

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

PLANNING COMMISSION MEETING
May 5, 2020 – 7:00 p.m.
Via Teleconference

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is not practical or prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meetings shall be conducted entirely through teleconferencing or other electronic means.

Call to Order

The Planning Commission Meeting was called to order at 7:00 p.m. by Clerk Rane Solis.

Commissioners Present: Bill Clancy, Julie Larson, Allen Novacek, Nancy Sauber and Randy Wood.

Others Present: Rane Solis (Town Clerk), Lu Barfknecht (Town Board Liaison), Ralph Fredlund, Tim Murphy, Gloria Belzer, Steve Sauber, Brian Ahern, Stefani Tupy, Jody Arman-Jones, Linda Pipkorn, Mike Resop.

Election of Planning Commission Chair and Vice Chair

Current Planning Commission members are as follows:

Allen Novacek	3-year term (2021)
Randy Wood	3-year term (2021)
Bill Clancy	2-year term (2022)
Julie Larson	3-year term (2023)
Nancy Sauber	3-year term (2023)

Clerk Solis opened the floor for nominations for the 2020-2021 Planning Commission Chair. Commissioner Wood nominated Nancy Sauber, seconded by Commissioner Clancy. Commissioner Novacek nominated Julie Larson, Commissioner Larson declined the nomination. Hearing no others, the floor was closed for nominations. Nancy Sauber accepted the nomination and the Clerk called for a ballot vote. The Clerk announced the votes: 4 Aye votes and 1 Nay. Nancy Sauber was elected as Planning Commission Chair.

Clerk Solis opened the floor for nominations for the 2020-2021 Planning Commission Vice Chair. Commissioner Clancy nominated Julie Larson, seconded by Commissioner Novacek. Julie Larson declined the nomination. Commissioner Larson nominated Randy Wood, seconded by Chair Sauber. Hearing no others, the floor was closed for nominations. Randy Wood accepted the nomination and the Clerk called for a ballot vote. The Clerk announced the votes: 4 Aye votes and 1 Nay. Randy Wood was elected as Vice Chair.

Nancy Sauber proceeded as Chair for the remainder of the meeting.

Approval of the Agenda

Chair Sauber requested the following additions to the agenda under New Business: Topics for Round Table discussion:

5. Checklist omissions
6. Ordinance 50, septic update and enforcement
7. Proof of filings
8. Training

Chair Sauber encouraged the Commissioners to notify the Clerk if they have any other items to add to the Round Table agenda.

Motion: Vice Chair Wood moved to approve the agenda as amended, seconded by Chair Sauber. *Motion carried 5-0.*

Citizen Inquiry

None

Permit Requests

Mike Resop, 9510 235th St. W., PID 13-00700-75-021 – New residence application

The application was represented by Mike Resop and his contractor, Steve Sauber. Chair Sauber issued a reminder that permit requests in the Vermillion River Watershed district are required to obtain a permit from the watershed *prior* to submission of the permit application to the Township. Without that document, the application is incomplete. Chair Sauber noted that the site plan indicates sufficient setbacks. The shoreline limits have been properly flagged. She reminded the applicant that a buffer will be needed once the land use changes from Ag to residential.

Motion: Commissioner Novacek moved to forward to the Board with a recommendation to approve the new residence application for Mike Resop on PID 13-00700-75-021, seconded by Chair Sauber with a friendly amendment recommending approval for the Board's consent agenda. A roll call vote was taken: Allen Novacek – Aye; Nancy Sauber – Aye; Randy Wood – Aye; Bill Clancy – Aye; Julie Larson – Aye. *Motion carried 5-0.*

Land Use

Estate of Oren Larson/Linda Pipkorn, 10111 267th St. W., PID 13-03000-51-012 – Lot split

The application was represented by Linda Pipkorn, representative of the Estate of Oren Larson, and her realtor, Stefani Tupy. Chair Sauber commented that the current parcel is the result of a complicated series of splits and mergers, now consisting of a 95.438-acre parcel to be split into parcels A and B as described by their legal descriptions on the application. Stefani Tupy added that they would like to record that a building right is to be incorporated with the 10-acre parcel. Chair Sauber informed that this can be accomplished with the Town Board, either in the minutes of the meeting or with a letter.

