

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Special Town Board Meeting—Roundtable meeting of Eureka Town Board and Planning Commission  
May 31, 2007

#### **Call to Order**

Chair Dan Rogers called the Roundtable Meeting of the Eureka Town Board and Planning Commission to order at 7:00 PM. Members present were Supervisors Dan Rogers, Jeff Otto, Cory Behrendt, Gloria Belzer, Brian Budenski and Clerk/Treasurer Nanett Champlain, to record the minutes. Planning Commission members included: Mike Greco, Nancy Sauber, Sharon Buckley, Kenny Miller and Ken Olstad.

Others present: Building Inspector Bob Hegner and Gloria Pinke, Dakota County Property records.

The meeting opened with the Pledge of Allegiance.

#### **Agenda**

A motion by Supervisor Jeff Otto: To approve the agenda as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

#### **Building Inspection—Mr. Bob Hegner**

**A. New procedure for permits**—An e-mail was sent to Bob Hegner outlining the new permit procedures. All permits go through the clerk,

**B. Procedure for reporting to Township on status of a permit**—The Township should take action on expired permits. According to the Minnesota State Building Code, building permits expire 180 days from start of the project. The start of a project is when the permit holder calls for the first inspection. A project needs to start within 180 days of receiving a permit. Extensions are needed if a project has not been started in 180 days or a project has been started and not completed within the 180 day period. In either of these two cases, a written request for an extension needs to be submitted to the building inspector to keep a permit valid.

The Planning Commission will submit a list monthly to the Building Inspector 2 weeks prior to the Planning Commission meeting. The building inspector will submit a report back to the Planning Commission one week prior to their meeting. Planning Commission Chair Mike Greco will draft a written policy for planning commission and town board to review.

#### **C. Clarification on what requires a building Permit under the Minnesota State Building Code.**

According to Bob Hegner, permits are required on all re-roofing, re-siding, and egress window projects. Permits are not required on window replacement of same size, or only replacing sashes. Any structure over 200 sq ft needs inspections.

Nancy Sauber asked for clarification on inspections reports for building permits. She had questions on several permits. She provided a list to Bob Hegner.

Bob Hegner proposed that he be paid for only plan review upon issuance of the permit. The balance would be paid upon final inspection and submittal of the paperwork to the clerk.

## **Gloria Murphy—Dakota County Property Records**

Gloria Murphy, Property Descriptions Supervisor, presented a handout titled “Property Splits in Dakota County” *see attached document*

Submitting a property split (Obtaining a Property ID number) to Treasurer Auditor **does not** put the property “of record” in the Recorder’s Office (Property Records). The Treasurer-Auditor keeps track of tax parcels for tax purposes only, not recorded documents. There is a fee for recording a document in the Recorder’s Office.

In 1974 and 1975 when the County switched from manual to a computerized system the county sent letters to property owners informing them that they would consolidate parcels into one property tax ID number if the property owner had no objection. There could be properties with separate deeds, but only one tax parcel, because the parcels were consolidated.

All deeds that are recorded at the Recorder’s Office are signed by the Treasurer- Auditor’s Office.

Per current Township procedure, clusters are recorded in the County Recorder’s office by the town clerk. Splits are recorded in the Recorder’s Office by the landowner.

The split approval is complete upon the Treasurer-Auditor’s Office assigning a property identification number (PIN). Once the paperwork has been completed, it takes 1 to 2 weeks for a property split request to be processed through the Treasurer-Auditor’s Office.

The Treasurer-Auditor’s Office does not call tax parcels “Separately Conveyed Parcels,” the term used in the Eureka Township Ordinance. Gloria Murphy suggested language such as “It must have its own unique identification number with a separate tax description.” Planning commission will add this item to the list of ordinance updates.

A property can be split for tax purposes without changing the original deed (if the same owner retains ownership); a new deed would be created when a part of the split property is sold.

The Township wants all property splits to be recorded in the Dakota County Recorder’s Office. A property ID number must be issued for a piece of property before a building permit application may be submitted to the clerk. Mike Greco will write up a Township procedure for this process for the planning commission and town board to review.

Per State Statute, property owners do not need permission from the Township to combine tax parcels.

## **Applications—Procedures**

### **A. Permit Application Process**

Applications must be submitted to the clerk 10 days prior to the next regular Planning Commission meeting to be on the agenda for action by the planning commission at that meeting.

### **B. Reviewing applications**

It is important that the clerk thoroughly checks an application to ensure that it is complete. A new checklist has been created for the clerk to use to assure completeness of the application.

The clerk normally reviews an application upon receipt of an application. If the clerk finds missing information, upon further review, she calls the applicant to obtain the missing information. An application would be considered incomplete if the clerk informs the applicant that information is missing and the applicant cannot provide the information to the clerk by the application deadline.

**C. Lot split and building right cluster procedures**

The Town Board received input back from the attorney on the lot split and cluster application forms. *See attached email* The attorney stated that lot splits should be by resolution of the Town Board. Clusters require a public hearing. It was questioned whether the attorney understood what the Township's cluster ordinance provides for; it is only clustering across contiguous property under common ownership. The Town Board decided that MAT should be contacted on these issues before further contact with our attorney.

**D. Communication with PC about ongoing permit requests**

All e-mails and correspondences on ongoing issues will be forwarded to the Planning Commission for informational purposes, unless they are deemed confidential. These items will be forwarded by the clerk.

