

EUREKA TOWNSHIP PLANNING COMMISSION

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of February 3, 2014

Call to Order

Planning Commission Chairman Lu Barfknecht called the meeting to order at 7:00 p.m. Planning Commission members present: Butch Hansen, Allen Novacek, Carrie Jennings and Fritz Frana were present. Clerk/Treasurer Linda Wilson recorded the minutes. Supervisor Kenny Miller was present as Town Board liaison. Supervisor Pete Storlie was present to make a report. See attached sheet for additional persons in attendance.

Approval of the Agenda

Take off the agenda: Paul & Monica Ulmen, will not be in attendance; add: Vermillion Watershed JPO as item #4.

A motion was made by Lu Barfknecht to approve the agenda as amended. Motion seconded by Carrie Jennings. Motion carried by unanimous vote.

Building Permits

27607 Grenada Ave. – Donovan Palmquist was present to review the building permit for the two grain bin structures, which were constructed prior to 2004 without a permit to bring his property into compliance. A motion was made by Lu Barfknecht to approve the retroactive non-conforming use permit application for the two grain bins structure. Motion seconded by Carrie Jennings. Lu Barfknecht amended her motion to remove the non-conforming use wording from the application stating - to approve the retroactive permit of the two grain bins structures; Carrie Jennings re-seconded Lu Barfknecht's amended motion. Butch Hansen added a friendly amendment to double the permit fees (based on 512 sq. feet) and (\$50.00 application fee) and plan review fees. Lu Barfknecht and Carrie Jennings accepted the friendly amendment. Motion passes by unanimous vote.

The application for the building permit for the building addition to the existing structure was not approved; the Township had no registration on file for a non-conforming use relating to the Eureka Township Ordinance 3, Chapter 1, Section 4 – Non-Conforming Uses and Structures. Discussion by the Planning Commission was inconclusive whether Mr. Palmquist could build this new addition on to his current structure. The

Planning Commission felt the Township attorney should review and provide legal opinion whether the owner is allowed to expand his building.

A motion by Butch Hansen to send on to the attorney for review if this is an expansion of a non-conforming use. Motion seconded by Allen Novacek. Supervisor Kenny Miller noted that the appropriate Ordinance Section should be noted for the attorney to consider. Fritz Frana added a friendly amendment to reference the Ordinance 3, Chapter 1, Section 4 and Section 5– Non-Conforming Uses and Structures. Commission members voted, motion carries 3 to 2. Carrie Jennings and Lu Barfknecht opposed.

Question for attorney: ask whether the non-conforming use and the current ordinance or the ordinance at the time the building was constructed Ordinance 3, Chapter 1, Section 4 and Section 5– Non-Conforming Uses and Structures. (Donovan’s request for an expansion)

23911 Hamburg Ave. – Brian Johnson was not present to discuss his application for a new storage building.

Land Use & Zoning

22222 Dodd Blvd. – Scott Peterson; representing Living Waters Church and Melanie Smith, representing The Ewing Group were present to discuss the site plan and further plans for acquiring a CUP for the property at 22222 Dodd Blvd. for a purchase of property to build a new church. The Planning Commission advised Scott Peterson to assemble a complete package of information to include lighting, signage, hours of operation, traffic flow, etc. to be presented to the Planning Commission by their March 3, 2014 meeting. Commission Fritz Frana and the Clerk will review the documents before the Public Hearing.

A motion was made by Commissioner Butch Hansen to hold a Public Hearing on Thursday, March 27, 2014 at 7:00pm. Motion seconded by Lu Barfknecht. Butch Hansen also added that the Planning Commission hold a meeting following the hearing. Motion seconded by Lu Barfknecht. Motion carried by unanimous vote.

Approval of Minutes

Add the word “he” and take out “an exact” and add “similar.

A motion was made by Carrie Jennings to approve the minutes of January 6, 2014 Planning Commission meeting as corrected. Motion seconded by Lu Barfknecht. Motion passed by unanimous vote.

