

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Planning Commission Meeting of October 5, 2015**

**Call to Order**

Chair Sauber called the meeting to order at 7:00 PM. In attendance were: Chair Sauber, Commissioner Barfknecht and Commissioner Frana. Commissioners Palmquist and Cleminson were not in attendance. Supervisor Brian Budenski attended as Town Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Approval of the Agenda**

Additions to the agenda were made as follows:

Move minutes approval after New Business and change permanently. Under Old Business, add three items:

- Jeff Otto Training
- VRWJPO Training
- Forms

Under New Business, add:

- Approval for Money for Solar Study

Chair Sauber, seconded by Commissioner Barfknecht to approve the agenda as amended, made motion. Motion carried 3-0.

**Citizen Inquiry**

**Blake Rothnem - 24090 Holyoke Path** – Inquiry regarding moving septic and water into pole barn for temporary facilities while house is under construction. Mr. Rothnem has purchased the property and there are two pole barns on the property and a house that was demoed. Mr. Rothnem would like to move the septic and well to the pole barn and to insulate the pole barn and add a bathroom to live in temporarily while his new home is being constructed. One of the three temporary uses the Township allows is the use of a garage for six months and it must have a garage door. Since Mr. Rothnem does not have a garage, the Planning Commission will have to raise that point to the Board.

An accessory building only allows a half bath, so if it is approved by the Board, bath or shower will need to be removed once the house is constructed.

Chair Sauber stated to move this inquiry forward to the Board, having a pole barn versus the garage and see if the Board has any objection. In our ordinance, the building official may issue a permit – a septic permit would be required, so Mr. Rothnem would need to come back in November with that application.

**John Daniels – representing Bachman’s, 21003 Cedar Avenue** – replacing small seasonal greenhouse structures with a new version of the same. Mr. Daniels did not have his application in on time, but had some questions regarding Bachman’s replacing old hoop houses with newer versions. The hoop houses are used for growing perennials and annuals and will be in the same location and same footprint. Mr. Daniels was advised to come before the Planning Commission in November with his application.

### **Permit Requests**

**Tyler Schrupp – 24187 Highview Avenue – Building Permit** – Addition to Home  
Chair Sauber stated everything on the application was in order. On the site plan, Mr. Schrupp will need setbacks from the parcel boundaries. Mr. Schrupp will also need a soil and erosion control plan for the Building Inspector.

Chair Sauber made a motion to recommend forwarding the Building Application for Tyler Schrupp to the Town Board for approval of a residential addition at 24187 Highview Avenue. Commissioner Frana seconded the motion. Motion carried unanimously.

### **Other Land Use and Zoning Items**

**Merlin Leine and Karla Schrader – 24698 Cedar Avenue** – CUP for Residential Solar Energy with a ground-mounted solar array. Brian Allen company representative for All Energy Solar was present. A public hearing was scheduled for October 19, 2015, at 7:00 PM. Deputy Clerk to ask Attorney Lemmons to attend the Public Hearing and to place notices in the papers.

**Jerad Stewart 9724 267<sup>th</sup> Street** – CUP Application for Feed Lot

Chair Sauber stated that the Planning Commission does give feedlot permits with a CUP, but when there is fewer than 40 acres (15 acres) – Mr. Stewart would be limited to the number of animal units he can have. Mr. Stewart does not own enough land to support the number of animals requested. In addition, Chair Sauber stated there is no registered non-conforming use.

### **Town Board Liaison Report – Town Board Chair Brian Budenski.**

- Chair Sauber stated she was giving Chair Budenski official notice of Phil Cleminson’s resignation from the Planning Commission Board

- Dust control will begin October 6, 2015, on 225<sup>th</sup>, 235<sup>th</sup>, 240<sup>th</sup>, 245<sup>th</sup>, 250<sup>th</sup> west of Dodd and all of Highview. This expense will be paid for by the county.
- No Parking signs put in place on Chub Lake Road • Will pick up road construction signs October 6, 2015.
- Supervisor Miller discussed having one amended ordinance book and when it would possibly be ready for a Public Hearing.

Chair Sauber stated it would be at least two months. The attorney needs to update the changes the Planning Commission made. Supervisor Miller suggested bringing it up at the next Board Meeting. Chair Sauber suggested sending the version she has to the Deputy Clerk to be sent to Attorney Lemmons, and to get the Public Hearing done before the end of the year. Chair Sauber stated that an alternate way would be to use the recodification version from Jerry Filla for the Public Hearing. Commissioner Frana stated he felt there are too many typos and it was not clean and professional. He would not want the public to see that version. Vice Chair Barfknecht stated she felt the color-coded changes should be easy for the attorney's office to make the necessary changes. Commissioner Frana stated he felt we needed to have the attorney make the changes to have a clean copy for the Public Hearing. It was decided to have the attorney make the changes the Planning Commission discovered and then send the document to the Board.

Vice Chair Barfknecht questioned Supervisor Budenski regarding the Fence Ordinance and what is the definition of the setbacks-being a fence is a structure and side yard setbacks being 30 feet. Chair Barfknecht stated she has issues with information provided by a Board Supervisor. She stated she would file a complaint and potentially, a lawsuit. There was much discussion regarding fences between Vice Chair Barfknecht and Chair Budenski. Chair Budenski stated that if Vice Chair Barfknecht is considering filing a complaint for the Board, it needs to be to the Township Office by October 6, 2015.

