BECKER JOINT PLANNING BOARD
MEETING MINUTES
JUNE 24, 2014

Present: Mark Limpert, Brad Wilkening, Tracy Bertram, Gary Hammer, Lucinda Messman
Absent: Jerome Kleis
Also Present: Kelli Bourgeois – Planning and Zoning, Richard Schieffer – Township Attorney, Al & Bobbi Sherping (Rezone request), Neighbors near Buell Consulting, Inc./Verizon Telecommunications Tower location requested location: Jeff Grunewold, Dave Brockopp

Meeting called to order by Chair.

Motion to approve minutes as distributed by Hammer, second by Bertram. Motion carried, all voting in favor.

R.L. Larson Excavating

- Miner IUP Amendment
  - Staff presentation/historical review. See file *IUP:JPB RES 2014-11: Miner/RL Larson* for documentation and full resolution text. Last month the IUP was approved, but the county timeline has now changed. The original IUP had defined end dates. A special public hearing was called to amend the changed in end dates. Only condition one in these four IUP's will be changing. All other conditions will remain the same.
  - The Planning Commission recommends approval of the IUP amendment as presented this evening.
  - **Motion to approve JPB Resolution 2014-11: A resolution amending resolution 2014-06: A resolution granting an interim use permit for mining granular material from the Doug and Lisa Miner property located at the S 660 ft of SE ¼ of SW ¼ ex E 660ft of W 1808.21 ft of S 660 ft of S1/2 of SW ¼ of Sec 13 T34N R28W by Hammer, second by Wilkening. Motion carried, all voting in favor.**
- Tallakson IUP Amendment
  - Staff presentation/historical review. See file *IUP:JPB RES 2014-12: Tallakson/RL Larson* for documentation and full resolution text. Last month the IUP was approved, but the county timeline has now changed. The original IUP had defined end dates. A special public hearing was called to amend the changed in end dates. Only condition one in these four IUP's will be changing. All other conditions will remain the same.
  - The Planning Commission recommends approval of the IUP amendment as presented this evening.
  - **Motion to approve JPB Resolution 2014-12: A resolution amending Resolution 2014-07: A resolution granting an interim use permit for mining granular material from the Thomas Tallaskon property located at the W ½ of SW ¼ of Sec 14, T34N, R28W in Becker Township by Wilkening, second by Hammer. Motion carried, all voting in favor.**
- Piccolo IUP Amendment
  - Staff presentation/historical review. See file *IUP:JPB RES 2014-13:Piccolo/RL Larson* for documentation and full resolution text. Last month the IUP was approved, but the county timeline has now changed. The original IUP had defined end dates. A special public hearing was called to amend the changed in end dates. Only condition one in these four IUP's will be changing. All other conditions will remain the same.
  - The Planning Commission recommends approval of the IUP amendment as presented this evening.

- **Motion to approve JPB Resolution 2014-13: A resolution amending Resolution 2014-08: A resolution granting an interim use permit for mining granular material from the Joseph and Elizabeth Piccolo property located at the NW ¼ of SE ¼ of SW ¼ & E 30 ft of SW ¼ of SW ¼ lying N of S 660 ft. of Sec 13, T34N, R28W, Becker Township by Bertram, second by Wilkening. Motion carried, all voting in favor.**

- Anderson IUP Amendment
  - Staff presentation/historical review. See file *IUP:JPB RES 2014-14:Anderson/RL Larson* for documentation and full resolution text. Last month the IUP was approved, but the county timeline has now changed. The original IUP had defined end dates. A special public hearing was called to amend the changed in end dates. Only condition one in these four IUP's will be changing. All other conditions will remain the same.
  - The Planning Commission recommends approval of the IUP amendment as presented this evening.
  - **Motion to approve JPB Resolution 2014-14: A resolution amending Resolution 2014-09: A resolution granting an interim use permit for mining granular material from the Wally Anderson property located at 10011 173rd Ave SE, Becker, MN by Hammer, second by Wilkening. Motion carried, all voting in favor.**

Rezone Request – Staff presented memo, application and draft ordinance (see file *ORD:2014-01:Sherping* for documentation) for review. The requested rezone approval would allow the applicants to operate a manufacturing business on the property.

