

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**PLANNING COMMISSION MEETING OF MAY 7, 2019**

**Call to Order**

The Eureka Township Planning Commission meeting was called to order at 7:02 p.m. by Chair Ralph Fredlund.

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

Members Absent:   Allen Novacek (Commissioner)

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

See attached list for all others in attendance.

**Approval of the Agenda**

Chair Fredlund announced the following changes to the agenda:

1. Add item A. Jody Arman-Jones Newsletter under Old Business.
2. Add item A. Research State Statutes regarding small-parcel Ag exemption under New Business.
3. Add item B. Research with the County as to whether parcels are being zoned as commercial at the County level under New Business.

***Motion:*** Chair Fredlund moved to approve the agenda as amended, seconded by Commissioner Larson. ***Motion carried 4-0.***

**Elect Planning Commission Chair and Vice Chair**

Current Planning Commission members are as follows:

Ralph Fredlund	3-year term (2022)
Allen Novacek	3-year term (2021)
Randy Wood	3-year term (2021)
Bill Funk	3-year term (2020)
Julie Larson	3-year term (2020)

Chair Fredlund opened the floor for nominations for the 2019-2020 Planning Commission Chair. Commissioner Larson nominated Ralph Fredlund, seconded by Commissioner

Wood. Hearing no others, Chair Fredlund closed the floor for nominations. Ralph Fredlund accepted the nomination and called for a ballot vote. The Clerk read the votes: 4 votes for Ralph Fredlund. Ralph Fredlund was elected as Chair.

Ralph Fredlund accepted the appointment and proceeded as Chair for the meeting.

Chair Fredlund opened the floor for nominations for the 2019-2020 Planning Commission Vice Chair. Chair Fredlund nominated Bill Funk, seconded by Commissioner Wood. Hearing no others, Chair Fredlund closed the floor for nominations. Commissioner Funk accepted the nomination and Chair Fredlund called for a ballot vote. The Clerk read the votes: 4 votes for Bill Funk. Bill Funk was elected as Vice Chair.

### **Determine Liaisons to Town Board Meetings**

The Commissioners volunteered as liaisons to the Town Board meetings as follows:

May 13, 2019	Julie Larson	November 12, 2019	Bill Funk
June 10, 2019	Ralph Fredlund	December 9, 2019	Ralph Fredlund
July 8, 2019	Randy Wood	January 13, 2020	Randy Wood
August 12, 2019	Bill Funk	February 10, 2020	Julie Larson
September 9, 2019	Julie Larson	March 9, 2020	Bill Funk
October 15, 2019	Randy Wood	April 13, 2020	Ralph Fredlund

### **Citizen Inquiry**

(None)

### **Permit Requests**

#### **A. Gary Gunderson - 25361 Ipava Ave - Demolition and Accessory Building**

Chair Fredlund announced that the Planning Commission does not need to address the demolition permit after confirming with Supervisors Ceminsky and Hansen that it is an over the counter permit.

Mr. Gunderson explained that he is replacing the accessory building to be torn down with a new building of the same size.

**Motion:** Vice Chair Funk moved to forward the application to the Town Board with a recommendation to approve the accessory building permit for Gary Gunderson, PID# 13-01900-09-010, seconded by Commissioner Wood. **Motion carried 4-0.**

### **Land Use**

#### **A. Dan Fredrickson - 6649 280<sup>th</sup> St. W. - Lot Split**

Dan Fredrickson and Victor Volkert of Edina Realty presented the proposed lot split as follows:

Parcel A, consisting of 34.32 acres, and having PIN# 13-03400-78-011.

Parcel B, consisting of 3.52 acres, to be split from parcel A.

Parcel C, consisting of 30.63 acres, to be split from parcel A.

Parcel D, consisting of about 1/20 acres, to be split from parcel A.

A building right will remain with parcel B.

**Motion:** Chair Fredlund moved to forward the application to the Town Board with a recommendation to approve the lot split for Dan Fredrickson, PID# 13-03400-78-011, seconded by Vice Chair Funk. **Motion carried 4-0.**

### **B. Jeffrey & Jerome Phillipe – 10113 280<sup>th</sup> St. W. – Communication Tower**

Jerome Phillipe and Dennis Carpenter, from the radio station, presented the application for a communication tower.

Mr. Carpenter stated that their engineers ran a study to locate a new tower site according to FCC rules and regulations in order to improve the coverage for the growing area due to the emergency alert system. They have identified that the Phillipe property would work to meet the criteria of the FCC for mileage restrictions between other frequencies and in order to cover Farmington with the appropriate signal. They approached the Phillipe brothers and signed a lease agreement with them to construct a tower. They are requesting the minimum height required by the FCC of 300 feet. The proposed tower would be a self-supporting, non-guide tower built to all the current wind loading, ice loading rules and regulations required by the federal government and the state of Minnesota. Mr. Carpenter stated that in looking at our Ordinances, like most other municipalities, we have Ordinances regarding telecommunications (cell towers) but not broadcast. He is here to discuss and figure out how they can get this accomplished to better service this community.