Motion: Chair Sauber moved to forward to the Board for their consent agenda, the recommendation to approve the lot split application for the Estate of Oren A. Larson, Linda Pipkorn representative, for PID 13-03000-51-012 to be split as described in the legal description of parcels B and C on the lot split application form, seconded by Commissioner Novacek. A roll call vote was taken: Nancy Sauber – Aye; Allen Novacek – Aye; Randy Wood – Aye; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

Town Board Liaison Report (Lu Barfknecht)

Supervisor Lu Barfknecht provided a summary of the April 13, 2020, Town Board meeting:

- Referred Ken Malecha to Jeff Otto for more information on building rights regarding his wish to purchase an Ag Preserve parcel and split it into four 10-acre parcels.
- Approved up to \$4,400 to repair two culverts on 225th, east of Highview.
- Approved up to \$8,000 to reclaim the ditch on 240th from Dodd, east to Iberia.
- Approved spending up to \$6,000 to reclaim the ditch on 235th from Dodd to the first driveway.
- Approved to request an estimate from TKDA for drainage repair issues in Eureka Estates.
- Signs are being replaced at the end of the Scotts Miracle Gro driveway indicating that trucks may only go north.
- Due to social distancing, Bryce Otte has offered to check for road issues and submit a list to the Board in place of the annual road review by the Supervisors.
- Bryce Otte offered to address the complaints received regarding gravel from winter plowing ending up in the ditches on Ipava and Highview.
- Approved the garage addition permit for Matt Marschall.
- Approved the annual CUP review for Mark Nelson's airstrip. The annual reviews for Chris Hale (Spirit Ranch I), Terri Petter (Spirit Ranch II) and Butch Hansen's airstrip were tabled for non-appearance and the Clerk was directed to send notices requiring attendance at the May Town Board meeting.
- A motion to mail another one-time letter to residents indicating the posting location of notices failed due to expense and the fact that such notices have been previously sent out.
- Appointed Julie Larson and Nancy Sauber to three-year terms, and Bill Clancy to a two-year term on the Planning Commission.
- Greater Mn Gas expressed concern about the right-of-way fees charged by the Township. In response, the Board will be reviewing the current fee schedule at the May meeting.
- There were no new updates regarding Progressive Rail
- Discussed procedures for handling sealed bids via teleconferencing. The Board approved authorizing the Clerk to open the sealed Road Maintenance bids on behalf of the Board at the May meeting.

Vice Chair Wood asked if the Township has received a schedule for dust control.

Supervisor Barfknecht indicated that the dust control bid had been tabled in order for Supervisor Hansen to check into obtaining dust control and gravel from the County. However, we were too late to be included this year. Due to the delay in awarding the contract, dust control is not on schedule as of yet.

Old Business

Solar energy text amendment

Chair Sauber stated that she had spoken with ex-Commissioner, now Supervisor Fredlund to understand his intent in proposing to add the following items from the conditional use permit list to the ground-mounted ASES:

- (h) **Ground-Mounted ASES will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially zoned or used land**

so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land. (Resolution 59, 8-13-2007)

- (i) The Ground-Mounted ASES structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.

She confirmed that it was to protect neighbors in individual cases. Chair Sauber, noting that item (h) addresses use and item (i) addresses the structure and sight, stated that these are two different things and one does not cover the other. She recommended eliminating (h) and (i) because this puts the Ordinance language with one foot in permitted uses and one foot in conditional use permits. This would call for a quasi-judicial decision by the Board.

She recommended the following replacement language:

- (h) The Town Board may require screening for ground-mounted ASES greater than 20 kilowatts, and up to and including 40 kilowatts.

This accomplishes the previous intent while staying as a permitted use in its essence, without bleeding into the conditional use permit language.

Vice Chair Wood asked Supervisor Fredlund if he agreed that the new recommended language addressed his concerns, to which he stated that it did.

Commissioner Clancy questioned whether this vacates the need for commentary regarding adverse effects on adjacent properties and depreciated value. Chair Sauber offered that, in her opinion, it does, given the fact that the Board may require screening which would protect a neighbor who felt that it had a negative impact. Screening could be a number of things, all of which would have to shield the solar array from the neighbor without impeding its utility. By allowing this use, we are indicating that there are no adverse effects.

Motion: Chair Sauber moved to advance the revised language to the Board for its comment or approval, and then to the attorney for suggestions, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – Aye; Allen Novacek – Aye; Randy Wood – Aye; Bill Clancy – Aye; Julie Larson – Aye. *Motion carried 5-0.*

Consent agenda-ready applications and motions

Chair Sauber expressed that with the Board wanting to utilize a consent agenda, when the Planning Commission is reviewing applications it would be helpful to raise points or ask questions before making motions to ensure that the motions express the correct information for the Board to rely on. She stated that this is how she would like to handle applications. There was no comment from the remainder of the Commission.

Zoning questions on applications

Chair Sauber stated that, while it is true that zoning has to do with placement and setbacks, it also has to do with use, making it fair for the Commissioners to ask questions about the use for zoning as well as proper fee purposes. For example, regarding an application for an accessory building, it should be clarified for the record that the use is for personal storage and not for a business. Everyone is better served with this made clear. If an application isn't clear about the use, we also cannot be assured that the proper fee has been applied. It is our responsibility to ensure that the fees are appropriate for the permits being issued.

