

EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA

Eureka Planning Commission Meeting of November 2, 2015

Call to Order

Chair Sauber called the meeting to order at 7:00 PM. In attendance were: Chair Sauber, Commissioner Barfknecht, Commissioner Frana and Commissioner Palmquist. Supervisor Kenny Miller 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:

- Under Old Business - delete Feedback to Citizens
- Under Old Business - add VRWJPO Training
- Under Other Land Use and Zoning Items - add Matt Lisik, inquiry regarding property on 245th Street

Motion was made by Chair Sauber and seconded by Vice Chair Barfknecht to approve the agenda as amended. Motion carried 4-0.

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 land and there are two pole barns on the property and a house that was demolished. 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. The Township allows the use of a garage, provided it has a garage door, for temporary living quarters. Since Mr. Rothnem does not have a garage, rather a pole barn, the Planning Commission deferred the question to the Town Board.

Permit Requests

John Daniels – representing Bachman’s, 21003 Cedar Avenue – replacing small seasonal greenhouse structures with a new version of the same.

Chair Sauber made a motion to approve the Ag Permit request for horticultural buildings at 21003 Cedar Avenue as represented by John Daniels of Bachmans. Vice Chair Barfknecht seconded the motion. Motion carried 4-0.

Chair Sauber stated it would be put on the Town Board consent agenda.

Other Land Use and Zoning Items

Charlene and Daniel Adelman – 23733 Hamburg Avenue – Transfer of Building Right. Charlene and Daniel Adelman – 6631 225th Street West appeared before the Planning Commission. Chair Sauber recommended under description of other properties in receiving quarter, to amend the Section number to 09, as they use a two-digit identification number. Chair Sauber stated that all information was been submitted correctly, signed and notarized. Jackie Sheehan verified the quarter-quarter being the NW quarter of the quarter-quarter of Section 3.

Commissioner Frana made a motion to recommend to the Town Board approval of the Transfer of Building Rights from the sending parcel, 13-00300-01-013 the NW quarter of the NE quarter of Section 3 to the receiving property 13-00900-50-013. Vice Chair Barfknecht seconded. Motion carried 4-0.

John Beatty – Inquiry regarding proposed building site – 24005 Dodd Boulevard. Mr. Beatty stated he is considering the purchase of the Dodd Boulevard property with a building site on the knoll, west of the Vermillion River that would require replacement of a bridge. Mr. Beatty stated he would like to know if there is any reason that it would not be an allowable building site.

Mr. Beatty stated there is an older house and there are two options--to repair it or to remove it and use the current building right. There was discussion regarding setbacks, property splits, buffer zones along the Vermillion River, planting and maintaining vegetation, and exemptions for existing structures. The Planning Commission also discussed that the current kennel CUP is for boarding dogs, but Mr. Beatty would be using the kennel for private use and Chair Sauber stated the CUP would always stay with the property. Mr. Beatty also discussed plans for the replacement of the span bridge to allow access of emergency vehicles. Chair Sauber stated she does not see any problem with the land use provided all agencies approve.

Jaren Fitzke – Inquiry regarding proposed building site – 24835 Dodd Boulevard. Mr. Fitzke, licensed construction contractor, 17721 Formosa Avenue, Lakeville for Amy and Brady Gustafson, 309 Walnut Lane, Apple Valley. Chair Sauber stated that the property was not split by the Petersons to maintain the building right. It was suggested to the Petersons, if they want to sell the lot, that whoever might purchase it could build a house on it and that the portion with the pole barn that goes with the house could be taken off, provided that setbacks are maintained, and combine it with the house the Petersons use to live in. This previously came before the Board and the Board determined it was a buildable lot. There was a variance on the driveway and the Board removed the language about the shared driveway.

The applicants would have to support a septic and maintain setbacks of 200 feet at the site of the house for that grandfathered lot. The Gustafson's would also need to meet setbacks, which are 30 feet from any structure. The Planning Commission questioned what the pole shed would be used for. If it is an Ag building, it is 250 feet; if it is used for animals, it is 175 feet from any houses; if it is just being used for storage it is 30 feet. It has to be 110 feet from the center of the road. Chair Sauber stated that the Planning Commission would have to know what the shed would be used for before they could approve a placement.

