

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

Minutes of the 100th Meeting of the Mower County Board of Adjustment

Members Present: Merrill Chesebrough, Jen Ulwelling, William Milbrath, Kenneth Trom

Members Absent: None

Others Present: Daryl W. Franklin, Katie Losness

The meeting of the Mower County Board of Adjustment was called to order by Chairman Trom on Wednesday, November 25, 1987, at 4:15 p.m. in Conference Room 1 of the Mower County Courthouse in Austin, Minnesota. Minutes of the September 30, 1987 meeting were approved as mailed on a motion by Mr. Chesebrough, seconded by Mrs. Ulwelling and passed unanimously.

Hunting Elevator - Variance to Allow an Extension of an Existing Feed Warehouse 3 Feet from the Road Right-of-Way: Ms. Losness read the staff report. The petitioner is requesting a 22 foot variance from the required 25 foot setback from the road right-of-way. The legal description is as follows: SE 1/4, SE 1/4, E of RR, 3.5 Acres. The existing land use is industrial. The surrounding land use and zoning: North - Agricultural, Zoned Rural; South - Industrial, Zoned Industrial; East - Residential, Zoned Rural; and West - Agricultural, Zoned Rural.

Mr. Chesebrough displayed a site drawing from the County Engineer depicting a visibility triangle. This showed that the extension of the building could only be 28 feet to be outside of the visibility triangle for safety reasons. A 28 foot extension of the building to the south would not require the granting of a variance since such an extension would place the southwest corner of the proposed extension 2 feet outside of the required 25 foot setback from the right-of-way. Mike Schmitz, on behalf of Hunting Elevator, said they would load from the east side so that trucks wouldn't be loading and unloading in the right-of-way. He also mentioned Hunting Elevator was planning to expand their facilities in Lansing more in the spring.

Mrs. Ulwelling asked Ms. Losness if there had been any comments from the Township officers or residents to which she responded there had not.

It was then stated by Mr. Chesebrough that a 40 foot expansion would require a 10 foot variance instead of 22 foot variance as was first thought.

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The Board reviewed the drawing by the County Engineer and asked Mr. Franklin if specified safety standards were used to derive the visibility triangle. Mr. Franklin tried to locate Mr. Guttormson, County Engineer, but he was not available so it was suggested that the hearing be adjourned until Monday, November 30th at which time Mr. Guttormson could answer the Board's questions.

A motion was made by Mr. Milbrath to continue the hearing until Monday, November 30, at 4:00, and was seconded by Mrs. Ulwelling and passed unanimously.

On Monday, November 30, 1987 at 4:00 p.m. Mr. Trom reconvened the 100th meeting of the Mower County Board of Adjustment with the following members present: Merrill Chesebrough, Jen Ulwelling, Bill Milbrath and Ken Trom. John Grindeland, Assistant County Engineer, Mike Schmitz, representing Huntting Elevator, and Daryl W. Franklin were present.

Mr. Grindeland provided information on the Minnesota Department of Transportation table discussing the "visibility triangle". Mr. Schmitz raised a question if this table was applicable to railroad crossings where semaphores are in place. Mr. Grindeland stated he wasn't sure. He also stated that from his perspective the County and Huntting Elevator could be open to liability. The liability would arise if an accident would occur and the new building was a factor. The Board requested that the Minnesota Department of Transportation be contacted about this situation. At 4:57 a motion was made by Mr. Milbrath and seconded by Mrs. Ulwelling to continue the hearing until December 31, 1987 at 4:00 p.m. and to waive the payment of per diem to the Mower County Board of Adjustment for the next meeting. The motion passed unanimously.

On Thursday, December 3, 1987, Mr. Chesebrough reconvened the 100th meeting of the Mower County Board of Adjustment with the following members present: Merrill Chesebrough, William Milbrath, John Grindeland, Assistant County Engineer, Ray Guttormson, County Engineer, Mike Schmitz representing Huntting Elevator. Katie Losness and Daryl W. Franklin were also present.

Mr. Grindeland told the Board he had been in contact with the Minnesota Department of Transportation office of Railroad and Waterways. They informed him that the presence of a semaphore did not have any effect on the visibility triangle. The semaphore had been installed in 1964 for the building in the SE quadrant. The State advised that the Board could only grant the variance if Huntting contracted with the State to install gates and flashers at Huntting's expense. Maintenance costs would also be the responsibility of Huntting Elevator.

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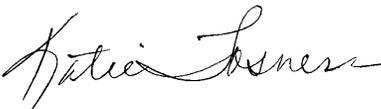
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Ms. Losness informed the Board that Lansing Township met on the matter and recommended denial. Betty Haustein, who lives next door to Huntting, asked that Ms. Losness communicate her fear that it would be unsafe.

Mr. Chesebrough said that he felt that with the information the Board had that they had no choice but to deny the request. Mr. Milbrath made a motion to deny the request based on the criteria of the State, a 12 foot encroachment of the visibility triangle and the Township and neighbor's recommendations. Mr. Chesebrough seconded the motion. A vote was called with Mr. Milbrath and Mr. Chesebrough voting to deny the request. A copy of the Minnesota Department of Transportation criteria for a visibility triangle at stated highway and train vehicle speeds and an engineers drawing for the application of these criteria to the County Highway #2/Sioux Line Railroad crossing at Lansing, Minnesota are hereby attached as part of these minutes.

There being no further business to discuss, the meeting was adjourned at 4:30 p.m. on a motion by Mr. Milbrath and seconded by Mr. Chesebrough.

Respectfully submitted,



Katie Losness
Assistant Planner

KL:km:Min5