

EUREKA TOWNSHIP PLANNING COMMISSION

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of November 3, 2014

Call to Order

Planning Commission Chair Butch Hansen called the meeting to order at 7:00 p.m. Planning Commission members present: Butch Hansen, Lu Barfknecht, Allen Novacek and Phil Cleminson. Commissioner Carrie Jennings was absent. Kenny Miller was in attendance as Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

Items added to the agenda:

- Relay discussion by Commissioner Barfknecht
- Item 2 under Permit Requests – Consent Agenda
- Under Other Business item 1 – Town Board report

A motion was made by Commissioner Barfknecht to approve the agenda as amended. Motion seconded by Commissioner Novacek. Motion carried by unanimous vote.

Commissioner Barfknecht suggested possibly conducting the meetings in the future the way “Relay Conversations” for the hearing impaired are conducted which would limit interruptions. She explained that the hearing impaired sign what they want to say to the operator, who then relays it to the recipient. The other person is not allowed to speak until “go ahead” is given by the operator. She noted there needs to be less bickering and arguing among the Commission members as issues are getting out of hand. Commissioner Barfknecht stated she feels this is something that needs to be tried to make the meetings run smoother and more professionally. Everyone was in agreement to try.

A. Permit Requests

1. Jared and Joey Vinar, 9800 257th Street West – Building permit application for pole shed

Andrew Dodds, from Northland Building, was present to represent Jared and Joey Vinar. He indicated that the applicants wish to apply for a different size building for their accessory structure than was previously requested on their permit application. The new size for the building is 36x81 (2916 square feet). The value also changed to \$70,000. Mr. Dodds presented the Commission with revised plans. Chair Hansen suggested he bring in

a site drawing with septic and well plans, with setbacks to the property. It was suggested that the original application be changed that evening.

Chair Hansen made a motion to send the application forward to the Board for approval subject to revised plans showing well and septic locations, as well as setback feet, be provided before the Board meeting. Commissioner Novacek seconded the motion. Motion carried 4-0.

2. **Consent Agenda** – Nothing to add.

B. Land Use and Zoning Items

1. **Kenneth Miller – 5100 235th Street West – Set public hearing date for Zoning Ordinance Text Amendment Application for Interim Use Mine Sites Permitted as “Level 3”**

Mr. Miller appeared before the board and stated he is ready to go forward with a public hearing.

Mr. Miller is requesting a public hearing for Zoning Ordinance Text Amendment of Ordinance 6, Mining Ordinance to address only Level 3 Interim Mining Permits (new permits).

‘Ordinance 6, Chapter 3 Definition, Principal Use – Second sentence, delete the words “or a ready mix concrete plant”.’

‘Ordinance 6 Chapter 7, Section 2. K, Accessory Uses – third sentence, delete the words, “or ready-mix concrete production plant”.’

There were no questions for Mr. Miller and it was agreed to have a public hearing set for November 20, 2014.

Commissioner Novacek made a motion to set a public hearing for Kenny Miller at the Town Hall for November 20, 2014 at 7:00 PM. Commissioner Barfknecht seconded the motion. Motion carried 4-0.

C. Approval of Minutes

- **October 6, 2014 – Planning Commission** -There was a discussion of the Joey Miller Non-Conforming Use Findings of Fact, Number 7 to relook at the square footage. It was noted that the Commission is not approving the Findings of Fact at this point, but merely approving the minutes. Chair Hansen made a motion to approve the October 6, 2014 Planning Commission meeting minutes. Commissioner Novacek seconded the motion. Motion carries 4-0.

- **October 27, 2014 – Special Planning Commission** – Commissioner Novacek made a motion to approve the Special Planning Commission meeting minutes of October 27, 2014. Commissioner Cleminson seconded. Motion carried 4-0.
- **Adoption of the Findings of Fact for Joey Miller Non-Conforming Use** – There was discussion on the Findings of Fact, Number 7. Commissioner Barfknecht stated that she feels there is a discrepancy in the square footage of the office space. The square footage of the office space corrected to 3,555 square feet (15% of 23,700 square feet), rather than the stated 1,080 square feet, based on the plans submitted by Joey Miller. It was also determined that the last statement in the “Conclusion” be stricken from the Findings of Fact.

