

# Eureka Township

## Dakota County

### State of Minnesota

Special Town Board Meeting  
May 16, 2005

Chair Connie Anderson called the Special Meeting of the Eureka Town Board to order at 7:01 p.m.

Town board members present were Connie Anderson, Dan Rogers, Gloria Belzer and Cheryl Monson.. Clerk/ Treasurer Nanett Leine to record minutes. Township Attorney, Peter Tiede. Supervisor Mark Malecha arrived at 9:18 pm.

Planning Commission members present were Corey Behrendt, Mike Greco, Kevin Flaherty, Francie Madden and Rich Stevens.

The meeting opened with the Pledge of Allegiance.

Agenda: To review the proposed ordinance and to consider recommended changes presented by the planning commission from the public hearing.

#### **Ordinance Work**

Following changes were made to the draft ordinance:

- Page 3- Under Agriculture- take out domestic.
- Commercial Agriculture- Remove: C. Add: “as define herein.”
- Definition of Companion Animals- Remove: Horses
- Definition of Agriculture- ...leave raising of livestock. Remove: rest of sentence.
- Feed lot- Remove: “but not including...”
- Page 4 should read: “clauses 1 to 12” section below “1 to 11”
- Automotive graveyard- add- “in” to tended (intended)
- Commercial Agriculture C. Livestock- sentence below remove entirely.  
Add word “exclusive” use 10 acres. And “excusive” use of 40 (in two places)
- Dog kennel must have a ~~conditional use permit~~ and a kennel license, which is renewable annually.
- Many places referenced by both Town of Eureka and Township of Eureka.  
Reference all as “Township of Eureka”
- Manufactured Home- use this definition  
Modular Home- see manufactured home  
Prefabricated Home- delete entirely.
- Domestic animal (is defined but not referenced to) Remove entirely.

- Non Farm Dwelling- Add: employed by
- Change the Definition of Platt: A map or chart of a lot...
- Add and Define: Reorganizational Meeting:
- Structural Alteration- Remove: second sentence. Add the word: "Structure"
- Definition of Township- means the geographical boundaries... (Take out organized government)
- Appendix ?- application will be attached to the zoning ordinance.
- Regular Meeting- Remove: "annually"
- Section 1
  - Regular Meetings- Delete entire paragraph "In the event..."
  - Special Meetings- Remove: C.
- Section 3- ~~leave as 2/3 vote.~~
- Section 4 Non Conforming Uses & Structures- adopted section of ordinance 9-7-2004
- Define: Private Dog Kennel
- Public Dog Kennel (it is commercial and not allowed in the Ag District)
- Chapter 2 Zoning Districts
  - Section 1. Ag District
    - C. Prohibited- Add: boarding of dogs
  - Section 2. Add to title: "Private" Dog Kennels
    - A. Add: "private" "owned or" occupied
  - Definition of Dog Kennel- ...harbored. Remove: the rest of the sentence.
    - B. Boarding Animals- Remove.
  - Section 3 Set Backs and Lot Dimensions
    - E. Add language- that can be closer to owners dwelling than 250' (Peter draft language)
- Aircraft hangers- add something like: Where hangers are located on leased property that commercial building standard apply. (Connie will check with Bob on hangers- ) Possibly add same requirements for leased or private land for hangers
- Top of page 63- 6. Should read "Comprehensive plan" not land use plan.
- C. Procedure- move items 8. & 9. after item 5.
- Page 64
  - 3. C. notify property owners within 350' (State Statute) by First Class Mail
  - Variances- change to 350' and First Class Mail
  - 10. Majority of a quorum- also change on Page 66 (for planning commission)
- B. Mobile homes- Remove: City Council Add; "Township"
- Feedlots- minimum setbacks- leave as Planning commission recommendation.
- Section 4. D.- Remove: Feedlot

Stopped at Chapter 8. Meeting recessed at 11:13 pm and will reconvene on Tuesday May 24, 2005 at 7:00 pm.