Kim Gustafson, 543 Redpath Lane, Eagan had some questions regarding a lot split. Supervisor Miller stated there is an easement that the barn will stay with the existing home property, but the Gustafson's would have to redo the lot split legally with the county to define the new boundaries. There is an agreement to make sure the barn stays with the existing house property, but because the Gustafson's would be redefining the boundaries, it would constitute a split.

Chair Sauber stated that this area violates the density of a township and that is why that grandfathered eligibility is important. If that were to go away, the Gustafson's would no longer be able to build there and that is why there was never a lot split. There was also discussion on the buffer zone of the Vermillion River and the lot split.

Town Board Liaison Report – Supervisor Kenny Miller

- Revisit status of the action of the fencing complaint at the next Board Meeting
- Policies and Procedures to be addressed at November 9, 2015, Board Meeting
- Fritz Frana "Questions and Answers" will be addressed at the November 9, 2015, Board Meeting
- Board reviewed the attorney engagement policy
- Blake Rothnem – Living quarters must meet code and other issues to be addressed at the November 9, 2015, Board meeting.

Old Business

Chair Sauber stated it might be more productive to go with a work group status on some of the Old Business items and report back.

Sump Pump Discharge Ordinance

Information was received from Ron Quanbeck and discussed at length by the Planning Commission and Supervisor Miller. Vice Chair Barfknecht to rewrite draft Sump Pump Ordinance and send to Deputy Clerk to forward to the Board for November 9, 2015, meeting review.

Fence Ordinance

Chair Sauber pointed out there is a problem with the first paragraph - definition. Discussion also included definition of residential area, definition of front yard, side and

back yard, and livestock fencing. There was also much discussion regarding comments from an email from Trevor Oliver of July 2012.

Chair Sauber and Commissioner Frana to work as a workgroup and bring back to the Planning Commission for the December 2015, meeting.

Recodification Review – Vice Chair Barfknecht to collate comments and send to Deputy Clerk and to explain color-coding system with Attorney Lemmons.

New Business

Road Review Meeting – October 17, 2015 – Chair Sauber transcribed the notes taken and forwarded to the Planning Commission.

Chair Sauber made a motion to pass on to the Board and to recommend changes that the road contractor suggested. Vice Chair Barfknecht seconded the motion. Motion carried unanimously.

Planning Commission Special Meeting- November 10, 2015, at 7:00 PM – Chair Sauber stated that approximately one hour would be spent on the comprehensive plan and one hour on the Solar Energy Systems Ordinance.

Forward Public Hearing Findings to Town Board – Chair Sauber had several changes to the Findings of Fact from the Public Hearing of Merlin Leine and Karla Schrader for a Conditional Use Permit that was held on October 19, 2015. Deputy Clerk to send the suggested changes to Chad Lemmons' office to the attention of Tina Bailey to make the corrections and forward that document to the Planning Commission.

Chair Sauber made a motion to forward the amended Findings of Fact to the Town Board. Vice Chair Barfknecht seconded the motion. Motion carried unanimously.

Capital Improvement Plan- Chair Sauber stated any recommendations to the Board need to be submitted by December. If any Planning Commission members have a recommendation, plan to put it on the agenda.

Minutes

- September 8, 2015 – Planning Commission Meeting – Commissioner Frana made a motion to approve the minutes of September 8, 2015, as amended. Commissioner Palmquist seconded. Motion carried unanimously.
- October 5, 2015 – Planning Commission Meeting – Chair Sauber made a motion to approve the minutes of October 5, 2015, as amended. Commissioner Frana seconded the motion. Motion carried unanimously.
- October 19, 2015 – Planning Commission Public Hearing – Conditional Use Permit for Ground Mounted Residential Solar Energy for Merlin Leine and Karla Schrader –

24698 Cedar Avenue – Chair Sauber made a motion to approve the minutes of October 19, 2015, as amended. Commissioner Frana seconded the motion. Motion carried unanimously.

Deputy Clerk to follow up with Clerk on a response from Shelly Kidd regarding Conditional Use Permit questions she had requested on October 20, 2015.

Adjourn

Chair Sauber made a motion to adjourn the meeting. Commissioner Palmquist seconded the motion. Meeting adjourned at 9:57 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk
Eureka Township

Meeting Minutes approved _____.