



A judge has ordered a Carroll County farmer to lower an expensive grain-handling tower, but the farmer's attorney expects his client to appeal the decision.

The Carroll Airport Commission has argued the so-called "grain leg" that Loren Danner installed to pump corn and soybeans into his grain bins is a flight hazard, as it sits just south of the airport.

Court documents indicate the judge has ruled an ordinance required Danner to seek permission from the airport before the 126-foot-tall tower was erected.

Danner's attorney, Steve Hamilton, says his client believed he went through the proper channels back in 2013 since he got a construction permit from Carroll County officials for construction of the tower.

"They didn't tell Mr. Danner what they should have told him and poor Mr. Danner is going to pay the price for it," Hamilton says.

According to the attorney, it would cost the farmer \$400,000 to lower the grain-handling tower by at least 61 feet, as the judge ordered. In July of 2013, Danner received a letter from the Federal Aviation Administration indicating the structure would not pose a threat if properly lit at night. The court ruled FAA regulations do not preempt local ordinances.

Danner's attorney argues the FAA should have the final say. "That would be the basis of our appeal. If you look at the letter, it says: 'We deal with departing, arriving and en route aircraft,'" Hamilton says. "Well, that's every facet of air traffic."

Hamilton is not confirming that his client will appeal, he "expects that is the route" the farmer will take.

(Reporting by Nathan Konz, KCIM, Carroll)