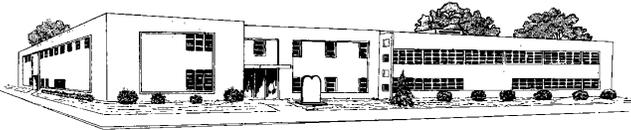


# MOWER COUNTY

AUSTIN, MINNESOTA

55912



October 31, 1990

## Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Keith Vorhees, Bob Werner, Bob Finbraaten,  
Herb Hanson, Don Olson, Oliver Hillier, Steve  
Wieland

Members Absent: Gary Braaten, MeriJo Lonergan

Others Present: Daryl Franklin, Katie Losness

Chair Hanson called the meeting to order at 8:00 p.m. on Tuesday, October 30, 1990, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the September 25, 1990, meeting were approved as mailed on a motion made by Mr. Wieland, seconded by Mr. Vorhees and passed unanimously.

Conditional Use Permit #412 for a Salvage Yard in the Agricultural District - Anthony F. Schmidt Jr.: Ms. Losness read the staff report. Mr. Schmidt is requesting a conditional use permit for a salvage yard at his property in Red Rock Township (W 208.7 ft. S 208.7 ft. SW 1/4 SW 1/4, Section 35) to allow storage of not more than five unlicensed vehicles on the property. The existing land use is residential and a salvage yard and zoning is Agricultural District. Surrounding land use is agricultural to the North, East and West and I-90 to the South. All zoning is Agricultural District.

Bob Maus, Mr. Schmidt's attorney, spoke in favor of the petition. He explained that Mr. Schmidt has five unlicensed vehicles that he would like to keep since restoring cars is his hobby. He emphasized that the request is for not more than five unlicensed cars and he would be willing to follow Department of Transportation standards for screening. Mr. Maus acknowledged that criminal charges had been filed against his client for the unauthorized use of his property as a junkyard but said that his client wants to meet the requirements of the law so he has filed for the conditional use permit. He said that this is an agricultural area and the nearest neighbor is a quarter of a mile away so this would not be interfering with any use of adjoining property. He is willing to accommodate the presence of I-90 to the south by appropriately screening.

Debra Harmon, property owner a quarter mile to the north, spoke in opposition of the request saying that there is junk all over

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the property; he doesn't clean up after his own parties and she feels that this devalues her property. Theresa Brazzy was present to speak for Dennis Starry, adjoining property owner, who opposes the petition as it would pull down his property value. Alan Akkerman, area property owner, also spoke in opposition stating he was concerned about his agricultural land being affected by a salvage yard. Ms. Harmon questioned who would keep track of the permit if it was granted and expressed concern about rodents being attracted to a salvage yard as she has four children. She also stated that the area floods and therefore, junk would be carried away by the water.

Mr. Olson asked Mr. Schmidt if he would be selling parts of his vehicles to which he said no, he only restores cars as a hobby. Mr. Olson questioned how he could work on cars outside rather than inside a building. Mr. Schmidt stated that he cannot control the flooding as the culvert in the area is not sufficient. He also stated that he has put up a fence that a DOT official was satisfied with. Mr. Finbraaten then asked staff if the original complaint on the junkyard had come from DOT to which Ms. Losness replied that it was.

After further discussion Mr. Werner stated that he didn't feel they should grant greater latitude than had previously been granted to the property and therefore, made a motion to recommend denial of the permit. The motion was seconded by Mr. Wieland and passed unanimously. Ms. Losness announced that the County Board hearing would be at 2:45 p.m. on November 6, 1990.

Conditional Use Permit #413 for Filling and a Structure Accessory to an Open Space Use in the Floodway District: Ms. Losness read the staff report. Ramsey Golf Club is requesting permission to fill an area of their property (41.3 ac S 1/2 & N 1/2 E of RR W of River & NW 1/4 NE 1/4 E of River, Section 23, Lansing Twp) to build a storage shed for golf carts. Staff referenced a letter from Mitch Shields of the DNR which stated that the applicant must show through an engineering study by a registered engineer that the structure will not increase the elevation of the 100-year flood profile or alter the FEMA Flood Insurance Study; that the structure must be floodproofed to the Regulatory Flood Protection Elevation; and that the storage of materials which cannot be readily removed from the area within the time available after a flood warning is not allowed. The letter also referenced a violation of this provision as there are numerous materials being stored along the bank of the river. Staff suggested that the petition be tabled until the study is completed.