- The location is the old Auction House. It is currently zoned AG and would change to I-1 – falls in line with our comprehensive plan vision.
- A store front and primary use machining.
- Amanda sent an email to everyone regarding I-1 uses and standards that need to be followed.
- Rezone is permanent.
- Request meets our zoning
- PC recommends rezoning
- Al and Bobbi are here and were introduced
- Board comment: we planned this/had vision for this so it is within the plan.
- Staff comment: with a rezone, there is more latitude than with a CUP
- Mr. Schieffer comment: CUP is a good tool with zoning to protect neighboring properties and such. The comprehensive plan has guided this properly. For this rezone and going forward – this is a good use of your plan.
- Kelli – as required, mentioned there is another potential buyer with mini-storage. They have been told No, this is not an appropriate location for mini storage as it is not zoned appropriately. For mini-storage, zoning is to be I-2, not AG nor I-1. Though there is one across the road, it was approved before this board was in charge of zoning.
- **Motion to approve Ordinance 2014-01: An ordinance rezoning property from Agricultural (AG) ton Industrial-1 (I-1)**

Historical discussion the mini-storage facility already located in the area as well as JPB Zoning and Comp Plan.

Telecommunications Tower – Resolution 2014-15 and 2014-16

- Staff reviewed packet documentation and draft resolution (see file *CUP/VAR:JPB 2014-15/16:Buell/Verizon/Aleckson*) with board.
  - 180' tall monopole design
  - To be located on Aleckson property
  - 6/9/2014 public hearing was held
    - 1 phone call and 2 property owners were in opposition, but no one came to meeting to voice opposition.
  - PC felt the location was very good
  - These towers are allowed under CUP
  - DNR and Sherburne County both had input on this location
  - Planning Commission felt good to approve as presented in JPB Resolution 2014-15
  - Neighbors present at this meeting – Staff summarized the concerns heard via phone and email for the board (italics = staff answers)
    - Strongly opposed to construction at the location selected
    - Worry about property values: *In regards to property values, we have another development in the township with towers much closer to the houses and there are new houses going up now. Property values in this location do not seem to be affected by towers.*
    - Worry about annoying lights on tower: *This tower is under 200' in height, so no lighting is required by the FAA*
  - Chair addressed residents present and reminded them to keep their statements brief as the public hearing was the appropriate time to voice concerns. This board just looks at what they have in front of them – is it an allowed use?
    - Mr. Brockopp – 18750 113th Street
      - Concern that tower will devalue his property
      - Wetlands in area – have they been considered
      - Here to find out why the tower has to be at this proposed location
    - Jeff Grunewold – 18582 113th Street
      - Concern that tower will devalue his property
      - Stated he didn't move out to the country to have a tower in his backyard
      - If the lights are not needed now and the FAA changes – can we petition to have the tower taken down?
    - Regarding lights: Board mentioned that there is a tower that shines into his house – they were white (supposed to be red). He called and they changed the night lighting to red which does not shine brightly into his house any longer.
    - Q: noise or hum from the tower? A: Generators will be in the building (Kelli mentioned that is the reason for a variance request as well. Variance request is for an additional 38.8 square feet to contain the generator.)
    - Q: Property Values? A: This board doesn't research these, but we have towers. We are seeing new homes go up by these towers and it doesn't seem to affect values.
    - Q: Eyesore? A: the monopole is less visible than a truss design
    - Q: Why here rather than somewhere zones for this? These residents feel there is a better place for the tower than what has been selected. A: This board does

not select the site. This tower is an approved use for this zoning. We cannot reject because someone has to look at it. This is actually a good spot for the tower. With all the shorelands and wetlands in the area, both the DNR and Sherburne County have approved this particular site and indicate it will have no impact.

- Co-location was researched as it is cheaper to use existing towers than build new, but it was not available. This location will increase their coverage area.

- Comment: Grunewold – main concern is lights. Board does not feel this will be a concern as the pole is too short to require lighting.
  - Kelli mentioned that zoning regulations have lighting standards. We can require dual mode lighting in the CUP if the FAA changes lighting standards.

