

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**PLANNING COMMISSION MEETING**  
**June 1, 2021 - 7:00 p.m.**  
**Via Teleconference**

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is neither practical nor prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meeting shall be conducted entirely through teleconferencing or other electronic means.

**Call to Order**

The Planning Commission Meeting was called to order at 7:00 P.M. by Chair Randy Wood.

Commissioners Present: Randy Wood, Bill Clancy, Julie Larson, Chad Berg, and Debra Burkhardt.

Others Present: Ranee Solis, Amy Liberty, Nancy Sauber, Ralph Fredlund, Lu Barfknecht, Brian Ahern, Bob Klocker and Jim Sauber.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Add under Old Business: A. Mining Ordinance 6 review.
2. Remove A. LaFavre swimming pool request from Permit Requests.

**Citizen Inquiry**

Jim Sauber, 9025 225<sup>th</sup> St. W. – lot split question

Mr. Sauber requested guidance from the Commissioners on splitting out at least two acres, containing a house and shed, from his 60-acre parcel. He is running into challenges with meeting the 30-foot setbacks for the other buildings on the parcel as he would have to create a larger parcel than the purchaser is interested in.

Commissioner Clancy asked whether the property was zoned as ag and therefore the remaining structures would qualify as ag exempt buildings. Chair Wood invited comment from the Supervisors in attendance. Supervisor Sauber offered that the barn, by itself, can be a primary structure, but there would need to be 250 feet between the ag building and the neighboring dwelling. Commissioner Larson disagreed, stating that you cannot have an accessory building without a primary structure. Supervisor Sauber explained that the barn is the primary structure, and offered that perhaps this should be clarified with the attorney.

Commissioner Clancy noted that the ordinance defines Principal Structure as *a structure that is the main or primary structure as designated by the main or principal use of the land and distinguished from subordinate or accessory structures. A dwelling or agricultural building in an agriculture district are examples of a principal structure*, and Principal Use as *a principal use relates to the main purpose of the zoning district, exists independently of any*

*other use of a property and is allowed as a permitted, conditional, or interim use.* If that is true, he could increase the parcel enough to allow for the shed, as long as the barn is 250 feet from the house. He suggested that Mr. Sauber begin with a drawing of all of the buildings and their distances in order to determine what the possibilities are.

### **Permit Requests**

Scott & Shari LaFavre, 24335 Dodd Blvd., PID 13-01800-25-040 – Swimming Pool

Scott LaFavre withdrew the application due to the time frame for the contractor to begin the project.

### **Land Use**

Alex Schuhwerck Trust, 6595 225<sup>th</sup> St. W., PID 13-00300-02-010 – Lot Split

Bob Klocker was present to represent the application. Chair Wood noted that the surveyor neglected to add the amended distance into the legal description, and the site map was missing distances of structures. Mr. Klocker indicated that he had attempted to email the revised legal description to the Clerk this afternoon, but the Township emails were down. The Commissioners questioned additional structures, as shown on an arial map, that were not listed on the site plan/survey as required. Mr. Klocker responded that the items in question consist of a fish house and scrap metal from a silo.

Commissioner Clancy recommended a new site map be drawn listing all buildings on the parcel, and offered to visit the property to perform the measuring. Mr. Klocker declined the offer and withdrew the application. The Commissioners requested that he submit his withdrawal in writing to the Clerk before June 8<sup>th</sup> due to the 60-day rule.

### **Town Board Liaison Report**

Supervisor Fredlund provided a summary of the May Town Board Meetings.

### **Old Business**

#### Mining Ordinance Review

Information was distributed at the Round Table meeting regarding Ordinance 6, Chapter 7, Section 1(M) – Setbacks. Vice Chair Clancy expressed that the 1,000-foot setback to dwellings is well defined, then there is language allowing for exceptions. In his opinion, no Town Board member should have the power to allow a mine to operate within 1,000 feet of a residence. Vice Chair Clancy requested the support of the Planning Commission to hold a public hearing to consider the elimination of the discretionary setback language.