Representatives of the Ramsey Golf Club stated that they are in the process of removing that debris and are willing to do the study. Therefore, after further discussion, a motion was made by

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Mr. Hillier to table the petition until the November 27, 1990, meeting at 2:00 p.m. The motion was seconded by Mr. Olson and passed unanimously.

Conditional Use Permit #414 for a Commercial Television Tower in the Agricultural District - Lake Cable Partners: Ms. Losness read the staff report. Lake Cable is requesting a conditional use permit to allow construction of a 65 foot tower for antennas, an 8x10' building and two satellite dishes to provide cable tv service to Red Rock and Windom Townships. The property in question is owned by Roger Durst (the parcel in that part of the W 1/2 NW 1/4 of Section 4, Windom Township commencing at the NW cor NW 1/4 of said Section 4; thence E along the r-o-w of Hwy 16, 633 ft; thence S to the N edge of the r-o-w of Fed Hwy No. 90; thence Westerly along the r-o-w of said Hwy No. 90 to the W line of the NW 1/4 of said Section 4; thence N to the point of beg. That part of the W 1/2 of NW 1/4 of Section 4, lying N of Fed Hwy No. 90, desc as follows: commencing at the NW cor of the NW 1/4 of said Section 4; thence E along the r-o-w of Hwy 16 a distance of 633 ft to the point of beg; thence S to the N edge of the r-o-w of Fed Hwy No. 90; thence Northwesterly to the point of beg). Existing land use is mobile home park and zoning is Agricultural District. Surrounding land use is agricultural to the north, residential to the east and west and I-90 to the south. Surrounding zoning is Agricultural District.

Art Taylor, representing Lake Cable, spoke in favor of the petition. He explained that they would build an 8x10 foot building to house the equipment necessary and a freestanding tower with no flashing lights or down guys. While there will be some activity initially at the site, once the system is in place there will be no further activity. They compact their systems into a 30x30 foot space. There is a sheet metal shield surrounding the tower that prevents anyone from climbing the tower unless they had a ladder. It is not a tower that broadcasts, rather it picks up signals and sends those signals out through the cable to the homes. They have applied for all necessary permits from the Highway Department.

Gary Heckbreth, owner of the property to the west, questioned how far it would be from his property. Mr. Taylor stated that if the tower fell over it would not be on his property. The issues of lighting the tower and a security fence were discussed. Mr. Taylor said they are not opposed to lighting the tower or putting up a security fence but said that they are not required by the FAA to light a tower of that height and felt that sometimes people are attracted to the light. He also stated that the security shield precluded anyone from tampering with the tower.

After further discussion, Mr. Olson made a motion to recommend approval of the petition stating that he felt no conditions were

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necessary since there is a similar tower in downtown LeRoy and they have never had any problems with vandalism or anything else. The motion was seconded by Mr. Wieland and passed unanimously. Ms. Losness announced that the hearing before the County Board would be held at 2:45 p.m. on November 6, 1990.

Dennis Kolb to Address the Planning Commission: Mr. Kolb told the Planning Commission that he doesn't understand how a letter could be sent by Planning staff stating that a kennel permit is not necessary for his neighbor who has more than four dogs. He feels that this is a direct violation of the kennel provision in the Ordinance. Ms. Losness stated that the County Attorney has interpreted the Ordinance to mean that a person can keep more than four of their own dogs if they are not breeding or boarding other people's dogs. She also told them that the person in question does intend to apply for a conditional use permit in November since she wants to eventually do some breeding. Mr. Kolb stated that she has been breeding in the past. After further discussion, the Commission decided to wait until the petition is in front of them to pursue any further action.

There being no further business to discuss, the meeting adjourned at 9:05 p.m. on a motion by Mr. Wieland and seconded by Mr. Hillier.

Respectfully submitted,



Katie Losness