapter 22. Disclosure of such records shall be consistent with applicable state law. (Ordinance #2015-05/12-18-2015)*
- .17 *INSPECTIONS. At least every twenty-four (24) months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."*
- .18 *ABANDONMENT. In the event the use of any tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Development Director. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.1. (Ordinance #2007-09/10-12-07)*

AREA REVIEW: The subject property currently is and will remain zoned R-1 (Ag-Urban Transitional). The properties in the area are utilized for agricultural and rural residential land uses.

CURRENT ZONING: The subject parcel is located in a Class R-1 (Ag-Urban Transitional) District.

Section 8.015.010 of the Code states that the following conditional use shall be permitted in a Class R-1 (Ag-Urban Transitional) District, when authorized in accordance with the requirements of 8.096:

.10 Towers with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220.

Section 8.096.030.03 of the County Code states:

.03 *The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:*

- A. *Does the proposed use conform to the Land Use Policy Plan?*
- B. *Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.*
- C. *Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.*
- D. *Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?*
- E. *Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.*
- F. *Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized? (Ordinance #2004-14/07-01-04)*

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates the property as being in a Zone X, Areas of minimal flooding.

ROADS & TRAFFIC: Access to the subject property is gained from 258th Street, a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 50 vehicles per day.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to **approve** the application based on the following findings of fact:

1. The subject property is located in the R-1 (Ag-Urban Transitional) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed land use is a permitted conditional use in the R-1 District. The Land Use Plan recognizes the need for adequate utilities to accommodate existing and future development.
2. The subject property is suitable for the placement of a commercial telecommunication tower and will not create a detrimental effect on adjacent properties.
3. The subject property consists of 30.11 acres and the placement of a commercial telecommunication tower is not foreseen to have any negative impact on area properties.
4. The only time the proposed commercial telecommunication tower will have any utilization of the 258th Street road system is primarily during its initial construction. Traffic to the tower site will be minimal after construction. The existing road system is adequate to accommodate said delivery and no negative impact should be encountered.
5. The proposed tower will meet the criteria set forth by the Zoning Ordinance.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.



PROPERTY LINE

1220'

1215'

1210'

AG FIELD

EXTENTS OF PROPOSED 10' WIDE U.S. CELLULAR UTILITY EASEMENT

PROPOSED 50% TOWER HEIGHT SETBACK

PROPOSED TRANSFORMER AND FIBER OPTIC VAULT

10'-0"

100'-0" LEASE AREA

PROPOSED 60'-0" x 60'-0" CHAIN-LINK FENCED COMPOUND; SEE C-502 FOR DETAILS

PROPOSED SELF-SUPPORT TOWER; SEE T-201 FOR DETAILS

100'-0" LEASE AREA

PROPOSED 100'-0" x 100'-0" U.S. CELLULAR LEASE AREA

PROPOSED 20' WIDE GRAVEL TURNAROUND AREA

30'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

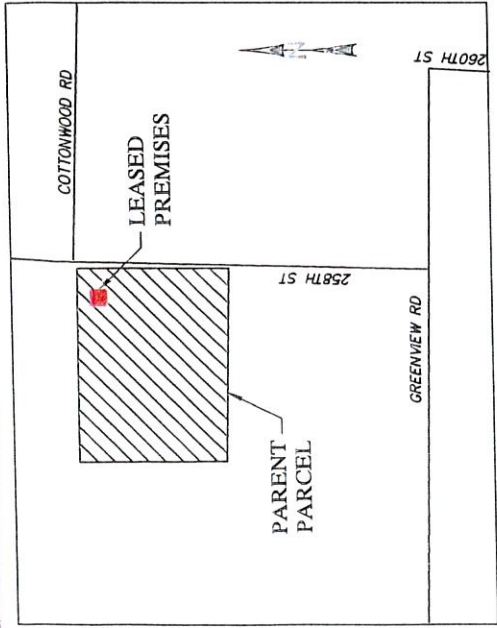
10'-0"

10'-0"

10'-0"

01

10.



VICINITY MAP
NOT TO SCALE

*** FAA COORDINATE POINT**

NAD 83
 LATITUDE: 41°14'45.3368" (41.24592688)
 LONGITUDE: -95°41'43.0802" (-95.69530006)
 NAVD88
 ELEVATION: 1214.51'± AMSL

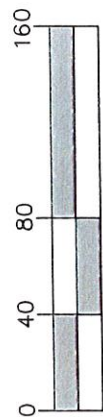
TEMPORARY BENCHMARK

NAD 83
 LATITUDE: 41°14'46.4353"
 LONGITUDE: -95°41'41.1734"
 ELEVATION: 1202.191'
 LOCATION: NAIL

GENERAL NOTES

- NO SEARCH OF PUBLIC RECORDS HAS BEEN COMPLETED BY XCEL CONSULTANTS TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT PARCEL.
- THIS SURVEY IS FOR THE PROPOSED LEASED PREMISES AND THE PROPOSED EASEMENTS ONLY, AND ONLY A PARTIAL BOUNDARY SURVEY OF THE PARENT PARCEL HAS BEEN PERFORMED.
- THIS PLAT IS NOT INTENDED FOR LAND TRANSFER.
- THIS PROPERTY IS SUBJECT TO ANY RECORDED EASEMENTS AND/OR RIGHTS OF WAY SHOWN HEREON OR NOT.
- XCEL CONSULTANTS HAS RECEIVED AND REVIEWED THE TITLE COMMITMENT PREPARED BY STEWART TITLE GUARANTY COMPANY, COMMITMENT NUMBER 221112951A, DATED JULY 27, 2022 AT 7:42 PM, PREPARED FOR THE SUBJECT PROPERTY, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.
- BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 19155C025F BEARS AN EFFECTIVE DATE OF APRIL 16, 2013 AND IS NOT SHOWN IN SPECIAL FLOOD HAZARD

