

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: David Hillier, Vance Larson, Sheldon Lukes, Brian McAlister, Don Olson.

Members Absent: Diane Benson, Harold Boverhuis, Meri Jo Lonergan.

Others Present: Citizens, Glen Jacobsen (Mower Co. Asst. Attorney), Lee Bonorden (Austin Daily Herald), Lori Amick.

Chair David Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, July 28, 1998, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 30, 1998, meeting approved as mailed on a motion by Brian McAlister, seconded by Sheldon Lukes. The motion passed unanimously. It was stated that the Mower County Board of Commissioners will hear the petition at the August 4, 1998, meeting at 1:30 p.m. at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota.

Conditional Use Permit #544 - Perry Mayer/Estate of Leona Mullenbach.

CUP applicable to Section 14-51(m & u) of the Mower County Zoning Ordinance for an agriculturally oriented business dealing with computers and control systems in an accessory building in Section 10, Adams Township. *Staff Presentation:* Reference was made to the site investigation performed by the Don Olson and Vance Larson on July 15, 1998. Staff report was presented. A letter from Stephen Alderson, MN Dept. of Transportation was presented. *Applicant's Presentation.* Mr. Perry Mayer explained his proposal. He stated that his company, S & M Controls, Inc., is currently renting a location in Adams and would like to expand. Mr. Mayer stated that most of the computer work is completed on the job site. Currently he has two full time employees and one part time secretary but he hopes to increase the work force in the future. He reviewed his site diagram and explained the proposed location of the new building. Mr. Mayer stated that he will not be living in the home on this property. *Statements from the Public:* None. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. Mr. Brian McAlister questioned the proposed condition limiting the hours and days of business operation. Mr. Hillier stated that in the past this issue was not addressed and it created problems. Mr. Olson stated hours and days were noted due to the residences located on each side of the property. Mr. Mayer questioned how strict the hours of operation would be enforced. Mr. Glen Jacobsen explained that the Planning Commission can set hours and days of operation as a condition of the

conditional use permit. Mr. McAlister stated that this proposed business should not be a noisy operation or have truck traffic. Mr. McAlister questioned the condition of number of employees. Mr. Olson stated that the employee number is necessary for the ISTS. Mr. Larson stated that he felt that there should be no condition setting a limit on hours or days of operation. Mr. Olson stated that Highway 56 is noisy. After consideration of all oral and written testimony, a motion was made by Brian McAlister, seconded by Don Olson, to approve Conditional Use Permit #544 for a agriculturally oriented business dealing with computers and control systems in an accessory building because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. An evaluation be conducted by a licensed Designer I or Inspector, on the sewage treatment system serving the house on the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the CUP within one (1) year of approval of the CUP. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
2. A zoning permit and ISTS permit, if necessary, be issued for the new building.
3. No outside storage of material or product.
4. A change in usage will require an amendment to the CUP.
5. No more than 5 employees without amending the CUP.
6. If building and business is not started by January 1, 2000, the CUP is void.
7. The permit will expire on July 31, 2007.

The motion passed unanimously.

The permit expiration date was discussed. Mr. Mayer questioned the condition #7 and stated that he is investing \$150,000 in a building and the permit could be denied in 10 years. Mr. Olson explained that it was a way for the County to control businesses and that if he is a good neighbor he shouldn't worry about the condition. Mr. Hillier stated that Mr. Mayer could explain his concerns to the Board of Commissioners when they meet to make a decision on the conditional use permit.

Conditional Use Permit #545 - KVGO, Inc./Jeff & Mike Borgen. CUP applicable to Section 14-51(d) of the Mower County Zoning Ordinance for a 500' radio tower in Section 16, Clayton Township. *Staff Presentation:* Reference was made to the site investigation performed by the Don Olson and Vance Larson on July 15, 1998. Staff report was presented. A copy of the lease agreement was presented. *Applicant's Presentation.* Mr. Mike Borgen stated that the staff report was complete. *Statements from the Public:* Mollie

Gappa, (RR 2 Box 39, Elkton) a neighboring property owner questioned if the tower would interfere with her television satellite dish. Mr. Mike Borgen stated that the tower should not interfere even if it was right next to the satellite dish. The tower is estimated to be 700' from Ms. Gappa's satellite dish. Ms. Gappa questioned if the tower will interfere with her radio station reception. Mr. Borgen stated that the FCC regulates and governs tower spacing so that towers do not interfere with other stations. Mr. Borgen stated that this was a relatively low power tower of 9,100 watts and should have no effect on radio or television reception. *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 Don Olson, seconded by Brian McAlister, to approve Conditional Use Permit #545 for a radio tower because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

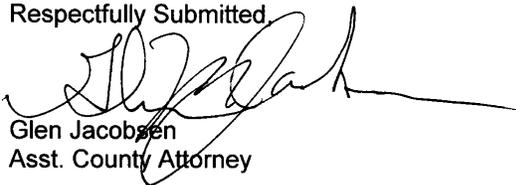
1. The permit will expire January 1, 2048. (Date when land lease expires.)
2. At least an eight foot chain link fence be erected and maintained around the tower and any equipment buildings.
3. Petitioner secure appropriate FCC and FAA permits and licenses.
4. The minimum distance to the nearest adjoining residential property shall be equal to 40% of the height of the tower. The setback shall be measured between the base of the tower and the actual property line.
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 7:40 p.m. on a motion by Brian McAlister, seconded by Vance Larson. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Glen Jacobsen", with a long horizontal line extending to the right.

Glen Jacobsen
Asst. County Attorney