

Minutes of the Dodge County  
**PLANNING COMMISSION MEETING**  
**November 5, 2008**

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The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, November 5, 2008. Present were Planning Commission members Galen Johnson, John Allen, Rhonda Toquam, Larry Schmeling, and Harlan Buck. Also present were County Commissioner Lyle Tjosaas, Dave Hanson, Don Gray and Compliance Officer Melissa DeVetter.

Motion by Harlan Buck, seconded by Larry Schmeling, to approve the agenda and the October 2008 minutes. Motion passed unanimously.

**Leon Avery – CUP #93-02 (amend)**

The first public hearing is to consider amending Conditional Use Permit #93-02 and to allow a new accessory building in the Industrial District. The property is 15.97 acres located in the SW ¼ of the SW ¼ of Section 20, Concord Township. The Leon Avery is the applicant and property owner.

Leon Avery was present to explain his proposal.

Dan Rabe was present representing Concord Township. He stated that Concord Township has not received the Conditional Use Permit packet; therefore, they were not able to state an opinion on the proposal. Dan stated that they did receive the packet on the variance portion.

Melissa DeVetter stated that Mr. Avery was informed during the site visit that he would need to attend the Concord Township meeting and that a decision on his proposal could be postponed. Mr. Avery had indicated that he was waiting until everything was in order before going to the township. Melissa DeVetter did not know why Concord Township had not received a packet from the Planning & Zoning office for the Conditional Use Permit. She also stated that a book was put together for Mr. Avery with permits needed and other pertinent information related to wastes/materials on site and that the Planning Office has a copy of the book.

Harlan Buck stated that he has toured the facility and was pleased with the operation.

Galen Johnson questioned Melissa DeVetter why this was an amendment instead of a separate CUP. Melissa responded saying that it is required by ordinance to amend the CUP in this case.

John Allen stated that he did not like to approve the proposal without Township approval.

It was unanimously agreed upon to add the additional recommendation to recommend board approval contingent on Township approval.

Motion by Rhonda Toquam, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck seconded by John Allen, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. A Dodge County Zoning Permit shall be obtained before construction.
2. All structures are prohibited within 200 feet of the intersection of State Hwy 56 and 560th St. in order to maintain a site line for highway safety purposes.
3. The facility shall obtain all required state and federal permits or approvals that pertain to their business operation, salvage material and waste (hazardous and non-hazardous).
4. The business shall properly accept, process, store, transport, document, recycle, and dispose of all salvage materials and/or waste and in accordance with state and federal law and the pertinent ordinances of Dodge County. All required recordkeeping/documentation for material/waste shall be in accordance with state and federal law.
5. Business shall utilize the existing sign, which conforms to Section 1601.4 (Signs).
6. The permittee shall comply with Section 1611, items 1 through 6, regarding Nuisance Standards. Nuisance complaints shall result in review of the CUP by the Planning Commission.
7. The property shall conform with the Dodge County Sewage and Wastewater requirements.
8. Hours of operation shall be 8:00 a.m. to 4:30 p.m., Monday through Friday, as stated by applicant.
9. Designated storage areas containing autos/other salvage material or outside activity areas shall be totally screened by means of berms, fencing, vegetation, or landscaping so the area or salvage material/autos shall not be visible from public roads nor from dwellings that are located on adjacent lots, including those adjacent lots located across public roads. No open storage at a greater height than that of the screening element is allowed.
  - a. If fencing is used, it shall consist of a solid fence or wall no less than 8 feet in height. The applicant has requested an eleven foot fence which will require Planning Commission approval. Fencing shall be uniformly painted and properly maintained at all times. Fences shall be located no closer than 48 feet from the centerline of 560th St. and 200 feet to the centerline of State Hwy 56.
  - b. If vegetative screening is utilized, 2 rows conifer species no less than 5 feet in high must be planted to provide immediate screening. The conifer species shall be planted no less than 25 feet from property boundaries and ROW to comply with county ordinance setback requirements.

10. All salvaged materials or autos shall not be stored outside of the fenced area or within ROWs.
11. All vehicles shall remain and be stored upright unless the motor and running gear have been removed.
12. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit to be issued.
13. Recommend Board approval contingent on Township approval.

The motion was passed unanimously.