THE SOURCE OF BEARINGS WERE DETERMINED BY GPS OBSERVATIONS COMPLETED ON AUGUST 10, 2022

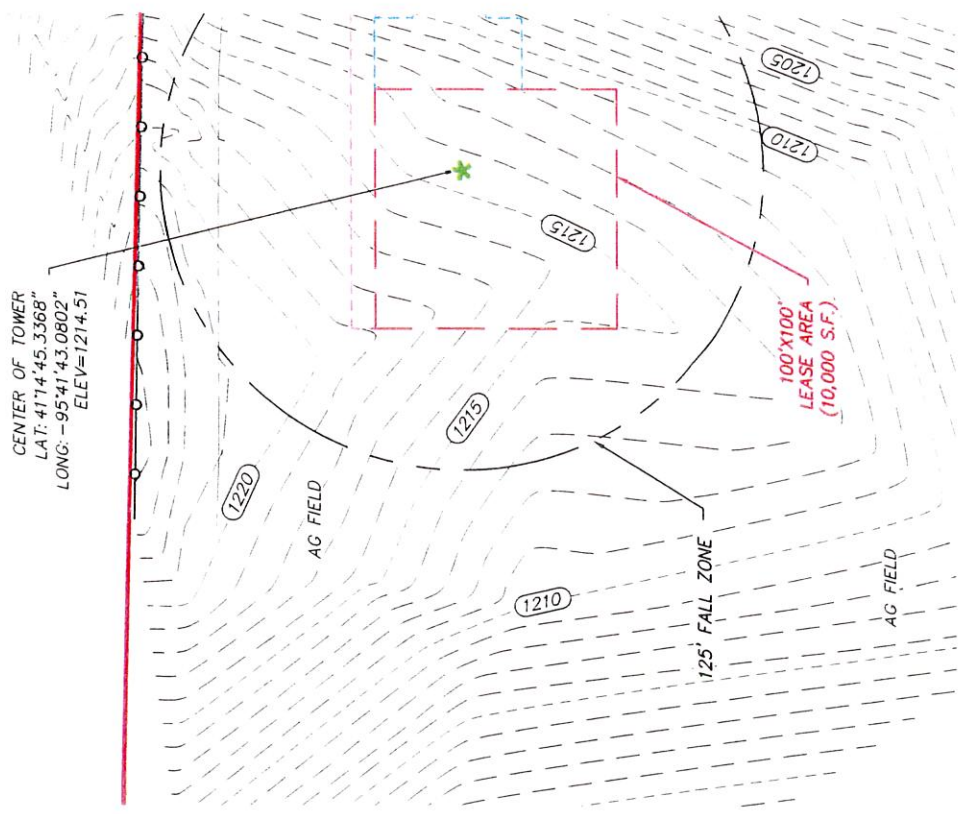


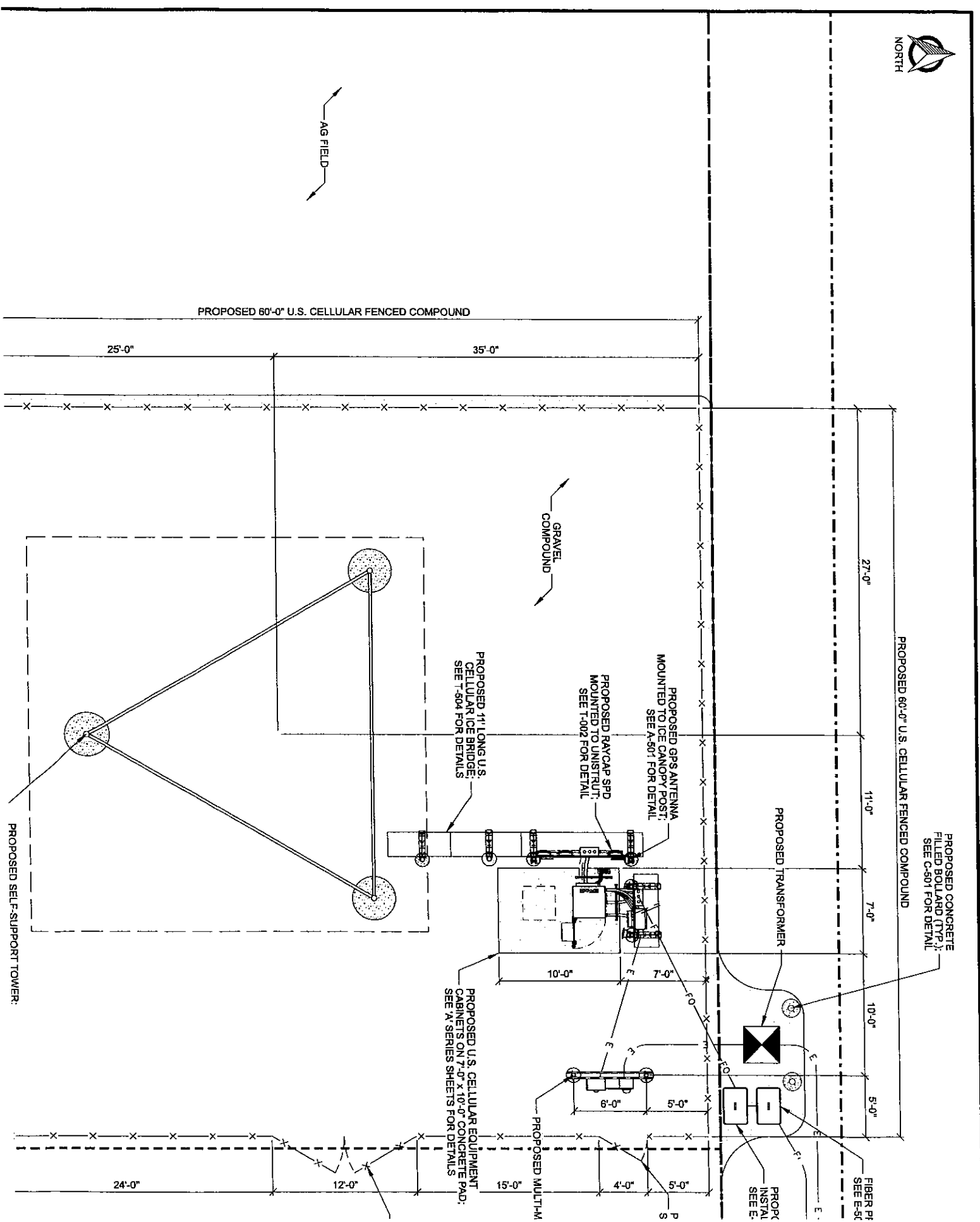
1" = 80'
GRAPHIC SCALE

CENTER OF TOWER
 LAT: 41°14'45.3368"
 LONG: -95°41'43.0802"
 ELEV=1214.51

GLOBAL POSITIONING SYSTEMS NOTE

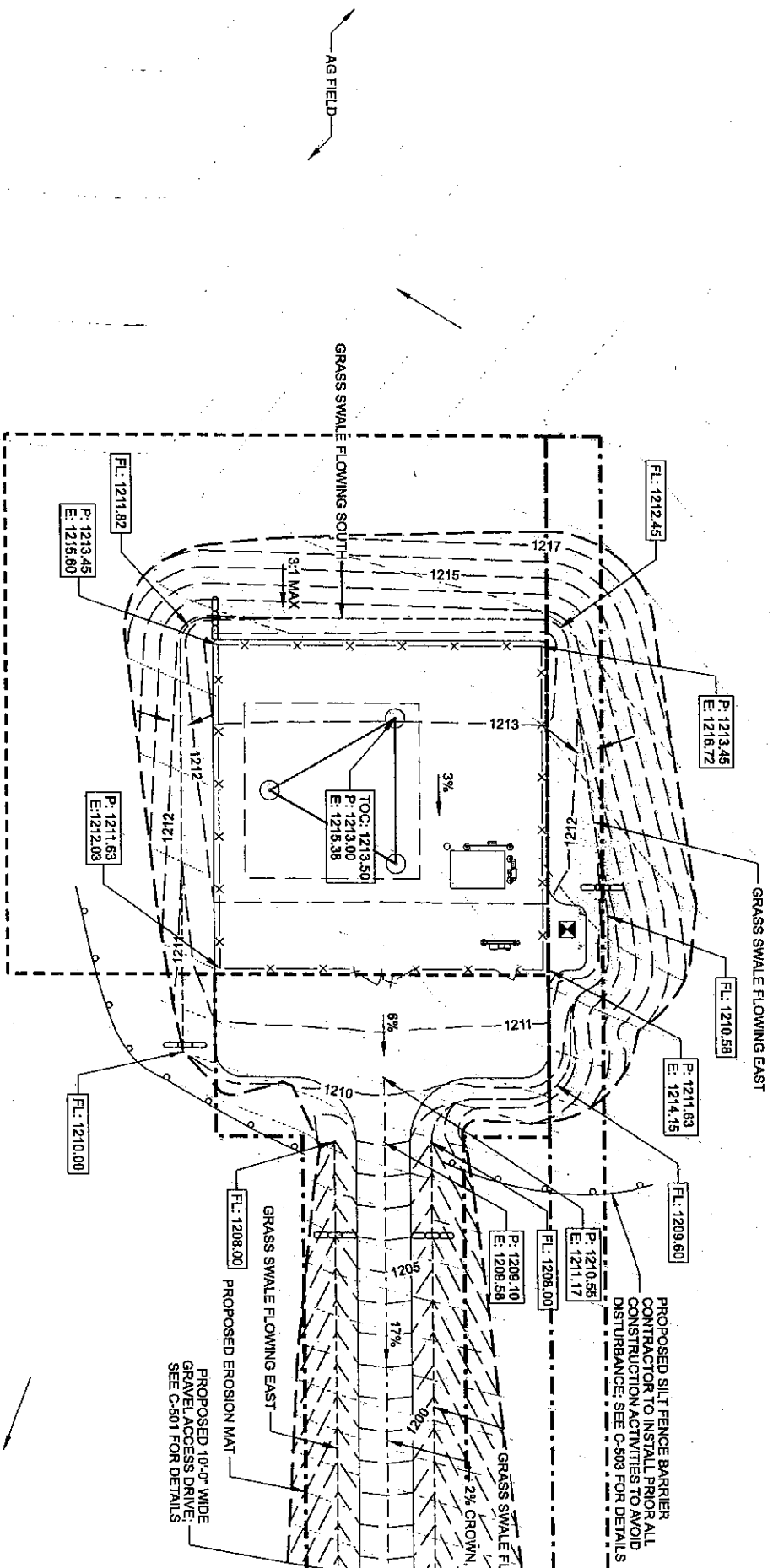
1. RANDOM TRAVERSE CONTROL MONUMENTS WERE SET USING GPS METHODS. A PORTION OF THE TOPOGRAPHY AND FOUND BOUNDARY MONUMENTS WERE ALSO LOCATED USING GPS METHODS.
2. THE TYPE OF GPS UTILIZES AS NETWORK ADJUSTED REAL TIME KINEMATIC (HYPER SR NETWORK), NAD 83 IOWA STATE PLANE (SOUTH).
3. TOPCON HIPER SR RECEIVERS WERE USED TO PERFORM THE SURVEY.





