

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
August 2, 2022-7:00pm

Call to Order

The Planning Commission Meeting was called to order at 7:00pm by Chair Clancy

Commissioners Present: Bill Clancy (Chair) -via Zoom
Randy Wood (Commissioner)
Beth Eilers (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Nancy Sauber, Ralph Fredlund, Alex Delmore, Lance Markwell, Eric Ruud, William Kanfield, Cheryl Wicklund, Kari Jaffer, Alex Arnt, Brian Ahern, and Bruce Mohn

Zoom participants: Julie Larson, Michael Reiland, Chip Mauri, Tacie Devasir

Approval of the Agenda

Amendments to the Citizen Inquiry Section:

- Removed Jim & Mary Bambenek (Custom Contracting), 26386 Highview Ave, Farmington PIN 13-02800-26-012, and PIN 13-02800-26-030. *Housing right/land use
A written withdrawal was received prior to the meeting stating the property was sold to a different party.
- Added Dan Fredrickson, regarding PIN 13-02800-26-012. *Housing rights
- Added Alex Delmore, 23700 Fairgreen Ave., regarding PIN 13-01100-51-011.

Amendment to Permit Requests Section:

- Removed Phil Pelletier due to a written withdrawal received prior to the meeting. Mr. Pelletier no longer is moving a building on PIN 13-01900-02-020.

Amendment to Land Use Requests Section:

- Added Niel & Tacie Devasir, 8258 257th St. W., 13-02100-52-021 *Lot split

Motion: Chair Clancy moved to approve the agenda as amended. No objections.

Citizen Inquiry

Peterson Property (Nate Brooberg, Senior Appraiser), *land use
PIN 13-00100-26-025, PIN 13-00100-26-026, and PIN 13-00100-26-027- NO SHOW

The Planning Commission did follow-up with Jeff Otto's database and found no known housing rights, however if grandfathered rights exist, the landowners will need to provide county record proof.

Tim Woolery, PIN 13-02800-26-012 *Building restrictions-NO SHOW

Dan Fredrickson, PIN 13-02800-26-012 *Housing rights-NO SHOW

The following was stated regarding the above inquiries:

1. Eureka Township is zoned agricultural with residence as an allowed use.
2. The property with PIN 13-02800-26-012 is in a quarter-quarter Section with two other parcels. Property 13-02800-26-030- next to it has a house shown built in 1971, which would have the one native housing right in the quarter-quarter.
3. There is no record of another housing right being clustered or transferred into this quarter-quarter Section.

Alex Delmore, PIN 13-01100-51-011 *Electrical use on property

Mr. Delmore owns 75 acres and one housing right. He wishes to sell 25 acres, along with the housing right, and keep 50 acres for agricultural use. The question is if he can continue to draw power for his 50 acres without owning the housing right. The post that is available to draw electricity is on the portion he is selling, and Alex would like to drop power on the portion he is keeping. The use for electricity would be mainly used for his Skid Steer and power tools. Currently two temporary hoop buildings, a 24x24 shed, and four shipping containers are on the property. The Planning Commission informed Alex that he does need a primary structure, such as a barn, and permits for the accessory buildings. Since learning this, Mr. Delmore concluded he would no longer have a need for power if he could not keep the items on the 50 acres he will continue to own. There were no plans to build a primary structure.

Permit Requests

Malz, Jamin & Sarah, 25615 Granite Path, Farmington, PIN 13-02100-76-010 *swimming pool

The swimming pool was built prior to obtaining the permit; therefore, the cost of the permit will be doubled if approved. Setbacks and height requirements met the ordinances and the safety feature of the ladder's ability to be locked and/or removed, was desirable. Discussion took place further regarding fences around pools and the changes in state law. There has been no change in the Township's ordinance, therefore it was concluded that this pool, which has a height of 52 inches, complies.

Ordinance 3, section 9,

B. SAFETY FENCE. All swimming pools requiring a permit shall be completely enclosed by approved safety fencing.

1. To be approved, "safety fencing" must be a barrier a minimum of 48 inches in height. Walls of an above-ground swimming pool are considered barriers for the purpose of this Chapter, provided that the walls are at least 48 inches in height....

Motion: Commissioner Wood recommends approval to the Town Board for an above ground pool at 25615 Granite Path, PIN 13-02100-76-010, with the understanding that the pool has already been built. Commissioner Eilers seconded the motion.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Luebeck, Kyle & Amanda, xxx 265th St. W., PIN 13-02700-75-013 *New Home Construction
Lance Markwell, from Redstone Design, was present at the Town Hall for any questions the Planning Commission may have. The proposed 4,940 square foot home will be built on the northeast quadrant of a 19-acre lot. The placement does meet all setback requirements. It was noted that the Building Permit application was signed by the builder and not the landowner. Mr. Markwell stated the property owners could come in to sign the original application, if needed. A concern arose on documentation of the housing right transfer that occurred on this property and if the Cluster Agreement was indeed recorded at the county.

Ordinance 3, Section 3, B-2.

The re-creation of the lots shall be completed through an approved lot split that shall be approved by the Eureka Township Board and filed in the Office of the Dakota County Recorder prior to application for any building permit. (Resolution No: 54, 4-9-2007; Ordinance 2010-06; December 13, 2010)

The Deputy Clerk agreed to obtain the recorded Cluster Agreement from the previous landowner prior to the Town Board meeting.

