

EUREKA TOWNSHIP
Dakota County, State of Minnesota

Meeting Minutes
PLANNING COMMISSION MEETING
September 5, 2023 - 7:00 P.M.

Call to Order

The Planning Commission meeting was called to order at 7:02pm by Chair Clancy

Commissioners Present: Bill Clancy (Chair)
Debbie Burkhardt (Vice Chair)
Melanie Storlie (Commissioner)
Beth Eilers (Commissioner)
Donovan Palmquist (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Melissa Molitor, Francie Madden, Julie Larson, Brian Ahern, Steve Kimmel, Randy Wood

Zoom participants: Georgie Molitor, Josh Kasprzyk, Jim Sauber, Tom G.

Approval of the Agenda -No objections to the agenda as presented.

Permit Requests

Chair Clancy explained the complete process of obtaining a permit. The Planning Commission strictly looks at the application from a zoning standpoint in terms of setbacks and ordinances, not a building code standpoint. After the Planning Commissioners review, a recommendation is made to the Town Board. Once approved by the Board, the application is forwarded to Inspectron, Inc. At that point, the applicant will work directly with the building inspector.

Molitor, Melissa (GTJ Company), 9025 225th St. W., PIN 13-00500-25-011*Pole Shed
The accessory building does include a 9-foot overhang and it was determined this was not included in the total building size on the application. Melissa was able to clarify the measurements and agreed to reflect the following on the site map:
Side 1- 30 ft
Side 2- 45 ft
Side 3 -overhang of 9 ft, 101 ft setback to the property line.

Motion: Chair Clancy moved for the Town Board to approve the building application for Melissa Molitor, GTJ Company, at 9025 225th St. W., PIN 13-00500-25-011. Commissioner Palmquist seconded. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Kimmel, Steve., 24230 Holyoke Path, PIN 13-24660-07-020 *New Garage

Mr. Kimmel was present at the Town Hall and was able to share that he is a professional surveyor and the measurements listed on the application are accurate. The detailed site map did include a swimming pool and the square footage; however, it is important to note that this square footage is not counted towards the total square footage amount allowed for accessory buildings on the property.

Motion: Chair Clancy moved for the building application submitted by Mr. Steve Kimmel, 24230 Holyoke Path, PIN 13-24660-07-020 be recommended to the Town Board for approval. Vice Chair Burkhardt seconded the motion. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Madden, Frances, 10250 225th St. W., PIN 13-00600-50-014 *Exempt AG & Moving a bldg.

Discussion began with the request to rebuild a barn. Frances submitted an Agricultural Exempt Zoning Approval application, including a comprehensive map displaying the smaller footprint and no grading project. The measurements were accepted by the Planning Commission, and all agreed that an onsite visit to verify the setbacks was not necessary.

Motion: Chair Clancy moved to recommend to the Town Board approval of the Exempt Agricultural Zoning request to rebuild a barn for Frances Madden, at 10250 225th St. W., Parcel 13-00600-50-014. Commissioner Palmquist seconded the motion. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Continuing with Frances, the Commissioners reviewed the request to move a garage onto the parcel. The previous garage was destroyed, just like the barn, by heavy snow and ice. A two-car garage is available to move onto the property on the existing foundation. A concern came forward regarding the actual size of the garage. The site map shows a 20x20 measurement, whereas an email states the garage is 20x30 in size. The available garage must adhere to the current ordinance.

§240-18 Performance standards and building regulations.

B. Structures and accessory uses.

(3) Garage. All residences must have a garage with a minimum width of 22 feet and a minimum length of 22 feet.

Frances agreed to sign the changed site plan to reflect a 20x30 garage and will contact the company as soon as possible. She will in turn email the Deputy Clerk with the correct garage measurements once verified.

Motion: Chair Clancy moved for the building permit application to move a building, specifically a garage, for Frances Madden at 10250 225th St. W., PIN 13-00600-50-014, have approval by the Town Board contingent on a written confirmation from Mrs. Madden to the Deputy Clerk within the next two days of the new garage width and length and that those numbers, when calculated, will meet the minimum garage size of square footage of 22 by 22 (484 square feet). Commissioner Palmquist seconded the motion. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Kasprzyk Enterprises, LLC, 7987 257th St. W., PIN 13-02100-79-011 *Exempt AG

Josh, the owner of Kasprzyk Enterprises, wishes to construct three agricultural buildings that are each 70ft x 300ft in size. The estimated cost of this project is 1.8 million dollars. He provided documentation and included a site map that appeared to meet all requirements, although an onsite visit to verify setbacks would need to be arranged.

Josh did contact the Vermillion Watershed; however, he wanted an approval with the Township before obtaining the required watershed permit needed for this project. In an email exchange with the Dakota County Environmental Resources Department, Mr. Kasprzyk explained that he did not want to spend money, time, and resources on a watershed permit if the Township was going to deny his application. Although the Planning Commission understood this reasoning, proper procedure must be followed, and a permit must be obtained before the Commissioners can conduct a full review and make a recommendation to the Town Board.

§ 235-5 Stormwater management.

A. Erosion and sedimentation control plan. No person shall commence a land disturbing activity under one acre in area, unless exempted, without submitting an erosion and sedimentation control plan to the Community Engineer or the Community Building Inspector. No building permit or land disturbing activity shall be authorized until the community approves this plan. At a minimum the erosion prevention and sedimentation standards must conform with best management practices (BMPs) defined in this article.

It was strongly suggested that Kasprzyk Enterprises read not only the ordinance regarding stormwater management, but also §240-13 Driveways/access to public right-of-way, to have a clear understanding of what requirements will be necessary to follow before expanding the business.

A complaint already has come forward regarding the current practices of the company, at the size it is today, about water run off that is flowing onto a neighboring property. Julie Larson, a citizen who owns this property on the east, came forward to make a public comment. She stated that people from the greenhouse on Mr. Kasprzyk's property came onto her property without permission and dug a trench to drain impervious water into her waterway. She said that this existing problem needs to be addressed before any expansion is allowed. Josh Kasprzyk, who was attending the meeting via Zoom, did not understand where this water would be coming from since his existing operation is mostly indoors and there is very little water runoff from the greenhouse. If there is runoff, it would be rainwater and not coming from the operation. He was unaware of any trench.

Questions arose as to when this trench was built and the location. Julie stated it was noticed within the last four years, south of Josh's buildings. A waterway does exist in the southeast corner to take excess moisture from Julie's farm fields then flows under 250th St. and eventually makes its way to the Vermillion River. Julie felt that due to this, the runoff from the operation is an environmental issue. Later in the evening it was suggested for Julie to send pictures of the trench so Kasprzyk Enterprises could address the complaint.

Chair Clancy expressed his opinion that if this project was to eventually move forward, it would best serve the community under the Conditional Use Permit process. This would allow neighbors to receive a notice in writing and questions, including ones that have come forward tonight, could be addressed at a public hearing.

§240-19 Performance standards for commercial agriculture operations.

All farms in existence upon the effective date of this chapter and all farms which are brought into the Township of Eureka by annexation shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained within § 240-18, and other Township ordinances in effect, shall apply to all changes of the farming operation which will cause all or part of the area to become more urban in character. Setback and other regulations shall apply to farming operations,

just as they do to residential developments. The Town Board may require any farm operation to secure a conditional use permit to expand or intensify said operations in the event of the following: *specifically, to item:*

B.

The farming operations are so intensive as to constitute industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade, and further that such operations may tend to become a permanent industrial-type operation that cannot be terminated as can a normal farming operation.

The questioning continued, this time asking what type of buildings will be constructed and if a professional survey was conducted. Josh responded that he went off the county maps but would have a professional survey done before constructing the pole shed buildings. Julie Larson stated, for the record, that no survey stakes have been noticed marking the end of Josh's property and the start of her property.

The Planning Commission suggested for Josh to gather more data and present a complete application with supporting documentation to a future Planning Commission meeting.

Motion: Chair Clancy moved for the Planning Commission to reject the application that is incomplete due to the lack of the required VRWJPO paperwork for Kasprzyk Enterprises, LLC, at 7987 257th St. W., PIN 13-02100-79-011. Commissioner Palmquist seconded the motion.

Commissioner Eilers asked if the applicant would want to withdraw the application. Josh Kasprzyk did not see any reason to move forward and agreed that he should withdraw the application and begin gathering information for a future application.

The Commissioners decided to vote on the motion since a written withdrawal will need to be presented to be honored.

Roll call vote: Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Town Board Liaison Report

Town Board Supervisor Pope shared that he felt the Township was doing well and was excited about the interest that is being earned in the newly acquired Certificate of Deposits. A full summary of the September meetings is provided in the meeting minutes and is available for viewing at the Town Hall and on the website.

Old Business

Eureka Township Planning Commission-Major Activity Tracker & Resource Allocation

- The Planning Commission continues to work on the permit process to better serve the citizens and will look at all permit applications one by one. Currently the focus is on the driveway permit.

Submission for Planning Commission Seat-application information

- The lack of an application process prompted the need for this document. Commissioner Storlie took the lead and has created a one-page document implementing suggestions from both the Planning Commission and the Town Board.

Motion: Chair Clancy moved for the Planning Commission to approve the form as discussed and being revised for approval and use by the Town Board. Commissioner Palmquist seconded the motion. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

Approval of Meeting Minutes

Motion: Chair Clancy moved to approve the August 1, 2023, Planning Commission meeting minutes as submitted. Vice Chair Burkhardt seconded. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

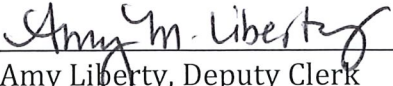
Motion: Chair Clancy moved that the August 17, 2023, Special Planning Commission meeting minutes, with four commissioners present, be approved as submitted. Commissioner Eilers seconded. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Abstain; Donovan Palmquist-Aye. *Motion carried 4-0-1.*

Adjournment

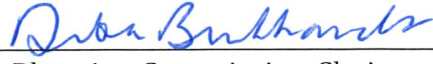

Chair Clancy moved to adjourn the meeting. Commissioner Palmquist seconded the motion. *Roll call vote:* Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; Melanie Storlie-Aye; Donovan Palmquist-Aye. *Motion carried 5-0.*

The meeting adjourned at 9:30pm.

Respectfully submitted,



Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 10-3-23
Planning Commission Chair  Date

EUREKA TOWNSHIP

Dakota County, Minnesota



Planning Commission Meeting

Attendance

September 5, 2023

7:00 PM

Printed Name

Address

Melissa Molitor

9025 225th St W, Lakeville, MN 55044

Francie Madden

10250 22nd St W Lakeville MN 55044

Julie Larson

2450 Highview Ave Lakeville, MN 55044

Bruce Ahorn

6816 235th St W Farmington

Steve Fimmel

24230 Holyoke Path Lakeville

Ruby Wood

23775 Loop Farmington, MN