

Eureka Township

Dakota County

State of Minnesota

Special Meeting
August 16, 2004

Chair Don Pflaum called the Special Meeting of the Eureka Town Board to order at 7:28 p.m.

Town board members present were Chair Don Pflaum, Supervisor Kenny Miller and Dan Rogers. Clerk/ Treasurer Nanett Leine to record minutes.

Planning Commission members present: Francie Madden, Butch Hansen, Corey Behrendt, and Rich Stevens. Cheryl Monson arrived at 7:28 pm.

Peter Tiede, Township attorney was also present.

The meeting opened with the Pledge of Allegiance.

Agenda: Appointment of election judges
Ordinance work

Appointment of election judges

Clerk/ Treasurer Nanett Leine stated that the following people will be election judges for the primary elections on September 14, 2004: Cheryl Schindeldecker, Carolyn Papke, Carol Smith, Mary Lou Ruh, Mary Ann Sly, Ray Kadlec and Connie Anderson. Alternates: Clark Smith, Marlys Shirley, Nanett Leine.

A motion by Supervisor Kenny Miller: To appoint the above stated people as election judges for the primary election on September 14, 2004. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Ordinance work

A public hearing has been set for September 7, 2004. The purpose of the public hearing is to consider an amendment to the zoning ordinance regarding nonconforming uses. (Ordinance No. 32 and Ordinance No. 33)

Township Attorney, Peter Tiede handed out draft language of Ordinance 20, relating to Non- conforming and a draft of the Non conforming use registration form.

The language allows the non conforming businesses to expand, if they register and not if they don't. The registration form relates to land use impacts.

Legislature recently passed changes to non conforming use.

Supervisor Don Pflaum read the drafted language on Non-conforming Uses and Structures. Section 5.4 of Ordinance No. 20.

Discussion followed:

If the township has a registered use of some type, does this information have to be turned over to the county? Peter Tiede explained that as a judiciary matter it has an obligation of honesty to the county, but there is no affirmative duty to take the registrations and send them to the county. A disclosure statement at the end of the registration acknowledges that it is a public document and, as such, may be viewed or access by anyone with an interest in its contents, including tax authorities.

Butch Hansen asked if the word “legal” could be inserted before non-conforming. He also commented that the date that business started is not on the form.

Legal non conforming use is under the assumption that all non conforming uses were legal at the time of conception and comply with the ordinance at the time they started out. If a business started in violation of the zoning ordinance, it is not a legal use and would not benefit from the registration.

Supervisor Don Pflaum suggested that the planning commission be assigned to visit the businesses to verify the scope of the business.

Supervisor Don Pflaum stated that the document tries to strike a good balance between preserving the business owner’s rights and privileges and also insuring the quality of life of those who live around businesses.

Concerns were addressed to passing businesses onto family members or if it was sold or leased out. Use could change but the impact on the neighborhood must be of equal to or less.

5.5 add language that registered legal nonconforming uses may be altered as long as the impact on neighboring properties remain the same.

A business that was not legal when it started will not be able to register. If they do register, it does not make them legal.

It was asked is a business was started in the township, it was allowed to operate and flourish then it falls into nonconforming. Township attorney, Peter Tiede responded no- if it was illegal the day it started it would not fall into nonconforming. It would still be illegal even if they were registered.

The town board reviewed the Non-Conforming Use Registration Form.

Question 1. Change “business” to “legal non-conforming use”

2. Federal tax ID- optional add: Name of business owner and Name of property owner.
3. Delete “business” add “legal non conforming use”
4. Change “business” to “legal non-conforming use”
Separate into 2 questions:
 - Add: Number of square feet inside and outside on the property which is used by the legal non-conforming use.
 - Add: Sketch (site plan or drawing)
5. Change “business” to “legal non-conforming use”
Remove “or others who are not your employees” add: “employees”

Discussion on procedures followed:

There is no provision for a public hearing under this ordinance. The town board is not determining if registered businesses are legal or not. A public hearing will only be held if the business wishes to expand. If a business is legal and registered they have an opportunity to expand in the future. If they are not legal then they are allowed to expand.

The planning commission would review the application to make sure it is complete and accurate.

6. Delete
7. Delete. Add to Question 4- sketch of parking area.
8. OK
9. Delete “or from” change “machines” to “equipment”
10. Change “property” to “site”
11. Delete. Add to Question 4- “outdoor storage yard”

There should be two signature lines: Owner/ Operator
Landowner

Next Ordinance Meeting: land use, feedlots.

The public hearing on September 7, 2004 is to determine whether Ordinance No. 32 and Ordinance No. 33 should be repealed. That Zoning Ordinance No. 20 would be amended to add the non conforming language. The “content” or “actual wording” of the Section 5.4 Non Conforming Uses and Structures” of Zoning Ordinance No. 20 will not be addressed.

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

Meeting adjourned at 9:14 pm.