

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of August 3, 2015

Call to Order

Planning Commission Chair Sauber called the meeting to order at 7:00 PM. Planning Commission members present: Chair Nancy Sauber, Vice Chair Lu Barfknecht, Commissioner Phil Cleminson, Commissioner Fritz Frana and Commissioner Donovan Palmquist. Township Attorney Chad Lemmons was present. Supervisor Dan Rogers attended as Town Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

The following items were added to the Agenda under New Business: Process for Changing Ordinances, and Agenda Items for September. Under Old Business: Feedback to Citizens. Chair Sauber requested under Land Use and Zoning Items to move Dave Smith to the top of the list and Tom Johnson to the bottom of the list. It was also suggested to move Minutes Approval to just before Adjournment. It was also suggested to delete Planning Commission Policies and Procedures Manual and put on the September 2015, agenda.

Chair Sauber made a motion to approve the agenda as amended. Commissioner Frana seconded. Motion carried unanimously.

Permit Requests

Ryan Schuette – 4990 235th Street West – Building Permit – Unattached Garage

All information for Mr. Schuette's application was complete. Vice Chair Barfknecht made a motion to send to the Town Board for approval. Commissioner Frana Seconded. Motion passed unanimously.

Kathleen Kauffman – 25506 Ipava – Building Permit for Pole Shed

Chair Sauber made a motion to send the application for Charles and Kathleen Kauffman, 25506 Ipava for an accessory building on to the Board for approval. Vice Chair Barfknecht seconded. Motion passed unanimously.

Living Waters Church – 22222 Dodd Boulevard – Amended Building Permit Vestibule is now inside the building. Living Waters Church has revised their plans. Vice Chair Barfknecht made a motion to forward to the Board the revised building plans for approval. Chair Sauber seconded. Motion carried unanimously.

Dave Smith – 6675 245th Street – Variance for his non-conforming structure Chair Sauber read the list of reasons to grant the variance and stated that the variance application has met all the conditions cited above. (Ordinance 3, Chapter 4, Section 16)) The Planning Commission has requested the following condition be met:

- Any further structures that would be built would have to meet the setbacks.

As with any CUP, Mr. Smith was advised that he would need to proceed substantially within six months of granting of the variance and must make visible improvements or the variance will become void. Two extensions for good cause may be requested from the Board of Adjustments and Appeals. In addition, the variance has to be recorded at the Dakota County Recorder's Office.

Chair Sauber made a motion that these findings that the Planning Commission have discussed be moved to the Board for their consideration when they hold the Public Hearing at the August 10, 2015, Town Board Meeting. Vice Chair Barfknecht seconded the motion. Motion carried unanimously.

Land Use and Zoning

Darrin Giles Cluster Agreement – 23545 Cedar Avenue South; Butch Hansen – 26120 Highview Avenue; Terri Petter – 10132 235th Street – Commissioner Frana recused himself from this part of the discussion. Formal review of Building Transfer of Rights. In Mr. Giles' quarter-quarter is his parents' home as well as the Miller house. These should be listed on the form. The cap is 4 and the applicant is within the density cap. A certified copy of the deed has been submitted, along with a wetland determination from the Soil and Water Conservation District. The Planning Commission had a question regarding the sending property-the sending parcel does not own all the land in the quarter-quarter section. The Planning Commission asked Attorney Lemmons to explain. Attorney Lemmons stated there are two building rights in the quarter-quarter section of the sending parcel. There is a pre-1982 right which belongs to the out lot and a second "native" right. There was much discussion regarding the county combining tax parcels and one person controlling two building rights. Chair Lemmons stated that the Ordinance contains a solution-Ms. Petter will need to go to the County to undo this.

Commissioner Cleminson made a motion to pass along to the Board with the condition that Ms. Petter go to the County and get the lot split into two parcels and get a true tax ID number that the Building Right is coming from. Ms. Petter can apply for this between this meeting and the Town Board Meeting on Monday, August 10, 2015. Vice Chair Barfknecht seconded with a friendly amendment that it include verification of the application of the split. Chair Sauber added another friendly amendment that the resulting two parcels are at

least 20 acres in size. Motion carried unanimously, with Commissioner Frana recusing himself.

Commissioner Frana rejoined the Planning Commission meeting.

Jerome Phillipe – 27798 Jamaica Avenue, Mark Ceminsky, 7226 235th Street, representing Mr. Phillipe – Preliminary review of Building Transfer of Rights.

Chair Sauber stated that all Parcel IDs need to be filled in on the application form. Chair Sauber also stated a certified copy of the deed from Dakota County Recorder's Office will be required as proof of ownership.

Commissioner Cleminson made a motion to move Mr. Phillipe's Building Transfer of Rights application to the Town Board as long as the two conditions discussed are met: A certified copy of the deed and Mark Malecha's parcel pin ID number for the 60 acres shown in the quarter-quarter. If not completed, Mr. Phillipe will need to be put on the agenda for the September Planning Commission meeting. Chair Sauber seconded the motion. Motion passed unanimously.