*Motion:* Commissioner Larson moved to hold a public hearing to consider a text amendment to Ordinance 6, Chapter 7, Section 1(M), seconded by Chair Wood. Roll call vote: Randy Wood – Aye; Julie Larson – Aye; Chad Berg – Aye; Bill Clancy – Aye; Debbie Burkhardt – Aye. *Motion carried 5-0.*

*Motion:* Vice Chair Clancy moved to schedule a public hearing for Tuesday, June 22, 2021, at 7:00 p.m. on the topic of a text amendment to Ordinance 6, Chapter 7, Section 1(M) to eliminate discretionary setback language, seconded by Chair Wood. Roll call vote: Randy

Wood – Aye; Julie Larson – Aye; Chad Berg – Aye; Bill Clancy – Aye; Debbie Burkhardt – Aye. *Motion carried 5-0.*

## **New Business**

### Permit Forms Review

The Planning Commission completed review of the following forms:

1. Building Permit and Land Use & Zoning Requirements
  - Change the solar array from 10 kw to 40 kw
  - Add revised version date to the bottom of the page
2. Application Process for Building Permits and Land Use & Zoning Permits
  - Building Official may grant, in writing, ~~one or more~~ **two** extensions of time
  - Town Board meetings are held the second (2<sup>nd</sup>) **and fourth (4<sup>th</sup>)** Monday
  - Add revised version date to the bottom of the page
3. General Application Instructions for Building Permits and Land Use & Zoning Permits
  - General Requirements: 2. The parcel shall have at least 33 feet of frontage along a public road **and/or alternate access via permanent easement (ordinance 3, chapter 3, section 5)**
  - General Requirements: 5. **C. Other structures: 10 ft.; D. Township roads: 100 ft. from centerline; E. County roads: 110 ft. from centerline**
  - Lot Split or **Building Housing Right Cluster-Transfer**
  - Request attorney draft a disclaimer
4. Accessory Building/Pole Shed Permit Instructions – page 1
  - Make the first sentence bold
  - Double check the language regarding exemptions from requiring a building permit
  - Add that all accessory structures must be used for personal storage only

Chair Wood lost his internet connection during the discussion of the accessory building form.

*Motion:* Vice Chair Clancy moved to table the remaining forms and for the Clerks to identify additional forms that need to be revised, seconded by Commissioner Larson. Roll call vote: Julie Larson – Aye; Bill Clancy – Aye; Chad Berg – Aye; Debra Burkhardt – Aye; Randy Wood – Abstain. *Motion carried 4-0.*

## **Minutes Approval**

### Minutes of the May 5, 2021, Planning Commission meeting

The Commissioner noted a few corrections to the minutes.

*Motion:* Vice Chair Clancy moved to approve the minutes as amended, seconded by Commissioner Berg. Roll Call Vote: Randy Wood – Aye; Julie Larson – Aye; Bill Clancy – Aye; Chad Berg – Abstain; Debra Burkhardt - Abstain. *Motion carried 3-0.*

**Deputy Clerk Matters**

Swimming pool covers

Supervisor Fredlund will speak with Inspectron regarding the building code for pool covers.

Conflict of Interest

The Board currently has a policy prohibiting contracts with Supervisors and Commissioners, but has requested the Planning Commission look into creating ordinance language to that effect. The purpose of the request is to avoid the perception of a conflict of interest. Commissioners Wood and Clancy volunteered to research the topic.

**Adjournment**

*Motion:* Chair Wood moved to adjourn the meeting, seconded by Vice Chair Clancy. Roll Call Vote: Randy Wood – Aye; Julie Larson – Aye; Bill Clancy – Aye; Chad Berg – Aye; Debra Burkhardt - Aye. *Motion carried 5-0.*

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

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Ranee Solis, Town Clerk

Minutes Officially Approved by: \_\_\_\_\_ on: \_\_\_\_\_  
Planning Commission Chair Date