

**Public Hearing
Conditional Use Permit
April 5, 2004
Eureka Town Hall**

The public hearing was opened at 7:35 p.m. by Chair Francie Madden.

Conditional Use Permit Review- Centurytel Fiber Optic Co II- Fiber Optic Station located between Highview and Hamburg Ave. on 240th St. W.

Planning Commission members present were: Francie Madden, Cory Behrendt, Cheryl Monson, Calvin Pflaum and Butch Hansen. Clerk/ Treasurer Nanett Leine was present to record minutes.

The Conditional Use Permit issued to Digital Teleport Inc. on November 13, 2000 came up for renewal November 2003. The property ownership of the property was transferred to Centurytel Fiber Co. II on August 26, 2003. Eureka Town Board mailed a notice to Centurytel Fiber Co. on December 18, 2003 informing them that the CUP was up for renewal. There was no response.

This public hearing was set to review the permit. A certified letter was sent to Centurytel Fiber informing them of the public hearing. The letter was accepted on March 19, 2004. There was no response and no representative at the public hearing.

Chair Francie Madden opened the floor for discussion

Tom Bies- 8215 240th St. W. Lakeville

The building is straight across from his driveway. It is an eyesore since it has been erected. There was suppose to be landscaping done, the evergreen trees were never planted; they left a large mess in his yard, the road right of way, which he maintains. He commented that he was not notified by the township when the original CUP was issued. Tom submitted photos of the building site.

1. He would like to see the landscaping completed, to block the view, cleanup the mess.
2. or remove the building.

Cheryl Monson- Has there been any activity?

Tom- there has not been any activity for a couple of years.

Calvin Pflaum- The building was erected, but the project was never completed.

Dan and Char Adelmann- 23772 Highview Ave. Lakeville

It has never been used. The fiber optic was supposed to go through their land. Then they went bankrupt. The landscaping was supposed to be completed.

Francie Madden- We have a blue print specifying ponderosa pine, type, how many, etc.

Char Adelman- They should need to contact them before they renew their CUP, because they need permission to run the line through their land.

Donna Rollins- 24425 Highview Ave. Lakeville, MN 55044
How did they get a permit to put a business in?

Butch Hansen- It is not a business.

Francie Madden- It is a utility. They followed the proper procedure to get a CUP.

Calvin Pflaum- There was a Public hearing.

Did Digital Teleport send a representative when they applied for the CUP?

Francie Madden- yes.

Donna Rollins- Can you ask them to take it down?

Francie Madden- The town board has been in contact with the attorney. The conditions have not been met. The planning commission needs to make a recommendation to the town board. The town board will make the decision. The public hearing was the first set in the procedure. They were invited to the Public hearing, they did not initiate it. The public hearing was instigated because of the violations.

Tom Bies- I received a letter from the township as a courtesy of this public hearing. The original CUP he had not received notice.

Calvin Pflaum- It is not required by ordinance to inform neighbors of the CUP. The proper procedure was followed at that time to obtain the CUP. A Legal ad was put in the newspaper.

Hearing no more public comments Chair Francie Madden closed the public hearing at 7:50 pm.

Planning Commission comments included:

- That they are in total violation of the conditions of the CUP.
- They never completed the project
- It is an eyesore.
- No renewal.
- Suggested setting a time limit to bring into compliance.

A Motion by Butch Hansen: Recommend that the town board seek legal council to have the structure removed from the sight, because it is in total violation of all conditions set. The motion was seconded by Corey Behrendt. Motion Carried.

The planning commission is not recommending renewal of the CUP.