

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**PLANNING COMMISSION MEETING**  
**August 4, 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 7:02 P.M. by Chair Sauber.

Commissioners Present: Nancy Sauber (Chair)  
Randy Wood (Vice Chair)  
Allen Novacek (Commissioner)  
Bill Clancy (Commissioner)  
Julie Larson (Commissioner)

Others Present: Raneé Solis (Town Clerk), Jeanie Fredlund (Deputy Clerk), Tim Murphy (Town Board Liaison), Ralph Fredlund, Gloria Belzer, Carol Cooper and Jody Arman-Jones.

**Approval of the Agenda**

*Motion:* Chair Sauber moved to approve the agenda as presented, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – Aye; Bill Clancy – Aye; Randy Wood - Aye, Allen Novacek – Aye; Julie Larson – Aye. *Motion carried 5-0.*

**Citizen Inquiry**

(None)

**Permit Requests**

(None)

**Land Use**

(None)

**Town Board Liaison Report** *(Tim Murphy – Liaison)*

Supervisor Murphy provided a summary of the July Town Board Meetings as follows:

July 13, 2020 Town Board meeting

- Mike Callahan of Minnesota Paving & Materials provided an update on the status of the mining pit.
- County Commissioner, Mike Slavik, provided an update on COVID-19 and roads.

- Citizen inquiry regarding the possibility of building an open storage yard on a parcel on Highview Ave.
- Approved the consent agenda consisting of a lot split and June meeting minutes.
- Nancy Sauber provided the Planning Commission Liaison report.
- Approved permit requests for Adam Jakes and Tim Murphy.
- Hired Mark Henry as the new Road Superintendent.
- Followed up on three complaints.
- Received a Weed update.
- Addressed HR safety concerns.
- Planning Commission update on the density research issues.
- Planning Commission update on General Code Legal Analysis Review was tabled.
- Meeting adjourned at 10:16 P.M.

#### July 27, 2020 Town Board meeting

- Approved net pay and claims.
- Adopted Resolution 2020-08 appointing election judges for the August Primary.
- The new Road Superintendent, Mark Henry's toured township roads and provided a Road Report and recommendations.
- Scheduled the Town Clerk's annual review.
- Discussed four-wheeling on Township roads.
- Building Code and fee changes.
- Followed up on four complaints.
- Added a Round Table item to the August 24<sup>th</sup> Town Board meeting to discuss the General Code Legal Analysis.
- Received an update on the TKDA Eureka Estates project.
- Meeting adjourned at 7:46 P.M.

#### **Old Business**

(None)

#### **New Business**

##### Planning Commission Policies and Procedures Manual Review

Chair Sauber reviewed the Planning Commission Policies and Procedures Manual, last revised in October of 2015, and recommended the following changes:

- Page 2: Update the Planning Commission members.
- Page 4: Update with all changes to the Ordinances since the last amendment in 2006.
- Page 5: Question for the Attorney regarding the language stating "showing the vote of each Member on each question requiring a vote". This indicates that a roll call vote would be required for each motion.
- Page 11: A. (5) add "or, upon request and Town Board approval, receive a hard copy of the manual."
- Page 13: Ch. 7 – Yearly Work Plan. With the hiring of a Road Superintendent, the Town Board may no longer require the Planning Commission to perform the fall

road review and annual road recommendations. Chair Sauber requested that Commissioner Wood, as the liaison, inquire about this at the next Town Board meeting.

- Page 14: Ch. 1 (A) change “by end-of-day” to “2:00 pm”. Ch. 3 (C) remove “Preparing a summary” but keep “Clarify any actions to the Town Board at each regularly scheduled Town Board Meeting; a Planning Commission liaison will be appointed to attend regularly scheduled Town Board Meetings.

*Motion:* Chair Sauber moved to keep the language as stated, seconded by Vice Chair Wood. A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye; Julie Larson – Aye; Bill Clancy – Aye; Allen Novacek – Nay. *Motion carried 4-1.*

Commissioner Novacek noted for the record that it does not serve the liaison to have the Chair or Vice Chair present to make corrections, as this creates disrespect for the position.

- Page 16: Ch. 5 (A.)1) change to “shall be at noon on the Thursday at least ten (10) days before...”.
- Page 17: C. 1. (g) change “Issues” to “Matters”.
- Page 18: Update with the current over-the-counter permits as approved by the Town Board (eg., pools, decks, move in a building).
- Page 21: Ch. 3 (3) Voting – ask the Town Attorney if all motions need to be roll call votes, as stated.
- Page 24: Ch. 5: add to the end of the paragraph “for CUPs and IUPs with the potential to request the Attorney for other matters at their discretion.”