#### **Newsletter- Jody Arman-Jones**

Ms. Arman-Jones asked for any additions or corrections to the Newsletter. She will add Phil Cleminson's resignation to the Newsletter.

#### **Jeff Otto Transfer Building Rights Document Changes**

- Jeff Otto has volunteered to do a mini training session with Town Clerk and Deputy Clerk.
- Discussion was held regarding providing clarification of a Stub Abstract for a grandfathered building right versus a non-grandfathered right. Certified copies of the Deed to be procured for both the receiving parcel, as well as the sending parcel.
- Discussion was also held on adding a section to state that the applicant is advised to request a preliminary review and the preliminary review can become a formal review if everything is complete.

- When the resident brings back the receipt to the Township from the County, it doesn't say what was recorded-can we request the County to state that information. Town Clerk to talk with the County and see if it can be stated on the receipt. There could be a charge if the county does this and we would have to add to the fees.

Jeff Otto also offered to volunteer on the zoning recodification to ease the workload. Chair Sauber to bring up to the Board at the October 13, 2015, meeting.

### **Sump Pump Discharge Ordinance**

Supervisor Miller talked with Ron Quanbeck from TKDA. Mr. Quanbeck was going to be out of town and tasked supplying language with someone in his office. Supervisor Miller to talk with him on October 6, 2015. This will be added to the agenda for November.

### **Fence Ordinance**

Fence Ordinance draft was received from former Commissioner Cleminson. Under definition, there is a word missing on line 2. There was much discussion on the wording of the Ordinance (height of fence, maintenance, setbacks) and it was determined each Commissioner to review and come to the November meeting with recommendations and suggestions. This will also be added to the November agenda.

### **Feedback to Citizens – Commissioner Frana**

Commissioner Frana stated he tried to consolidate questions sent to the Board, the Findings of Facts and the meeting minutes from the public hearings. Commissioner Frana would like it sent to Kelly Aggregate and Windmill LLC giving them a heads-up that this is what will be published on the Township website. The Planning Commission would also like the attorney to review it. Chair Sauber stated a paragraph should be added before the Questions and Answers explaining the difference between legislative action and quasi-judicial actions and how that relates to a text amendment, an interim use permit and a conditional use permit. The Township could get that from the attorney or the MAT manual.

Chair Sauber made a motion to move forward the Public Questions and Answers and basic information about text amendments, IUP's and CUP's to the Board for their review and ultimate approval for publication on the Township website and also have it reviewed by the Attorney. Chair Barfknecht seconded the motion. Motion carried unanimously.

### **Policies and Procedures Manual**

- Remove Commissioner Cleminson's name from Planning Commission on Page 2 since he has resigned
- Page 15 – under C1 Item D - move minutes approval to after New Business and permanently change the structure to: (Same on Page 29) d. Old Business  
e. New Business

- f. Minutes Approval
- g. Deputy Clerk Issues
- Page 28 – delete Cannon River Watershed

Chair Sauber made a motion to approve the Policies and Procedures Manual with the additional changes and forward to the Board for their approval. Commissioner Frana seconded. Motion carried 3-0.

### **Forms**

Chair Sauber requested a change on the building permit application form on the bottom of the front page – “Foundation Square Ft” to conform to the Ordinance change. Chair Sauber to provide information to Deputy Clerk within the week.

Chair Sauber requested VRWJPO Training for the Planning Commission and the Board (with Travis Thiel or Mark Zabel) to make sure all members thoroughly understand what the Watershed Ordinance entails. Chair Sauber to bring up to the Board at the October 13, 2015, meeting.

### **Road Review**

A road review is now tentatively scheduled for Saturday, October 17, 2015, from 8:00 AM to 12:00 PM. Deputy Clerk to contact Otte Brothers regarding their availability. It was noted that the road review should be posted as a special meeting.

### **New Business:**

#### **Approval for Money for Solar Study**

Chair Sauber made a motion to recommend that the Board approve the Solar Interim Ordinance work with Sherri Buss from TKDA in the amount quoted. Vice Chair Barfknecht seconded the motion. Motion carried 3-0.

A time for Ms. Buss to meet with the Planning Commission would November 10, 2015, at 7:00 p.m. Deputy Clerk to contact Sherri Buss regarding her availability. The special meeting will need to be posted.

### **Minutes**

- August 3, 2015 – Planning Commission Meeting. Chair Sauber made a motion to approve the August 3, 2015, Planning Commission meeting minutes as amended. Vice Chair Barfknecht seconded. Motion carried 3-0.

- August 20, 2015 – Planning Commission Public Hearing. Chair Sauber made a motion to approve the August 20, 2015, Planning Commission Public Hearing minutes as amended. Vice Chair Barfknecht seconded. Motion carried 3-0.
- August 20, 2015 –Planning Commission Special Meeting. Chair Sauber made a motion to approve the August 20, 2015 Planning Commission Special Meeting minutes as amended. Vice Chair Barfknecht seconded. Motion carried 3-0.
- September 8, 2015 – Planning Commission Meeting. It was decided to hold the September 8, 2015 Planning Commission Meeting minutes for the November meeting.

**Adjourn**

Chair Sauber made a motion to adjourn the meeting. Vice Chair Barfknecht seconded the motion. Meeting adjourned at 9:21 PM.

Respectfully submitted,

Cheryl Murphy Deputy  
Clerk  
Eureka Township

*Meeting Minutes approved November 2, 2015.*