

EUREKA TOWNSHIP PLANNING COMMISSION

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of April 7, 2014

Call to Order

Planning Commission Chairman Lu Barfknecht called the meeting to order at 7:00 p.m. Planning Commission members present: Lu Barfknecht, Butch Hansen, Carrie Jennings, Fritz Frana and Allen Novacek. Clerk Linda Wilson recorded the minutes. Supervisor Kenny Miller was present as Town Board liaison.

See attached sheet for additional persons in attendance.

Approval of the Agenda

Remove: Planning Commission liaison for April – Lu is on the schedule

New Business: Add: Greg Langer – Greenvale Township and Clerk Report

A motion was made by Carrie Jennings to approve the agenda as amended. Motion seconded by Fritz Frana. Motion carried by unanimous vote.

Building Permits

26690 Highview Ave. – Myrna Martin, Treasurer was present to discuss the application for Highview Christiana Lutheran Church for a garden shed. All necessary documents were presented and discussed. The shed is already assembled and on the property of Bachman's Acres and will be moved by Bachman's to the church. Due to the size and construction the Planning Commission determined this could be approved as a building permit and not a move-in permit.

A motion was made by Fritz Frana to recommend approval of Highview Christiana Lutheran Church's application for a storage shed to the Town board for approval. Motion seconded by Butch Hansen as building permit. Lu Barfknecht added with the condition that the building is inspected before it is moved. Butch accepted Lu's addition. Motion carries by unanimous vote. The Clerk will contact the building inspector, Darrel Gilmer to inspect before the Town Board meeting on Monday evening. Building Inspector will determine the fees needed.

7226 235th St. W. –Butch Hansen was representing Mark Ceminsky for his application for a building permit to add an addition to his existing barn and an addition to his house garage. The Planning Commission reviewed and discussed the documents.

A motion was made by Carrie Jennings to recommend the application for a building permit for approval by the Town Board subject to inspection by two members of the Planning Commission to document the current use of the structure that is being enlarged to include the addition on the house. Motion was seconded by Lu Barfknecht. Members voted; motion fails by 2 to 2 vote. Butch Hansen did not vote as he was representing Mr. Ceminsky.

A motion was made by Fritz Frana to recommend to the Board to approve the addition to the accessory structure for personal use and recommend the approval of the addition to his existing house and garage. Motion was seconded by Allen Novacek. Members voted, motion passes by 3 to 1 vote. Butch Hansen did not vote.

22702 Hamburg Ave. – Mark Parranto was present to represent his application to build a picnic shelter (roof only-post building, no walls) to replace an existing tent used by the public when visiting the orchard. Chairman Lu Barfknecht reviewed for the Commission the definitions for farming/agricultural/ horticultural operations; the apple orchards are considered horticultural. Discussion led to no formal recommendation by the Planning Commission, the type of structure was to be determined.

- A motion was made by Butch Hansen to send this application on to the Board to be considered, pending the attorney's opinion whether it is allowed under the current ordinances. Motion was seconded by Fritz Frana. (type of building needs to be decided – farm building or accessory structure) Members voted, motion passes by 4 to 1 vote. Carrie Jennings voted against the motion, she felt they needed to wait until they heard from the Agri-tourism Task Force. Lu Barfknecht will send the information to the Clerk to send to the attorney before the Monday evening meeting.

Land Use and Zoning

23733 Hamburg Ave. – Dan & Char Adlemann were present to get a building right transfer approved. The Planning Commission and the Adlemanns reviewed the documents and properties involved. Jeff Otto was asked to lend support for determination of the land rights. The Adelman's need to do additional research on the properties, when divided, boundaries, lots that may be grandfathered, when the deeds were created. They have an additional building right that could be moved to the property they want to build on. The Township attorney did agree with the Adlemanns that if they did secure a building right on the property they could build there.

A motion was made by Butch Hansen to table the application for the building right transfer until the Adlemanns come back with verification of when the lot was created. Motion was seconded by Carrie Jennings. Motion passes by unanimous vote.

XXX 250th Street – Paul and Monica Ulmen were present to verify the building right on a parcel they purchased to build new home. The Planning Commission reviewed the documents.