Town Board Report

Supervisor Kenny Miller was present as liaison for the Town Board. The Board authorized dollars for the Arji-tourism Task Force committee to hire a planner and have an authorized meeting with the attorney. Sherri Buss with TKDA will be meeting with the committee on February 11.

Supervisor Pete Storlie reported that the Township no longer has a building inspector; the contract with MNSPECT was not renewed and ended on January 31, 2014. The Board is currently negotiating with the Township's current Septic Inspector Darrel Gilmer to assume this role for the Township.

The Board is continuing to address the assistance for the Town Clerk with some additional administrative personnel; an ad will be put in the paper this week. We will continue the search for an IT person to evaluate the needs of the office computers, software, website, etc.

Move – In Permit

Carrie Jennings and Allen Novacek reported and presented a document on the Move-In Building ordinance they reviewed. The Planning Commission discussed their suggestions for revised language to the original Ordinance 3, Chapter 4, Section 12 – Moving Buildings Within or into the Township.

A motion was made by Carrie Jennings to ask the Board to look at this and get the building inspector, Darrel Gilmer to see how we should move forward with these revisions and fee structure. Motion seconded by Allen Novacek. After discussion Allen Novacek asked that Carrie Jennings repeat her motion there was confusion of his second of the original motion. Carrie Jennings restated her motion to ask the Board to consider the proposed changes and to note that there is disagreement on the minimum square footage of buildings that should not be inspected, specifically buildings that are over 300 sq. ft. that are animal shelters. Carrie Jennings again restated her motion that the sub-committee has reported back, there is not agreement on the minimum size of the structure that needs to be inspected but we would like Board's opinion and the new building inspectors' opinion on how to move forward with this with further direction. The motion was seconded by Butch Hansen. Motion carried by unanimous vote.

Eureka Township Duck Book

Butch Hansen asked the Clerk to provide each of the Planning Commission members with a copy of the Eureka Township Zoning Ordinance dated 8/30/200r (Duck Book – reference the cover) as an informational reference to help with their discussions.

A motion was made by Butch Hansen to have the attorney liaison request that the Township attorney come to a round table discussion about old versus new ordinances. No second, motion fails. A request was made to attorney liaison Kenny Miller to have Chad Lemmons the Township attorney address written questions from the Planning Commission at the March Planning Commission meeting.

Question for attorney: How does the Eureka Township Zoning Ordinance dated 8/30/2004 (Duck Book) affect the people in the Township that were preexisting prior to the new ordinances, how do the two work together? Clarification needed on Ordinance 1, Chapter 3 – Repealing Old Ordinances.

Building Permits Report

The Planning Commission reviewed the monthly report from MnSpect on the status of our permits.

Vermillion Watershed JPO

The Planning Commission discussed if the responsibilities of permitting should be taken over by the Township. A motion was made by Butch Hansen if the question could be asked of the attorney, if the Township could or should take over the VRWJPO permitting process. Motion seconded by Allen Novacek. Discussion. Butch Hansen restated his motion to ask that the Planning Commission forward a question to the attorney on whether or not we can take over the VRWJPO ordinances? They have their own set of ordinances, we would have to adopt their ordinances, and can we do that? Motion was re-seconded by Allen Novacek. Butch Hansen called the question. Members voted: Carrie Jennings, nay; Lu Barfknecht, nay; Butch Hansen, aye; Allen Novacek, aye. Fritz Frana was undecided. Butch Hansen yielded his call for the question. Discussion. Fritz Frana voted, nay. Motion fails 3 to 1.

Annual Meeting

Supervisor Kenny Miller reminded the Planning Commission to have a report prepared for the annual meeting. Supervisor Butch Hansen will assist Chairman Lu Barfknecht with preparation of the summary to be submitted to the Town Board for the annual meeting on March 11th.

A motion was made by Lu Barfknecht to adjourn the meeting. Motion seconded by Carrie Jennings. Motion passes by unanimous vote.

Meeting adjourned at 9:00p.m.