

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
January 3, 2023
7:00PM

Call to Order

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

Commissioners Present: Bill Clancy (Chair)
Deb Burkhardt (Vice Chair)
Randy Wood (Commissioner)
Beth Eilers (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Ralph Fredlund, Nancy Sauber

Zoom Participant: Julie Larson, Carol Cooper, Donovan Palmquist

Chair Clancy wanted to address the citizens right away about the website issues. The Commissioners came aware hours before the meeting that the meeting packet was not visible to the public. A ticket was created with Market Clarity and the Township is trying to correct the problem. Proper posting did occur and as a courtesy, a public packet was offered to those interested, via email.

Approval of the Agenda

Revisions:

Old Business

Item B. Attached Garage Research/loopholes -tabled.

Item C. Eureka Township PC Major Activity Tracker-tabled

Citizen Inquiry-

Discussion of removal

Chair Clancy wanted to talk with the other Commissioners about citizen inquiries as to whether it is, or is not, a proper agenda item for the Planning Commission.

Motion: Chair Clancy moved to remove Citizen Inquiry from the agenda for tonight and all future Planning Commission meetings at this time. Vice Chair Burkhardt seconded.

Dialogue took place about issues that come forth after trying to serve the citizens in good faith by answering questions and offering guidance. Even after making the statement, *Eureka Township does not provide assurance as to the use of the property to potential buyers. Any potential buyer should hire their own attorney to review the Township's current zoning ordinances to obtain legal opinion*, a complaint was issued. The Planning Commission acts as an advisory board to the Town Board on all planning and development issues. This should be the focus. Many surrounding townships do not have citizen inquiry on the agenda of Planning Commission meetings. Non-residents and prospect buyers are using this time, which removes focus away from Eureka Township citizens.

Commissioner Wood asked for a friendly amendment to the motion, adding that the Planning Commission **recommends** the removal of Citizen Inquiry to the Town Board, to see if they agree. The friendly amendment was not accepted, and the vote moved forward.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

Motion: Chair Clancy moved to approve the agenda with the removal of Citizen Inquiry and the tabled items B and C. Vice Chair Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

Town Board Liaison Report

Supervisor Palmquist offered a few highlights of the December Town Board meetings:

- The Town Board was asked to appear at the December 14th meeting at the Elko/New Market City Hall to speak against the proposed bottling company.
- Adopted Resolution 2022-15 authorizing the Treasurer to pay the New Market Bank Visa bill online.
- Adopted Resolution 2022-16 designating Eureka Town Hall as the official polling place for elections.
- Hired Carrie Jennings as the Mining Superintendent.
- Interviews are continuing for the Clerk/Treasurer position.

Old Business

Met Council Packet: Potential 2040 Comp Plan Amendment-Commissioner Eilers reached out to a contact at the Met Council and was advised no changes were necessary at this time. Patrick, Eureka Township's advisor, offered to assist the Township, if needed.

New Business

Ordinances Reviews

The Town Board asked the Planning Commission to review multiple ordinances and suggest amendments to each.

- Chapter 240, Sections 7-17 and 72; Chapter 198, Housing Right Transfer
The Planning Commission's part was completed. No further action was necessary.
- January 17, 2023, Public Hearing Subdivision
A document was created for context for the Commissioners and citizens, along with possible modifications to the Subdivision Ordinance

Please refer to old ordinance 10, recodified into ordinance 216, both titled "Subdivision of Land".

This existing ordinance was written in an attempt to properly manage any new "sub-divisions", or suburban like developments or groups of new housing, similar to Eureka Estates.

While a key intent of application of the ordinance was if it required new roads; other wording however in the chapter also applies to any subdivision of land....even a simple lot split.

Thus, recently the Planning Commission and Town Board discussed a flaw in the ordinances as written long ago. One key specific example in Old Ordinance 10, Chapter 1, Section 4 called a subdivision of property....."is the result of a division of land creating only parcels of 20 acres or more in size *and with at least 500 feet or more of public road frontage.*" That wording of course carried into recodified Chapter 216-4, item B3.

The need to remove that 500-foot requirement drove a review and re-write of the entire 25-page recodified ordinance 216, with input from our new Township attorney. The new document was forwarded to PC by the TB at their 12/27/22 meeting. The document is still under review. The Planning Commission has it on the agenda for the first time for the January 3 meeting. Additional needed changes are being reviewed. The new document more importantly and clearly differentiates between a simple "lot split / combination process" in 216-7 and a more complex "Platted subdivision process in 216-8. A Public Hearing has been scheduled for January 17th to gather public input.

