

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

Planning Commission Meeting of February 6, 2017

Call to Order

Chair Sauber called the meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Julie Larson, and Randy Wood. Commissioner Donovan Palmquist was absent. Supervisor Carrie Jennings was the Town Board liaison. Township Attorney Martin Norder was also in attendance. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

Chair Sauber suggested adding under New Business the following:

- Recodification
- Accessory Building Limit
- 30 Yard

Chair Sauber moved to approve the Agenda as amended. Vice Chair Fredlund seconded. Motion carried 4-0.

Permit Requests

Jerod Oleson – 24648 Iberia Avenue - Building Permit Application for Lean-To.

Chair Sauber stated this is an application for a Lean-To on an existing pole barn.

Chair Sauber stated that Mr. Oleson is missing the distance from the new structure to the front property line. Another issue is that at the last Board meeting, the Board elected to return the permitting authority for the Vermillion River Watershed to the Joint Powers Organization. What that means is that Mr. Oleson will first need to go to the Vermillion River Watershed and submit this information to them. They will then let the Township know what he would need for a permit. The Planning Commission is not able to process anything until we hear from them first. The Planning Commission cannot move this ahead to the Board at this point. This would need to get to Travis Thiel before the fourth Thursday of the month. The Commission will look at Mr. Oleson's application at the March 2017, meeting.

Other Land Use and Zoning

Don Oreskovich – 25500 Highview Avenue – Land Use and Zoning Request Application

Chair Sauber asked why Mr. Oreskovich filled out a Land Use application instead of a building permit, as Mr. Oreskovich wanted to put a porch on the front of his house.

Mr. Oreskovich stated that his house is only 99 feet from the house to the middle of the road. Chair Sauber stated that if Mr. Oreskovich's house isn't sufficiently far enough from the centerline of the road and he wants to add a porch, that would be increasing the non-conformity and the Commission would not be able to approve that.

Mr. Oreskovich asked if he could get a variance. Chair Sauber stated that the problem cannot be created by Mr. Oreskovich or the previous landowner. Mr. Oreskovich stated he wants to put the porch on the front of the house and that would be creating the problem that he is trying to get the variance for. The Planning Commission cannot grant a variance under State statute.

Supervisor Jennings stated she looked up Mr. Oreskovich's property on the computer and it states it is a little more than 100 feet. Chair Sauber stated that Mr. Oreskovich would need a building application permit, a completed site plan and to contact Travis Thiel at the Vermillion watershed first.

Jerome Phillipe – 27798 Jamaica Avenue – Residential Building Right Transfer Application.

Chair Sauber stated she had a couple of questions concerning the PIN's. The PIN from the online property records for the sending property comes up with no parcel found. She also stated that Mr. Phillipe needs a wetland determination, a stub abstract and a certified copy of the deed. Chair Sauber stated that once Mr. Phillipe has all the information pulled together, the Planning Commission will be able to process his application.

Chair Sauber moved to deny Mr. Phillipe's application as it is incomplete and a letter sent to the applicant. Commissioner Fredlund seconded. Motion carried unanimously.

Inquiry regarding a modular home – Kathy Maas – 234 Arnica Drive, Watertown.

Ms. Maas stated that she brought some information regarding the modular home they are wishing to bring into the Township. She stated the one they are looking at is coming in 12 pieces and they would be built in modules. The company will build each module and transport it. They will build a foundation and a garage and will permanently attach the home to the foundation. She also stated there is a difference between a modular home and a manufactured home.

Chair Sauber stated the Township definition of a manufactured home is a non-mobile

housing unit, which is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the modular home to the site. A manufactured home is a single-family dwelling and Chair Sauber stated that would be allowed.

Resident Inquiry – David Sellner – 24535 Iberia Avenue

Mr. Sellner stated that he has a permit for a lean-to and that he is having problems with the Building Inspector regarding how it was built.

Darrel Gilmer, Building Inspector for Eureka Township commented that Mr. Sellner could not use the structure until he did one of the following:

- Getting an engineer to sign off on the plans with an engineer-stamped plan
- Adding joists and footings by an architect to correct the over span
- Tear down the structure and start over

Mr. Gilmer stated that Mr. Sellner will have to pay double the permit fee as he built the structure before a permit was issued.

Chair Sauber stated that Mr. Sellner did not get an Ag Building permit. She also stated that an Ag Building is exempt from the building codes and the Building Inspector does not inspect it. She also stated that the Planning Commission does have zoning authority and the Township has adopted the State building codes. The Board has hired a State-Certified Building Inspector to make sure the Building codes are being followed. He is the expert that the Town Board hired to do this. Chair Sauber also stated that Mr. Sellner built the lean-to before he got a permit. When you do that you end up paying double the permit fee. That is stated in our Ordinances. You are also taking the risk that what you are putting up might not pass inspection.

Mr. Sellner replied that pole barns have different codes in the State of Minnesota and there is nothing wrong with the way it is built.

Chair Sauber stated that when a pole barn is built for a farmer as an Ag Building, the Building Inspector never goes out to inspect it. In Mr. Sellner's case it is not an Ag Building but is an Accessory Structure that falls under the Building Inspector's jurisdiction. Whatever the building code requires for an accessory structure, such as yours, is what you have to meet.

Town Board Liaison Report – Supervisor Jennings

- Supervisor Jennings reported that Brian Budenski, Town Board Chair, turned in his resignation.
- Discussion held regarding returning the permitting and enforcement of the Vermillion River Watershed Ordinance to the Joint Powers Organization. Attorney

Lemmons suggested an amendment to the draft resolution returning authority back to the VRWJPO.

- Motion was made by Supervisor Behrendt to authorize Supervisors Behrendt and Jennings to initiate conversation with the City of Lakeville in regard to their interest in a joint powers agreement for sewer and water services to the Airlake Airport property.
- Discussion was held regarding a request to install a street light at 235th Street and Jersey Court.
- Special meeting to discuss the 2018 budget set for January 17, 2017, at 7:00PM.
- Board of Canvass meeting set for March 16, 2017, at 7:00PM.
- Chair Budenski' s seat to remain vacant until the March election.
- Direction given to the Planning Commission to review the proposed ordinance replacing Ordinance 3, Chapter 4, Section 7(c) regarding the size of accessory buildings as well as height and rural character of the property.

Old Business

Recodification

The Planning Commission went through the recodification and made some changes for Attorney Martin Norder to bring back to Attorney Lemmons.

Minutes Approval

October 3, 2016 – Planning Commission Meeting Minutes

Chair Sauber moved to approve the minutes of October 3, 2016, as amended. Supervisor Fredlund seconded. Motion carried unanimously.

October 25, 2016 Planning Commission Public Hearing Fence Ordinance Meeting Minutes.

Chair Sauber moved to approve the minutes of October 25, 2017, as amended.

Commissioner Wood seconded. Motion carried unanimously.

November 7, 2017 – Planning Commission Meeting Minutes.

Chair Sauber moved to approve the minutes of November 7, 2017, as amended.

Commissioner Fredlund seconded. Motion carried unanimously.

December 5, 2017 – Planning Commission Meeting Minutes.

Chair Sauber moved to approve the minutes of December 5, 2016, as amended.

Commissioner Fredlund seconded. Motion carried unanimously.

January 3, 2017 – Planning Commission Meeting Minutes.

Chair Sauber stated that she would like to go through the Planning Commission Meeting Minutes of January 6, 2017, a little more thoroughly as the minutes were just distributed that night.

Commissioner Fredlund moved to adjourn the meeting. Commissioner Wood seconded.

Meeting adjourned at 9:55 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk