

**EUREKA TOWNSHIP PLANNING COMMISSION
DAKOTA COUNTY
STATE OF MINNESOTA**

September 11, 2014

**Public Hearing to consider alteration of a legal nonconforming use at 22260
Dodd Boulevard – Joey Miller**

Call to Order

Chair Hansen called the meeting to order at 7:00 pm. Planning Commission members present: Chair Butch Hansen, Commissioner Lu Barfknecht, Commissioner Carrie Jennings, Commissioner Allen Novacek and Commissioner Phil Cleminson. Town Board liaison Cory Behrendt was present. Deputy Clerk Cheryl Murphy recorded the minutes. Town Clerk Mira Broyles was also present.

Carol Cooper, attorney for Joey Miller, the owner of property addressed as 22260 Dodd Boulevard stated she felt the major issue before the Township at this time is the interpretation of Ordinance 3, Chapter 1, Section 4 in regard to the alteration of a registered nonconforming use. She stated that racing is still occurring on the property, but the impact on neighboring properties has decreased rather than increased since 2004. She discussed Ordinance 3 in regard to the situation and also reviewed relevant State Statues. She presented documents to verify that the businesses in question were previously located on the property and no change had occurred.

Commissioner Cleminson asked if actual construction was taking place on the property as part of the County Joe Homes business. Mr. Miller stated no construction was taking place.

Public Comment

Timothy Kuntz, 22260 Dodd Boulevard, an attorney representing himself and his wife, Nancy Sauber, noted they are the property owners to the south and stated their objection to the illegal uses taking place on Mr. Miller's property. Mr. Kuntz reviewed a letter dated September 11, 2014 outlining reasons he believes the application should be denied.

Mark Geier, 25445 Ipava Avenue, stated he participated in a task force approximately ten years ago that made recommendations regarding Ordinance 3. He discussed his recollections regarding grandfathering and unregistered uses.

Richard Kitsmar, 2459 Dodd Road, stated that Mr. Miller lives across the street from him and he has no complaints regarding Mr. Miller's businesses.

Joe Hendricks, 22465 Dodd Boulevard, stated he supports Mr. Miller's operation and Mr. Miller has been no problem as a neighbor.

Don Storlie, 10210 235th Street West discussed grandfathering and would like to see the Township be more friendly in that regard. He stated the Millers have never bothered him and he is supportive of the businesses on the property. He commented on the Task Force of which he was a part of and stated the intention was to bring businesses into the fold at that time.

Chair Hansen discussed a moratorium that was put in place to stop the proposed ordinance that would shut down businesses. He stated the goal of the Task Force was to find a way for business to have legitimacy, expand and flourish, as long as intensity did not increase without registration.

Scott Peterson, Living Waters Church, 22222 Dodd Boulevard stated that Joey Miller is a good neighbor to the Church and he has no issues with the businesses on the property.

There were no other citizens who wished to speak.

Carol Cooper offered a rebuttal to the items addressed in Timothy Kuntz' letter of September 11, 2012. She noted that the footprint of the building have not changed.

Commissioner Barfknecht asked for verification that Country Joe Homes existed at that location in 2004.

Commissioner Cleminson inquired as to how much racing activity is currently taking place. Mr. Miller stated that in the mid 2000's there were three full-time racing teams, but now there is only one part time team.

Discussion was held regarding unregistered businesses operating in the Township.

Chair Hansen stated there are a group of businesses that registered to get benefits of registering and that there are a number that did not register.

Discussion was also held regarding structural changes on the property. Mr. Miller stated there had been no changes made to the footprint of the buildings.

The Commission discussed the legalities of the situation, noting that the Township Attorney should be present to offer input. It was noted by Town Board Supervisor Behrendt that a request for the Township Attorney to be present at the hearing had not been made. Chair Hansen stated he had made the request. Chair Hansen further stated that he felt the role of the Commission at this hearing was to gather information and forward a recommendation on to the Town Board for a final decision.

Ms. Cooper once again noted there had been no expansion or alteration to the businesses on the property.

Mr. Kuntz, again stated reasons he felt the application should be denied in his conclusion to the Planning Commission.

Commissioner Jennings made a motion to request the Township Attorney to review all materials and the recording of the meeting, and to attend the next meeting. Chair Hansen seconded the motion. Motion carried 5-0.

Chair Hansen made a motion to place the item on the October Planning Commission agenda for discussion. Commissioner Barfknecht seconded the motion. Motion passed 5-0.

Commissioner Jennings made a motion to adjourn the meeting. Commissioner Barfknecht seconded the motion. Motion carried 5-0.

Meeting was adjourned at 9:02 pm.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk