

Eureka Township

Dakota County

State of Minnesota

Special Roundtable Meeting of the Eureka Town Board and Planning Commission
June 21, 2010

Call to Order

Chair Brian Budenski called the June 21, 2010, Special Roundtable Meeting of the Eureka Town Board and Planning Commission to order at 7:07 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Kenny Miller, Dan Rogers and Carrie Jennings. Planning Commission members present included: Pete Storlie, Cheryl Groves, Lu Barfknecht and Ken Olstad. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Audience members included Jeff Otto and Carol Cooper.

Agenda

General Expectations between Town Board & Planning Commission
Septic Ordinance
Text Amendment Mining Ordinance
VRWJPO

It was agreed that at 8:30 p.m. that they start to wrap up and end by 9:00 p.m.

A motion by Supervisor Dan Rogers: To move for adjournment by 9:00 p.m. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

General Expectations between Town Board & Planning Commission

Agenda Items- open items, status of these items. Action items noted at each meeting.

Discussion included a shared document or shared calendar (such as Google Documents) to share how items are moving forward, if possible without violating the Open Meeting Law. One person would be designated to update the document. Planning Commission member Ken Olstad will contact a MAT Attorney about using a shared electronic document. Are Shared Electronic documents ok under the Open Meeting law, are there restrictions and do they have a recommendation? Supervisor Carrie Jennings will proof the email for completeness before Ken sends it.

Any Town Board or Planning Commission member may contact MAT with questions. It is important that the Clerk is copied on the questions so that they are not repeated.

A member of each body (the liaison) would be designated to take brief notes that would be sent to the Clerk to be forwarded as information only to the other body that would pertain to the other body.

Dan Rogers commented that he appreciates the work that the Planning Commission does, and that they do a lion's share of the work. The Town Board makes the final decision. All the information comes from the Planning Commission.

Planning Commission Chair Ken Olstad was asked to contact Carol Kelly, the Planning Commission Recorder, that draft minutes must be written in a timelier manner. An outline for the completion of the minutes is in the Planning Commission Policies and Procedure Manual.

It was suggested that Planning Commission members be given specific roles (Specialties or areas of expertise), such as are the Town Board members. (VRWJPO Contact, County Contact, etc.)

Town Board member comments included the following statements: They commented that it is good to have people with different backgrounds represented on the Planning Commission. This has been stated publicly before. They can bring knowledge and experience that other members may not have. However, just because someone has a different background, doesn't mean you have to agree with what they say, and, if you disagree, it is not a sign of being disrespectful or unappreciative.

You can agree to disagree. Even though you disagree, you need to deal with it professionally and talk it over. It is a strength to be able to do that. It is important to work together constructively and cooperatively. Be issue-oriented and do not take it personally. The Town Board doesn't always follow the Planning Commission recommendation. It can be disappointing, but you can't take it personally. The Planning Commission's recommendations are advisory; they are not dispositive. The final decision is up to the Board as the elected officials. It's not about us personally; it is about the Township, for the Township. We need to stay issue-oriented and be as informed as we can. If we look like we are working together, even if we are not agreeing on every point, we are making an effort to work toward the betterment of the community. People are going to be much more supportive of our actions even if they don't personally agree with them. We need to respect each other's positions and not challenge them in public with name calling. Understand and listen to the other person's position.

Like most townships, the Township does not have much staff, like a project Engineer that is here all the time. We need to be respectful of the Consultants that we have hired, regardless of what our personal opinion might be about some advice that is given. We can say we want to refine our request, add more information, ask for more information, have further discussion, or ask more questions. As non-professionals it is not respectful of the consultant or proper to reject an opinion out of hand without further discussion, further questioning or clarification with the professional consultant. We need an exchange to work constructively and cooperatively whether it is a Landscape Architect, Planner, Attorney or Engineer.

Planning Commission member asked for more direction, in a timely manner. They need better update on tasks assigned to them. (Ordinances, Comp Plan, Text Amendment)

The joint meeting of the Town Board and Planning Commission should be held shortly after both bodies are organized. It should be a task-oriented meeting not an issue-oriented meeting.

You have the right in a public meeting to challenge each other's opinion as long as it is done respectfully.

Supervisor Nancy Sauber addressed the gravel Text Amendment Request and the canceling of the earlier public hearing: She understands that the Board wanted more information. It wasn't really the Town Board's decision to not go ahead with the public hearing at that time. It was Ames Construction

and Kelly Brosseth's decision. As explained to the applicant at a meeting, the Board either had to move ahead and hold the Public Hearing within a certain time with the information it had and make a decision on it, or the applicant could agree to waive the 60 days so the Town Board could gather more information. The applicant decided to waive it.

The Planning Commission asked that all Town Board business that might relate to the Planning Commission be addressed immediately after the Planning Commission update at the Board meetings.

The opinion was offered that there is a lot of defending. It is accountability, ownership, goals and why you are trying to get to that point. Communication is extremely important. What has been suggested is a first step.

At the Roundtable meeting there should be a project list. What is taking place, where are we at. What is the Planning Commission's role in that, their responsibilities. Have an idea what the Town Board is dealing with. Next step, next action to be taken.

Septic Ordinance

When the Met Council did a preview of the Comprehensive Plan, the committee found out that it needed to put in the septic enforcement in the Plan. This matter of enforcement was looked into over time. Currently, we have two non-compliant systems. One landowner is working with the Septic Inspector. The other is refusing to replace the system. In that context, the question came up as to what enforcement was needed and by what entity-the Township or the County. In exploring this further with Michael Rutten, certain information was located. The Township has a Resolution from October 1996, when the Township adopted Dakota County Ordinance 113, as amended October 14, 1996. Because the Township adopted this Ordinance, it can enforce as outlined in this Ordinance. The County has the authority to enforce ISTS within the County's jurisdiction, which is within the Shoreland and Flood Plain. It is the Township's role to enforce in the other areas of the Township outside of the County's authority.

The Township, along with many other small cities and townships in Dakota County, has a Joint Powers Agreement (JPA) with the County to keep the records, send the notices, and submit a non-pump report to the Township. The five-year JPA expires at the end of this year.

MN Rule requires that the Township have a certified septic inspector AND an employee trained in the administration of the septic ordinance. The Township must adopt the Dakota County Septic Amendments by November, 2010. A Township employee must be trained before the Township can enforce under the amended ordinance. Adopting the Ordinance can be done by reference (e.g., as the Township adopted the State Building Codes) or by incorporation (e.g., as the Township adopted the North Cannon River Ordinance, which became Ordinance 9). The Township Attorney recommends adopting it by incorporation. The County Septic Ordinance would become Eureka Township Ordinance 10. The references in the Ordinance to the County would be changed to references to the Township.

There was discussion on the JPA Agreement and what the County's roles are in the agreement.

The Town Board needs to adopt the Dakota County Septic Ordinance. The JPA Agreement expires this year. Carrie Jennings is working on the non-pump report letters.

Text Amendment Mining Ordinance

A lot of information has been collected. Concerns included protecting the groundwater quality in the Township. The mines are closer to the aquifer than where you started out. The mines are predominantly in the headwaters of the streams, where it is temperature-sensitive already, trout streams. This is an environmentally sensitive area.

This is a text amendment; the applicant submitted the language. What was submitted is the barest of language, more of a concept. Detail would need to go into the text. It would apply to everyone in the Township.

The presented text language is what is being considered and put out for public comment.

The public hearing will be scheduled at the July Planning Commission Meeting. The Attorney should be present at the public hearing. Letters of notice of the public hearing will be sent out to all property owners within 1,000 feet of all existing mines. A doodle will be sent out, including the Attorney, to assist in setting the date. The time aimed for will be late August or later.

VRWJPO

Supervisor Nancy Sauber attended a training session provided by the VRWJPO. She will make a presentation at the Town Board Meeting on the information received.

Supervisor Carrie Jennings felt that the Township should move forward with adopting the Ordinance. She felt that they had addressed Eureka Township's concerns. Easements are not applied as long as the Township is zoned one on forty. Setbacks will be enforced; it would be the same distance as the easement would be if the zoning changes.

Jeff Otto, former Board member who has continued his involvement in discussions with the VRWJPO at the Board's request, commented that his understanding is that the easement is triggered by splitting property. The first house (Split) they will allow, if it is 1 per qtr/ qtr. Eureka Township allows clustering. The second, third and 4th house triggers easements.

The amendment says that the exemption does not include the transfer of building eligibilities for the purpose of a cluster.

A reply to Town Board questions has been received from the Township Attorney. It will be forwarded to Town Board and Planning Commission members.

Summary of Meeting

- Meeting should be held in May, soon after both bodies are organized. The Town Board will schedule the Roundtable Meeting at the Town Board Reorganizational Meeting.
- The Liaison is charged with promptly summarizing a report from the meeting and sending it to the Clerk for distribution as information to the Board or Commission.
- Possible use of electronic tools to share project status information.
- Contact Carol about timeliness of Planning Commission minutes.

- Planning Commission to designate roles of responsibility.
- The Town Board will do what is necessary to adopt the County Septic Ordinance by November.
- Planning Commission schedule Public Hearing for Mining Text Amendment at their July Meeting (Doodle Poll will be used for possible dates- late August)
- VRWJPO- Town Board and Planning Commission read information for July Meetings.
- Items relating to Planning Commission will be placed on the Town Board agenda immediately after Planning Commission update.
- Check with Vince Mako if he is still on board with the Planning Commission

A motion by Supervisor Dan Rogers: To adjourn. The motion was seconded by Supervisor Kenny Miller.

Meeting was adjourned at 8:56 p.m.