

Eureka Township

Dakota County

State of Minnesota

Roundtable Meeting of November 10, 2011

Call to Order

Chair Brian Budenski called the November 10, 2011, Roundtable Meeting of the Town Board and the Planning Commission to order at 7:08 p.m. Members present were Supervisors Brian Budenski, Nancy Sauber, Dan Rogers, Pete Storlie and Kenny Miller. Planning Commission members present were Carrie Jennings, Lu Barfknecht, Gayle Klauser and Mark Ceminsky. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Also present was Township Attorney Trevor Oliver (arrived at 7:10 p.m.). Audience member present was Don Barfknecht.

Planning Commission Chair Carrie Jennings led the meeting.

The agenda was outlined in the posting notice.

1. General Expectations between Town Board & Planning Commission and relative roles

The Planning Commission has started a new policy of creating a letter of transmission to be included with the minutes. This letter will contain detail and would summarize their discussion.

The Planning Commission liaison to the Town Board meeting should summarize Town Board actions at the meeting and report back to the Planning Commission after the Town Board meeting. This summary should be sent to the Clerk to be sent to the other Planning Commission members.

It was suggested that the Roundtable Meeting be scheduled as a regular meeting at the Town Board Reorganizational meeting.

2. Public Hearing Minutes

Kent Sulem, MAT attorney, does not recommend including a person's name and address in the public hearing minutes. Public hearing minutes should include what issues and how the issues may have been answered. It is not important who made the statement. It is important to include applicant comments. In making this recommendation, Kent cited another Township that was sued by an individual who took issue with what the minutes stated he had said.

3. Proposed Planning Commission Work Plan

The Planning Commission outlined their Work Plan at their July 5, 2011, meeting. They completed the road tour on November 5, 2011. The Planning Commission is planning on addressing the Wind Ordinance and updating the Planning Commission Procedure and Policies Manual.

4. Ordinance Updates

The Planning Commission has done some research in updating the application forms. The Planning Commission will work with the Clerk to put together the information.

5. Liaison Role

Already addressed.

6. Nanett's Role

7. Communication between the Planning Commission and Clerk

The Clerk asks for better communication between the Planning Commission and the Clerk. If the Planning Commission has questions on an application, she asked that they get these questions clarified before the meeting so everyone is on the same page. She also asked that a brief summary of items that need to be addressed by the Clerk be emailed to her after the meeting. Helpful information would include Planning Commissioners present, name of next liaison to the Board, and the time the meeting was concluded.

The Planning Commission would like to see a monthly report from the Building Official of outstanding permits.

8. Attorney Advice

There were comments made that if two ordinances conflict then both would become null and void. The Township Attorney commented that one should do everything one can to read them together and try to make them work out. If there is truly a conflict, they should be flagged and put up for proposed change. Usually one rule will supersede the other. Each situation is unique. In the case of the two Ordinances cited regarding a situation in the Township, there isn't a conflict, but a highly unusual case in which a variance could be applied for.

The procedure for requesting the Attorney's presence at a meeting is outlined in the Attorney Engagement Policy. Any questions for the Attorney should be sent to Nancy Sauber, Attorney Contact for the Town Board. Any Town Board or Planning Commission member may request the Attorney to be present at a meeting, as can the Clerk. This should be done through the Township Attorney contact person. If any Supervisor or Commissioner hasn't read the Attorney Engagement Policy, please do so.

It is important that the Township Attorney is present at a Planning Commission meeting when a Public Hearing is held. (conditional use permits or similar permits)and records are developed. Findings of Fact should be written by Trevor before the Town Board meeting.

Additional information requirements for applications should be put into the Township Ordinances, especially for conditional use permits, interim use permits and the variances.

There was concern expressed about unenforced ordinances. It is the Township's general policy to address issues on a complaint basis. This is a common practice in municipalities with limited staff and resources. Town Board and Planning Commission members can initiate complaints. Items can be placed on the agenda by that body's members. Data Practices Law protects the complainant from being identified. The only direct authority for township to attach a penalty to an Ordinance is to make it a misdemeanor. A township cannot use administrative fines.

9. Zoning, Building, Conditional Use and Variance Application Supplemental Information (From Planning Commission) already addressed

A motion by Supervisor Nancy Sauber: to adjourn. Motion seconded by: Supervisor Dan Rogers.

Meeting adjourned at 8:21 p.m.