

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
October 5, 2021-7:00pm

Call to Order

The Planning Commission Meeting was called to order at 7:01pm by Chair Wood.

Commissioners Present: Randy Wood (Chair)
 Bill Clancy (Vice Chair)
 Debbie Burkhardt (Commissioner)
 Chad Berg (Commissioner)
 Julie Larson (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Chad Lemmons (Township Lawyer)
Nancy Sauber, Tim Giles, Bobby Biebl, Becky Devine, Josh Malwitz, Jerome Phillippe
Zoom Participants: Brian Ahern, Jody Arman-Jones

Approval of the Agenda

Two items were added to New Business:

- C. First class postage changes
- D. Building Permit length

Motion: Chair Wood moved to approve the agenda as amended, seconded by Commissioner Burkhardt. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Aye; Julie Larson- Aye; *Motion carried 5-0.*

Citizen Inquiry

- A. Josh Malwitz, building eligibility and building rights.

***PIN 13-01900-30-020**

The Planning Commissioners, along with Mr. Malwitz, examined the property map from the Dakota County GIS site, which shows the possibility for building on this parcel.

***PIN 13-01900-03-014**

The Planning Commissioners do not see a building right available on this parcel.

The Commissioners advised the following for further clarification of building eligibility:

1. Determine if there is a native right on the Quarter-Quarter, with an understanding if the Quarter-Quarter has two landowners; it is a shared building right.

2. Obtain a stub abstract for the property from a licensed abstractor. The stub abstract should commence with the most recent deed prior to April 12, 1982, or forty years from the date of application. Attorney Chad Lemmons explained the reason why the date April 12, 1982, was selected, is to determine if the parcel has a grandfathered right.

B. Robert Biebl, proposed pole shed.

A list of questions was provided to the Planning Commissioners, and an explanation of the building permit process was given. Mr. Biebl considered starting the project this fall with a concrete floor, however due to the permit expiration rules, the decision was made to wait until spring to proceed.

Permit Requests

A. TC Construction, INC. *New Home Construction; PIN 13-02700-04-011

Discussion took place about the home that was demolished on this substandard property in December 2019 and the loss of a building right if the landowner did not rebuild within one year. In order to proceed a Lot of Pre-1982 Record must be submitted.

Motion: Commissioner Larson moved to recommend to the Town Board a denial, with the right to reapply, of Tim Giles application. Chair Wood seconded. Roll call vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Nay; Julie Larson-Aye; *Motion carried 4-1.*

Land Use

A. Jerome Phillipe

1. Building Right Transfer., PIN 13-03100-75-010 to 13-03100-77-016
2. Lot Split., PIN 13-03100-76-010
3. Lot Split., PIN 13-03100-77-016

The Planning Commission was presented with a survey detailing measurements and legal lot descriptions. The one survey for both lot splits proved to be difficult to decipher. The Township Lawyer offered to amend the description on the survey to help clarify the data, specifically on the sections BB, CC, DD, which represent the driveways to each parcel.

Motion: Vice Chair Clancy moved to recommend to the Town Board an approval of Jerome Phillipe's application for the lot split on PIN 13-03100-76-010 as modified by the Township's attorney showing the legal description on sections BB, CC, and DD. Commissioner Berg seconded. Roll call vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Aye; Julie Larson-Aye; *Motion carried 5-0.*

Motion: Vice Chair Clancy moved to recommend to the Town Board an approval of Jerome Phillipe's application for the lot split on PIN 13-03100-76-016. Seconded by Commissioner Berg. Roll call vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Aye; Julie Larson-Aye; *Motion carried 5-0.*

Motion: Vice Chair Clancy moved to recommend to the Town Board an approval of Jerome Phillipe's Residential Building Right application for the sending PIN 13-03100-75-010 to the receiving PIN 13-03100-77-016. Seconded by Chair Wood.
Roll call vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Aye; Julie Larson-Aye; *Motion carried 5-0.*

Town Board Liaison Report

Supervisor Fredlund presented a summary of the September 13 and September 27, 2021, Town Board Meetings.

Highlights:

- Approval was granted for the Road Superintendent to place a “stop ahead” traffic sign on 240th St. heading east to Cedar Ave.
- Approval was granted for Chair Wood to purchase an opaque projector, not to exceed \$300.
- Approval of building permits for the following citizens:
 - Ryan & Kim Johnson
 - Ed Endress
 - Bernardo Omana
- Housing Right Transfer approval for Ken Malecha
- Agreement was made that a Town Board Supervisor or Planning Commission member will not be paid for a meeting if attending via Zoom without proper notice of remote attendance.
- Approval of having the Township's lawyer present at the Planning Commission meetings when building rights and transfers are on the agenda.