Motion: Commissioner Eilers moved to recommend an approval of PIN 13-02700-75-013, to the Town Board, with a notation that the housing right transfer has been recorded at Dakota County. Also, the owner's signature, although a technicality, be on the Building Permit application. Commissioner Wood seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Mauri, Hugh & Jann, xxx 265th St. W., PIN 13-02700-75-012 *New Home Construction
Michael Reiland, with Johnson Reiland Builders, was available to answer any questions. The Residential New Home Checklist document included with the application listed the incorrect address. It was suggested to list the Parcel Identification Number instead. The proposed 2,000 square foot home, along with a 3-car garage, will be built on the 9-acre lot. All setbacks listed on the site map met requirements. This parcel is included in the Cluster Agreement that was questioned earlier. Recorded documents of the housing right transfer and the title transfer need to be presented before approval. It was also noted the property owner did not sign the Building Permit application.

The Planning Commissioners debated as to why the property owner needed to sign the documents since it is the builders who are pulling the permits. Michael stated that Johnson Reiland Builders have always signed as the applicant on behalf of the property owner. The legal binding contract between the landowner and the builder allows the company to sign for such permits. Clarification on this matter will be debated further at a Town Board meeting. Despite the debate, Hugh (Chip) Mauri did agree to travel to the Town Hall to sign documents.

Motion: Commissioner Wood moved to recommend approval of the Building Permit application of a residential house, PIN 13-02700-75-012, with the contingency of the owner's signature on the permit application and the recorded proof of the housing right transfer from the county. Chair Clancy seconded the motion.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Land Use Request

Petrash, Gary & Judith, 24300 Highview Ave. PIN 13-01600-26-017 *Lot-split

Eric Ruud, of Top Notch Properties, was representing Gary and Judith regarding this lot split. The five acres of the proposed split will continue to have the existing historical home and the three existing accessory buildings. The total square footage of the accessory buildings is within the allowable amount under the current ordinance for a 5-acre parcel. There is no intention to build on the remaining 24.08 acreage.

Motion: Chair Clancy moved to recommend approval to the Town Board on the Lot Split application for 24300 Highview Ave., PIN 13-01600-26-017, specifically taking 29.08 acres and splitting into Parcel A, 5 acres and Parcel B, 24.08 acres.

Commissioner Wood seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Christiania Cong Evang Lutheran Church, 8822 267th St. W., PIN 13-02900-77-010 *Lot-split

William Kanfield and Bruce Mohn, representatives of the church, presented the application and survey regarding the proposed lot split. The Planning Commissioners were familiar with this proposal due to answering Mr. Kanfield's and Bruce Mohn's inquires at a prior Planning Commission meeting.

Motion: Commissioner Wood recommended approval to the Town Board of the Lot Split application submitted for PIN 13-02900-77-010, consisting of 79.11 acres be split into Parcel A, 72.47 acres, Parcel B, 3.32 acres, and Parcel C, 3.32 acres.

Commissioner Eilers seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Niel & Tacie Devasir, 8258 257th St. W., 13-02100-52-021 *Lot split

Tacie, via Zoom, was able to answer questions regarding this application. This process started as a Citizen Inquiry at the last Town Board Meeting. Niel and Tacie Devasir would like to split property and sell the residence on two acres. Currently there is a barn that houses animals directly behind the home. Once the property is split, the barn is no longer in compliance with the current Ordinance.

Ordinance 3, Section 4, D.

All dwellings shall be separated by at least 250 feet from the nearest agricultural building; however, this restriction shall not apply where the dwelling and the agricultural building are in common ownership. (Ord. 2010-1, 6-14-201)

Niel and Tacie discussed with the Town Board that the intention is to move the barn off the property. The Township attorney was able to draft a contract and to establish an escrow account to allow the barn to be moved by 12/31/23. No animals will be kept in the barn after the sale.

Commissioner Wood questioned the site map as to where the septic and well are located. By looking at the larger survey, the Commissioners were able to decipher the measurements and all setbacks are in compliance with the new proposed property lines.

Motion: Chair Clancy moved to recommend to the Town Board approval of the Lot Split application submitted by Tacie and Niel Devasir with the original acreage of 28.25 acres being split into two acres with the house, and 26.25 acres for future agricultural use, contingent on the completing the legal contract to complete the barn move by 12/31/23 and escrow subscribed by the Town Board. Chair Wood seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Town Board Liaison Report-

Chair Barfknecht discussed the items that took place during the July meetings.

Approved the following:

- Craig Beeler, 24450 Iceland Path, PIN 13-24660-10-020 *Remodel-4 season porch
- Ernesto & Maria Godinez, 23738 Cedar Ave, PIN 13-01000-52-011 *Garage addition
- Michelle Nicolai, xxxx255th St. W., PIN 13-02300-76-020 & PIN 13-02400-51-011 *lot splits
- Michelle Nicolai, xxxx255th St. W., *Residential Building Right Transfers

Notable Information:

Agricultural Chemical Reduction Effort (ACRE) Plan -Valerie Neppl spoke to the Town Board about ways to reduce agricultural groundwater contamination. A draft plan for public review is on the Dakota County Website. The public is invited to comment until September 6, 2022.

Eureka Township is set to do Well Testing in 2023. More information for residents will be shared starting March of 2023.

Minutes Approval

Motion: Chair Clancy moved that the Planning Commission meeting minutes of July 5, 2022, be approved as written with the date correction. Commissioner Eilers seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

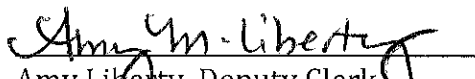
Adjournment

Motion: Chair Clancy moved to adjourn the meeting. Commissioner Eilers seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye. *Motion carried 3-0.*

Meeting adjourned at 9:13pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 10/4/22
Planning Commission Chair Date



Planning Commission Meeting

Attendance

Tuesday, August 2, 2022

7:00 PM

Printed Name:

Ralph Frensdahl

Drew Wilburd

Kari Tatters Alex Hunt

Bruce Mohr

Birkhafer

Eric Raud

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19611 Jersey Ave

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