

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*  
**SPECIAL TOWN BOARD MEETING**  
**June 20, 2024 – 1 p.m.**

**Call to Order**

The Eureka Township Town Board Special Meeting was called to order at 1:0 p.m. by Chair Pete Storlie and the Pledge of Allegiance was given.

Supervisors Present: Mark Ceminsky, Tim Pope, Pete Storlie, and Lu Barfknecht

Others Present: Liz Atwater, Amy Liberty, Julie Larson, Nancy Sauber, Deb Burkhardt, Julie Larson, Bill Clancy

Zoom: Jeff Otto, Wayne Bishop, Sylvia Name, Donovan Palmquist, Beth Eilers, Tom G., William Rueter, Chris Fuller

**Purpose of the Special Town Board Meeting**

Chair Pete Storlie stated the purpose of the meeting is to consider and act on amendments to the Township Code Chapter 240 Zoning pertaining to the Agricultural District.

**Review Finding of Facts**

Planning Commission Chair, Melanie Storlie, presented the Finding of Facts from the Public Hearing on June 18, 2024. See pages 3-4 for finding of facts.

**Discussion on Proposed Amendment.**

Vice Chair Ceminsky stated that it has been brought up to allow the apple orchard to continue operating as it has been. However, the orchard has been operating in non-compliance with the Township's ordinances. That is why the text amendment would have to be made to allow for operations outside of the scope of agriculture.

The Town Board reviewed and discussed the proposed text amendment submitted by the applicant. The Town Board made changes and recommendations to the proposed text amendment. See page 5 for all changes.

The Town Board agreed to have the Attorney review the Board changes and to provide and recommend additional IUP standards that would be consistent with Agritourism.

*Motion:* Vice Chair Ceminsky moved to move our modified agritourism definition onto the attorney for review and input. Supervisor Barfknecht seconded the motion. *Motion carried 4-0.*

*Motion:* Vice Chair Ceminsky moved to change it from an CUP to an IUP. Supervisor Barfknecht seconded the motion. *Motion carried 4-0.*

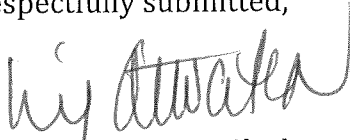
*Motion:* Vice Chair Ceminsky moved to hold a working meeting on June 27<sup>th</sup> at 7pm at the Town Hall for a working session. Chair Storlie seconded the motion. *Motion carried 4-0.*

*Motion:* Vice Chair Ceminsky moved to continue this meeting on Wednesday July 3<sup>rd</sup>, at 4pm at the Town Hall. Supervisor Barfknecht seconded the motion. *Motion carried 4-0.*  
Motion was concluded at 2:06 pm.

**\*Continuation**

*The continuation of this meeting was cancelled due to the applicant of the proposed text amendment withdrew their request via email communication with the Town Clerk on July 1, 2024.*

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:

  
Town Chair

on:

8-14-24

Date

# Eureka Township

*Dakota County, Minnesota*

## FINDINGS OF FACT AND DECISION

**IN RE: Planning Commission Public Hearing to consider amendments to the Township Code Chapter 240 Zoning pertaining to Agricultural District: Conditional Use Structures, and Definitions of Agritourism. Held June 18, 2024.**

### Findings of Fact

- 2 citizens submitted written comments to be read out loud and 10 citizens spoke during public comment
- Concerns
  - the statement “including, and not limited to”
  - definition is too broad
  - liability concerns since the proposed language is deviating from the MN state Statute.
  - Applewood Orchard would expand to amusement park activities
  - Possibility of a music venue
  - Large crowds and road maintenance and usage
  - FAA and lighting
  - This would lead into a commercial business district
  - Feeling the process was rushed
- Public Suggestions
  - IUP instead of CUP
  - Look at MN State Statute for Agritourism
  - What is the zoning definition of Agritourism?
  - Will it affect the current building rights if the building has the following: kitchen, bathroom, sleeping area. Is it now considered a residence?
  - Revisit the draft Agritourism Ordinance from 2014.
- PC Questions
  - The PC would like the Attorney to look at the MN state statute §640A.40 especially at the wording “including, but not limited to”. If

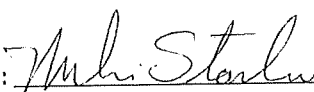
alterations are made, will the MN law still shield agritourism business from liability? Can it be removed?

- o Under the IUP what liability coverage does the Township have?
- o Does the IUP supersede the State Statute?
- o What liability coverage would the Township have in extending uses not defined in MN definition of agritourism?

## Recommendation

The consensus is that citizens are in favor of the Apple Orchard as is but concern this text amendment would open to other possibilities that may not benefit the Township. Therefore, the PC recommends a modified approval which includes the Town Board consulting with the Attorney regarding the PC questions previously listed and revisiting the draft Agritourism ordinance from 2014.

**MOTION:** Planning Commissioner Palmquist moved to recommend to the Board that they issue an IUP to Applewood Orchard to continue to do everything that they have been doing there. To table, work on the text amendment until it can be vetted and presented to the community in a more clear and tangible way. Vice Chair Eilers seconded the motion.  
Motion carried 5-0

Signed:   
Planning Commission Chair *on behalf of the Planning Commission*

on: 6/17/24  
Date

EUREKA TOWNSHIP  
DAKOTA COUNTY, MINNESOTA  
Ordinance No. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE  
OF THE TOWN OF EUREKA REGARDING AGRITOURISM

The Board of Supervisors of the Town of Eureka ordains:

**Section 1. Agricultural District.** Section 240-7(~~CD~~) of the Code of the Town of Eureka is hereby amended by adding a new use to the list of ~~conditional~~interim uses as follows:

~~(133) Agritourism activities, including associated agritourism infrastructure.~~

**Section 2. Definitions.** Section 240-64 of the Code of the Town of Eureka is hereby amended by adding new definitions as follows:

**AGRITOURISM ACTIVITY**

An activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; farm markets; freshly made and packaged food and beverage; and historical, cultural, recreational, farm stay, gleaning, harvest-your-own, or natural activities and attractions including but not limited to: site related and agritourism related seasonal retail; educational programs; fire pits; hay pyramids; corn mazes; games and sports; mechanical and; non-mechanical and farm equipment rides; camping; and arts and crafts; music; and markets. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

**AGRITOURISM INFRASTRUCTURE**

Includes, but is not limited to: utility services; parking; buildings; kitchens; fixtures; signage; bathrooms; storage; tents; seating areas; canopies; landscaping; workshops; fencing; hardscape; and offices in service to an agritourism activity.

**Section 3. Incorporation of Amendments.** The Town Attorney and Town Clerk-Treasurer are hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Code of the Town of Eureka, including updating the table of contents and making non-substantive corrections as may be needed. Such updated document shall constitute the Town's official Code of the Town of Eureka.

**Section 4. Effective Date.** This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the \_\_\_ day of \_\_\_\_\_ 2024.

**BY THE TOWN BOARD**