Bill Clancy Chairman Planning Commission

Possible Modifications to Draft Ordinance 216:

(page 2) 216-6 Definitions - Discussion needed regarding where definitions should reside. the moving of these definitions to the Zoning Ordinance (Ord 240).

According to Atty Bob Ruppe we CAN list definitions wherever we choose:

- a- In each / any chapter we choose, and definition is for that chapter. Ideally same across chapters.
- b- Or place all definitions in one location as in an old ordinance book.

However, Note HR text amendment has definitions incorporated. Note Mining 165-4 has definitions.

(page 3) LOT - Definition changed to "**A parcel of land capable of legal description.**"

(page 4) LOT OF RECORD changed to "Any lot which is one unit of a duly approved plat, one unit of an Auditor's Subdivision or a Registered Land Survey, **or is separately described in a deed, contract for deed, or other legally sufficient instrument of conveyance** that has been recorded in the Office of the County Recorder/Registrar of Titles for Dakota County, Minnesota, prior to the effective date of this chapter.

(page 4) LOT SPLIT changed final line of 1st paragraph to ".... chapter, **including** the following separations:"

(page 6) 216-7 Change title to "**Lot split/combination abbreviated review process**"

(page 7) 216-7 Move stand-alone paragraph that comes after item 3) to directly under title of 216-7 (above), because it applies to the entirety of this section.

"The lot split/combination procedure under this section is an abbreviated review process, however; all standards and requirements contained in this Code shall apply to the proposed lot split/combination."

(page 8) 216-7, C, item 6 Addition to the end of sentence, "The lot split/combination application specifies the final location of any existing NCU, CUP, **or Housing Right.**"

(page 9) 216-7 D, 2, c) Addition to end of sentence, "The lot line adjustment application must specify the final location of any existing NCU, CUP, **or Housing Right.**"

(page 9) 216-8, Change title to "**Platted subdivision process**".

(page 9) 216-8, A, 1, d change to "the application shall include the items specified in **Chapter 216-11** of this ordinance which constitutes a checklist of items to be submitted for subdivision review; and"

(page 9) 216-8, A, 2, Change to "The Zoning Administrator shall submit five copies of the Preliminary Plat to the Planning Commission, any may, at his or her discretion, submit one copy to the Town Engineer, one copy to the Town Planner, and one copy to the Town Attorney, **if applicable.** The remaining copies shall be placed in the Town's files.

(page 17) 216-10 Change title to "**Platted subdivision improvement requirements**"

(page 19) 216-10 D, 5, line 7 Eliminate dash between words "subdivider ---- and third parties".

(page 20) 216-11, Change title to "**Platted subdivision documentation required**"

(page 20) 216-11, Change title in Plat Information Chart from "Sketch Plan" to "**Concept/Sketch Plan**"

(page 23) 216-12, Keep the language but possibly remove actual fee amounts and refer to an all-encompassing "Fee Ordinance".

Place in Chapter 126 FEES for Platted Sub-Division Charges

Analysis took place regarding the possible modifications and all agreed edits will be given to the Town Clerk by Chair Clancy and Vice Chair Burkhardt. A revised document will be presented to the Town Board for review.

Motion: Chair Clancy recommends approval by the Planning Commission in forwarding to the Town Board, for review, the current draft of Chapter 216 of the Eureka Town Code, with the changes outlined January 3rd, with additional changes discussed at tonight's meeting and further revision of the fee schedule section incorporating old Ordinance 10, Chapter One, Section 6, Fees and Costs, with A and B, pending review with the attorney, to be applied to section 216-12, now titled Platted subdivision fees and expenses. Commissioner Eilers seconded the motion.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

- Chapter 177, Nuisances

Possible Changes to Ordinance 177

(page 1) 177-3, G - Change last line "... not removed at least **once** per week;"(page 3) 177-5, J - "The allowing of rainwater, ice, snow to fall from any building or structure upon any street or sidewalk, or to flow across any sidewalk **and to allow to accumulate to endanger or impede safe use;** "

(page 3) 177-5, Q - "Digging excavations, placing culverts, placing dams, or doing any act which may later (**remove or**) affect the drainage of public property, streets, alleys or sidewalks; or affect flows of (**remove the**) any public storm sewer (**remove and**) or drainage ditch system, without authorization by the Town; "(NEED FURTHER CLARIFICATION FROM ATTY RE "PUBLIC")

(page 3) 177-5, S - Change word "**deposition**" to "**depositing**"

(page 4) 177-6, A - Remove from line 6-7 "**(except in licensed junkyards)**"

(page 4) 177-6, C - Change line 7-8 to, "**to a licensed junkyard or waste facility, or other location outside the corporate limits of the Town of Eureka**".

