

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Planning Commission Meeting of September 5, 2017**

**Call to Order**

Chair Sauber called the meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, and Bill Funk. Township Attorney Chad Lemmons was also in attendance as well as Supervisor Rogers. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Approval of the Agenda**

Chair Sauber suggested adding under Old business the following:

- Revisiting application forms

Commissioner Bill Funk moved to approve the Agenda as amended. Vice Chair Fredlund seconded. Motion carried unanimously.

**Permit Requests**

**Alan and Joan Storlie – 6987 255<sup>th</sup> Street West – Exempt Ag Building Permit Application**

The Storlies are taking down three small grain bins and replacing them with two larger ones for storage of corn and soybeans. Chair Sauber stated the Planning Commission has their online property information stating they are Ag Preserve so that means they do qualify. Chair Sauber stated that she did not have any questions for the Storlies.

Chair Sauber moved to recommend to the Board to approve the replacement of the three grain bins for storage of corn and soybeans for Alan and Joan Storlie, 6987 255<sup>th</sup> Street West, PID 13-02200-26-022.

Commissioner Fredlund seconded. Motion carried unanimously.

**Ryan Murphy – 9180 225<sup>th</sup> Street West – Building Permit Application for new Single Family Residential Home.**

Chair Sauber stated that right now the Planning Commission cannot do anything with the building permit application. We talked about transferring a building right. The covenant was a private agreement that was placed on the 37 and 22-acre parcels that your dad bought. It really did nothing to establish a building right. What the restrictive covenant

was, is that for 20 years (there is one year left) it was agreed with the sale that there would be no business activity there as it was to encourage a residential neighborhood. Chair Sauber went on to state that there was a division between the 22-acre and the 37-acre properties. If the 22-acre parcel were a pre-1982 Lot of Record, then it would have a building right. The Lot of Record building right is not supposed to control the native right. If the 22 acres were a pre-1982 Lot of Record, then Mr. Murphy could make the argument that the rest of it has a building right. That has to be determined. First it must be established that there is a building right there and until we establish if there is a building right, the Planning Commission cannot go ahead with any building permit application. If there is not a building right there then Mr. Murphy would have to look into purchasing one and that would have to be transferred.

Chair Sauber went on to state that on Mr. Murphy's application the Planning Commission cannot give a building permit unless there is a PID number and the way you get a PID number is to record the lot split with the county.

Attorney Lemmons stated that Mr. Murphy needs to find out if there is a pre-1982 Lot of Record and then he would have a native building right.

Chair Sauber stated that Mr. Murphy would have to go to the County.

Because of the 60-day rule, Mr. Murphy is going to reapply for his building permit application next month.

Chair Sauber moved to deny the building permit application dated August 24, 2017, for Ryan Murphy, 9180 225<sup>th</sup> Street. Commissioner Fredlund seconded. Motion carried unanimously.

### **Resident Inquiry**

Terry Anderson – 9395 280<sup>th</sup> Street West – Inquiry regarding his landscaping company.

Chair Sauber stated that Mr. Anderson's online property statement states that the primary use is residential. Mr. Anderson states that he would like to move his landscaping company to the property.

Attorney Lemmons stated that growing nursery stock is fine. Running a business is a little different. You can raise horticultural stock and equipment to raise the stock is fine and even selling it is fine.

Mr. Anderson stated that he has 10 trucks and 8-10 trailers.

Attorney Lemmons stated that the one concern would be the equipment Mr. Anderson would use to do landscaping offsite. This would be a horticultural service and for that you

would need a Conditional Use Permit. The Planning Commission and the Town Board cannot tell you ahead of time whether you are going to get it or not.

**Dawn Anderson – 29002 Isle Avenue**

Ms. Anderson had a question regarding another landscaping business in the area and wondered if they had a CUP.

Chair Sauber stated that she did not know and could not comment on that.

Ms. Anderson asked if it mattered if it was on a township road or a county road.

Chair Sauber stated that a township road would be a concern from neighbors.

Mr. Anderson stated that residents would not be able to see any of the trucks. Mr. Anderson does not yet own the property.

Chair Sauber stated that Mr. Anderson could come to the Town Board meeting on Monday and get their take on it.

Supervisor Rogers stated that there are three landscaping companies in the area.

Chair Sauber stated that the Planning Commission is only advisory and the Town Board makes their own decision.

Ms. Anderson questioned whether the current owner could apply for the Conditional Use Permit.

Attorney Lemmons stated that they could and then the Conditional Use Permit would transfer with the property.

Chair Sauber stated that there would have to be a Public Hearing, it would also have to be posted in the paper and postcards need to go out to residents.

Mr. Lemmons stated that Supervisor Rogers offered to speak with the Andersons after the meeting.

**Town Board Liaison Report – Supervisor Dan Rogers**

Dan Rogers reported that it was a quick meeting.

- The new blind was delivered and Supervisor Hansen will put it up.
- Supervisor Barfknecht read from the Minnesota Association of Townships regarding citizen input.
- Lot split approval for Timothy and Cindy Murphy

- The Board recommended that Alan and Joan Storlie appear before the Planning Commission to apply for an Ag-Exempt Building Permit Application.
- Motion was made to allow Supervisor Hansen to schedule a meeting with the Metropolitan Airports Commission for himself and Attorney Lemmons.
- Motion made to review the issue surrounding putting recordings of meetings on the website, including the Data Practices Act, Township policies and advice from the Minnesota Association of Townships.
- Board directed Clerk to send a second notice letter via registered mail to Connie Anderson regarding demolition of a building on her property.
- Motion made to direct Attorney Lemmons to draft a policy regarding escrow accounts for demolition permits.

## **Old Business**

### **Sump Pump Ordinance response from Darrel Gilmer, Building Inspector:**

Mr. Gilmer stated, *“Interior code compliance for sump pumps are covered under the Minnesota Plumbing Code. Exterior discharge is not regulated with exception to discharge to septic systems (MPCA-7080). After review of Ordinance Number 2017-03 there does not appear to have any code compliance issues.”*

Chair Sauber stated that the Sump Pump Ordinance is not a problem.

### **Review of Attorney Draft of Transfer of Building Rights forms:**

The Planning Commission and Attorney Lemmons made a couple of changes to the residential building right transfer application. Planning Commission stated that the clustering agreement would be reviewed at the Planning Commission in October. Attorney Lemmons to provide procedures and a checklist for the October meeting.

Deputy Clerk to put annotated forms in the packets for the October meeting.

## **New Business**

### **Set date for October Road Review:**

Deputy Clerk directed to send out a doodle poll to the Planning Commission and Otte Excavating to set a date for road review. October 7, 2017, would be the preferred date at 8:00 AM. Deputy Clerk to contact Commissioner Larson to see if she would be willing to drive.

### **Minutes Approval:**

#### **February 6, 2017:**

Chair Sauber moved to approve the February meeting minutes as amended. Commissioner Fredlund seconded. Motion carried unanimously.

#### **April 25, 2017**

Commissioner Fredlund moved to approve the April 25, 2017 Public Hearing minutes as amended. Commissioner Funk seconded. Motion carried unanimously.

**August 1, 2017**

Commissioner Fredlund moved to approve the Planning Commission meeting minutes of August 1, 2017 as amended. Commissioner Funk seconded. Motion carried unanimously.

**Adjournment**

Commissioner Fredlund moved to adjourn. Commissioner Funk seconded. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk