

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
September 01, 2020 - 7:00 P.M.
Via Teleconference

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is not practical or 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 and the website posting of the public packet was verified, at 7:04 P.M. by Chair Sauber.

Commissioners Present: Nancy Sauber (Chair)
Randy Wood (Vice Chair)
Allen Novacek (Commissioner)
Bill Clancy (Commissioner)
Julie Larson (Commissioner)

Others Present: Raneé Solis (Town Clerk), Jeanie Fredlund (Deputy Clerk), Ralph Fredlund (Town Board Liaison), Chad Lemmons (Town Attorney) Gloria Belzer, Jeff Nivala, Brian Ahern, Alisha Perkins, Dan Enser and Jody Arman-Jones.

Approval of the Agenda

Motion: Chair Sauber moved to approve the agenda as submitted, seconded by Commissioner Wood. A roll call vote was taken: Nancy Sauber – *Aye*; Bill Clancy – *Aye*; Randy Wood – *Aye*; Julie Larson – *Aye*. *Motion carried 4-0.* (Allen Novacek was experiencing trouble with Zoom and couldn't be heard.)

Citizen Inquiry

1) Alisha Perkins, 24729 Dodd Blvd.

Ms. Perkins inquired about the Lot of Record verification for two parcels. Town Attorney Lemmons recommended she order a stub abstract for each parcel to indicate when the lots were formed, and present them to the Town Board.

Permit Requests

Dan and Margret Enser – PID: 13-02200-50-011 – New Residence

The Ensers inquired about a Building Right Transfer. Chair Sauber noted that the Township minutes contained erroneous PID numbers for the sending and receiving parcels. A new Cluster Agreement is to be redrafted by Attorney Lemmons with the correct PIDs: the sending parcel 13-02400-25-010, and the receiving parcel 13-2200-50-011, signed by the Niensens and recorded at the County.

Motion: Chair Sauber moved to recommend approval of the Building Right Transfer for receiving parcel 13-02200-50-011 and sending parcel 13-02400-25-012, with a note to the Board that the cluster agreement is being redone due to errors in the original, seconded by Commissioner Wood. A roll call vote was taken: Nancy Sauber – *Aye*; Randy Wood – *Aye*, Julie Larson – *Aye*; Bill Clancy – *Aye*. *Motion carried 4-0.* (Novacek – no vote.)

Chair Sauber noted that the property address on the application states Granite Path, and the County GIS map indicates the address will be 255th St. Commissioner Wood noted that the proposed driveway must be set back 10 feet from the property line. Commissioner Larson noted that a culvert must be placed under the driveway. Chair Sauber stated that although it is not preferred practice to recommend approval of land use and permits based on contingencies, she recommends doing so in this case due to errors of previous clerks and the previous owner.

Motion: Chair Sauber moved to recommend approval of the building permit contingent upon the approval and recording of the Building Rights Transfer; seconded by Commissioner Wood. A roll call vote was taken: Nancy Sauber – *Aye*; Randy Wood – *Aye*, Julie Larson – *Aye*; Bill Clancy – *Aye*. *Motion carried 4-0.* (Novacek – no vote.)

Land Use
(None)

Town Board Liaison Report (Ralph Fredlund – Liaison)

Supervisor Fredlund provided a summary of the August Town Board Meetings as follows:

August 10th meeting

- Citizen inquiry from Loos about building a pre-school. Apply for CUP..
- Road Report from Road Superintendent, Mark Henry: Instill practice of grading after rain, 2nd lift on roads.
- TKDA provided update on Eureka Estates project.
- Discussed obtaining quotes for landscaping beds at Town Hall.
- Discussed Rusty Rabbitiques holding flea markets. No action taken at this time – no formal complaints.
- Requested a larger history of meeting minutes be uploaded to the website.
- Tabled draft Code of Ethics and Conduct for further review.
- Citation issued for operating a four-wheeler on Township roads.
- Followed up on complaints.
- Approved revised list of election judges.
- Authorized the Clerk to apply for credit cards as requested by the bank.

August 24th meeting

- Citizen inquiry from Adelman regarding building right availability on their parcels, and converting a portion of their Ag building to a residence.
- Citizen inquiry from Alex Turner regarding dust issue on 240th St., reduced speed limit signs and child at play sign

- Approved Pool Permit for Ames
- Road Report – update on gravel placement and the need for road closed signs
- Road Liaisons working to create a job description for the road superintendent
- Accepted the North Cannon River WMO JPA
- Tabled a resolution accepting a CARES Act agreement with the county; awaiting a completed agreement from the county
- Approved resolution adopting the 2021 budget and levy
- Motion carried regarding the Freedom of Information request because the Township does not keep the sort of records requested.
- Received complaint against MPM for operating on a Saturday, Supervisor Murphy to research the original agreement for hours of operation.
- Discussed building code changes and current fees. Recommend keeping the current fee schedule
- Tabled code of ethics and conduct review to allow for review by the Planning Commission
- Follow-up on outstanding complaints: Iceland Path – running a business without a CUP was resolved; outdoor assembly – zoom court hearing on September 3rd..
- Removed decks, pools and move-in buildings from the list of Over the Counter permits
- Received update regarding Jeff Otto’s building right project
- Approved the minutes from the August 10th meeting
- Entered Round Table discussion of the General Code legal analysis, to be continued following the September 14th meeting

Chair Sauber requested that Supervisor Fredlund report the following Planning Commission concerns to the Town Board: 1) create a policy that the board will not approve land uses based on contingencies. 2) research statements made by the County recording employee that a) lot splits are not recordable documents, b) agreements must be certified, contain the township seal, and must be passed by resolution.

Old Business

Policies and Procedures manual review

Pg. 18 – get rid of decks and pools

Pg. 19 – change C to B

Pg. 23 – 7(B) Findings of Fact – “quasi-judicial”

New Business

The commissioners agreed that, although well-intended, the language is far too subjective and open to interpretation.

Motion: Commissioner Clancy moved to recommend to the Board that this document not be adopted at this time, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – *Aye*; Randy Wood – *Aye*; Julie Larson – *Aye*; Bill Clancy – *Aye*; Allen Novacek – *Aye*.
Motion carried 5-0.

Old Business

Planning Commission Policies and Procedures manual review (cont'd)
Appendix A – Asking for a roll call vote. Each vote will be recorded because of wording in the ordinance. Attorney’s opinion was sought in this matter.
Pg. 31 – change Deputy Clerk to “matters”
Pg. 32 – attachments – need issues survey, building plans. No “code related” items or “other building code related items” need be brought to Planning Commission.
Pg. 33 – Change public “notebook” to public “folder”.

New Business

Recommended for ensuring posting of the public packets

Commissioner Novacek – recommended that the Chair and Vice Chair verify that documents are available to the public prior to the start of the meeting. He also noted that some residents are having difficulty in locating the packets on the website.

Motion: Chair Sauber moved to change the agenda as follows: 1. “Call to Order/Verification of website posting of public packet”, seconded by Commissioner Novacek. A roll call vote was taken: Nancy Sauber – *Aye*; Randy Wood – *Aye*; Julie Larson – *Aye*; Bill Clancy – *Aye*; Allen Novacek – *Aye*. *Motion carried 5-0.*

Minutes Approval

Motion: Chair Sauber moved to approve the minutes of the August 4, 2020, Meeting as presented, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – *Aye*; Julie Larson – *Aye*; Randy Wood – *Aye*; Bill Clancy – *Aye*; Allen Novacek – *Aye*. *Motion carried 5-0.*

Deputy Clerk Matters

None.

Adjournment

Chair Sauber moved to adjourn, seconded by Commissioner Larson. Meeting adjourned at 8:49 P.M.

Respectfully submitted,

Jeanie Fredlund, Deputy Clerk

Minutes Officially Approved by: _____ on: _____
Planning Commission Chair Date