(page 5) 177-10 Enforcement - Break out into two sections "**A. Officers. The Town Board shall have the duty of enforcing the provisions of this chapter.**", and

B. "In addition, any law enforcement agency with which"

Motion: Chair Clancy recommends approval to the Town Board of Chapter 177 Nuisances as drafted by the Town Attorney, incorporating all of the changes outlined in Commissioner Burkhardt's January 3rd, 2023 email, titled Possible Changes to Ordinance 177 Nuisances, with the caveat that the Chair will clarify with our attorney his recommendation for page 3, 177-5, Q whether the word "public" should be "public and/or private." Vice Chair Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

- Chapter 165, Mining

Chair Clancy and Commissioner Wood are continuing to review and work on the draft.

Completed goals:

- ✓ 1-Establish a Mining Superintendent, to be paid for by mines, to monitor and communicate with mines operating within Township more professionally and actively.
- ✓ 2-Ensure strong limitations on mines to protect the right of neighboring properties to peace, quiet, dust-free conditions, and safe water resources.
- ✓ 3- Improve enforcement and fining mechanisms to better assure compliance.
- ✓ 4- Eliminate cement plants.
- ✓ 5- Make mines responsible for wear and tear on township roads.

Open goals:

- 6- Make the ordinances consistent with Eureka's long-standing goal that mines be opened, efficiently and safely mined, and then closed and reclaimed. Currently, mines remain open for indefinite periods of time (decades) and have no incentives to complete mining and commence reclamation.
- 7- Continue to improve annual reporting and testing requirements for meaningful annual reviews.
- 8- Continue to improve our ordinances to be consistent with current best practices.

Commissioners discussed the key policy decisions:

To achieve goal 6:

Will we place a limit on the number of mines in our Township, requiring one mine to close / complete reclamation before permitting another new one?

(Will this just drive larger mines? How to balance with economics of high and low demand for mining materials?)

Could Mining Districts be designated? Just for sand and gravel, or other minerals / materials?

To support goal 2;

We must review & consider the impact of importing and stockpiling of materials in mines or elsewhere in township.

Carefully delineate between "minerals" and "materials".

Review our definition of "minerals" and establish definitions for "materials" and "fill".

Safety -to keep trespassers out of pits- Are existing requirements sufficient and what reasonable accommodations could / should be made?

Motion: Chair Clancy moved the Planning Commission approve to make a recommendation to the Town Board for a consensus on goals for the Mining Ordinance review and update as outlined in Bill Clancy's January 2nd, 2023 email, with the one change to goal 2 adding the words, *and safe water resources*. Commissioner Wood seconded. *Roll call vote:* Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

Border-to-Border and Low-Density Pilot Program Broadband Applications

Commissioner Eilers will work on this request and will contact Supervisor Kauffmann and JTN Communications.

Revision of citizen complaint form and policy

It was revealed that we are one of the few townships that require a signature on the complaint form, by our attorney, Robert Ruppe. Revisions to the current form were therefore requested. The Commissioners will continue to review the current *Citizen Policy and Procedure for Ordinance Violations*, along with the citizen complaint forms. Discussion will resume at a future meeting.

Approval of Meeting Minutes

Motion: Chair Clancy recommended approval of the minutes for the December 6, 2022, Planning Commission Meeting and the October 29, 2022, Special Town Board/ Planning Commission Workshop. Vice Chair Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;
Motion carried 4-0.

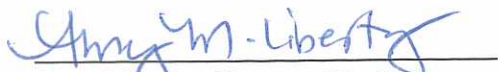
**During the motion, it was brought to the Planning Commission's attention that the date of the Special Town Board/Planning Commission meeting had the wrong date listed on the agenda. The minutes did contain the correct date. No meeting was held on December 29, 2022.*

Motion: Chair Clancy moved to adjourn the meeting. Vice Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;
Motion carried 4-0.

The meeting was adjourned at 9:26 pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 2-6-2023
Planning Commission Vice Chair Date