**Joan Jantzen – CUP #08-027**

The second public hearing is to consider an application for a Conditional Use Permit to establish one additional non-farm dwelling with a sunset clause in the Agricultural District. The property is 38.65 acres located in the NE 1/4 of the NE 1/4 of Section 25, Claremont Township. Joan Jantzen is the applicant and Roger and Joan Jantzen are the property owners.

Roger Jantzen was present to explain this proposal.

There was not a representative from Claremont Township present. Roger stated that the proposal was approved at the Claremont Township meeting. Don Gray verified Mr. Jantzen's attendance at the township meeting.

Melissa DeVetter stated that standard conditions apply.

Galen Johnson questioned if this would close the quarter section, location of closest feedlot, and use of septic and well.

Melissa DeVetter stated that this will close the quarter section with the sunset clause but when the trailer house is removed then it will open it back up again.

Melissa stated that there will be an additional septic put on the property to accommodate the new dwelling but the well will be shared with the current dwelling.

Motion by John Allen, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously. Motion by John Allen seconded by Larry Schmeling, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit be obtained before construction.
2. The Agricultural Covenant shall be signed and recorded.
3. The septic system must meet the Dodge County's septic ordinance.
4. Address be obtained from Dodge County Highway Dept.

5. The sunset clause applies. The home is for the daughter's use only. When the home is no longer used by the daughter it is to be vacated and removed within 90 days. The septic system serving the home shall be abandoned by a licensed septic professional within 30 days of the home being vacated.

The motion was passed unanimously.

**Niall McNeilus – CUP#08-028**

The third public hearing is to consider an application for a Conditional Use Permit to establish a non-farm dwelling in the Urban Expansion District. The property is 45 acres located in the NW 1/4 of the SW 1/4 of Section 26, Wasioja Township. Niall McNeilus is the applicant and Leland McNeilus is the property owner.

Niall McNeilus was present to explain his proposal.

Niall stated that he has received a variance and would like to build a home on the property.

Larry Scherger was present from Wasioja Township and stated no objections to the proposal.

Melissa stated that the reason for the variance was for the setback from a feedlot.

John Allen stated knowledge of the land and that the addition of a home would not be disturbing any Ag land.

Harlan Buck had also toured the property and agreed with Mr. Allen.

Motion by Rhonda Toquam, seconded by Harlan, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck seconded by Rhonda Toquam, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit be obtained before construction.
2. The Agricultural Covenant shall be signed and recorded.
3. The septic system must meet the Dodge County's septic ordinance.
4. Address be obtained from the Dodge County Hwy Dept.

The motion was passed unanimously.

**Jaguar Communication – CUP #08-029 (TV antenna)**

The fourth public hearing is to consider an application for a Conditional Use Permit to allow a combination transmission/meteorological tower in the agricultural district. The applicant is proposing to extend the existing personal 80 foot tower/antenna to 180 feet. The proposed tower will house additional antennas and meteorological equipment and is intended to be used with 9 recently installed satellite dishes for

the purpose of providing television signal to their customers in the area. The property is 159.26 acres located in the SW 1/4 of Section 30, Ripley Township. Jaguar Communications, Inc is the applicant and Marcia Smith is the property owner.

Donny Smith, Jaguar Communications was present to explain this proposal.

Donny stated that he would like to extend an existing 80 foot tower to receive more signals for better reception for Jaguar customers. Donny is a Ripley Township supervisor and he stated that the proposal passed at the Ripley meeting 2-0 with Donny abstaining from the vote.

Melissa DeVetter stated that there was confusion in the beginning of the process regarding the 9 satellite dishes, complaints about equipment stored on the property and the questioning if it is a home occupation. She also explained the right of way utility agreement between the Planning department and the Highway Department for allowing a feeder line of cable if it is a half mile off a main line. Mr. Smith does not need a zoning permit for the satellite dishes but it is being included with this conditional use permit because it is part of the whole transmission project.

Rhonda Toquam raised questions of when the 80 foot tower was set up.

Mr. Smith responded with July of 2008 and that no permit was required for this tower because it was for personal use.

John Allen asked if the footings for the 80 foot tower were going to be enough to support a 180 foot tower. Mr. Smith responded that it would be the same footings for either one.

Rhonda Toquam also questioned Mr. Smith regarding a trailer house that used to be on the property.

Mr. Smith stated that this trailer house had been buried. He did not know if a clean fill permit had been acquired to do this.

