

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
October 5, 2011**

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, October 5, 2011. Present were Planning Commission members Harlan Buck, Jon Balzum, John Allen, Galen Johnson, Walter Wyttenbach, Gene Hallaway and Richard Wolf. Also present were County Commissioner Dave Erickson, Dave Hanson, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to approve the agenda and the August 2011 minutes. Motion passed unanimously.

Luke Ranvek IUP #11-06

The public hearing is to consider an application for an Interim Use Permit to establish a dwelling on less than 53 acres in the Agricultural District. The property is 5.54 acres located in the SW 1/4 of the NE 1/4 of Section 8, Claremont Township. Luke Ranvek is the applicant and the property owner.

Luke Ranvek was present to explain his proposal. They have this 5.4 acres parcel but they remove the old house this last spring. There is currently a pole shed there which they would like to put a living quarter in it. This will keep the site as a buildable site and would allow them to build a new home in a few years.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Richard Wolf, Claremont Township had no objections to this proposal.

Melissa DeVetter stated that this site has no issue with the feedlot setback. It was a preexisting build site. If Mr. Ranvek had come in for a zoning permit he could have rebuilt without the need for an IUP, however the house was removed. With the way the economy is now Mr. Ranvek has chosen to put a living quarters in the shed to hold his building rights.

Richard Wolf inquired what happens if they decide to build a new home.

Melissa DeVetter stated that with the living quarters in the shed, he meets the definition of a dwelling. He would have to discontinue the living quarters and abandon the septic system in order to build a new dwelling.

Luke Ranvek stated that the plan for the septic system is to be designed for a 3 bedroom home so when he decides to build he does not have to redo the system.

Melissa DeVetter clarified that the living quarters in the shed will have to be abandoned.

Galen Johnson had a concern about a comment that the County Engineer made on removing one of the driveways.

Luke Ranvek stated that when the property was surveyed it was determined that one of the driveways is not on his property. It actually belongs to the neighbor.

Galen Johnson inquired if another IUP would be needed if they do build a new home.

Melissa DeVetter indicated no.

Motion by Richard Wolf, seconded by Galen Johnson, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Ag Covenant shall be signed and recorded prior to issuance of zoning permit.
2. Dodge County Zoning Permit shall be obtained before construction.
3. The sewage treatment system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4.

The motion was passed unanimously.

Frontier Communications – CUP #11-02

The second public hearing is to consider an application for a Conditional Use Permit for the installation of major essential service (fiber optic cable). The planned route is located within the Right of Way starting at State Hwy 56 running east on the north side of the centerline of County Road 10 (650th St) across Ashland and Canisteo Townships to the Dodge/Olmsted County line. At the corner of 650th St and 280th Ave (county line road) the route turns north along the west side of 280th Ave into Mantorville Township. At the intersection of 280th Ave and State Hwy 14 the route turns east into Olmsted County. Frontier Communications, Inc is the applicant.

Rodney Hendricks, Frontier Communications was present to explain this proposal. The purpose for putting in this fiber optic cable is to increase the speed for internet and more data capability for the customers in Byron. They have out grown their existing capacity. Frontier has an existing pedestal on State Hwy 56 where they are starting from and one where they are ending at on State Hwy 14. This route will connect the two fiber optic cables which will avoid them having go into Dodge Center or Byron.

Rick Erpelding, Kasson resident and DNR representative, pointed out the locations of Prairie and Prairie remnants long the corridor. Mr. Erpelding felt that these areas should be protected.

Mr. Hendricks agreed that Frontier and the subcontractor will work with Mr. Erpelding to protect these areas.

Galen Johnson inquired if DNR does receive the notifications.

Rick Erpelding indicated yes; they do.

Galen Johnson requested that the DNR put their comments into writing. This will allow the Planning Commission to review them ahead of time. Mr. Johnson also questioned if this fiber optic cable would impact future services if it's not installed in a straight line.

Melissa DeVetter stated that the applicant is required to submit an "as built" to the Township and the County as to where the lines are located. So there should be a record of them.

Kevin Dohrmann, Mantorville Township had no concerns with this proposal.

Jackie Torrens inquired if Frontier plans to go further out in the rural area.

Rodney Hendricks stated they do plan to explore that.

Loren Torrens, Canisteo Township had no objection to this proposal.

Roger Hanson had a concern about tile line.

Rodney Hendricks stated that he has gone to SWCD and has gotten copies of all the tile lines maps that they have records of.

Gene Hallaway had a concern that if these are from SWCD then Frontier does not have all of the private tile line maps.

Rodney Hendricks stated that Frontier will contact the property owners to obtain the tile line locations.

Galen Johnson inquired if the property owner where notified by mail.

Melissa DeVetter indicated yes.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Melissa DeVetter commented that in these corridors the County looks at things that might be a concern such as; wetland, prairies, tile line, and also the time of the year with harvest machinery in the fields and on the roads. This is a heavily traveled road for farmers. These concerns are covered with the conditions listed on the Findings of Facts.

Richard Wolf inquired if Frontier plans to go outside of the ROW.

Rodney Hendricks indicated no; they do not.

Galen Johnson inquired what the start date of this project was.

Rodney Hendricks stated they plan to start within a week of approval. They have contractors with crews ready to start.

Galen Johnson inquired if Frontier worked with this contractor before.

Rodney Hendricks stated yes they have. The contractor is Telcom Construction, out of Clearwater, MN.

Motion by Galen Johnson, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the one addition to the following conditions. (Condition # 12 was added)

1. Frontier Communications shall provide a copy of the Insurance Certificate for Contractors General Liability and Property Damage (as per section 17.1709) to Dodge County Planning staff prior to the installation of the fiber optic cable.
2. Frontier Communications shall obtain a Dodge County Highway Department ROW permit and provide a copy of the permit to Dodge County Planning staff prior to the installation of the fiber optic cable.
3. Frontier Communications shall obtain a MnDot ROW permit and provide a copy of the permit to Dodge County Planning staff prior to installation of the fiber optic cable.
4. Frontier Communications shall notify Dodge County Planning and the Dodge County Highway Department 48 hours prior to starting the project.
5. As built plans shall be submitted to each impacted Township and to the Dodge County Highway Department within 60 days of project completion.
6. Frontier Communications shall contact all landowners to obtain information on tile lines and crossings in the project area. All drainage facilities and patterns shall be repaired to pre-construction condition. When tile lines are cut and before repairs are made, tile openings shall be protected to prevent dirt, silt or animals from entering the tile system. All tile lines which are impacted shall be restored and repaired to the previous conditions and

- operable state without cost to the landowner. All repair/restoration activities shall coincide with installation of the cable.
7. Construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
 8. Fiber optic cable shall be installed no less than 3 feet below ground within the ROW and under public road surfaces.
 9. Fiber optic cable shall be bored under all public and private roads (including driveways) unless the County Board approves an alternate process.
 10. Fiber optic cable shall be bored under any roadside prairie, wetland or watercourse areas.
 11. No installation outside of the ROW is authorized without written landowner permission submitted to Dodge County Zoning staff prior to installation of the fiber optic cable
 12. The applicant will work to avoid Prairie and Prairie remnants as discussed at the public hearing.

Motion passed unanimously.

Other Business

Melissa DeVetter gave a brief account of what will be on the November Planning Commission meeting.

Adjourn

Motion by Walter Wyttenbach, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 7:55 P.M.