NOTE:
 1. THIS GRADING PLAN WAS PREPARED PRIOR TO RECEIPT OF TOWER FOUNDATION DESIGN AND GEOTECHNICAL REPORT. PROPOSED GRADES, ELEVATIONS AND CORRESPONDING SOIL COVER MAY REQUIRE FINAL ADJUSTMENTS ONCE THE ABOVE NOTED DOCUMENTS ARE AVAILABLE. RECOMMENDATIONS IN THIS GRADING PLAN SHOULD NOT SUPERSEDE ANY REQUIREMENTS SPECIFIED IN THE FOUNDATION DESIGN.

PROPERTY LINE

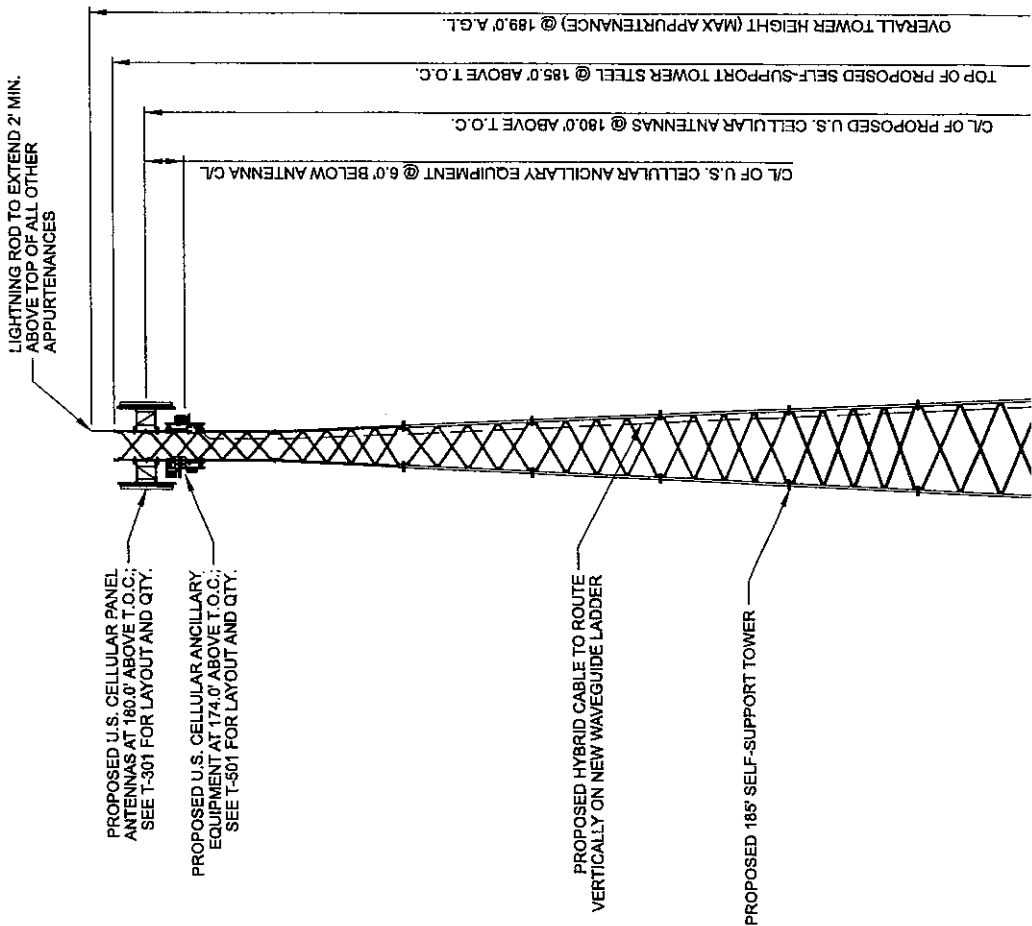


PROPOSED SILT FENCE BARRIER
 CONTRACTOR TO INSTALL PRIOR ALL
 CONSTRUCTION ACTIVITIES TO AVOID
 DISTURBANCE. SEE C-503 FOR DETAILS

PROPOSED 10'-0" WIDE
 GRAVEL ACCESS DRIVE.
 SEE C-501 FOR DETAILS

AG FIELD

AG FIELD



August 24, 2022

XCEL Project #: 224218



1A Letter

Site Name: **Treynor West II**
Site Number: **840560**
Site Address: **258th Street**
Council Bluffs, IA 51503

PROPOSED TOWER CENTER:

Latitude: **41°14'45.3368" (41.24592688) North (NAD 83)**
Longitude: **-95°41'43.0802" (-95.69530006) West (NAD 83)**

Ground Elevation: **1214.51' (AMSL)**

I CERTIFY THAT THE LATITUDE AND THE LONGITUDE ARE ACCURATE TO WITHIN +/- 20 FEET HORIZONTALLY, AND THE SITE ELEVATION IS ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND EXPRESSED AS DEGREES MINUTES AND SECONDS. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND ARE DETERMINED TO THE NEAREST FOOT.

I ALSO CERTIFY THAT THE ACCURACIES OF THE EQUIPMENT USED TO OBTAIN THESE COORDINATES ARE BETTER THAN OR EQUAL TO WITHIN 3 METERS (9.8') HORIZONTAL AND 1 METER (3.3') VERTICAL.