- Board Comments
  - Lights – as presented – non-issue
  - Safety – pings from cell towers to locate individuals and increase residents ability to reach help
  - Other areas were looked at by Buell Consulting/Verizon and this is the most optimal spot for their tower.
  - Q: our zoning requires cell phone towers to partner – correct? A: yes. This will limit the number of towers (this was the co-location requirement). Typically cell companies do not like building towers – they prefer to co-locate.

- **Motion to approve JPB Resolution 2014-15: A resolution granting a conditional use permit to establish a telecommunication tower and accessory structure as requested by Buell Consulting, Inc. on behalf of Verizon Wireless by Wilkening, second by Bertram. Motion carried, all voting in favor.**
- Variance for building was discussed. Our maximum square footage allowed is 300. They would like the building to be 338.8 square feet.
  - Discussion of practical difficulty and looking into if we need to change our ordinance to allow co-locating.
  - Planning commission recommended granting the 38.8 square foot variance.
  - Comment: It will keep everything neat/tidy/locked/fenced. Staff directed to check ordinance to figure if companies could share a generator. If not, we need to adjust the ordinance to be sure this can happen.
  - Other questions/comments? None
- **Motion to approve JPB Resolution 2014-16: A resolution granting a 38.8 foot variance to the maximum 300 square foot accessory building as requested by Buell Consulting, Inc. on behalf of Verizon Wireless by Hammer, second by Wilkening. Motion carried, all voting in favor.**

Another question from residents in attendance – who gets tax money from this? This will increase the landowners property value and taxes, so the township will receive some money on a yearly basis.

OTHER BUSINESS

Ordinance Violation – Farr property. Business operates from Rogers, worktrailer comes home in evening. This spring the Rogers facility flooded and equipment was on the property for 2-3 weeks. Staff

visit noted a large number of vehicles and compost and waste. Sherburne County has him cleaning up his compost.

- Staff visit on 6/20/2014 – compost cleanup was not complete
- Renter's vehicles discussed. Mr. Farr originally said he would send something in writing regarding his vehicles, renters vehicles and compost
- As of 6/20/2014 – looks the same as it did at initial visit
- File is not closed yet. Staff asked board what they wanted to do - wait and continue working with him or hold a hearing?
- Board asked if the Notice of Violation provided a timeline for response? Yes
- Did we say we would send another NOV or what? 2nd notice or enforcement?
- Mr. Schieffer was asked what enforcement would entail
    - Misdemeanor violation of code
    - Court action to have him comply/give him a court order
    - This board (JPB) would need to recommend to the Town Board to start a lawsuit
- Possible actions were discussed.
- ***Motion by Hammer, second by Wilkening to direct staff to serve a second notice on Mr. Farr including the recommendation of the Joint Planning Board that, if the property remains in non-compliance after expiration of the grace period, the Joint Planning Board recommends to the Town Board that legal proceedings be commenced against Mr. Farr requesting that the Court require immediate compliance with the Township's Zoning Code.***

SCWD – they have received a water quality grant and asked for input. Suggestions included a meeting where food was offered. This type of 'help' is often viewed as a red flag that looks like enforcement. No other ideas.

Mini storage CUP to Mr. Eckless – enforcement? Yes. He was to have removed mini storage by December 2012. Repair shop is commercial, not industrial

Vonco II payment for gravel use tax funds was received. They have requested a turn lane on Sherburne Avenue South from the City. Ian wanted to know which CUP was most current.

Gravel use tax history discussed.

Temporary signs – more have shown up - notices being sent to Dino Mut Dog Washing in Monticello and Element Arms.

Motion to adjourn by Wilkening, second by Bertram. Motion carried, all voting in favor.

Brad Wilkening, Acting Chair

Lucinda S. Messman
Becker Township Clerk, Sherburne County, Minnesota
Notarial officer (ex officio notary public)
My term is indeterminate.

Lucinda S. Messaman
Senior Township Clerk, Sussex County, New Jersey
Notary Public (ex officio notary public)
My term is indeterminate.

Lucinda Messman, Clerk