A motion was made by Butch Hansen to recommend the approval of their building right transfer from the Richard Nielsen property ID # 13-01600-26-019, where they have a shared building right, on to the Paul & Monica Ulmen property ID # 13-01600-26-015, they have a release from Mr. Nielsen that gives the Ulmen's sole control of that building right. Motion was seconded by Carrie Jennings. Motion passes by unanimous vote.

The documents for the new home building permit application were reviewed by the Commission.

A motion by Butch Hansen to recommend the approval of the building permit application as presented and sent on to the Town Board with discussion of who will be paying the attorney fees. No second on the motion. Butch Hansen withdrew his motion.

A motion was made by Carrie Jennings to recommend approval of the building permit and forward on to the Town Board for final approval. Motion seconded by Allen Novacek. Fritz Frana advised the Ulmens' they would need to get their deed transferred and registered with the County before the permit can be issued. Motion carried by unanimous vote.

Lu Barfknecht will bring the topic of attorney fees to the Town Board meeting.

Planning Commission Meeting Minutes March 3, 2014

Correction to attorney questions: Mr. Filla stated, not felt, also corrections to the Palmquist's name.

A motion was made by Lu Barfknecht to approve the Planning Commission minutes from March 3, 2014 with the corrections. Motion seconded by Carrie Jennings. Motion passes by unanimous vote. Allen Novacek abstained, he was absent from the meeting.

Planning Commission Public Hearing Minutes March 27, 2014

A motion was made by Carrie Jennings to approve the Public Hearing minutes from March 27, 2014. Motion seconded by Lu Barfknecht. Motion passes by unanimous vote.

Town Board Report

Supervisor Kenny Miller was present as Town Board liaison and reported on the following items covered at the Town Board meeting. Supervisor Miller indicated that the Board would like to reinstitute the consent agenda policy so that items that need to be addressed by the Board are ready to go, a block of items to be addressed so the Board doesn't need to discuss further. He also requested that the new list of duties and liaisons be given to the Planning Commission.

Newsletter

Jody Arman-Jones presented a new draft of the newsletter and the Planning Commission reviewed and made recommendations to some of the content of the articles.

Visitor

Greg Langer, Supervisor from Greenvale Township was present to observe the Planning Commission. They are implementing a Planning Commission and Lu Barfknecht offered the Eureka Township Planning Commission to help them with questions.

Move- In Ordinance

The move-in ordinance language was forwarded to the Town Board for their review. The Planning Commission was questioning where this ordinance is, with the attorney. Lu Barfknecht will address with the Board at the Town Board meeting.

Review of the Public Hearing Meeting Discussion Minutes

Corrections: leave #2 as is; keep # 6 as is and then renumber the conditions.

A motion was made by Carrie Jennings to approve the Public Hearing meeting discussion minutes with the renumbering and corrections. Motion was seconded by Butch Hansen. Motion carries by unanimous vote.

Findings of Facts as presented by Attorney, Chad Lemmons

A motion was made by Butch Hansen to approve the Finding of Facts as presented for the Living Waters Church. Motion seconded by Carrie Jennings. Motion passes by unanimous vote.

Conditions of Approval as presented by Attorney, Chad Lemmons

Commission reworked the language in a couple of the conditions.

K. add at the end of the sentence: if recommended by the Township Septic Inspector.

A motion was made by Allen Novacek to eliminate letter F – hours of operation. Motion seconded by Carrie Jennings. Motion carried by unanimous vote.

A motion was made by Allen Novacek to eliminate letter L – outdoor lighting. Motion seconded by Butch Hansen. Members voted, motion fails by 3 to 1 vote. Butch Hansen abstained.

Commission reworked the language in outdoor lighting to say: Outdoor lighting must be turned off by midnight or (1) hour after activities stop except for approved security lighting. A motion was made by Carrie Jennings to approve the new language. Motion seconded by Butch Hansen. Motion passes by 3 to one vote. Allen Novacek abstained.

A motion was made by Butch Hansen to forward on to the Board the approved conditions as amended. Motion seconded by Carrie Jennings. Motion passes by unanimous vote.

The Living Water Church's application and backup documents would also be forward to the Board with the Conditions.

Clerk Report

Linda Wilson address the Planning Commission saying this would be her last meeting with them, she would be resigning from her position as Clerk effective April 30, 2014.

Lu Barfknecht will be the April Town Board liaison.

A motion by Lu Barfknecht to adjourn. Motion seconded by Carrie Jennings. Motion passes.

Meeting adjourned at 9:10pm