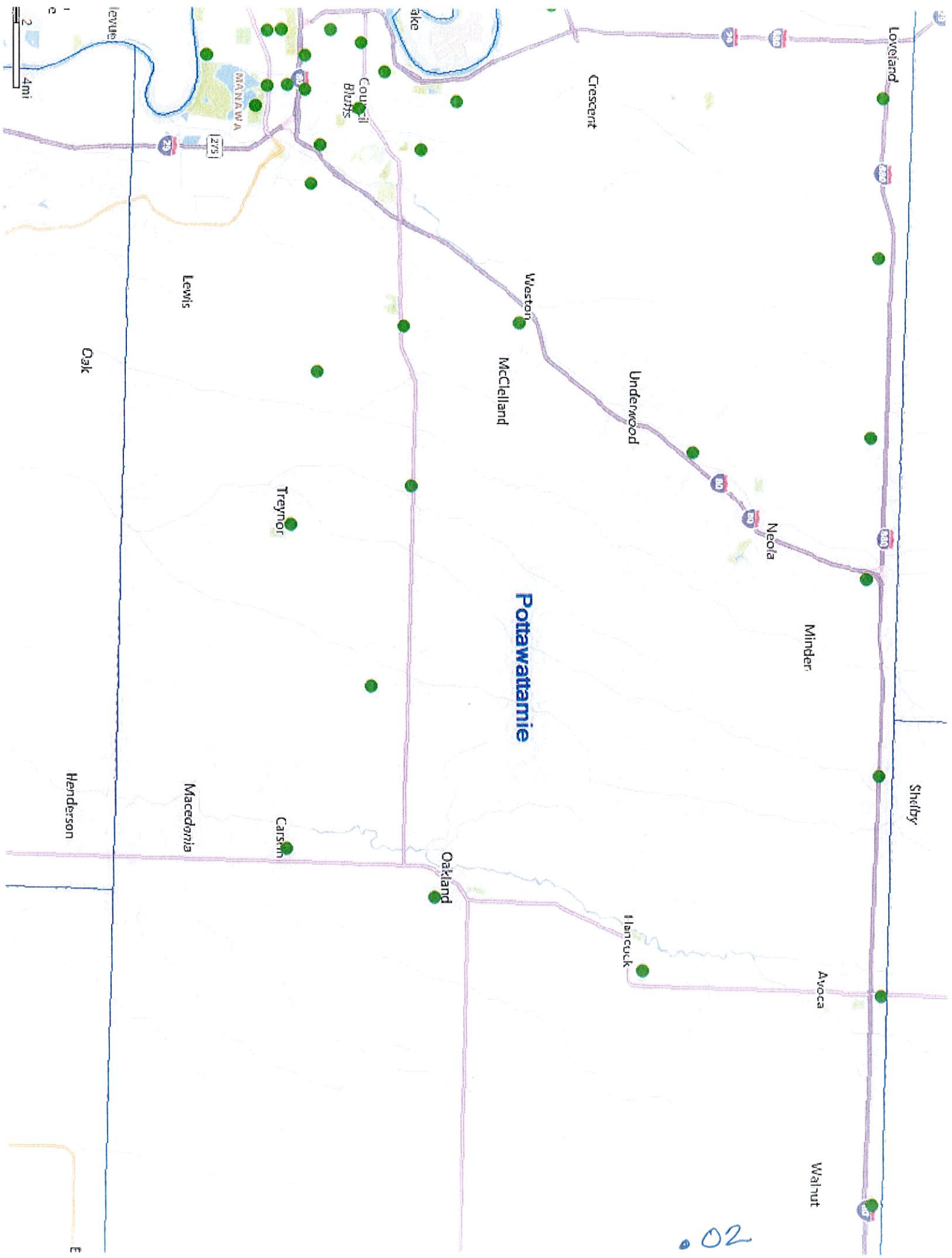
XCEL Consultants, Inc.



Dan J. Kuehl, PLS
8300 42nd Avenue West
Rock Island, IL 61201
xcel@xcelconsultantsinc.com

State of Iowa
Expiration Date: December 31, 2023
License No.: 19959





02



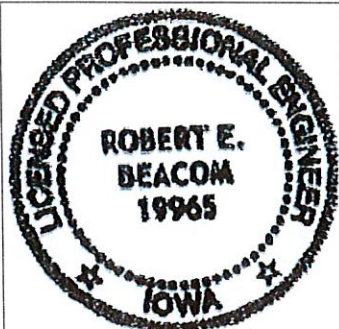
Structural Design Report
185' S3TL Series HD1 Self-Supporting Tower
Site: TREYNOR WEST II, IA
Site Number: 840560

Prepared for: US CELLULAR CORP
by: Sabre Industries™

Job Number: 23-4222-TJH-R1

February 21, 2023

Tower Profile.....	1-2
Foundation Design Summary (Option 1).....	3
Foundation Design Summary (Option 2).....	4
Maximum Leg Loads.....	5
Maximum Diagonal Loads.....	6
Maximum Foundation Loads.....	7
Calculations.....	8-28



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the Laws of the State of Iowa.

[Handwritten Signature]

(signature)

2/21/23

(dated)

ROBERT E. BEACOM

My license renewal date is December 31, 2023

Pages or sheets covered by this seal: 1-28

Digitally Signed
By Robert Beacom
DN: c=US, st=Texas, l=Alvarado, o=SABRE INDUSTRIES, INC., cn=Robert Beacom, email=rebeacom

a mutually acceptable purchase and sale agreement pertaining to such Landlord's Interest (the "Purchase and Sale Agreement"), reflecting the terms of the Offer, as well as other customary covenants, representations and warranties contained in purchase and sale agreements for similar acquisitions in the metropolitan area in which the Premises is located. The parties agree to act reasonably and cooperatively in negotiating, executing and delivering the Purchase and Sale Agreement. Except as otherwise specified in the Offer, at the closing for the sale of all or any part of the Premises, Landlord shall deliver to Tenant a special warranty deed (or local equivalent), sufficient to convey to Tenant fee simple title. In the case of an assignment of the Lease or the grant of an easement, Landlord shall instead deliver to Tenant a customary assignment of the Lease or a customary easement.

If Tenant does not exercise the Right of First Refusal during the Tenant Approval Period, then Landlord may proceed to transfer Landlord's Interest upon the same terms and conditions set forth in the Offer; provided such transfer occurs within three (3) months following the end of the Tenant Approval Period, the transfer is made in accordance with all the other terms and conditions of this Lease, and such purchaser assumes the obligations of Landlord under this Lease including, without limitation, this Right of First Refusal which shall be an ongoing Right of First Refusal during the lease term. If Landlord has not transferred Landlord's Interest within such three (3) month period, or in the event any terms or conditions of the proposed deal change from the terms and conditions provided in the initial Right of First Refusal Notice, then Landlord shall not thereafter transfer Landlord's Interest to an unrelated third party without first renewing the Right of First Refusal Notice to Tenant in the manner provided above. Tenant's failure to exercise its Right of First Refusal or its express waiver of its Right of First Refusal in any instance shall not be deemed a waiver of Tenant's Right of First Refusal for subsequent instances when Landlord proposes to transfer Landlord's Interest to an unrelated third party during the lease term. Notwithstanding the foregoing, Landlord's right to sell all or any part of the Premises to a third party shall not be encumbered or restricted, except to the extent set forth in this Section.

19. Execution of Other Instruments. Landlord agrees to execute, acknowledge, and deliver to Tenant such other instruments respecting the Premises as Tenant or Tenant's lender may reasonably request from time to time. Such instruments may include, but are not limited to, a memorandum of lease that may be recorded in the appropriate local land records. Landlord also agrees to cooperate with Tenant's efforts to obtain all private and public consents related to Tenant's use of the Premises, including, but not limited to zoning and permitting applications. If it is needed for the Tenant's permitting purposes, Landlord grants to Tenant and its employees, representatives, agents, and consultants a limited power of attorney to prepare execute, submit, file and present on behalf of Landlord building, permitting, zoning, or land-use applications with appropriate local, state, and/or federal agencies necessary to obtain land use changes, special exceptions, zoning variances, conditional use permits, special use permits, administrative permits, construction permits, and or building permits.

20. Removal of Improvements. The Improvements are agreed to be Tenant's personal property and shall never be considered fixtures to the Premises. Tenant shall at all times be authorized to remove the Improvements from the Premises. Upon the expiration or earlier

Site Name: Treynor West II

Site Number: 840560

termination of this Lease, Tenant shall remove the above ground improvements, to a depth of Three feet (3') below grade, from the Premises. Tenant shall be entitled to abandon, in place, all footings, foundations and other below ground improvements that are located deeper than Three (3') below grade.

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto bind themselves to this Ground Lease as of the date of full execution of this Ground Lease.

LANDLORD: Kris A. Eitmann, Trustee of the Chad W. Eitmann Living Trust (1/2 interest) and Chad W. Eitmann, Trustee of the Kris A. Eitmann Living Trust (1/2 interest)

TENANT: USCOC of Greater Iowa, LLC

By: [Signature]

By: [Signature]

Printed: Kris A. Eitman

Printed: Austin Summerderdt

Title: Trustee

Title: Vice President

Date: 11-9-22

Date: 12-5-22

By: [Signature]

Printed: Chad W. Eitman

Title: Trustee

Date: 11-9-22

Site Name: Treynor West II

Site Number: 840560

STATE OF IOWA)
)
COUNTY OF POTTAWATTAMIE)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Kris A. Eitmann and Chad W. Eitmann, known to me to be the same persons whose names are subscribed to the foregoing Ground Lease, appeared before me this day in person and severally acknowledged that they signed the said Lease as their free and voluntary act for the uses and purposes therein stated.

Given under my hand and seal this 9 day of November, 2022.

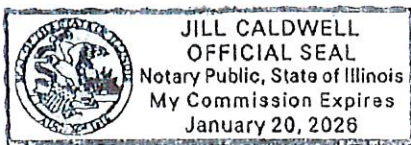


Jeri A. Schnepel
Notary Public
My commission expires 4-28-2023

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Austin Summerford, Vice President, for USCOC of Greater Iowa, LLC, known to me to be the same person whose name is subscribed to the foregoing Ground Lease, appeared before me this day in person and acknowledged that, pursuant to their authority, they signed the said Lease as their free and voluntary act on behalf of the named Tenant, for the uses and purposes therein stated.

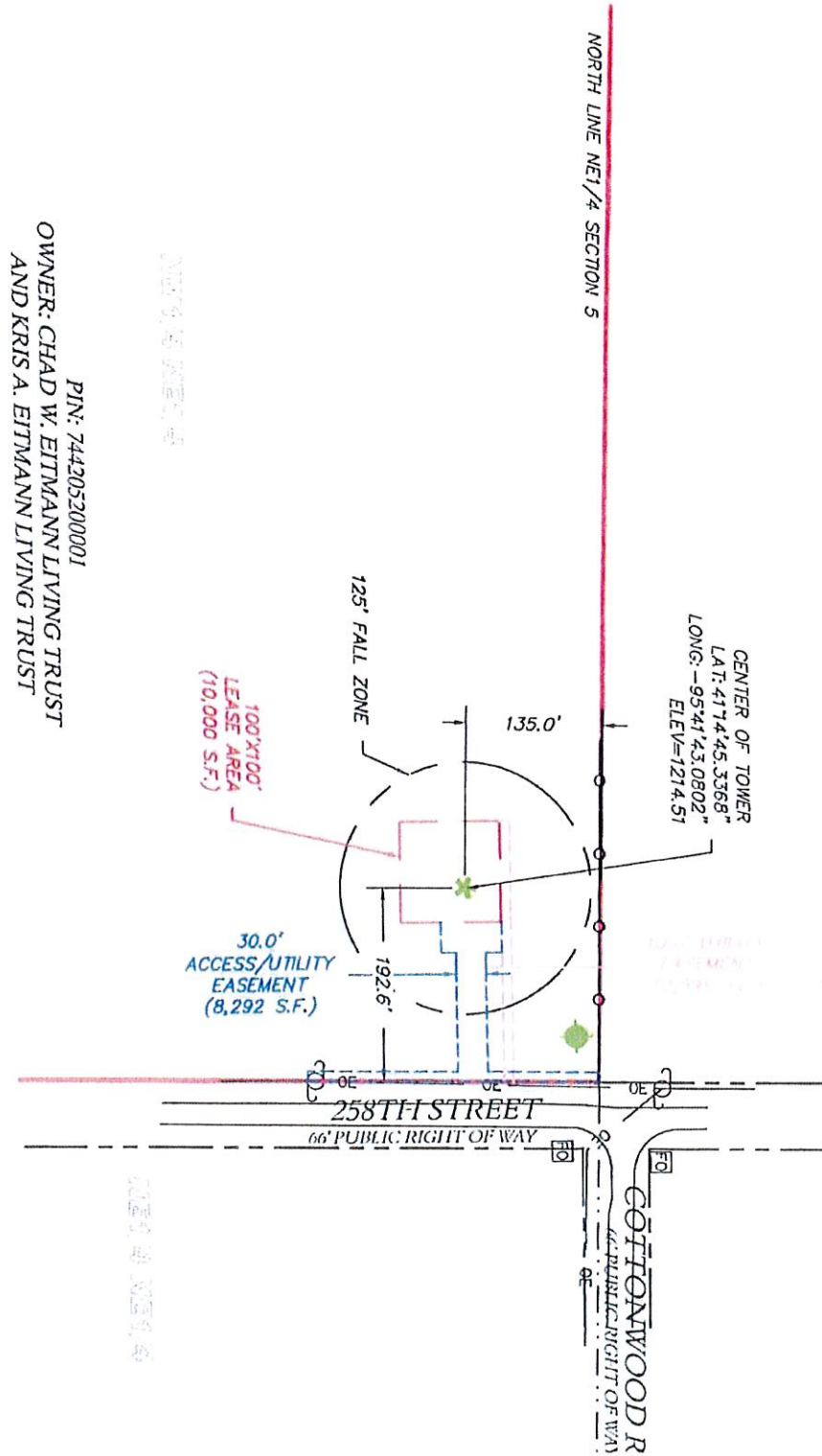
Given under my hand and seal this 5 day of December, 2022.



Jill Caldwell
Notary Public
My commission expires 1-20-26

Exhibit B

Site Plan



OWNER: CHAD W. EITMANN LIVING TRUST
AND KRIS A. EITMANN LIVING TRUST
PIN: 744205200001

I, Katherine Sauvain, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Illinois and serve as Director — Cell Site Services for United States UScellular Corporation (UScellular).

2. I manage UScellular's high-rent relocation program, under which UScellular identifies high-cost or economically burdensome antenna site leases that accommodate UScellular communications equipment and relocates its communications equipment onto lower-cost alternative antenna site lease locations to either improve or maintain wireless coverage.

3. I am familiar with the proposed tower to be constructed by the local UScellular subsidiary, USCOC of Greater Iowa, LLC at 258th Street, Council Bluffs, IA 51503 (the "UScellular Tower"). I am also familiar with the existing communications tower (the "SBA Tower") owned by SBA ("SBA Communications") which is located at 25853 Cottonwood Road, Council Bluffs, IA 51503. Both the existing SBA Tower and the location of the proposed UScellular Tower are located in UScellular's coverage search area for this part of Pottawattamie County.

4. UScellular currently leases space on the SBA Tower, along with related ground space at the base of the SBA Tower, to locate its communications equipment (the "Wireless Facilities"). UScellular has located its Wireless Facilities on the SBA Tower since March 2008 but UScellular now desires to relocate its Wireless Facilities onto the proposed UScellular tower as the SBA Tower has become a high-cost antenna site structure for UScellular.

5. This sworn statement is made to attest that having its Wireless Facilities remain on the SBA Tower, which is the only existing communications support structure in UScellular's search ring, is economically burdensome for UScellular and would not result in the same cost-effective

K. Sauvain

operation as compared to what UScellular could achieve if it relocated its Wireless Facilities to the proposed tower located at 41.24592688, -95.69530006.