Supervisor Fredlund also shared that the Road Committee held a meeting on September 15, 2021 and scheduled drivers to observe the road conditions on October 7, 2021.

Old Business

A. Recommendation rationale-Ordinance 3, Chapter 3, Section 5 text amendment

Rationale explained by Vice Chair Clancy: The 33-foot frontage requirement was established for good reason. It proactively at the time of establishing a lot, creates access to a road. If this was not done, the resident could later request the township establish access; stating they have a right to have a road built, according to the MN Cartway Statue. Legal Counsel Chad Lemmons concurred. *Towns must establish cartways to landlocked property of certain minimum size upon a proper petition from the owners of the property. Minn. Stat. §164.08*

Motion: Vice Chair Clancy moved to make no changes to this ordinance due to the burden it may cause the Township in the future. Commissioner Larson seconded. Roll call vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Chad Berg- Aye; Julie Larson-Aye; *Motion carried 5-0.*

New Business

A. Mining pit review (Commissioner Burkhardt)

- Commissioner Burkhardt led the discussion on how to proceed with the Town Board's request to review mining agreements. Vice Chair Clancy and Commissioner Burkhardt volunteered to pull all current agreements and read through the paperwork that are kept in files at the Town Hall. Together they will then compose a letter to send to the five active mining companies to remind them of performance standards and what documentation each company should provide at the February review.

B. Scott County Home Occupation Zoning Ordinance (Chair Wood)

- Chair Wood explained that he felt that Scott County went a bit further than what Eureka Township needed. He suggested to look at Empire Township's Home Occupation Ordinance for guidance. It will be a joint effort with the Town Board and the Planning Commission to work on this ordinance.

C. First class postage changes

- Commissioner Larson wanted all to be aware of the new first class postal changes, whereas it takes five to seven days to receive mail. She suggested to take this into consideration when sending out notices and to allow adequate mailing time when scheduling public hearings.

D. Building Permit length

- Vice Chair Clancy noticed that citizens do not want to apply too early and thought it might be helpful with the process to change the permit length. The thought of a possible text amendment to the building permit to extend beyond the 180 days to nine months was mentioned. With an existing permit extension option already in place, it was decided the amendment is not needed.

Minutes Approval

A. September 7, 2021, Planning Commission meeting

A conversation began about how to document a commissioner, who was unable to be a participating member but did attend a meeting by remote access, should be listed on the attendance section of the meeting minutes. It was determined the best practice is to mark the commissioner as absent with the inclusion of the name as a citizen attendee.

Motion: Vice Chair Clancy moved to approve the September 7, 2021, minutes as submitted, seconded by Commissioner Burkhardt. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt -Aye; Chad Berg -Aye; Julie Larson-abstain. *Motion carried 4-0.*

Deputy Clerk Matters

A. Ordinance 7: Fees/ OTC Permits

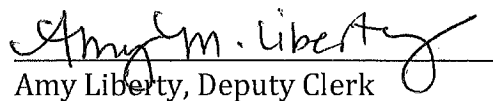
- Question as to where the fee schedule is listed for the Over-the-Counter permits, in particular the re-roofing and re-siding permits. It was discussed that the fees are reviewed annually coinciding with the permit inspection company costs. A fee schedule is then set and followed. The Township Lawyer noted that it is not mandatory to have these fees listed in the ordinance book.


Adjournment

Motion: Commissioner Larson moved to adjourn the meeting, seconded by Chair Wood. Roll Call Vote: Randy Wood - Aye; Bill Clancy - Aye; Debbie Burkhardt -Aye; Chad Berg-Aye; Julie Larson-Aye; *Motion carried 5-0.*

Meeting adjourned at 9:48pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 11/3/21
Planning Commission Chair Date



Planning Commission Meeting

Attendance

Tuesday, October 5, 2021

7:00 PM

Printed Name:

Nancy Sauber

Tim Liles

Bobby Biel

Debra Bime-Johnson

Seamus Phillip

Address:

9445 225th St. W. Lkvl.

7543 Hazelwood Ave

24835 Dodd Blvd. Lkville

924te Cambridge Lane SNN

27792 Darcia Ave Lkvl