

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

PLANNING COMMISSION MEETING OF November 5, 2018

Call to Order

The Eureka Township Planning Commission meeting was called to order at 7:00 p.m. by Chair Ralph Fredlund.

Members Present: Ralph Fredlund (Chair)
Bill Funk (Vice Chair)
Randy Wood (Commissioner)
Allen Novacek (Commissioner)
Julie Larson (Commissioner)

Members Absent: None

Others Present: Mark Ceminsky (Town Board Liaison)
Butch Hansen (Supervisor)
Bob Finke (Town Clerk)
Ranee Solis (Deputy Clerk)

See attached list for all others in attendance.

Approval of the Agenda

Motion: Commissioner Larson moved to approve the Agenda as presented, seconded by Commissioner Wood.

Motion carried 5-0

Citizen Inquiry

None

Permit Requests

None

Land Use

None

Town Board Liaison Report (Supervisor Mark Ceminsky)

Supervisor Ceminsky provided a summary of the October 9, 2018 Town Board meeting:

- The Board forwarded an amendment to Ordinance 3 for a Public Hearing

- The roads will receive grading for winter once weather permits
- The Town Hall sidewalk has been repaired

Old Business

A. Zoning and Housing Rights seminar

Jeff Otto gave an informative presentation; a summary will be provided once approved by the Town Board.

B. Proposed storage in mining and extraction operations

A Public Hearing has been scheduled for November 19th at 7:00 p.m. Chair Fredlund retracted his tentative special meeting date of November 26th and has set a new date of Thursday, December 6th at 7:00 p.m. to approve the minutes of the Public Hearing.

Chair Fredlund had submitted questions regarding the Ordinance amendment to the attorney, Chad Lemmons, and read the questions and responses as follows:

1. **Question:** We determined that the four grandfathered pits are operating under CUP's rather than IUP's. Does this require any change to the language in the proposed change?

Response: The pits that existed as the effective date of the ordinance are identified in Ordinance 6, Chapter 3, Section 9. Those pits are considered to be legal non-conforming uses. They are not operating under CUP's or IUP's. The only standards they are required to comply with are those set forth in Ordinance 6, Chapter 13, Section 2. In addition, the rights are also subject to Minn. Statute 462.347, Subd. 1e.

2. **Question:** A Commissioner asked if the fee for the proposed IUP can be increased with the additional amount dedicated to parks in Eureka Township?

Response: Park fees can only be increased if the proposed IUP creates a greater need for park services. The fee you are describing is known as an impact fee. Before the Town can charge an impact fee, it must establish a "nexus" between the permit being requested and the fee being charged. In other words, you have to show how the IUP creates an additional demand for parks services. In addition to showing this connection, there also has to be a "rough proportionality" between the fee being charged and the impact the proposed permit would have on the existing park facilities or the requirement provide new park facilities. No fee can be charged unless the Town can demonstrate the connection between the proposed use and an increased demand for parks, further that the fee being charged represents the increased costs the Town would incur in constructing the needed parks.

3. **Question:** Does the language in Ordinance 6, Chapter 7, Section 1(K) and 1 (L), and Ordinance 6, Chapter 13, Section 2(I) and 2(J), that prohibits or strictly prohibits the storage of certain materials or items, need to be changed to avoid a conflict in the ordinances?

Response: The original Ordinance I proposed was designed to answer these questions. However, I was told that the intent was to create a new use independently of the language in Section 1(K), 1(L) and 2(I), 2(J). In other words, the language in these sections would not apply because the Town is creating a new use independent of the uses set forth in Ordinance 6. Because it is a use not controlled by Ordinance 6, there can be no conflict with those sections.

Motion: Commissioner Novacek moved to have the clerk submit a question to the attorney asking if Agricultural operations can store Ag products that are not theirs, seconded by Commissioner Larson.

Motion carried 5-0

Motion: Chair Fredlund moved to add to the public packet, Bill Funk's information regarding the impact that hauling storage materials in and out of mining facilities has to Township roads, seconded by Vice Chair Funk.

Motion carried 5-0

Minutes Approval

- October 2, 2018 Planning Commission meeting minutes

Motion: Commissioner Novacek moved to approve the October 2, 2018 Planning Commission meeting minutes, seconded by Commissioner Larson.

Motion carried 5-0

- October 20, 2018 Planning Commission road tour minutes

Motion: Commissioner Larson moved to approve the road tour minutes with an amendment to the mileage listed and removing Castle Rock, seconded by Vice Chair Funk.

Motion carried 5-0

Deputy Clerk Issues

Bob Finke presented the website view of the new permits to the Planning Commission.

Adjournment

Motion: Commissioner Larson moved to adjourn the meeting, seconded by Vice Chair Funk.

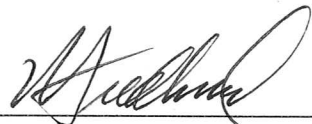
Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Ranee Solis

Ranee Solis, Deputy Clerk

Minutes Officially Approved on: 12/4/18
Date

By: _____ and 
Town Clerk Planning Commission Chair



Planning Commission Meeting

Attendance

Monday, November 5, 2018

7:00 PM

Printed Name	Address
Kimberly Gardner	27797 Denmark Ave. Castle Rock, MN
Brian Ahern	6015 25 th St W
Jody Arman-Jones	6905 255 th St. W.
Nancy Sauber	9445 225 th St. W. J. Knl.
Jeff Ott	25580 Dedd Blvd.
Ann Berg	17771 Kenwood Lakewood