Training

Chair Sauber strongly encouraged Commissioners to attend training, such as Your Role as a Planning Commissioner and Basics of Planning and Zoning. It is imperative that the Commissioners have a basic understanding of government, the history of zoning, the purpose of zoning, how the Planning Commission interacts with the Town Board, etc.

MAT manuals

Chair Sauber asked the Clerk to request permission from the Board to purchase hard copies of the MAT manual for any Commissioner who would like a copy. Commissioners Sauber, Wood, Clancy and Larson expressed interest in obtaining copies.

Ordinance status

A recent email from the Clerk indicated that the Ordinance recodification is close to completion. Chair Sauber voiced that the Commissioners should look to the Board to provide more information about it, and assumes both bodies will be reviewing it for any comments.

Regular agenda item for Clerk or Deputy Clerk issues

Chair Sauber stated the agenda item Clerk Issues that she added in the past was meant to be a venue by which the Planning Commission, as a body, can communicate with the Clerk. Some have taken the phrase to mean that there are problems. She felt that the word “issues” should be changed to a more neutral word, like “topics” or “matters”.

New Business

Round Table meeting Planning Commission topics for discussion

Chair Sauber commented that the Round Table working meeting is the Commission’s opportunity to communicate ideas and concerns with the Town Board. She encouraged the Commissioners to relay any items of discussion they would like addressed to the Clerk for the agenda.

Determine Liaisons to the Town Board meetings

Chair Sauber asked for each Commissioner to volunteer to be the liaison for at least two meetings. Commissioner Novacek asked to address an issue before agreeing to participate. He expressed opposition to the Chair attending the meetings and offering comment to the Board. Chair Sauber responded that, as Chair, it is her duty to ensure that the Board is receiving all pertinent information it is relying on to act. Commissioner Novacek offered that he agrees, but feels that it demeans and disrespects the position of liaison and, therefore, declines to participate. Chair Sauber indicated that that is his opinion, and she disagrees that it is demeaning or disrespectful. She further indicated that it is Mr. Novacek’s decision to decline to share the work with the other Commissioners. Commissioners Larson, Clancy and Wood expressed that they are in favor of having the Planning Commission Chair alongside the liaison at the Town Board meetings.

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

May 11, 2020	Randy Wood	November 9, 2020	Randy Wood
June 8, 2020	Julie Larson	December 14, 2020	Julie Larson
July 13, 2020	Nancy Sauber	January 11, 2021	Bill Clancy

August 10, 2020	Randy Wood	February 8, 2021	Nancy Sauber
September 14, 2020	Julie Larson	March 8, 2021	Julie Larson
October 13, 2020 (*Tues)	Nancy Sauber	April 12, 2021	Bill Clancy

Chair Sauber offered a reminder that if the scheduled liaison cannot fulfill their duty for a particular month, it is their obligation to find a replacement and inform the Clerk of the change.

Supervisor Fredlund explained that liaisons are not required at the secondary monthly Town Board meetings. The Town Board liaison to the Planning Commission meetings will provide an update of both meetings. Commissioner Larson asked if the Board will be addressing permit applications at their secondary meeting that are received after the Planning Commission meeting. Supervisor Fredlund responded that, should an applicant request to be added to the secondary Board agenda, they would need to request and pay for a Special meeting with the Planning Commission. Discussion included managing citizens expectations regarding the permitting process. Chair Sauber requested that the newsletter include a reminder that the Planning Commission meets on a monthly basis, that applicants need to plan ahead, that projects occurring within the Vermillion River Watershed must submit a watershed permit as part of their application, and that incomplete applications will not be processed.

Set regular meeting dates for Planning Commission meetings

Motion: Commissioner Larson moved to designate the first Tuesday of every month, with the exception of November, to meet on Wednesday the 4th due to Election Day, seconded by Vice Chair Wood. A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye; Allen Novacek – Nay; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 4-1*, with Commissioner Novacek opposed.

Minutes Approval

Minutes of the April 7, 2020, Planning Commission meeting

Motion: Commissioner Novacek moved to table approval of the minutes until the June meeting, seconded by Commissioner Larson. A roll call vote was taken: Randy Wood – Aye; Allen Novacek – Aye; Julie Larson – Aye; Bill Clancy – Aye; Nancy Sauber – Aye. *Motion carried 5-0.*

Adjournment

Motion: Chair Sauber moved to adjourn the meeting, seconded by Commissioner Larson. *Motion carried 5-0.* Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Planning Commission Chair Date