Chair Fredlund responded that Eureka Township's Ordinance for wireless communication facilities specifically exclude radio and television antenna and, therefore, they are not an allowable use. The Conditional Use Ordinance does not have a provision for radio and broadcast towers in the township. Specifically, conditional uses, prohibited uses, all other uses and structures which are not specifically permitted as a right or by CUP or IUP permit shall be prohibited in the agricultural district. Because radio and television broadcast towers are not included in the list of acceptable cup uses and structures, my opinion is that it is prohibited.

Mr. Carpenter stated that there is a federal regulation requiring municipalities to accommodate broadcasters with towers, citing section 332(c)(7) of the Federal Communications Act. He stated that it does preserve the state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitations on that authority. Specifically, a state and local government may not unreasonably discriminate among providers of functionality equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provisions of personal services and must act upon applications within a reasonable period of time. We

have responsibility for emergency alert systems and emergency medical. So, therefore, we need to have a tower to reach these communities to be able to provide those important services.

Commissioner Wood questioned whether they have cleared a 300-foot tower, within about 5 miles of the airport, with the FAA. Mr. Carpenter stated that the FAA requires local zoning permission prior to filing with them. The FAA will most likely approve this, but may require a white strobe light at the top of the tower during the day and a red light in the evening. The tower would be galvanized lattice and would blend into the sky line. The FAA approval process takes between 90-180 days, then the FCC process takes between 120-180 days.

Supervisor Ceminsky pointed out that page 75 of the Ordinances states that it is not our intent to regulate other types of towers such as radio and television antenna. Chair Fredlund responded that there is nothing in our Ordinances that specifically addresses broadcast towers and, in his opinion, if it is not listed as being allowed, it is not allowed.

**Motion:** Chair Fredlund moved to table the application until the June meeting to allow time to research, seconded by Vice Chair Funk. **Motion carried 4-0.**

#### **Town Board Liaison Report** (Mark Ceminsky – Liaison)

Supervisor Ceminsky provided an update from the May 2019 Town Board meeting as follows:

- Approved the Ag Exempt building for Mitch Larson.
- Approved the Ag Exempt building for Mark Pflaum.
- Approved the pool for Don & Cindy Oreskovich.
- Approved the accessory building for Tyler Schrupp.
- Approved the Ag preserve application for Jody Arman-Jones.
- Completed CUP reviews for Butch Hansen, Mark Nelson and Terri Petter.
- Tabled the CUP review for Chris Hale until the May meeting.
- Authorized Dick's Sanitation to put locks on the Town Hall garbage cans.
- Approved a hard close on Granada Ave/Chub Lake crossing until the settlement on damages is complete.
- Requested RFP's for road maintenance, email and web hosting providers.

#### **Old Business**

##### **A. Jody Arman-Jones - Newsletter**

Discussed changes and input to the newsletter prior to the Town Board meeting.

#### **New Business**

##### **A. Research state statutes regarding small-parcel Ag exemption**

Commissioner Larson was assigned to research the item.

**B. Research Township commercial zoning of parcels at the County level**

Vice Chair Funk was assigned to research with the County to determine if businesses that are zoned agricultural are being zoned commercial at the County level. Commissioner Larson agreed to be the back-up for this item.

**Minutes Approval**

**A. Minutes of the April 2, 2019, Planning Commission meeting**

**Motion:** Commissioner Larson moved to approve the April 2, 2019, Planning Commission meeting minutes as presented, seconded by Vice Chair Funk. **Motion carried 4-0.**

**Deputy Clerk Issues**

**A. Contact list**

The Clerk requested that each Commissioner provide their preferred email and phone number for communications from the board.

**Adjournment**

**Motion:** Commissioner Larson moved to adjourn the meeting, seconded by Commissioner Wood. **Motion carried 4-0.**

**Meeting adjourned at 7:53 p.m.**

Respectfully submitted,

Ranee Solis

Ranee Solis, Clerk

Minutes Officially Approved on: 2/2/19  
Date

By:   
Planning Commission Chair

# EUREKA TOWNSHIP

Dakota County, Minnesota



## Planning Commission Meeting

### Attendance

Tuesday, May 7, 2019

7:00 PM

<u>Printed Name</u>	<u>Address</u>
Lucas Owen	6337 Dupont Ave N Brooklyn Center, MN 55430
Dennis Carpenter	1443 Armstrong Blvd NW Ramsey MN
GARY GUNDERSON	25361 IFAVA AVE. LAKEVILLE
Jody Arman-Sones	6905 255th St. W.
Jerome Phillips	8779t Janssica Ave Lakeville
Nancy Sauber	9445 225th St. W. Lkvl.
Victor Volkert & Dan Fredrickson	616 13th St. Farmington, MN 55024

Printed Name

Brian Aherm  
Kilbuck

Address

6205 23<sup>rd</sup> St W  
26446 Prairie Lake