

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Diane Benson, Meri Jo Lonergan, Dave Hillier, Harold Boverhuis, and Brian McAlister

Members Absent: Myles Bendtsen, Vance Larson, Sheldon Lukes

Others Present: Citizens, Lee Bonorden (Austin Daily Herald), Glen Jacobsen (Mower Co. Asst. Attorney), Denice Mudra, and Daryl W. Franklin

Chair David Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, September 26, 1999, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 29, 1999, minutes were approved as mailed on a motion by Harold Boverhuis seconded by Brian McAlister. The motion passed unanimously.

CUP #551 – Stan Bergan/Cellular 2000 Tower. To construct a 250' guyed tower for cellular communications applicable to Section 14-51(d) of the Mower County Zoning Ordinance. LeRoy Township Section 32.

Staff Presentation: Reference was made to the site investigation performed by the Planning Commission on September 20, 1999. Staff report and map was presented. **Applicant's Presentation:** Chris Traiser explained the procedures why the tower was necessary because of void areas near LeRoy. **Statement from the Public:** No one was present to comment. **Conclude the Public Hearing:** Dave Hillier closed the public hearing. Comment brought it back to the Planning Commission for discussion. A motion was made by Harold Boverhuis, seconded by Brian McAlister to approve CUP#551 because it is in accordance with Section 14-31 of the County code with the following conditions:

1. At least an eight-foot chain link fence be erected and maintained around the tower and any equipment buildings.
2. Petitioner must secure appropriate FCC and FAA permits and licenses.
3. The use of any portion of the tower for advertising signs (other than warning or equipment information signs) is prohibited.
4. All abandoned or unused towers are 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.

5. 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.
6. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Motion passed unanimously. Commissioner Hillier explained that the County Board would be acting on this hearing at their October 5, 1999 meeting at 1:30 p.m.

CUP #552 – Walter Kuhlman/UNISite, Inc. To construct a 250' guyed tower for cellular communications applicable to Section 14-51(d) of the Mower County Zoning Ordinance. Pleasant Valley Township Section 24.

Staff Presentation: Reference was made to the site investigation performed by the Planning Commission on September 20, 1999. Staff report and map was presented. **Applicant's Presentation:** Rod Krass, Attorney for UNISite, and Sean Rice explained they are in the tower leasing business not in the business of providing communications and others would use it. **Statement from the Public:** No one was present to comment. **Conclude the Public Hearing:** Dave Hillier closed the public hearing. Dave asked Brian McAlister for a comment, and Brian thought it would be a compatible usage in the area. A motion was made by Brian McAlister, seconded by Diane Benson to approve CUP#552 because it is in accordance with Section 14-31 of the County code with the following conditions:

1. At least an eight-foot chain link fence be erected and maintained around the tower and any equipment buildings.
2. Petitioner must secure appropriate FCC and FAA permits and licenses.
3. The use of any portion of the tower for advertising signs (other than warning or equipment information signs) is prohibited.
4. All abandoned or unused towers are 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.
5. 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.

6. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Harold Boverhuis stated that he was concerned that we did need the term in there so it would not go on forever and provide some protection to the county and the area. He wanted to know if Mr. McAlister would accept a friendly amendment to include the appropriate wording. Mr. McAlister stated he would.

7. "Such Conditional Use of the subject property is hereby approved only for a period of time equal to the initial lease term and any renewals or extensions thereof."

Motion passed unanimously. Commissioner Hillier explained that the County Board would be acting on this hearing at their October 5, 1999 meeting at 1:30 p.m.

CUP #553 – Janice & Ralph Wilson/UNISite, Inc. To construct a 250' guyed tower for cellular communications applicable to Section 14-51(d) of the Mower County Zoning Ordinance. Windom Township Section 2.

Staff Presentation: Reference was made to the site investigation performed by the Planning Commission on September 20, 1999. Staff report and map was presented. **Applicant's Presentation:** Rod Krass, Attorney for UNISite, and Sean Rice explained they are in the tower leasing business not in the business of providing communications and others would use it. Also, the people are encouraged to use their tower. **Statement from the Public:** No one was present to comment. **Conclude the Public Hearing:** Dave Hillier closed the public hearing. Dave asked Brian McAlister for a comment, and Brian thought it would be a compatible usage in the area. A motion was made by Harold Boverhuis, seconded by Brian McAlister to approve CUP#553 because it is in accordance with Section 14-31 of the County code with the following conditions:

1. At least an eight-foot chain link fence be erected and maintained around the tower and any equipment buildings.
2. Petitioner must secure appropriate FCC and FAA permits and licenses.
3. The use of any portion of the tower for advertising signs (other than warning or equipment information signs) is prohibited.
4. All abandoned or unused towers are 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.

5. 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.
6. "Such Conditional Use of the subject property is hereby approved only for a period of time equal to the initial lease term and any renewals or extensions thereof."
7. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Motion passed unanimously. Commissioner Hillier explained that the County Board would be acting on this hearing at their October 5, 1999 meeting at 1:30 p.m.

CUP #453 (Renewal) – David Hjelman. Renewal of CUP#453 to use 40 acres for a gravel pit applicable to Section 14-51(i) of the Mower County Zoning Ordinance. Lansing Township Section 15

Staff Presentation: Reference was made to the site investigation performed by the Planning Commission on September 20, 1999. Staff report and map was presented. **Applicant's Presentation:** Mr. Hjelman presented a map showing the area where they had mind and they are now wanting to go further north. They have used approximately 7 acres. They had removed the gravel pushed the black dirt back then brought the black dirt back in and farmed the area in question. **Statement from the Public:** Harold & Kathy Payne, neighbors where concerned about dust and noise. They were opposed to them going north. A discussion took place on the map that was presented and the original maps. It was brought about that these maps are not of sufficient detail to address the items on the ordinance. Mr. Hjelman explained that Charlie Klock prepared the maps. **Conclude the Public Hearing:** Dave Hillier closed the public hearing. A motion was made by Brian McAlister, seconded by Harold Boverhuis to table CUP#453 until the November 30, 1999 meeting because this is an incomplete application and they need the required drawings and response to Article IV Excavation of Earth Products.

Motion passed unanimously. Commissioner Hillier instructed staff that a letter should be sent to Dave Hjelman informing him that the 60 days is being extended to allow the applicant time to present the required data. It was explained that if the material was received in time to be on the October agenda, a notice could be sent out and it can be on the October agenda.

CUP #507 (Renewal) – Wallace Bustad. Renewal of CUP#507 for a sand & gravel pit applicable to Section 14-51(i) of the Mower County Zoning Ordinance. Lansing Township Section 15

Staff Presentation: Reference was made to the site investigation performed by the Planning Commission on September 20, 1999. Staff report and map was presented. **Conclude the Public Hearing:** Dave Hillier closed the public hearing. Planning Commission felt that the same situation existed with the Bustad permit. This is an incomplete application and they need the required drawings and response to Article IV Excavation of Earth Products. A motion was made by Brian McAlister, seconded by Harold Boverhuis to table CUP#507 until the November 30, 1999 meeting. Commissioner Hillier instructed staff that a letter should be sent to Wallace Bustad informing him that the 60 days is being extended to allow the applicant time to present the required data.

There being no further business, the meeting adjourned at 8:35 p.m. on a motion by Brian McAlister, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Mower Co. Planning Director

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