In addition, Chair Sauber pointed out several areas of the manual including:

- Planning Commissioners should notify the Planning Commission Chair and Town Clerk immediately of any educational or informational meetings at which there is the potential for a quorum of Commissioners so the meeting can be posted on the Township calendar.
- Planning Commissioners shall, at the next regular meeting of the Planning Commission, make a report to the Commission about the information they received at any training or informational meetings they have attended.
- If a Commissioner is unable to attend a scheduled Planning Commission meeting, they are requested to contact the Town Clerk or Planning Commission Chair in advance of the meeting to provide notice that they will be unable to attend.
- Planning Commissioners are encouraged to contact MAT concerning general questions of procedure or statutory requirements.
- Only complete applications that include all required information, supplemental exhibits, and fees shall be placed on the Planning Commission agenda for action.
- Draft minutes of the last Town Board meeting shall be placed in Planning Commission members’ folders no later than 2:00 pm Thursday, before the Planning Commission meeting.

- The agenda shall include a version number to distinguish the final version from earlier versions.
- A draft agenda shall be emailed to all Planning Commission members no later than 2:00 pm Thursday, before the scheduled Planning Commission meeting.
- The final agenda for the meeting shall be emailed to all Planning Commission members no later than 12:00 noon on the day of the Planning Commission meeting.
- Agendas for regular and special Planning Commission meetings shall be created by the Chair and Deputy Clerk. Members may contact the Deputy Clerk or Chair to request that an item be added to the agenda for an upcoming meeting, ideally by noon Monday, one week before the meeting.
- Approval of any action taken by the Planning Commission requires approval by a majority of the quorum. Voting with a recusal of a member is considered as removal from the quorum, and an abstention by a voting member considered a nay vote.
- Taking public testimony. All comments shall be addressed to the Chair. The purpose of the hearing is to take testimony from the public, not conduct a debate with the applicant. NO direct discussion should occur between the applicant and audience or between audience members except at the direction of the Chair.
- The Deputy Clerk (or in the Deputy Clerk's absence, a Planning Commission member) shall record and take minutes of all public hearings.
- Deputy Clerk to post the Approved minutes to the Township website within 72 hours after they are approved.

Commissioner Novacek announced that he spoke by phone with a MAT attorney regarding the Planning Commission engaging in conversation with public speakers at a public hearing. He stated that the attorney advised him that the Planning Commission's role is to listen to the residents and ask questions, to some degree, through the Chair. Chair Sauber requested that Commissioner Novacek email his questions to the attorney and forward the full correspondence to the Clerk for distribution to the Commissioners.

*Motion:* Commissioner Novacek moved to table pages 26-33 of the manual until the September Planning Commission meeting, seconded by Chair Sauber. A roll call vote was taken: Nancy Sauber – Aye; Julie Larson – Aye; Allen Novacek – Aye; Randy Wood – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

Vice Chair Wood read a comment submitted by Carol Cooper stating that she was unable to locate the public meeting packet on the website. The Clerk was unaware that the packet did not post to the website as was intended. Commissioner Novacek asked how the Planning Commission could ensure that the packets are posted in the future, and agreed to be the point person to offer a solution at the September meeting.

#### Draft Second Page for Over the Counter Permits

*Motion:* Chair Sauber moved to change the second page of the over-the-counter permits for pools, decks and moving in a building by adding Chair or Vice Chair for Planning Commission signature, remove Recommendation to Town Board, and delete the Town Board signature box, seconded by Commissioner Clancy. 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.*

**Feedlot Update**

Commissioner Larson recommended that the Planning Commission review and update the language in Ordinance 3, Section 2 (E) in accordance with the Minnesota Pollution Control Agency (MPCA) permit.

**Minutes Approval**

**Minutes of the July 7, 2020, Planning Commission meeting**

The following corrections were pointed out: page 2 under the June 8<sup>th</sup> Town Board meeting summary – add “on” after moratorium; page 2 under the June 22<sup>nd</sup> Town Board meeting summary – change no to not; page 3 under Empire Township – change cam to came and add “Pre-1982 Lots of Record” after 200 non-developed.

*Motion:* Chair Sauber moved to approve the minutes as amended, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – Aye; Julie Larson – Aye; Randy Wood – Aye; Bill Clancy – Aye; Allen Novacek – Abstain. *Motion carried 4-1.*

**Clerk Matters**

**Public Hearing Minutes**

Chair Sauber requested that the minutes of the solar energy Public Hearing be submitted to the Planning Commission.

**Adjournment**

Chair Sauber moved to adjourn, seconded by Commissioner Larson. Meeting adjourned at 8:36 pm.

Respectfully submitted,

\_\_\_\_\_  
Ranee Solis, Town Clerk

Minutes Officially Approved by: \_\_\_\_\_ on: \_\_\_\_\_  
Planning Commission Chair Date