Co-Location on the SBA Tower is Economically Burdensome

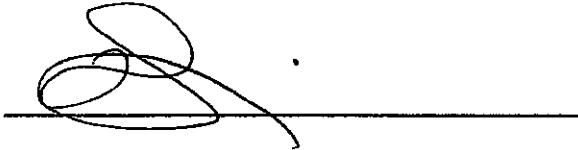
6. Over the next thirty years, the rent UScellular would pay to SBA will be nine times higher than what UScellular would incur in paying rent at the proposed UScellular Tower site. In actual terms, that equates to over \$3 million dollars difference in rent costs. This cost comparison does not take into account if UScellular needs to upgrade its Wireless Facilities to the latest technology. Any changes to UScellular equipment on the SBA Tower will require UScellular to go through an administrative process that will mostly likely include an increase in the rent UScellular pays to SBA. So, it is entirely possible, due to technology changes, which will occur, the previously mentioned difference between paying rent to be on the SBA Tower and paying rent at a new UScellular Tower will exceed that \$3 million dollar figure.

7. Decommissioning an existing Wireless Facility in favor of moving to an alternate tower location is something UScellular does in limited circumstances. UScellular will bear a significant capital cost in decommissioning its Wireless Facilities installation on the SBA Tower and relocating to the UScellular Tower. If you add the additional cost to decommission the SBA Tower site and build the new UScellular Tower site to the rent cost, it would still be significantly cheaper than the cost of paying rent to SBA in rent over the next thirty years. It is UScellular's contention, even with these relocation and building costs, the UScellular Tower is a better option for UScellular.

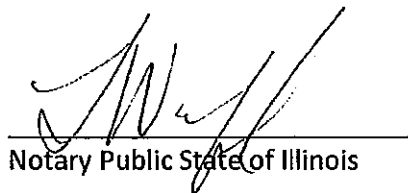
8. There are no other structures (other than the SBA Tower) located in UScellular search ring capable of accommodating its Wireless Facilities.

9. The UScellular Tower will have space available for other carriers to co-locate on the tower at rental rates that are either market level rates or rates established by agreements between UScellular and other cellular providers, thus injecting a much needed competition for carriers to co-locate on another tower, instead of the SBA holding a monopoly on tower space in this search area.

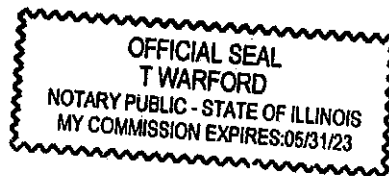
10. As I have already stated, the economic terms imposed upon UScellular by SBA to remain co-located on the SBA Tower is economically burdensome for UScellular.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Subscribed and sworn to before me
this 26th day of January, 2023.

A handwritten signature in black ink, appearing to be 'T. Warford', positioned above a solid horizontal line.

Notary Public State of Illinois



REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: USCOC NEBRASKA/KANSAS, LLC

ATTN: UNITED STATES CELLULAR CORPORATION
USCOC NEBRASKA/KANSAS
8410 WEST BRYN MAWR BLVD
CHICAGO, IL 60631

Call Sign WQIZ540	File Number
Radio Service WY - 700 MHz Lower Band (Blocks A, B & E)	

FCC Registration Number (FRN): 001460032

Grant Date 07-11-2019	Effective Date 03-19-2020	Expiration Date 06-13-2029	Print Date
Market Number BEA118	Channel Block A	Sub-Market Designator 0	
Market Name Omaha NE-IA			
1st Build-out Date	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Special Condition for AU/name change (6/4/2016): Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use of frequencies by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the license. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

007

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: USCOC OF GREATER IOWA, LLC

ATTN: UNITED STATES CELLULAR CORPORATION
 USCOC OF GREATER IOWA
 8410 WEST BRYN MAWR AVENUE
 CHICAGO, IL 60631

Call Sign KNLG877	File Number
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 001841037

Grant Date 05-01-2017	Effective Date 12-17-2017	Expiration Date 04-28-2027	Print Date
Market Number BTA332	Channel Block B	Sub-Market Designator 0	
Market Name Owassa, NE			
1st Build-out Date 04-28-2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by all parties.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use of frequencies by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the license. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: USCOC OF GREATER IOWA, LLC

ATTN: UNITED STATES CELLULAR CORPORATION
 USCOC OF GREATER IOWA
 8410 WEST BRYN MAWR AVENUE
 CHICAGO, IL 60631

Call Sign WQZM892	File Number
Radio Service WT - 600 MHz Band	

FCC Registration Number (FRN): 001840037

Grant Date 06-14-2017	Effective Date 12-29-2017	Expiration Date 06-14-2029	Print Date
Market Number PEA080	Channel G	Block	Sub-Market Designator 0
Market Name Owassa, NE			
1st Build-out Date 06-14-2023	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use of channels provided by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the license. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: USCOC OF GREATER IOWA, LLC

ATTN: UNITED STATES CELLULAR CORPORATION
 USCOC OF GREATER IOWA
 8410 WEST BRYN MAWR AVENUE
 CHICAGO, IL 60631

Call Sign WQZM893	File Number
Radio Service WT - 600 MHz Band	

FCC Registration Number (FRN): 001842237

Grant Date 06-14-2017	Effective Date 12-29-2017	Expiration Date 06-14-2029	Print Date
Market Number PEA080	Channel F	Block	Sub-Market Designator 0
Market Name Omaha, NE			
1st Build-out Date 06-14-2023	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use of channels provided by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the license. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

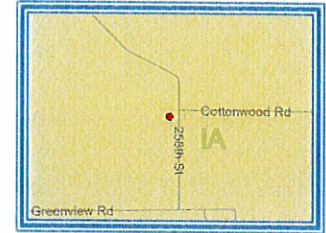
OPINION LETTER

November 29, 2022

FAA and FCC Not Required

Michael Ross
US Cellular Corporation
4201 River Center Ct NE - Suite 101
Cedar Rapids, IA 52402

RE: **840560 - Treynor West II, IA Airspace Analysis**
Latitude (NAD-83): 41° 14' 45.34" N
Longitude (NAD-83): 95° 41' 43.08" W
Ground Elevation: 1214.0 ft. GE
Tower tip height: 189.0 ft. AGL
Overall height: 1403.0 ft. AMSL



Dear Mr. Ross,

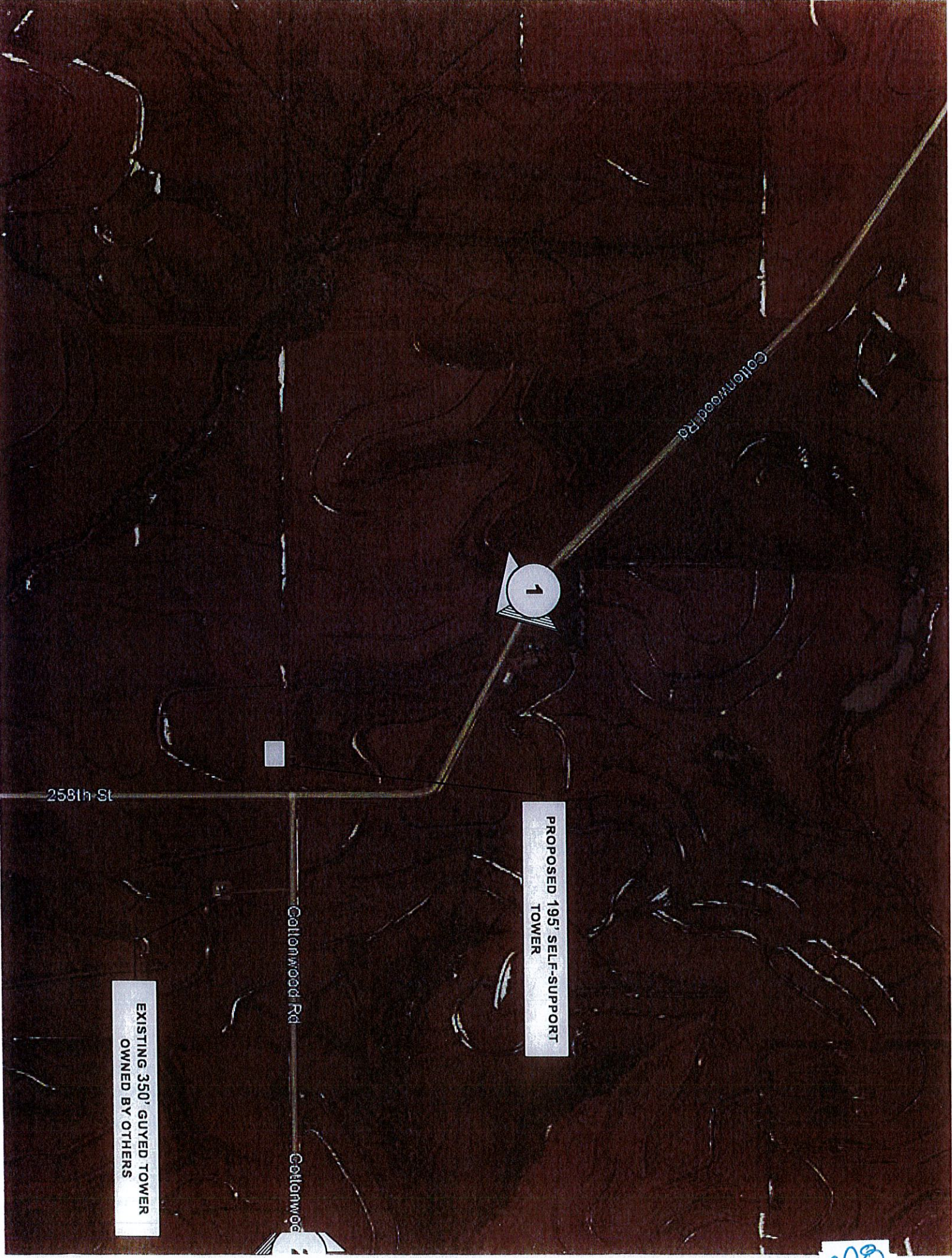
Our airspace analysis results for the 840560 - Treynor West II, IA site are as follows:

