

MOWER COUNTY

AUSTIN, MINNESOTA

55912



January 7, 1986

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION SPECIAL MEETING

Members Present: Ray Capelle, Bob Werner, Joe Monsen, Richard Cummings, John Hill, Gary Braaten

Members Absent: Jen Ulwelling

Others Present: Julie Lewon, Craig Eliason

Chairman Capelle called the meeting to order at 8:00 p.m. on Tuesday, January 7, 1986 in the Commissioners Conference Room in the Mower County Courthouse, Austin, Minnesota. The minutes of the October 29, 1985 meeting were approved as mailed on a motion by Mr. Monsen, seconded by Mr. Braaten and passed unanimously.

Review of CUP 139 - Commercial Kennel in a Rural Zone - Janise Miller: Ms. Lewon read the petition, history, and staff report. The petitioner operates a commercial dog kennel on the N 66' feet of the W 693' feet, SE 1/4, Section 18, Austin Township. A property owner, Rodney Cockrum, was missed when the hearing notices were sent out in 1982. Mr. Cockrum now has a complaint about the kennel and is requesting another hearing because of the mistake. Mr. Cockrum has lived at his home since prior to the kennel locating at this site. He rented until 1980 and then purchased the home. Since notices are sent only to property owners, Mr. Cockrum was missed only once, on the 1982 notices.

Gary Leonard, representing the Millers, was present with them to speak in favor of the review. Mr. Leonard informed the Commissioners that the Millers had purchased the property with a kennel in mind and were planning to build a second building on the site which would keep all the dogs completely inside. The inclement weather had delayed the construction of the building but construction will begin very shortly. Mr. Leonard presented specifications for the building along with several letters of support. He also presented a letter from Sal Espe of the Austin Town Board, which stated that the Town Board felt the kennel should be kept as is.

Rodney Cockrum was present to voice his opposition to the kennel because of the extreme loud and continuous barking which is creating a severe noise problem. He stated that he did not feel the building would stop the noise.

Bill Bodensteiner, Mr. Cockrum's attorney, was present and explained that they were asking one of two things: 1) to revoke the license or 2) go back to the 1979 restriction of 50 dogs.

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Dan Cotter, who sold the property to Mr. Cockrum, was present and stated that if he lived where Mr. Cockrum does now, he would also be bothered by the noise. Mr. Cotter stated that several stipulations were put on the contract when Mr. Cockrum bought the property from him to keep the rural flavor of the area.

Joe Merten, who lives one-half mile east of Mr. Cockrum, was present to state he was not bothered by the noise of the dogs.

Oliver Hillier of the Austin Town Board was present and stated that a building permit was issued to the Millers and he felt that if the dogs were kept in a shed, the noise would not be present anymore. He stated he felt that rural areas should not be restricted and trying to stop all the noise would cause more problems.

Mr. Leonard stated that the investment had already been made for the second building and stressed the fact that once the building is up, no dogs would be outside at any time. Mr. Miller stated that he had no problem if the Commission cut the number of adult dogs from 200 to 100.

After further discussion, a motion to keep the permit as it is with the exception of limiting the number of adult dogs to 100 was made by Mr. Monsen, seconded by Mr. Hill and passed unanimously.

Ms. Lewon stated that the petition would go before the County Board of Commissioners on Tuesday, January 14 at 4:00 p.m.

Review of CUP 317 - Kennel in the Rural Zone - Ronald E. Kasel:
Ms. Lewon read the petition and staff report. The petitioner operates a kennel on his property which is located on the NE 1/4, Section 17 in Lodi Township.

Ms. Lewon told the Commission that Mr. Kasel had told her that he did not need a permit because he only had two dogs and he had no plans for more. After some discussion, a motion was made by Mr. Hill to table the review until they had received written notice from Mr. Kasel stating that he did no longer wish the permit. The motion was seconded by Mr. Braaten and passed unanimously.

Review of CUP 318 - Junkyard in the Rural Zone - Brian A. Bergan and Ray H. Bergan:
Ms. Lewon read the petition and staff report. The petitioner operates a junkyard on property located in the NE 1/4, Section 25, Lodi Township.

Mr. Bergan was present and stated that he was unable to get a \$2,500. bond from a company because of the wording involved.

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Ms. Lewon presented the commission with the condition reworded which would enable Mr. Bergan to get the bond. After some discussion, a motion was made by Mr. Werner to make the permit permanent with the change in the conditions to read as follows:

- 1) The permit is permanent.
- 2) The permit is not transferable.
- 3) The storage of cars and scrap iron shall be confined to the NE 1/4 of Section 25, Lodi Township.
- 4) A \$2,500. bond shall be posed with the Mower County Auditor. The purpose of the bond is to guarantee compliance with the above conditions. If the individual does not comply with the above conditions, the bond will be triggered and be made payable to the County to clean up the site and restore it to its previous condition.
- 5) All oil, gasoline, and anti-freeze from junk cars shall be disposed of in a suitable manner and not allowed to run onto the ground.

The motion was seconded by Mr. Hill and passed unanimously.

Ms. Lewon stated that the petition would go before the County Board of Commissioners on Tuesday, January 14, 1986 at 4:00 p.m.

Other Business: Ms. Lewon handed out copies of the Environmental Health Department's annual report to the Commissioners. Ms. Lewon also handed out a memo from Daryl Franklin stating that the Minnesota Department of Transportation had a program which made funding available for junkyard screening along trunk highways.

Election of Officers: A motion was made by Mr. Cummings that the current slate of officers, Ray Capelle as Chairman and Joe Mosen as Vice-Chairman, be reelected. The motion was seconded by Mr. Hill and passed unanimously.

There being no further business, the meeting adjourned at 9:10 p.m. on a motion by Mr. Mosen, seconded by Mr. Braaten and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason, Secretary