

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

PLANNING COMMISSION PUBLIC HEARINGS OF SEPTEMBER 4, 2018

REPEALING THE FENCE ORDINANCE

Call to Order

The Eureka Township Planning Commission Public Hearing was called to order at 6:30 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: Butch Hansen (Town Board Liaison)
 Bob Finke (Town Clerk)
 Ranee Solis (Deputy Clerk)

See attached list for all others in attendance.

Repealing of Ordinance 3, Chapter 9

Chair Fredlund stated that the purpose of this Hearing is to repeal the Fence Ordinance in its entirety.

Lu Barfknecht - 24585 Iceland Path

I would be against repealing it, based on what I said previously. But also, because, having a fence ordinance such as many towns, cities and other municipalities have in residential areas, keeps the value of the property up versus having one that is constructed in a malicious manner, or otherwise. It allows individuals that do have a substantial amount of junk in their yards to keep that from public view since a previous Board repealed the junk Ordinance. The esthetics of the Township: I just think that if you have a lot of things in your yard and you want to put up a fence, it would be done in a manner that would keep the residential areas in the township looking clean and keep the property values up. Hopefully it would be enforced because, unfortunately, there are some individuals who think they are above the law or do not have to follow Ordinances.

Nancy Sauber - 9445 225th St. W.

I guess I'm just a little bit confused about this repealing of the Ordinance. As heard discussed at meetings before, it sounded to me like you were going to enact the one that you just had your hearing on and repeal the other one, which would be the other old one. To me, I don't understand, if you adopted a new fence ordinance wouldn't it just supersede the one that was there? Why do you have to repeal anything if you're adjusting the ordinances? And that whole thing makes me a little bit cautious about how this is going to end up. Because I think that the fence ordinance is a good thing. So, if the Board would decide not to adopt the new language and does repeal the old ordinance, now you have nothing. I don't think that is a very transparent way of going about Township business. I'm not saying anybody has that in mind, but the thought has crossed my mind as to why are we having this unusual thing? Normally, I believe, when you adopt a new ordinance which is on a subject you already have, such as subdivision or whatever, you then are replacing it with that new. You're not wiping it out all together like we did with the USNAS program (Dakota County Uniform Street Naming and Addressing System), if you might remember that. When it went back to the uniform street address naming, it went back to the County after they gave it to us. We did have to repeal that because we no longer did that. But in this case, it would be talking about a newer fence ordinance, not getting rid of the fence ordinance, period. So that would be something I guess I would like to hear more discussion on and I would like to hear the attorney's input on that because I'm not clear that that's necessary. That's just my input. Thank you

Chair Ralph Fredlund

My understanding of that is that we were directed by the board to hold a hearing to repeal the ordinance, some members on the board wanted to get rid of it totally.

Nancy Sauber

So, you are understanding that even though we have new language, some of the things were well done, not manipulative. And that you couldn't call it a building permit, which was never our intent, as you know, and those changes, all of them. So, it's your understanding that the board is instructing you to hold a hearing on the new language and then hold another hearing on getting rid of all the fence ordinance language?

Chair Ralph Fredlund

Yes, although it would be a matter of either/or, which route are they going to go down.

Nancy Sauber

Okay, then I would like to re-emphasize my comments. First, I don't think the fence ordinance should be repealed. Zoning: we have zoning authority, I do not see that it is an infringement on anybody's personal property rights. It's a common thing. Yes, we are in the country. But that doesn't mean that anything goes. Some people think that, evidently. We have ordinances because we've been given that authority by the County, so this is totally within our rights. I don't see it as intrusive. As I said before, if you're the kind of person who wants to be a good neighbor, I don't see why you would have any problem with this, whatsoever. It's a reasonable ordinance. And it gives us local language to deal with. Because, frankly, many times people at this level seem to be unaware of State Statute

language. I think it's just a more direct, consumer-friendly approach to have it in our own local ordinance. I see it as a positive and I would echo, also, the idea of the property values. If you had a fence erected, such as was erected in this township earlier, next to you, believe me it would reduce your property value. That, again, is common sense. If you're interested in buying a property, and next door you have a, shall I say, extremely ugly fence. And it's your neighbor's fence. Your prospective buyer is going to think twice before he or she wants to buy your property. This is the usual way of doing business. I would strongly urge the Planning Commission to recommend to the Board that, at the end of the day here, we have the fence ordinance with the adjusted language in it. Thank you

The Planning Commission addressed the post card late notices stating that the Public Hearings are posted in the papers and on the Town Hall bulletin board. The post cards are a courtesy, but there is no dispute that they should have been delivered earlier.

Chair Fredlund asked three times if anyone else wished to speak about repealing the ordinance.

Motion: Chair Fredlund moved to close the public input portion of this hearing repealing the fence ordinance, seconded by Commissioner Novacek.

Motion passed 5-0

Motion: Chair Fredlund moved to table the discussion until later in the Planning Commission meeting, in conjunction with the language changes discussion, seconded by Commissioner Larson.

Motion passed 5-0

Adjournment

Chair Fredlund moved to adjourn the meeting of the public hearing repealing the fence ordinance.

Public Hearing adjourned at 6:45

Respectfully submitted,



Ranee Solis
Deputy Clerk

By:  and
Town Clerk


Planning Commission Chair

EUREKA TOWNSHIP

Dakota County, Minnesota



Planning Commission Meeting

Attendance

Tuesday, September 4, 2018

6:30 PM

Printed Name

Address

Lu BARFKNECHT

24585 ICELAND PATH

Susan Bachman West

26347 Galaxy Ave

Mary Ann Shuber

9445 225th St. W,

Jody Arman-Jones

6905 255th St. W

Tom + Laurie Gossler

23734 Dodd Blvd

Beth Eilers

10185 250th St. West LaKawille

Brian Sherr

6015 234th W

Eureka Township
Public Hearing Speaker List

RECEIVED

September 4, 2018 - 6:30 PM

If you would like to make a comment during tonight's public hearing, please provide your name and address below. Speakers will be called in the order they are listed.

Printed Name Signature Address

Mr BARFKNECHT [Signature] 24585 ICELAND A+H

[Blank lines for additional speakers]

NANCY