

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

September 29, 1987

Minutes of the Mower County Planning Commission Meeting

Members Present: Joe Monsen, Oliver Hillier, Jen Ulwelling, Bob Werner, John Hill, Herb Hansen

Members Absent: Roberta Finneseth, Bob Finbraaten, Gary Braaten

Others Present: Daryl W. Franklin, Katie Losness, William C. Buckley

Chairman Monsen called the meeting to order at 8:00 p.m. on Tuesday, September 29, 1987, in Conference Room I of the Mower County Courthouse in Austin, Minnesota. The minutes of the August 25, 1987 meeting were approved as mailed on a motion by Oliver Hillier, seconded by Jen Ulwelling and passed unanimously.

CUP 369 - Commercial Kennel in the Rural Zone - Diane and Charles Fessler: Mr. Franklin read the staff report. Mr. & Mrs. Fessler are requesting a conditional use permit to allow a commercial kennel at the following location: East 164.5 feet of Sub Outlot 5 and Sub Outlot 12, Outlots 10 and 11 in the W1/2 SE 1/4, Section 33, Red Rock Township, .7 acres.

Mrs. Fessler stated she wished to acquire a total of five unspayed females and two unneutered males.

Bill Nicol, who lives west of the Fesslers, complained of all the dogs in the neighborhood yapping back and forth with the Fessler dogs. Patty Nelson, who lives west of the Fesslers, said that the Fessler dogs wake her and her family at all hours. She also stated that there are 3 Fessler dogs that run free. Ken Iverson, who lives on the southwest edge of the Fessler property, complained of barking dogs and feared the loss of his property's value if the kennel were allowed. Merrill Fitzgerald stated that the Fessler dogs are heard barking at 2:00 a.m. T. N. Hovda, who lives north of the Fesslers, also expressed fear over loss of property values.

Mr. Monsen asked if the Township Board had received any complaints prior to the notice of the hearing. Mr. Roger Jensen, Chairman of Red Rock Township, replied that he had not. Ms. Nicol expressed fear that if this kennel was approved another of their neighbor would also start a kennel. Mr. Monsen asked Mr. Franklin to describe a commercial kennel to which he stated it is a "place where dogs are bred or kept primarily for sale or profit". Mr. Hillier asked Ms. Fessler what caused the barking. She denied

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there was any night time barking as the dogs are muzzled every night. Mr. Hillier asked if other dogs were attracted to her female dogs in heat. Mrs. Fessler said no outside dogs have ever been on her property.

Mr. Monsen commented upon the fact that while the Commission was at the Fesslers prior to the meeting, the Fessler dogs were silent while many of the neighborhood dogs could be heard barking. Mr. Nicol suggested that maybe Mrs. Fessler had sedated her dogs which she denied. Mr. Werner stated that although the Fesslers had a very good setup, he had a disbelief in kennels in residential areas and was therefore, making the motion to deny approval of the conditional use permit. Mr. Hanson seconded the motion which was passed unanimously. The basis for denial was that the Commission felt the kennel would be injurious to the use and enjoyment of other property in the immediate vicinity. Mr. Franklin then informed those present that this matter would be taken up before the County Board on October 6, 1987 at 2:30 p.m.

CUP 370 - Agriculturally-Oriented Business in the Rural Zone - Leslie and Glenda Hillman: Ms. Losness read the staff report. Mr. and Mrs. Hillman are requesting a conditional use permit to sell apples, strawberries and some vegetables at the following location: South 6 rods North 12 rods E 1/2 NE 1/4 SE 1/4, Section 31, Red Rock Township. Laurence Hanson pointed out that east of the Hillmans is zoned Rural Residential.

Mr. Hillman stated that they intended to sell mainly apples and strawberries and occasionally vegetables. His apples come from LaCrescent where he has an interest in an orchard. This would not be a full-time occupation. Mr. Hillier asked if they would be building any additional structures and Mr. Hillman replied they would be using their existing garage. Laurence Hanson, two houses north of the Hillmans questioned how much the Hillmans could grow on their 3/4 acre and expressed his concern over the hauling in of apples. He also was worried about the parking situation, decreased property values and the hazards of increased traffic to the Hillmans.

Elmer Lee, a neighbor, expressed his concern that this would set a precedent for a rash of permits in the neighborhood. Marvin Persoon, who lives north of the Hillmans, said that there was no place for parking on the road as there is no shoulder. Also stated that it would be hazardous to the bike riders in the area. Mr. Hanson asked if it was legal to sell without a permit and brought up the sign that was previously on the Hillman's garage. Dee Hanson expressed concern over proper disposal of produce as it may attract rats.

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Mr. Hillman said there was about three to four cars per day. Mr. Mosen voiced his concern over people backing out of the driveway onto the highway as well as the trucking in of apples. Ms. Ulwelling asked about a turnaround. Mr. Hillman said he'd put up a fence if Mr. Lee was concerned that his turnaround would encroach on Mr. Lee's property. Mr. Hill asked the average time of a customer's visit and Mr. Hillman told him about five minutes.

Mr. Hill made a motion to approve the conditional use permit with the condition that there be adequate measures taken to provide sufficient off-street parking. This was seconded by Mr. Hillier and passed unanimously. Mr. Franklin told all present that the County Board would meet on this matter on October 6, 1987 at 2:30 p.m.

Environmental Health Business: Mr. Buckley told the Commission of problems with a sewage treatment system due to sewage surfacing and a sewage tank cover which has not been secured. The owner of the property at 1704 20th Street SW, Donald Tostenson, resides in California but has been notified numerous times to correct the problem. After discussion Mr. Werner made a motion to ask the Austin Township Board to exercise their authority to a public health/nuisance problem and Mr. Buckley would be authorized to pursue a legal complaint after giving Mr. Tostenson 2 weeks notice under Section 11-14 of the Mower County Code. The motion was seconded by Mr. Hill and passed unanimously.

Mr. Buckley reviewed, per the instructions of the Mower County Board of Commissioners, comments received in regard to the Water Well Ordinance and discussed each with the Board. Ms. Ulwelling made a motion that Mr. Buckley check on an appeal process for Section 5 and possibly revise it. Section 8 should consist of adoption of MN Rules Chapter 47-25 by reference, Section 9 should be left as is and Section 10 left as is. The motion was seconded by Mr. Hillier and passed unanimously.

There being no further business to discuss, the meeting was adjourned at 10:10 p.m. on a motion made by Mr. Hill, seconded by Mr. Werner and passed unanimously.

Respectfully submitted,



Katie Losness