1. **Per AIRSPACE, filing an FAA Form 7460-1 is not required for the proposed height of 189.0 ft. AGL (1403.0 ft. AMSL). The maximum allowable height for not filing an FAA Form 7460-1 is 197 ft. AGL.**
2. **FCC's TOWAIR Determination indicates that this structure does not require registration as it would PASS SLOPE (100:1): FAA REQ-5323.0 Meters (17463.7 Feet) away & below slope by 1.0 Meters (3.27999 Feet). The maximum allowable height for not filing an ASR is 192 ft. AGL.**
3. The proposed site is 2.795 nm ESE from the nearest public landing facility – CBF: Council Bluffs Muni. At an overall height of 1403.0 ft. AMSL, it does not exceed FAR 77.9 (a) but it does exceed FAR 77.9 (b) Notice Criteria for CBF airport by 2 ft. This airport has both Circling and Straight-In Instrument approach procedures. It does not exceed any glide slopes of CBF airport. CBF: Council Bluffs Muni is an airport type landing facility associated with the city of Council Bluffs, IA.
4. The proposed site is not within any of the instrument approach procedures of CBF airport.
5. The nearest private landing facility is 6IA2: Jennie Edmundson Hospital, which is a heliport type landing facility not eligible for study under FAR Part 77 sub-Part C. It is 6.45 nm WNW from the proposed site.
6. The proposed 189.0 ft. AGL height would not adversely affect low altitude en route airways and/ or VFR routes in the area.
7. The nearest AM tower is KZOT, which is 5.03 mi (8089 meters) away bearing 289.33°. KZOT AM is operating a directional type antenna system. As noted per the FCC AM Tower Locator and per FCC regulation 13-115, Section 1.30002, the structure will not require a 'Proof of Performance' measurement study before and after construction. The electrical height of the studied antenna is: 86°. The studied structure is not within 2541 meters of this AM station. 10 Wavelengths = 2541 meters.
8. **Marking and lighting may be required for the proposed tower height of 189.0 ft AGL but it was not requested. The FAA will make the determination of Marking and Lighting for aviation safety and it will be noted on the Determination letter once it is issued. The Marking and Lighting cannot be predicted prior to the completion of the FAA evaluation.**
9. All Wireless Applications Corp. analyses are based on the latest AIRSPACE, FAA Notice Criteria Tool and FCC TOWAIR programs.

If you have any questions, please do not hesitate to call. Thank you.

Ronald W. Lageson, Jr.
425-643-5000 (office)/425-649-5675 (fax)





1

PROPOSED 195' SELF-SUPPORT TOWER

EXISTING 350' GUYED TOWER OWNED BY OTHERS

800



VIEW NORTH FROM PROJECT LOCATION



VIEW SOUTH FROM PROJECT LOCATION

FIGURE #5: Project Location Photographs



Edge

Consulting Engineers, Inc.

Project Number: #34027

Project Name: USCC / Treynor West II (840560)

Project Address: West of 258th Street, Council Bluffs, Iowa 51503

Photograph Date: June 20, 2022



VIEW EAST FROM PROJECT LOCATION



VIEW WEST TOWARD PROJECT LOCATION

FIGURE #5: Project Location Photographs



Edge

Consulting Engineers, Inc.

Project Number: #34027

Project Name: USCC / Treynor West II (840560)

Project Address: West of 258th Street, Council Bluffs, Iowa 51503

Photograph Date: June 20, 2022

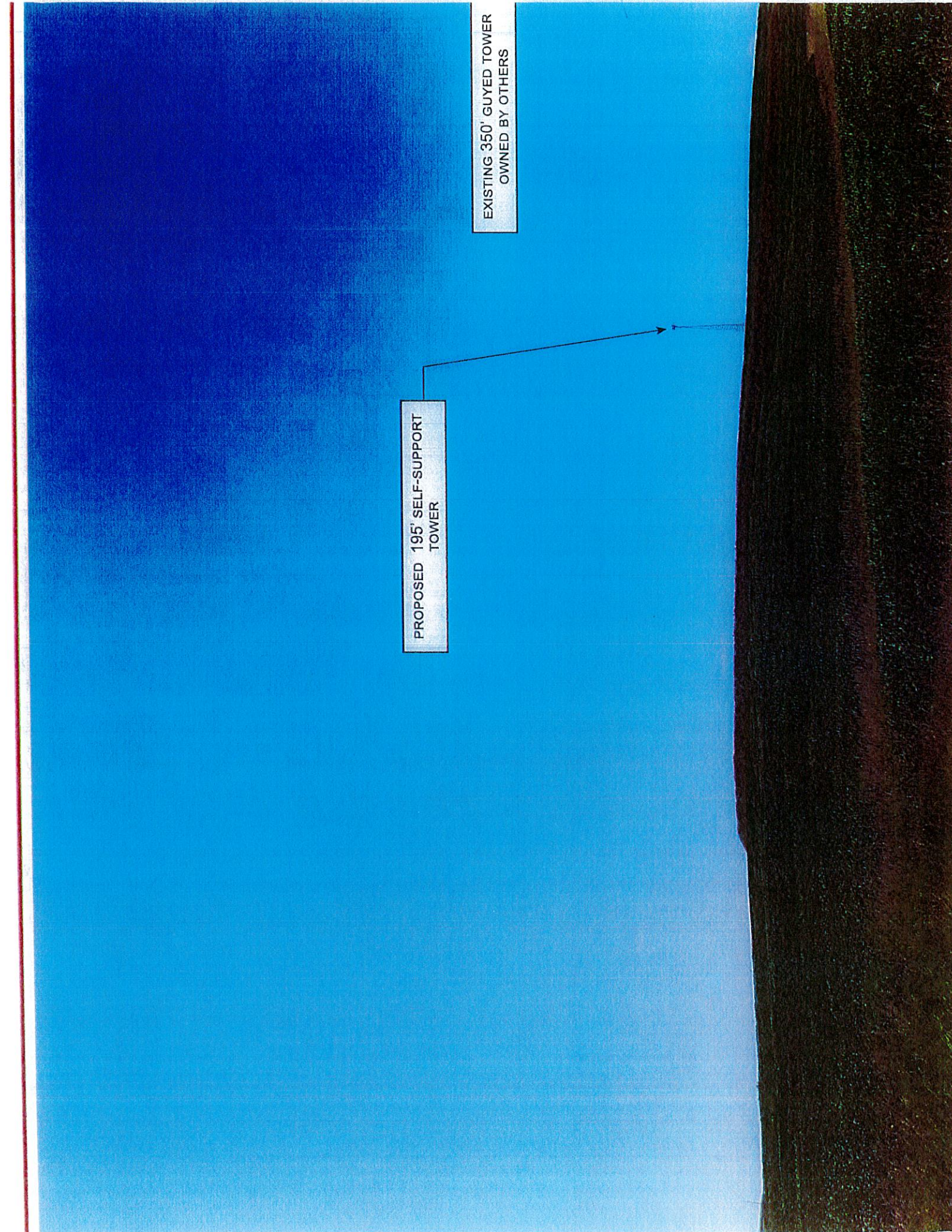
EXISTING 350' GUYED TOWER
OWNED BY OTHERS