**E. Approvals based on Contingencies**

Shoreland determination was discussed. It was not agreed upon whether zoning administrator (Clerk) should inform a citizen whether they are in Shoreland. The Planning Commission will discuss this issue and bring their decision back to the Town Board at the June 11, 2007 Town Board Meeting.

The Planning Commission may, in individual cases, recommend approval of permits based on contingencies if they are in agreement.

**F. Expired Permits**

**How to address expired permits**—The possibility of sending a letter to the permit holder was discussed, stating that according to the Township records that it appears that your permit has expired. If this is not correct please respond by X date or your permit will be cancelled. Enforcement is the building inspector's responsibility.

The Planning Commission will keep track of permits and inform the Town Board of expiring permits.

Building Inspector retainment was discussed. The current contract automatically renews in January 2007. The Town Board would need to give the building inspector 60 days notice if they wish to terminate the contract.

**Clarification of "half the permit fee" to renew a permit-** It was discussed that the fee should not include the plan inspection fee and that all renewal fees would be retained by the Township.

**6. Vermillion Watershed Plan Participation Decision**

The Township needs to decide if it wants to retain permitting authority. If so, the Township needs to decide if it wants to develop its own plan or a joint plan working with other townships. Engineering costs for an individual plan would be approximately \$20,000. A jointly created plan would cost \$10,000 to \$15,000 for each Township, depending on the number of participating townships. Grants are being sought. The Township must decide by July 5<sup>th</sup>.

The Township can adopt the Vermillion plan for the entire Township. At the present time the Township has an ordinance in place for the North Cannon River WMO.

The Planning Commission will continue discussion at their meeting and make a recommendation about these issues to the Town Board for their June 11<sup>th</sup> Town Board Meeting.

#### 4. Communications

**A. Status of response to County Assessor's information request about commercial uses in the township.** The clerk has not sent this information to the Assessors office at this time.

**B. Staffing hours**—Discussion included increasing the clerk hours. The Town Board has actually decreased the clerk's contact time with citizens so she can focus on her other assigned duties. Next year's budget for staff is the same as the current budget. The Town Board has considered increasing the clerk's position to full time. A presentation would need to be put together for the annual meeting to increase the budget for 2008.

There was discussion on the amount of donated time and supplies by town board supervisors and planning commissioners that are put into the operation of the Township that are not reflected in the budget.

**C. Task guidelines and policies—documentation**

Supervisor Jeff Otto is developing guidelines and policies for new supervisors, such as the responsibilities of road supervisors, so they know what needs to be done, when, and what documentation is needed to perform the tasks.

**D. Communication policy**—The question included communication policy with the Road Maintenance Contractor. Complaints need to be consolidated and emergency procedures need to be set up.

The Township currently has emergency procedures. In case of an emergency road condition, the Township contact order is:

1. Either Road Supervisor (currently Jeff Otto and Brian Budenski)
2. Chair of the Town Board
3. Vice Chair of the Town Board
4. Road Contractor directly.

**Publication of minutes**—Planning Commission meeting minutes are normally posted the next day. Town Board meeting minutes are usually posted within a week, depending on the workload of the clerk.

#### 5. Legal and Technical Support

**A. Attorney or planner presence at PC or TB meetings**

What is the proper procedure if the planning commission feels it needs a planner or attorney present at a planning commission meeting? This is outlined in the Attorney Engagement Policy that will be presented before the Town Board at the June 11<sup>th</sup> Town Board Meeting for adoption. The Planning Commission Chair would contact the designated attorney contact (currently Cory Behrendt), who would decide if an attorney should be present at the meeting. The clerk is then contacted and informed that the attorney will be present at the meeting.

**B. Attorney communications**—already addressed.

**C. Planning Consultant**—Planning Commission Chair Mike Greco asked if the Township is comfortable using the current Planning Consultant, Bill Weber, on an “as needed” basis for consultation on routine planning and zoning issues or if the Planning Commission should look for another planning consultant for this purpose. The Planning Commission will discuss this at their June Meeting and make a recommendation to the Town Board. A planner will be needed in updating the Comp Plan.

**D. Engineering Consultant**—no discussion.

**7. Comprehensive Plan Update**—Planning Commission will discuss at next Planning Commission meeting.

**8. Ordinances**

The Township attorney, Jim Sheldon, has the proposed ordinance changes. Chair Dan Rogers will check on the attorney’s progress. Planning Commission will continue working on proposed changes to the ordinances. The CAC may or may not have recommendations for the Planning Commission to consider on lots and clustering.

**9. Enforcement of Ordinances**

The Planning Commission and the Town Board are the enforcement body of the Ordinances. They have taken an oath to uphold the ordinances.

Ordinance No. 8- Enforcement of Ordinances, Chapter 1- Penalties States “In the event of a violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies, shall institute appropriate actions of proceedings to prevent, restrain, correct or abate such violations, or threatened violations.” It uses the word “shall,” which means this requirement is mandatory on the board.

**10. Mailboxes**

10 interior mailboxes would run about \$500 plus installation. Mike Greco will put together a proposal for town board approval.

A motion by Supervisor Cory Behrendt: To adjourn. Motion seconded by Supervisor Dan Rogers.

Meeting adjourned at 10:45 pm