County staff will inquire if one was obtained and Mr. Smith was directed to contact Mr. Mark Gamm of Environmental quality.

Rhonda Toquam had a concern if this is a commercial property or if it needs to be a home occupation.

Melissa DeVetter stated that they looked at the primary use of the property. It is still a residence and transmission/met towers are permitted as a conditional use in the Agricultural District. However, the storage of Jaguar's materials/equipment is believed to be commercial use of the property which is why condition number 3 of the recommendations requires the materials that are currently stored there to be removed within 30 days.

Mr. Smith stated he approached Mr. Duane Johnson and Ms. Mary Greening of Planning and Zoning before this process began on what permits he needed for this project.

Galen Johnson had a question regarding screening.

Mr. Smith stated they will be putting vegetation screening and trees to the north. He mentioned he will not do any screening to the south of the satellite dishes because of interference with the reception.

Motion by Harlan Buck, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck seconded by John Allen, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit be obtained before any construction.
2. Fences and/or vegetation, which conform to Sections 1609 (Fences and Screening) of the Dodge County Ordinance shall be constructed to adequately screen the satellites on the north side (as viewed from 685<sup>th</sup> St.) by June 1<sup>st</sup>, 2009.
3. The property is not permitted as a home occupation nor shall it be used for storage or as a staging area for other Jaguar related projects. The applicant, Jaguar Communications, has applied for a conditional use permit for the transmission tower on land owned by Marcia Smith. All equipment / materials that are not specifically use for the tower shall be removed from the property within 30 days.

The motion was passed unanimously.

**Jaguar Communication – CUP #08-030 (Fiber Optic cable)**

The fifth public hearing is to consider an application for a Conditional Use Permit for the installation of major essential service. The route being considered will connect to the existing fiber optic cable on County Rd 10 (650th St) and run in the R.O.W north along the east side of County Road 3 (130th Ave) in Section 4 of Ripley Township and Section 33, 28 of Claremont Township to the City of Claremont. The fiber optic cable will run on the west side of the City of Claremont and run in the R.O.W south along the west side of County Road 1 (120th Ave) in Section 28, 32, 33 of Claremont Township and into Section 4 of Ripley Township to Catherine De Clerk property and in Section 9 of Ripley Township north on the west side of 120th Ave from 655th St to Steven Schley property. Jaguar Communications, Inc is the applicant.

Donny Smith, Jaguar Communications was present to explain this proposal.

There were no other Ripley representatives present except for the applicant, Donny Smith who is a Ripley Township supervisor. There was not a representative from Claremont Township present.

Don Gray verified that Mr. Smith had attended the township meetings.

Harlan Buck asked if Jaguar Communications is notifying farmers about the running of the cable.

Mr. Smith stated that each farmer is visited and if not available they are left a door tag or called.

Galen Johnson clarified which side of the road the cables were going on according to the map and also if power lines would be affected.

Mr. Smith stated that the power lines are aerial so would not be affected.

Motion by Rhonda Toquam, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously. Motion by John Allen seconded by Larry Schmeling, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Jaguar 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. Jaguar 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. Jaguar 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. Jaguar Communications shall a Utility Crossing License from the Minnesota Department of Natural Resources and provide a copy of the license prior to installation of the fiber optic cable crossing DNR protected watercourse located in Section 34 of Claremont Township.
5. Jaguar Communications shall notify Dodge County Planning and the Dodge County Highway Department 48 hours prior to starting the project.
6. As built plans shall be submitted to each impacted Township and to the Dodge County Highway Department within 60 days of project completion.
7. Jaguar 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.
8. Construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
  9. Fiber optic cable shall be installed no less than 3 feet below ground within the ROW and under public road surfaces.
  10. Fiber optic cable shall be bored under all public and private roads (including driveways) unless the County Board approves an alternate process.
  11. No installation outside of the ROW is authorized without written landowner permission submitted to Dodge County Planning staff prior to installation of the fiber optic cable.

The motion was passed unanimously.

### **Other Business**

Melissa DeVetter stated that the Wind Turbine Ordinance will be brought before the Planning Commission in the December meeting and asked if it would be feasible to continue with an evening meeting for December. An evening meeting would likely allow a greater number of people to be available than one during the day. The Planning Commission agreed that would be fine.

### **Adjourn**

Motion by Larry Schmeling, seconded by Rhonda Toquam, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:15 PM.