

**EUREKA TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING**

**Proposed Language Change to
Ordinance 3, Chapter 2, Section 1. B. 11.
September 3, 2013
Eureka Town Hall**

Planning Commission Chair Lu Barfknecht called the Special Planning Commission meeting to order at 8:00 p.m.

The purpose of the public hearing is to consider a proposed Ag-Tourism Text Amendment to the Eureka Township Zoning Ordinance 3, Chapter 2, Section 1, B. 11

Planning Commission Members present: Carrie Jennings, Lu Barfknecht, Allen Novacek, Butch Hansen and Fritz Frana, Planning Commission Recorder Linda Wilson and Clerk Nanett Sandstrom to record the minutes.

Town Board Members in the audience included Mark Ceminsky and Pete Storlie. Kenny Miller arrived at 8:59 pm.

Township Attorney Chad Lemmons was present.

Other audience members: See attached attendance sheet.

Chair Lu Barfknecht covered the protocol of the meeting and the role of the Planning Commission in holding the public hearing.

Current Definition

Agricultural Operation:

Operations operating for a profit which include, but not limited to, the cultivation and tillage of soil, dairying; the production, irrigation, cultivation, growing, harvesting and processing of any agricultural commodity, including horticulture and timber; the raising of livestock, fur bearing animals, fish or poultry; or any commercial agricultural practice performed as incident or in conjunction with such operations; including preparation for market, delivery to storage, to market, or to carriers for transportation to market.

Proposed Definition

Agricultural Operation:

Operations operating for a profit which include, but not limited to, the cultivation and tillage of soil, dairying; the production, irrigation, cultivation, growing, harvesting and processing of agricultural commodity, including horticulture and timber; the raising of livestock, fur bearing animals, fish or poultry; or any commercial agricultural practice performed as incident or in conjunction with such

operations; including preparation for market, delivery to storage, to market, or to carriers for transportation to market, and agricultural tourism.

Proposed Ordinance addition to ordinance 3, chapter 2 zoning districts, section 1 item B-11

Agricultural Tourism:

“Agricultural tourism”, “Ag-tourism” and/or “Agri-tourism” means activities conducted for profit – or- not for profit, year round on a regular basis, shall be an accessory to the primary working agricultural operation and allowing the public or invited groups for the purpose of education, enjoyment or active involvement in the agricultural operation.

Activities include, but not limited to, agricultural operation tours, educational events, hayrides, pony rides, historical or cultural events, exhibiting animal, agricultural products, corn mazes, pick your own fruit or vegetables and retail sales related to the agricultural operation. Allowed hours for agricultural tourism will be Monday - Wednesday 8am - 8pm, Thursday -Saturday 8am - 10pm and Sunday 10am - 7pm. Adequate and designated parking on agricultural property, is required to accommodate the public and/or invited groups. On street parking maybe allowed on one side of the road. Agricultural tourism does not include activities as, but not limited to, music events, rodeos, and auctions unrelated to normal agricultural operation.

The floor was opened to public comment.

Ralph Fredlund- 23680 Jersey Court

Ralph commented that the Agri-tourism amendment that isn't any better than the one presented to the public last March. It is still intended to benefit one resident to the detriment of the rest of the Township. It opens the Township up to potential problems with no review or recourse available. While there is specific language excluding music events, rodeos and some auctions there are people in this township that will abuse this ordinance to open used equipment lots, agriculture equipment sales lots, operate agricultural demolition derbies, to open antique shops, operate other commercial adventures disguised as agriculture. He could support an agri-tour ordinance if there is project review and follow up by the Town Board, but this proposal lacks that and should not be passed. Eureka Township Officials should have learned their lesson on weak ordinances with the Country Stone affair.

Gloria Belzer- 24355 Dodd Blvd

Gloria read a statement into record and submitted her testimony in writing.

Wally Bohrn- 26162 Ipava Ave.

Wally has lived in Eureka Township for 20 years. He has seen the politics of the community go from bad to worse. Mr. Middlemist brought in a flock of ostrich in the fall. He had to build shelters for them before it got cold or they would die. He needed the house built and violated one Ordinance after another, included bringing in a house trailer to live in while he built the house and got the pens ready for the animals. After several thousand dollars, at least \$5,000 that he knows of the Town Board spent on attorney fees he is not here anymore and the ostrich are gone.

Simons on 267th had weekend rodeos with his Brahma bulls and bucking broncos. He also had a school situation where he rented bulls by the hour for potential bull riders to learn how to ride. A young fellow was killed. These rodeos were illegal.

Wally brought this up from the standpoint that this is what has been going on in the Township as far as protecting the people of the Township. All the efforts of the past year are going down the tube, to satisfy Terri Petter and the Storlie family.

The Sheriff Department does not enforce in Eureka. They cannot control loose pet dogs from one neighbor to another. They flatly refuse to do anything. They have told him to move. If they can't take care of dogs, how are they going to handle wild bears, mountain lions, wolves or anything else that might get loose? Wild animals cannot be tamed. Wild is wild, always wild. They can't be trusted, especially cats. Someone is going to end up maimed or killed. It has no place in this community.

Dan Storlie- 10132 235th St. W.

Dan commented that he is a citizen of the Township. He has lived here his entire life. This is an agricultural township, residential second. People moved here into an agricultural township. Ag Tourism is part of Agriculture. If they don't like it move back to Edina.

Karen Vonruden- 23625 Jersey Court

Karen commented she has been a resident of Eureka Township for 21 years. Karen spoke out against the proposed definition of Agricultural Operation to include Agri-tourism. The currently proposed definition of Agri-tourism is eerie similar to that which was originally offered. She asked why we are recycling that definition. It was deemed to be flawed and withdrawn by the presenters own attorney. Can't we be more resourceful? She felt that they are copying from the dumbest kid in the class. The whole process shows the arbitrary nature of the Town Board governess. They have cut short the Planning and research phases, declined to use the services of a professional planner. Even though their own Planning Commission strongly requested it. It is obvious to many involved that the Town Board wants us citizens and our complaints to go away. The idea of Agri-tourism to become a use by right rather than requiring a conditional use permit shows a lack of concern regarding outcome and follow up. Without a conditional use permit this amendment as proposed allows anyone in the Township to carry on public events with little or no regulation. Neighbors would have little or no recourse when that event or activity negatively impacts on the quality of their life. Many have enjoyed living in Eureka Township because of the unique country atmosphere, peace and quiet not found in the city. This atmosphere is likely to disappear if uncontrolled agri-tourism is allowed. Just because it is not next door to you today does not mean it may not happen next month or next year. As the Jersey Court residents found out it won't matter if you live there first or even how long you have occupied your property. Your rights as law abiding citizens of Eureka Township will be forfeited unless you can manage to get one of more relatives or friends on the Town Board. She hoped that her property taxes would be used more equitably.

Cory Behrendt- 7861 272nd St. W.

Cory is a citizen, property owner in the Township. He commented that it is pointless to go through and talk about the Ordinance and the language. It seems pointless to do so. He felt this is a done deal, everyone clearly understands the vote and the situation that has taken place. At this time there is no request for this Ordinance. Moving forward is purely from a small majority of the Board and this township that wants to do this. The Petter discussion is irrelevant, they are not asking for it. No other zoning ordinance has been implemented in this way across the United States. Eureka is unique in that it is going to enact a zoning ordinance by a public hearing that the public only gets to provide input, there is no Planning or discussion with township. The opportunity to ask questions to reason, understand

logic. They are going to take input and pass the zoning ordinance, which is a change in use. It is an agricultural township. There has been no effort to engage the township. There is nothing in the most current newsletter. He doesn't know if people are opposed to the idea. There seems to be some interest in this idea when talking about commercial, interest in growing and expanding the Township. They haven't asked surrounding communities about issues, problems, how to protect our township. There is no opportunity for dialog. There is no expectation that the Town Board is going to consider rational input, logic. This is concept ordinance. In the definition we have performance standards based on times by a previous applicant, this is not ordinance. It is barely concept ordinance. As Planning Commission considers it finding, he hopes they take the time to at least point out and identify the places where Planning Commission and the Town Board has deviated from a typical zoning process of going through and changing an ordinance and to document the issues clearly because we are going to deal with them again. It is just a matter of when. It is interesting and disappointing that this Board would proceed with the process without engaging township members like it has done in the past. Not care about their input or feelings about a zoning change. It may even pass by a member of the original requesting family whose term is up at the end of this session. All of it is extremely disappointing. He doesn't know if this township is opposed to new uses, especially agri-tourism, but everyone is against uses that are brought forward with poorly written concept ordinance.

Terri Petter- 10132 235th St. W.

Terri submitted 19 signatures of people that could not be at the hearing that do not have any issues with the proposed ordinance. The documents include their signatures and address. They are all Eureka Township residents. Terri commented that the Ordinance has times, limitations, what you can and can't do. She feels it is a good ordinance. Apple Orchards are already a use by right. According to the minutes Agri-tours are already a use by right. You have to make the playing level for everyone. Rodeos are already not allowed. Food is State regulated. You must be properly licensed to open a food stand. It is not permitted. It is not part of Agri-tours. This is an agricultural community. You have to be agricultural first and foremost. You already have to be a farm. It has to be an accessory use or secondary use. You can't have music event, rodeos, or auctions. There are limitations.

Terri commented that if you are open to the public you smell good, you look good. You have to have safety features and are licensed by other people. Mowed lawns, safety barriers, everything has to be in tip top shape if you are open for an agri-tour. If you are not open for an agri-tour it is a whole other ball game. Terri commented she is definitely pro agri-tour.

Adam Shimp- 10132 235th St. W.

Adam commented that he is in favor of the proposed text amendment/ Ordinance change. Because this is an agricultural community, agri-tours would be an excellent enrichment for outsiders to see how actual farms work, good therapy for kids. For some people see where their actual roots came from. Adam is in favor of it.

Jill Arbogast- 10015 Upper 205th St., Lakeville

Jill is not a Eureka Township resident. She supports the change in the Ordinance. She thinks it would be good for the community.

Maria Crane- 10391 250th St. W.

Maria lives in Eureka Township. She supports the Ordinance. She is surprised her community is not for a program that is going to bring in children, that will expand our youth, remind people of our culture, where we came from. We didn't come from the big city. We came from the country, from farms, from horses, from animals. We live with cities around us. Where do these kids come to learn, what keeps them off the streets, off of drugs? People that volunteer their times out at Wolves, Wilderness and Wildlife. That kid could be out smoking crack, having sex, making babies. Instead they are taking care of wild animals, giving themselves a sense of purpose, a sense of responsibility, something to take pride in. She is ashamed that our community is saying that we shouldn't have programs like this. We are going to take the farm and the opportunities out of this place. We are country folk, we are supposed to be friendly, to love our neighbors, welcome people in and we are trying to shut our doors. She doesn't think that is fair. It is not what we are supposed to be about. She has horses out on 250th St. She gives a sense of purpose she gives to 13 year old, little girls that come out to her place and shovel poop, they take care of the animals, rehab them, save their lives, to be part of that. You say we can't do that because we are going to mess up our gravel roads. Agri-tourism is a great thing for our community. It will pay our taxes. It will bring people in. We need to open our mind a little more.

CeCe Frana- 23655 Jersey Ave.

CeCe read a statement into record and submitted his testimony in writing.

Jeff Otto- 25580 Dodd Blvd Jeff read a statement into record and submitted his testimony in writing.

Bill Funk- 23690 Jersey Court

Bill is a relatively new resident to Eureka Township. He commented on a book "A Logical Failure" It talks about how epic fails happen. Reasonable people, intelligent people make colossal bad decisions. Agri-tourism is great if it is done right. He does not feel it will done right if the policy in from of us is used. Not having a planner is a huge mistake. There is a singular objective. We want one thing done. All the side effects are being ignored. If it is not managed properly the liberties that you are trying to preserve will be in jeopardy, because outside forces will come in and control it, if it is not controlled within. Bill thinks that we need to get a planner. This needs to be thought through more. The community's best interests will be served that way.

Carol Kelly- 23530 Jersey Court

Carol read a statement into record and submitted her testimony in writing.

Silvia Olmstead- 24285 Highview Ave.

Silvia read a statement into record and submitted her testimony in writing.

Marlys Shirley- 27010 Hamburg Ave.

Marlys has lived in Eureka Township for 50 years. She commented that she wanted to let the Town Board with complete certainty that residents are the ones that they need to listen to. This use is not in the best interest of the majority of the Eureka Citizens. The ordinance language is vague, incomplete and lacks particulars to be enforceable. Why wasn't the citizenship listened to the first time so the pursuit was ended? Why is the Board so intent on pushing forward in haste? If it needs to be pursued, why are we not using the six steps of previous task forces, so that all things in regard to approval or

disapproval are done in orderly manner with thoughtful consideration? To ignore these steps would be a aggressive error.

Glen Shirley- 27010 Hamburg Ave.

Glen has also been a resident for 50 years. He lives on land that has been in the family for 120 years. His background is partially in Ordinance enforcement. He knows about zoning codes from that angle, having worked for the city of Bloomington for almost 40 years. Glen is totally opposed to the definition as written. It is not the way to make changes in ordinances. It is very short sided, it basically deals with a situation that came into being and now is trying to be legalized.

Agri-tourism is a definitely good idea, but as a past member of two task forces for this township, one on mining and one on visioning, he recommends that would be a better method of getting research on this subject and getting input from the citizens as well. This Township has been in existence for over 150 years and this short sighted way to handle a situation can do nothing but tie the hands of future Town Boards.

Nancy Sauber- 9445 225th St. W.

Nancy read a statement into record and submitted her testimony in writing.

Mark Parranto- 22702 Hamburg Ave.

Mark's family owns and operates Applewood Orchard. Under the current proposal they do not have a problem. The definition of agri-tourism will not shut them down. The previous proposed ordinance by the Planning Commission would have shut down Applewood Orchard. He suggested that the Planning Commission consider the ordinance is drafted to allow agri-tourism. Applewood Orchard is agri-tourism. He commented that there are a number of uses that would be worse than what most of the residents in Jersey Court have been complaining about. A turkey farm, hog farm or dairy farm- they make a smell. We can do ag business without agri-tourism and still have the smell or do something an adjoining neighbor won't like. He approves the draft of the ordinance. He has sold apples for 15 years and lived in the township for 20 years.

Makayla Morgan- 17165 Fieldcrest Ave.

Makayla does not live in the Township. She supports Agri-tourism in the Township, because it helps kids in so many ways. She is a senior in high school. She has two horses. They are what get her through in life. They are therapy, for autistic kids. They love animals, picking apples from an orchard. It is relaxing and helps kids. It makes them feel good. Animals understand us. It is a place to get away. She works in it. Kids faces light up, they want to stay all day. It makes their day. Why take it away?

The following statements were submitted to the Clerk in writing as part of the hearing, each statement was read into record.

Jim Kaiser- 23645 Jersey Court

Atina Diffley, Organic Farming Works LLC- 25498 Highview Ave.

John Olson (no address provided)

Randall Seaver- 23685 Jersey Court

Allen Alwin & Shirley Alwin- 23585 Jersey Court

Randy Wood- 23775 Essex Ave

Meg Olson- (no address provided)

Timothy Kuntz- 9445 225th St. W.

Chair Lu Barfknecht opened the floor for additional public comments.

Ray Kaufenberg- 24510 Dodd Blvd.

Ray suggested some changes to the proposed ordinance language. He submitted written comments.

All documents read into the record and submitted to the Clerk are attached to these minutes.

Chair Lu Barfknecht asked 3 times if there were any other public comments.

Hearing none the public hearing was closed at 9:45 p.m.

19 documents were submitted by Terri Petter. The statement included the current definition, proposed definition and proposed ordinance addition to Ordinance 3, Chapter 2 Zoning Districts, Section 1, item B. 11.

With following statement: I do NOT have any issues with the following proposed test amendment for AGRI-TOURS in Eureka Township. Signature, address and date.

Raimee Haber- 26120 Highview Ave	9-3-2013
John Storlie- 23449 Dodd Blvd	9-3-2013
Craig Hanson- 26120 Highview Ave	9-3-2013
Signature unreadable- 24005 Dodd Blvd	9-3-2013
Philip Cleminson- 27038 Highview Ave	9-3-2013
Lori Martin- 26386 Highview Ave	9-3-2013
Eric Martin- 26386 Highview Ave	9-3-2013
Dale Leine- 24797 Highview Ave	9-3-2013
Ron Ploog- 9125 250 th St. W.	9-3-2013
Patty Ploog- 9125 250 th St. W.	9-3-2013
Peggy Clemmer- 22555 Dodd Blvd	9-3-2013
Larry Sauber- 22555 Dodd Blvd	9-3-2013
Dennis Carlisle- 10255 235 th St.W.	9-3-2013
Mark Emond- Box 1136	9-3-2013
Annar Karlsen- 10420 235 th St.W.	9-3-2013
Candyse Karlsen- 10420 235 th St. W.	9-3-2013
Don Storlie- 10210 235 th St. W.	9-3-2013
Alice Storlie- 10210 235 th St. W.	9-3-2013
Kody Storlie- 10210 235 th St. W.	9-3-2013