## Special Town Board Meeting of May 16, 2005 continued May 24, 2005

The meeting was reconvened at 7:00 pm.

Town board members present were Connie Anderson, Dan Rogers, Gloria Belzer and Cheryl Monson and Clerk/ Treasurer Nanett Leine to record minutes. Township Attorney, Peter Tiede.

Planning Commission members present were Rich Stevens. Mike Greco was also present, he was not a planning commission member at the time of the public hearing on the ordinances.

The definition of livestock was discussed. The possibility of using the State Statute definition was addressed. The town board could not come to a decision, they decided to take this issue up later in the meeting. At this time it was a split vote on the issue.

The review process started on Page 73 Chapter 8.

- Page 79 “junk cars” change to “junk vehicles” all references in ordinance.
- Page 86 Ordinance 4, Section 11  
A. Approaches- add: obtaining “a permit from” the town board
- Page 88 Section 16 C. “permit” changed to “permission” from the town board
- Page 89 Section 18 B. remove “ under MN State Statute section 160.27i”  
Delete “public” add “township” roadways.
- Page 89 Chapter 3. Section 1 add: excavation “ in a township right of way” before  
“disturbing” change “company” to “companies”
- Page 90 Chapter 4, Section 2 A. should read:  
Shall be at least eighteen (18) years of age. Persons under the age of 18 years must either 1) hold a firearms safety certificate recognized by the Minnesota Department of Conservation; or 2) be ) accompanied by his parent or guardian or by an adult who has written permission from the minor’s parent or guardian.
- Firearm is not defined- (move definition of shooting to fire arm.)  
  
Firearm- Regardless of the method of propulsion of the ammunition, firearms shall include but not be limited to shotguns, rifles, pistols, air rifles, B.B. guns, paint ball guns, slingshots and bows propelling pointed arrows.  
  
Shooting- The firing of firearms of any kind whatsoever.
- Remove all references of “as defined in shooting”
- Page 91 Section 4 Add before first sentence: “Except in conformance with a validly issued state permit”

### Chapter 2 Establishment of Fees

- F. Building Permit delete “1999” add: “fee schedule most recently adopted by the Town Board”

- I., L., N., R., S., J. add: ‘The applicant shall be responsible for all expenses and outside fees incurred by the Town Board in processing the application. The Town Board shall require escrow of funds for fees for attorneys, or professional services and/or other outside expenses prior to incurring such costs. Applicants shall be permitted to withdraw their applications at any time, but shall not be entitled to refund of escrow funds already expended.’
- J. Amended Conditional Use Permit change amount to \$250.00
- M. Kennel Operators License change amount to \$100.00
- Add: Utility Company Fee \$25.00
- Add: Approach permit Fee \$50.00
- Definitions- Remove Modular and Premanufactured Homes
- Page 70 Section 2 Feedlots 4. Conditional use permits- remove “article IV or Article XI (B)” add: “Ordinance 3, Chapter IV, Section 13”
- Chapter 5, Section 2 E. 3. add: soil “as soon as possible” delete “that no manure may be spread....feedlot operator” delete words “except that” add: “Further” manure may...
- Livestock definition- add: “but shall not include companion animals.”

A second public hearing for the purpose of taking public comment on revisions to the draft zoning ordinance made by the planning commission and the town board subsequent to the public hearing on April 18, 2005 will be held on Tuesday June 7, 2005 at 7:00 pm the Eureka Town Hall located at 25043 Cedar Ave. Copies of the proposed ordinances are available for review at the township office: Mondays 8:00 am -12:00 pm and Thursdays 4:00- 7:00 pm (phone 952-469-3736), via e mail eureka@frontiernet.net, website: eureka-township-mn.us or at the Dakota County Library branches in Farmington and Lakeville.

Such persons desiring to be heard with reference to this matter will be heard at this hearing

A motion by Supervisor Gloria Belzer: To adjourn. Motion seconded by Supervisor Cheryl Monson.

Meeting adjourned at 9:54 pm.