Tom Johnson – Reclamation & Trucking, 21955 Grenada Avenue. Chair Sauber recused herself from this portion of the meeting. Tom Schellhammer was present representing Mr. Johnson. Mr. Schellhammer wanted to request temporary parking at the old Eureka Sand and Gravel Pit for Reclamation & Trucking equipment storage during the winter. There was much discussion among the Planning Commission members. Commissioner Frana stated we currently do not have any way to address (by permit or CUP) how to bring in equipment to be stored. There would have to be a text amendment with some rationale as to why the Planning Commission would consider and recommend to the Board that this become a permitted use. Attorney Lemmons stated it is not a conditional use and it is not a permitted use. It is not allowed. Equipment that is not part of the operation cannot be stored on site.

Mr. Johnson's request was denied as it is not a conditional use, permitted use or interim use, and there would have to be a text amendment to the zoning ordinance in order to pursue further.

Chair Sauber resumed her position as Chair for the remainder of the meeting.

Town Board Liaison Report – Supervisor Dan Rogers.

- Living Waters Church decided to put their vestibule inside the original building
- Evan Dee – Lot Split Application – Mr. Dee was not present at the meeting. Lot split and permit denied. Town Clerk to notify them of the deadline that we need to enforce
- Dave Smith's variance application will be looked at on the August 10, 2015, Town Board meeting

- Kelly Aggregate Amendment to Interim Use Permit for Dry Batch Ready mix plant was approved
- Annar and Candyse Karlsen- Town Board explained to Ms. Karlsen that she would need to reapply for a variance
- Gravel – trying to get lime rock for 225th Street
- 27600 Denmark – Ottes to add more lime rock
- Sump pump ordinance cannot be put in a septic system-but a septic specifically designed for that purpose
- Solar Energy Moratorium – Planning Commission directed to address
- DNR signage at Chub Lake –DNR will install aquatic invasive species sign at the landing on Hamburg Avenue and maintain
- Storm warning siren – Dan Rogers to research cost of storm warning siren
- Finished grading of the storage building

Sump Pump Discharge Ordinance – Vice Chair Barfknecht.

Planning Commission discussed adding Item #4 - *“Section R405.23 of the 2015, IRC, states that a sump pump can discharge into an approved septic designed to handle sump pump discharge. This specific system is one other than the household septic system”*. Vice Chair Barfknecht to forward Sump Pump Ordinance to Town Clerk.

Fence Setback – Commissioner Cleminson

Commissioner Cleminson will send to Town Clerk to be put on the September 2015, agenda.

Policies and Procedures – To be put on the September 2015, agenda

Feedback to Citizens – Public Hearing. Commissioner Frana stated that it was brought to the attention of the Board that information regarding the Public Hearing is not responded to. The Planning Commission is not always able to respond to all questions in the timeframe of the Public Hearing. One suggestion was to put the information in the Eureka Newsletter or have a spot on the Township website, entitled “Q & A Section”. The questions could be posted with a response. The Planning Commission could go through Public Hearing comments and respond to them. There was much discussion on how to proceed. Commissioner Frana to create an outline of questions and draft responses regarding the Kenny Miller and Kelly Brosseth public hearings. Commissioner Frana will also include explanation of a Text Amendment, an Interim Use Permit and a Conditional Use Permit. To be put on September 2015, agenda.

Recodification Review – It was determined that the Planning Commission is not to make any substantive changes before the Public Hearing. Chair Sauber suggested that Commissioners make a list of changes, duplicate words and inconsistencies and forward to the Clerk to be forwarded to Vice Chair Barfknecht. Vice Chair Barfknecht will prepare a final list so we can schedule the Public Hearing.

Solar Interim Ordinance - We have to have a Solar Interim Ordinance to allow the Planning Commission and Town Board to study the issue – Ordinance 1, Chapter 5 – requires a Public Hearing and Planning Commission approval. Attorney Lemmons to forward information regarding Solar Interim Ordinance. A Public Hearing to change the Zoning Ordinance to adopt an Interim Ordinance to allow for a study on commercial solar energy is scheduled for Thursday, August 20, 2015, at 7:00 pm at Eureka Town Hall. Town Clerk to post in paper.

Agenda Items for September:

- Feedback to Citizens
- Transfer of Building Rights document changes that Jeff Otto is working on
- October Training Sessions –Government Training Services – October 28, 2015
- Rationale regarding sign permit
- TKDA – Met Council requirements –
- Fence Setbacks – Commissioner Cleminson
- Sump Pump Ordinance
- Policies and Procedures Manual
- Recodification Review

July 6 and July 9 Meeting Minutes

Commissioner Frana made a motion to approve the meeting minutes as amended. Commissioner Palmquist seconded the motion. Chair Sauber made a friendly amendment to include the motion saying Planning Commission meeting minutes of July 6 and July 9, 2015. Commissioner Frana accepted the friendly amendment. Motion carried unanimously, with Chair Sauber abstaining from the part where she recused herself.

Chair Sauber made a motion to adjourn the meeting. Commissioner Palmquist seconded the motion. Meeting adjourned at 10:02 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk
Eureka Township

Meeting Minutes approved _____.