PROPC



PROPOSED 195' SELF-SUPPORT
TOWER

EXISTING 350' GUYED TOWER
OWNED BY OTHERS



PROPOSED 195' SELF-SUPPORT TOWER

EXISTING 350' GUYED TOWER OWNED BY OTHERS





EXISTING 350' GUYED TOWER
OWNED BY OTHERS

PROPOSED 195' SELF-SUPPORT
TOWER

OPINION LETTER

November 29, 2022

FAA and FCC Not Required

Michael Ross
US Cellular Corporation
4201 River Center Ct NE - Suite 101
Cedar Rapids, IA 52402



RE: **840560 - Treynor West II, IA Airspace Analysis**
Latitude (NAD-83): 41° 14' 45.34" N
Longitude (NAD-83): 95° 41' 43.08" W
Ground Elevation: 1214.0 ft. GE
Tower tip height: 189.0 ft. AGL
Overall height: 1403.0 ft. AMSL

Dear Mr. Ross,

Our airspace analysis results for the 840560 - Treynor West II, IA site are as follows:

1. **Per AIRSPACE, filing an FAA Form 7460-1 is not required for the proposed height of 189.0 ft. AGL (1403.0 ft. AMSL). The maximum allowable height for not filing an FAA Form 7460-1 is 197 ft. AGL.**
2. **FCCs TOWAIR Determination indicates that this structure does not require registration as it would PASS SLOPE (100:1): FAA REQ-5323.0 Meters (17463.7 Feet) away & below slope by 1.0 Meters (3.27999 Feet). The maximum allowable height for not filing an ASR is 192 ft. AGL.**
3. The proposed site is 2.795 nm ESE from the nearest public landing facility – CBF: Council Bluffs Muni. At an overall height of 1403.0 ft. AMSL, it does not exceed FAR 77.9 (a) but it does exceed FAR 77.9 (b) Notice Criteria for CBF airport by 2 ft. This airport has both Circling and Straight-In Instrument approach procedures. It does not exceed any glide slopes of CBF airport. CBF: Council Bluffs Muni is an airport type landing facility associated with the city of Council Bluffs, IA.
4. The proposed site is not within any of the instrument approach procedures of CBF airport.
5. The nearest private landing facility is 6IA2: Jennie Edmundson Hospital, which is a heliport type landing facility not eligible for study under FAR Part 77 sub-Part C. It is 6.45 nm WNW from the proposed site.
6. The proposed 189.0 ft. AGL height would not adversely affect low altitude en route airways and/ or VFR routes in the area.
7. The nearest AM tower is KZOT, which is 5.03 mi (8089 meters) away bearing 289.33°. KZOT AM is operating a directional type antenna system. As noted per the FCC AM Tower Locator and per FCC regulation 13-115, Section 1.30002, the structure will not require a 'Proof of Performance' measurement study before and after construction. The electrical height of the studied antenna is: 86°. The studied structure is not within 2541 meters of this AM station. 10 Wavelengths = 2541 meters.
8. **Marking and lighting may be required for the proposed tower height of 189.0 ft AGL but it was not requested. The FAA will make the determination of Marking and Lighting for aviation safety and it will be noted on the Determination letter once it is issued. The Marking and Lighting cannot be predicted prior to the completion of the FAA evaluation.**
9. All Wireless Applications Corp. analyses are based on the latest AIRSPACE, FAA Notice Criteria Tool and FCC TOWAIR programs.

If you have any questions, please do not hesitate to call. Thank you.

Ronald W. Lageson, Jr.
425-643-5000 (office)/425-649-5675 (fax)



February 23, 2023

Steve Hatmaker
US Cellular Corporation
800 Cornerstorn Drive
Knoxville, TN 37932

RE: Proposed 185' Sabre Self-Supporting Tower for Treynor West II, IA

Dear Mr. Hatmaker,

Upon receipt of order, we propose to design a tower for the above referenced project for a Basic Wind Speed of 111 mph and 40 mph with 1.5" radial ice, Risk Category II, Exposure Category C, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures and Antennas".

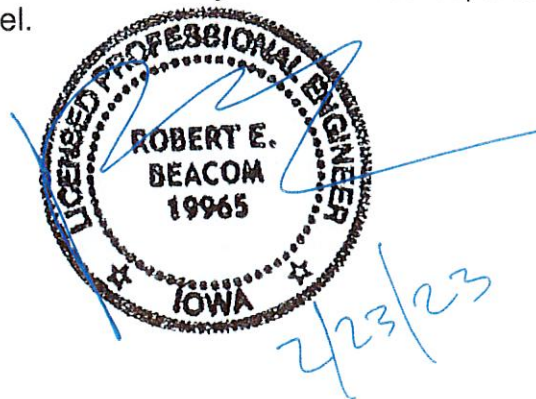
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. *Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.* In the unlikely event of total separation, this would result in a 92.5' fall radius at ground level.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager



From: Joshua Watson <jwatson@wirelessgroupconsultants.com>
 Date: Thursday, March 2, 2023 at 1:33 PM
 To: Jason Study <jstudy@sheriff.pottcounty-ia.gov>
 Subject: Re: 840560 Treynor West II (US Cellular) Pottawattamie County Frequencies

Jason,

Below are all frequencies in the design that will be operated at this site.

Low Freq	High Freq	Freq Unit	ERP	ERP Unit
614	698	MHz	1000	W
698	806	MHz	1000	W
1930	1995	MHz	3280	W
3700	3980	MHz	3280	W
3450	3550	MHz	3280	W

	Low Freq	High Freq	Freq Unit	ERP	ERP Unit
C-Band	3700	3980	MHz	3280	W
DoD	3450	3550	MHz	3280	W

I have attached the 1A to this email but the tower coordinates are: 41°14'45.3368" -95°41'43.0802"
 Azimuths are 20 / 140 / 260
 Thank you,

Joshua Watson
 1126 W. Addison St
 Chicago, IL 60613

Mobile (317) 522-6322
 Fax (888) 725-4299



Wireless Group Consultants
Service is Our Priority

From: Jason Study <jstudy@sheriff.pottcounty-ia.gov>

.15

Tuesday, March 21, 2023 at 13:11:37 Central Daylight Time

Subject: Re: 840560 Treynor West II (US Cellular) Pottawattamie County Frequencies
Date: Tuesday, March 21, 2023 at 7:53:47 AM Central Daylight Time
From: Jason Study
To: Joshua Watson - WGC
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png

Joshua,

Sorry it took so long to get back to you, I am extremely busy right now.

Upon review of the data you provided, it looks good. I don't see any issues with your build out.

Thanks,

Jason

----->