

**Eureka Township
Public Hearing
March 21, 2006
Eureka Town Hall**

North Cannon River Watershed Management Organization- Stormwater Ordinance

Planning Commission members present included Mike Greco, Francie Madden and Cory Behrendt and Clerk/ Treasurer Nanett Champlain to record the minutes.

Citizens present: Carolyn Papke and Gloria Belzer

Planning Commission Chair, Cory Behrendt called the public hearing to order at 7:36 pm.

The public hearing was called for the consideration of adopting the Model Stormwater Ordinance, titled "An Ordinance Establishing Erosion and Storm Water Management Requirements For Land Disturbances" adopted by the North Cannon River Watershed Management Organization on November 10, 2005.

Chair Cory Behrendt opened the floor for public comment. He briefly explained the content of the proposed ordinance.

Carolyn Papke- 5965 235th St W Farmington

Carolyn asked where the NCWMO was located in the township

Cory Behrendt

Cory showed her on the map- it is basically the south half of the township, water flowing south- Toward Northfield- Chub Lake Creek.

Gloria Belzer 24335 Dodd Blvd, Lakeville

Gloria commented that it sounds like the township will need an inspector and enforcement is involved, compliance. Who would be the inspector, who is qualified? There is also a possibility of an escrow fund

Cory Behrendt

We would have to explore if the current zoning administrator is qualified. Credentials of the person are not laid out in the ordinance.

Mike Greco

The Zoning Administrator for the township is the clerk.

Cory Behrendt

Page 10. Section 10.1 The Township shall be responsible enforcing this Ordinance.

Nanett Champlain

Dakota County Soil and Water is responsible for wetland areas, they would probably partially responsible for enforcement.

Cory Behrendt

There are 3 layers- Minnesota Pollution Control Agency National Pollution Discharge Elimination System (NPDES) Construction Permit, the County- Soil and Water District and the Township requires Storm Water Pollution Prevention Plan. (SWPPP)

Gloria Belzer

Have other communities adopted this Ordinance?

Cory Behrendt

Other communities are required to adopt the ordinance. All entities in the North Cannon River WMO need to adopt this plan or equivalent.

Nanett Champlain

The township must:

1. Adopt this ordinance in its entirety and add it to its current ordinances
2. Adopt provisions that are the same or stricter than this ordinance
3. Adopt selected provisions that are not already part of the community's ordinances.

Carolyn Papke

There is nothing in regards to fees. Section 8.6 (page 9) ... a registered professional engineer needs to sign the plans- that would be a big expense to the township.

Cory Behrendt

The ordinance states that the applicant would be responsible for engineer expense, not the township. The township is allowed to set fees as they feel are necessary. Section 7.3 provides for a fee schedule. Financial Securities are outlined in Section 8.

Chair Cory Behrendt asked for additional public comments, hearing none he closed the public input part of the meeting at 7:55 pm.

Planning Commission Recommendation:

- Adopt the minimum security amounts as stated. Section 8.3 Financial Securities – amounts of \$3,000 and \$5,000
- Fee Schedule- adopt same language as current ordinance: “The applicant shall be responsible for all expenses and outside fees incurred by the town board in the process of the application, the town board shall require escrow funds for fees of an attorney, professional services and other outside expenses prior to incurring the cost. The applicant shall be permitted to withdraw their application at any time but shall not be entitled to a refund of escrow funds already expended.
- Inspections: Need qualified individual is identified that can administer requests periodical basis as needed.
- Recommend training of planning commission and town board members.

- Develop forms and guideline sheets for the public of the process. is a detailed permit needed to be filled out by applicant? or use ordinance as a guideline?
- Clarify escrow fund procedure. Physical Process for managing Financial Securities be established. – Accounting, set up of escrow account and project funds.
- Clarify the structure of jurisdiction between other agencies. How does it align with enforcement of other plans? How is it enforced?
- Is the Vermillion River WMO Ordinance and North Cannon River WMO same-adopt one Ordinance for both?
- Integration into current ordinances. How does the proposed ordinance fit into the current ordinances- add as a separate Ordinance No. 9.
- Integration of definitions. Recommends leaving definitions in ordinance and not adding them to the Definitions in Ordinance 1: “Structure” will have two different definitions- would be defined in ordinances twice.
- Integration of Fees- pulled out of ordinance and added to current fee schedule.
- Section 2.1 “this ordinance covers all land disturbances within the jurisdictional boundaries of Eureka Township”- is this a true statement? Part of the Township lies within the Vermillion River Watershed. Is it the jurisdictional boundaries lying within the NCRWMO?

Additional requests:

- Watershed provides maps to the township.
- Research with other agencies involved on how this ordinance fits into their process. Talk to a representative of North Cannon River WMO, Soil and Water.
- After adoption an article should be placed in the newsletter so citizens are aware that the township has the ordinance.

A motion by Francie Madden: To send the model ordinance onto the town board with the planning commission recommendations and clarifications. Motion seconded by Mike Greco. The motion carried.

A motion by Mike Greco: To adjourn. Motion seconded by Francie Madden.

Meeting adjourned at 8:39 pm.