Commissioner Cleminson made a motion to clarify the Findings of Fact (Number 7) to remove the 1,080 square foot value in Number 7, and replace it with “15% of the total square footage, which was 23,700, thereby making the office square footage 3,555 square feet”. Commissioner Barfknecht seconded. Motion carries 3-1 with Commissioner Novacek voting nay as he feels the Findings of Fact Number 7 should be stricken completely.

Chair Hansen made a motion to accept the Findings of Facts, dated October 6, 2014, as corrected, for Joey Miller’s non-conforming use. Commissioner Cleminson seconded for discussion. Commissioner Barfknecht stated that she felt the last sentence in the conclusion should not be part of the Findings of Fact and that the last statement should be stricken. Chair Hansen retracted his motion.

Commissioner Barfknecht made a motion to approve the Finding of Facts for the Joey Miller Non-Conforming Use special meeting of October 6, 2014, with the correction made to Finding of Fact Number 7 and the last sentence after the conclusion be stricken. Chair Hansen seconded the motion.

Commissioner Cleminson opened the discussion requesting to change the verbiage in Finding of Fact Number 9 from “should have had a permit pulled” to “should have had a permit applied for”.

Motion carried 3-1 with Commissioner Novacek voting nay.

- **Open House Synopsis** – There was discussion on the Synopsis of the Agritourism Open House and it was recommended that the comment cards from the Open House be emailed to the Planning Commission Members and discussed at the December meeting.

Chair Hansen made a motion to have the Deputy Clerk make copies of the comment cards and put in the Planning Commission members’ folders to be discussed at the December meeting. Several members requested electronic copies as well. Commissioner Novacek seconded the motion. Motion carried 4-0.

D. Other Business

1. Town Board Report

- Kenny Miller, Board Liaison, stated that there were several items that will be continued to the next meeting, as there were a lot of issues and discussion.
- Mr. Miller stated that there was no direct action taken with Commissioner Jennings.
- The Board also tabled the Joey Miller discussion until they receive a response back from the attorney which is supposed to happen before the Monday meeting.
- There was additional discussion regarding the adoption of the VRWJPO permitting process which was tabled.
- The Board will be looking at the Findings of Fact for Joey Miller on Monday.
- Mr. Miller stated he requested to have the Policies and Procedures for the Attorney Engagement Policy pulled for the Planning Commission's review based on issues brought up by Commissioner Novacek based on the marijuana special meeting. Commissioner Novacek stated that after reviewing the Policies and Procedures, he determined that Kenny Miller and the attorney were doing the correct thing.
- Chair Hansen stated that the Planning Commission's recommendation on the VRWJPO was to adopt take over the permitting process and this was sent forward to the Board. Commissioner Barfknecht stated the task given to the Planning Commission was to go over the pros and cons, and she felt the Planning Commission did not do their homework on the subject, as the Board was not provided with the information it requested. It was voted on to adopt 3-2. Mr. Miller stated points need to be clarified as to the mechanics of the Board handling it and to ask the Planning Commission for help in the general mechanics or the structure of dealing with this issue. Chair Hansen stated that it is laid out in the Ordinance how to administer the permitting process.

Policies and Procedures

- Commissioner Barfknecht stated that a couple of years ago the Policies and Procedures manual was gone through page-by-page and corrections were made and given to Clerk. Commissioner Barfknecht stated she will search for her copy of the revisions and forward to the Clerk if found. Chair Hansen requested that the Commission review the Policies and Procedures manual and discuss at the December meeting.

- Chair Hansen made a note that the Commission needs to follow the Attorney Engagement Policy- that is set by the Board.
- The timeline for response from the Township Attorney liaison was discussed. Mr. Miller noted the Board will discussing that issue at their November 10th meeting.

Commissioner Barfknecht made a motion to adjourn the meeting. Commissioner Novacek seconded the motion. Motion carried. The meeting was adjourned at 8:40 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk

Minutes approved by the Pla

ning Commission on December 1, 2014.