

## **Mower County Planning Commission**

### Minutes Mower County Planning Commission

**Members Present:** Harold Boverhuis, David Hillier, Vance Larson, Meri Jo Lonergan, Sheldon Lukes, Brian McAlister, Don Olson.

**Members Absent:** Diane Benson.

**Others Present:** Citizens, Glen Jacobsen, Lee Bonorden (Austin Daily Herald), Daryl W. Franklin.

Chair David Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, March 31, 1998, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 24, 1998, meeting were approved as mailed on a motion by Vance Larson, seconded by Sheldon Lukes. The motion passed unanimously. It was reported that the Mower County Board of Commissioners will hear the petitions at their April 7, 1998, meeting at 1:35 p.m. at the Mower County Courthouse, 201 First Street NE, Austin, Minnesota.

First item of business:

**Conditional Use Permit #508 - Anthony Leuer/Rodney Laskewitz:** Amendment to CUP applicable to Section 14-51(u) of the Mower County Zoning Ordinance to allow for an auto repair garage in Section 15, Lansing Township. *Staff Presentation:* Reference was made to the site investigation performed by Don Olson and Sheldon Lukes on April 22, 1998. Staff report was presented. Additional information from a phone conversation with MN Department of Transportation was relayed to the Planning Commission. A memo from Glen Jacobsen, Chief Deputy County Attorney, dated 3/31/98 was presented. *Applicant's Presentation.* Mr. Leuer explained that he now had the opportunity to lease the garage and would like to do auto repair. He currently sells repairable autos at this site. *Statements from the Public:* Bob Morgan, a neighbor was concerned about a paint booth. Mr. Leuer stated that he would not be painting. Carlton Thompson, representing Lansing Township, stated that the township did not have a problem with the amendment. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Harold Boverhuis, seconded by Brian McAlister, to approve the amendment to Conditional Use Permit #508 to allow for auto repair because it was in

accordance with Section 14-31 of the Mower County Code with the following additional conditions:

1. Delete Condition #2 from CUP. ~~No auto-repair work allowed.~~
2. Any illegal activity concerning or involving the portion of the property controlled by Mr. Leuer will cause the immediate revocation of the CUP, subject to appeal by Mr. Leuer to the Board of Commissioners.

The motion passed unanimously.

**Conditional Use Permit #537 - KXLT-TV/Carmen Start:** CUP applicable to Section 14-51(d) of the Mower County Zoning Ordinance for a television tower in Section 16 of Bennington Township. *Staff Presentation:* Reference was made to the site investigation performed by Don Olson and Sheldon Lukes on April 22, 1998. Staff report was presented. Daryl Franklin stated that the land and building will be taxed by the County but not the tower. *Applicant's Presentation:* Mr. Jon Ganahl and Mr. Mike Borgen explained KXLT-TV's plans to construct a 1,200 foot television tower and building to house the transmitter equipment. Mr. John Beck, Mr. Fred Purdy, and Mr. John Beech explained the lease agreement (copies were given to the Planning Commission) and presented information on the study on mode of tower collapse. *Statements from the Public:* Mr. Paul Main expressed concern about the possibility of tower collapse. Mr. Purdy explained that studies show that tower collapse in a folding mode and usually within 25% of the tower's height. Bill Sweetser questioned the possibility of a repeater being placed on the tower for emergency vehicles. Frank Krahn, the closest neighbor, stated he supported the tower and didn't feel there would be any problem. A question was raised about lightning. Mr. Beck explained that the tower is designed to serve as a lightning rod. It was explained that the FAA will determine what type of lighting will be located on the tower, i.e. red light or strobe light. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Brian McAlister, seconded by Vance Larson, to approve Conditional Use Permit #537 for a television tower because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. The permit will expire March 11, 2028. (Date when land lease expires.)
2. At least an eight foot chain link fence be erected and maintained around the tower and any equipment buildings.
3. Petitioner secure appropriate FCC and FAA permits and licenses.
4. The minimum distance to the nearest residential property shall be equal to the height of the tower. The minimum distance to the nearest residential structure shall be two times the height of the tower. The setback shall be measured between the base of the tower located nearest the property line and the actual property line. A lesser setback distance may be used if a qualified

engineer specified in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.

5. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
6. All abandoned or unused towers and associated above-ground facilities shall be removed within 12 months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Mower County Board of Commissioners. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Mower County Board of Commissioners and the costs of removal assessed against the property.
7. No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television, and person communications, in accordance with rules and regulations of the Federal Communications Commission.
8. A letter of intent committing the tower owner and his or her successor to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.

The motion passed unanimously.

**OTHER BUSINESS:**

There being no further business, the meeting adjourned at 7:50 p.m. on a motion by Sheldon Lukes, seconded by Meri Jo Lonergan. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Planning Director