

EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA

Eureka Planning Commission Meeting of April 6, 2015

Call to Order

Planning Commission Chair Hansen called the meeting to order at 7:00 PM. Planning Commission members present: Chair Hansen, Commissioner Lu Barfknecht, Commissioner Allen Novacek, and Commissioner Phil Cleminson. 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

It was suggested to move Agenda Item Number 7 (Other Business) to Item Number 4 and move all other items down one number. Chair Hansen made a motion to approve the agenda as amended. Commissioner Barfknecht seconded. Motion carried unanimously.

Approval of Minutes

March 2, 2015 Planning Commission Meeting. Commissioner Novacek made a motion to approve the March 2, 2015 meeting minutes as presented. Commissioner Barfknecht seconded the motion. Motion carried unanimously.

Town Board Update

Town Board Chair Brian Budenski reviewed discussions and actions taken at the March 9, 2015 Town Board meeting and the March 24, 2015 reorganization meeting. He noted that deck permits should be over the counter permits and should not require review by the Planning Commission and Town Board.

Newsletter-Jody Arman-Jones

Items have been added to the newsletter, particularly in regard to road construction. Newsletter will go out Mid-April. Ms. Arman-Jones stated she thought it would be a good idea to send out a postcard to residents giving them another reminder to sign up to receive the newsletter via email. Chair Hansen stated he is in favor of sending out a postcard and combining it with the recodification public hearing.

Permits

Pete Storlie, 8680 235th Street West – Deck Permit. Chair Hansen stated there is some confusion regarding the issuance of deck permits.

Chair Hansen made a motion that the deck permit for Pete Storlie be issued over the counter. Commissioner Novacek seconded the motion. Motion carried unanimously.

Land Use and Zoning

Dwight and Donna Pederson, 24875 Dodd Boulevard- Request to remove verbiage from a variance for a shared driveway. Chair Hansen stated that this is not a Planning Commission action and should be referred to the Board for review.

Chair Hansen made a motion to send the request by Dwight and Donna Pederson before the Board for review to remove the verbiage from a variance for a shared driveway. Commissioner Novacek seconded. Motion carried unanimously.

Gary Kastner, 27555 Dodd Boulevard (Larry Sauber) – Building Rights. Dismissed - Mr. Kastner did not show up for the meeting.

Old Business

Policies and Procedures

Commissioner Novacek made a motion to table the review of the Policies and Procedures Manual until new Planning Commission members are appointed. Commissioner Barfknecht seconded the motion. Motion carried unanimously.

Set Public Hearing date for Zoning Ordinance Recodification

Discussion was held regarding recodification of the Zoning Ordinance and it was agreed the draft ordinance needs further review before a public hearing is held.

Commissioner Novacek made a motion to recommend to the Board that a three-person task force be created to study the recodification document to identify and highlight verbiage changes.

After further discussion, it was determined that a task force should consist of five members rather than three, which is a committee.

The motion was changed to a “committee” versus “task force” and Commissioner Novacek accepted the amendment. Question called by Commissioner Novacek. Vote on the call of the question passes unanimously.

Vote was taken on the motion. Motion carried 4-1 with Commissioner Barfknecht voting nay, as she believes the Planning Commission should be able to accomplish the task without forming a committee.

The motion was rescinded per Ordinance 2, Chapter 4 that states that a special committee or task force shall consist of five persons appointed by the Town Board. Commissioner Novacek was okay with rescinding the motion. Chair Hansen seconded. Motion carried 3-1 with Commissioner Barfknecht voting nay.

Commissioner Novacek made a motion to recommend to the Town Board to create a five-person task force to study the recodification document for the purpose of identifying and highlighting verbiage changes from the original document. Chair Hansen seconded the motion. Commissioner Barfknecht stated she believes the Planning Commission should be able to accomplish this task. She stated that each Planning Commissioner should go through the document and then come together to review differences. They are so many changes to the document and the document needs to withstand a public hearing.

There was much discussion among the Planning Commission members regarding the recodification document. Chair Hansen wanted it noted in the minutes that the Planning Commission is not comfortable setting a public hearing. Motion voted on and passed 3-1 with Commissioner Barfknecht opposed. Motion carried.

Commissioner Novacek had 4 additional questions for Eureka Township Attorney:

- Is there a significant difference between the definition of, and/or, the way a Township should view a code as opposed to an ordinance?
- Is the Township of Eureka required to maintain public hearing evidence pertaining to Resolution 59?
- Can you explain the use of the term Resolution 59 as has been presented and referenced in recent documents? One major concern is the fact that an ordinance cannot be amended with a resolution.
- Are there any conditions where a text amendment (which alters the ordinance) can be made without a public hearing?

Commissioner Novacek noted that as of this date, he has not heard back from the attorney.

Move in Ordinance-Commissioner Novacek read from Page 74 Section A of the new document. “Moving of any building into or relocating into the county is prohibited unless a permit is obtained from the township”. Commissioner Novacek said he would like the verbiage changed, as the way it is written applies to a very small structure and he would like it changed to any structure over 200 square feet. A shed bought and moved to a location would require a permit under this ordinance. The Planning Commission held a discussion.

Commissioner Novacek made a motion to recommend to the Board to address Ordinance 3, Chapter 4 Section 12-A to change the verbiage to “moving of any building or structure exceeding 200 square feet” as it is on the current Ordinance Book. Motion was not seconded.

Chair Hansen stated it needs to be consistent with the State Code. Commissioner Novacek is in favor of 200 square feet. There was additional discussion regarding the Move In Ordinance among the Planning Commission members. The liaison is to notify the Board of the Planning Commission discussion related to moving/building ordinance and the suggestion of indicating the 120 square foot size and/or to coincide with the new building code, whatever that might be. Chair Hansen seconded. Motion carried unanimously.

New Business

Appoint liaison for the Town Board April 13 meeting. Chair Hansen volunteered to be the liaison, but encouraged all Planning Commission members to attend as well.

Commissioner Barfknecht made a motion to adjourn. Chair Hansen seconded the motion. Motion carried unanimously. Meeting adjourned at 8:23 PM.

Cheryl Murphy
Deputy Clerk

Minutes approved by the Planning Commission on May 4, 2015