

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Planning Commission Meeting of October 3, 2017**

**Call to Order**

Chair Sauber called the meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Julie Larson, Randy Wood and Bill Funk. Supervisor Lu Barfknecht was the Town Board liaison. Township Attorney Chad Lemmons was also in attendance. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Approval of the Agenda**

Chair Sauber suggested adding under Old Business: Update on Outstanding Permits, and under New Business: VRWJPO et. al tour and Commissioner Larson has a question for the attorney.

Commissioner Larson moved to approve the Agenda as amended. Commissioner Wood seconded. Motion carried 5-0.

**Permit Requests**

**Glen and Alisha Perkins (Kurt Weber) – 24729 Dodd Boulevard** – Building Permit Application for 1200 square foot accessory building.

Neither the Perkins nor Kurt Weber as representative were present.

**Jeff Sauber – 22975 Dodd Boulevard** – Ag Exempt Building Permit Application for Pole Shed

Chair Sauber stated to Mr. Sauber that the Planning Commission can approve an Ag Exempt Permit only on Ag property and Mr. Sauber is proposing it to be on the property that his house is on and that is taxed residential.

Mr. Sauber stated that he owns 80 acres.

Commissioner Larson asked what product does Mr. Sauber produce.

Mr. Sauber stated that he is a dairy farmer. The main farm is across the street.

Chair Sauber asked if the pole shed that Mr. Sauber hopes to build is on the 1.95 acres that holds his home.

Mr. Sauber stated that he bought the 80 acres that adjoins it.

Chair Sauber stated that this is on the lot that is taxed residential.

Attorney Lemmons stated that the way the statute reads is that the Ag Exempt building permit applies to a building being constructed on land that is classified Ag by the County Assessor. It depends on what the tax classification is. That is the way the law reads.

Chair Sauber stated the property on-line tax records list the primary use of the 1.95 acres as residential. Mr. Sauber could still build there but he would have to get a regular building permit.

Chair Sauber also stated that as it stands, the Planning Commission cannot grant Mr. Sauber an Ag Exempt Permit. Mr. Sauber could still build the pole shed and would have to apply for a regular building permit and pay the fees.

Commissioner Fredlund stated that Mr. Sauber could build on the 80 acres.

Commissioner Larson stated Mr. Sauber could apply to the County for a change in the 1.95 acres, perhaps consolidating them.

Chair Sauber stated if that is possible, he could do that, but the Planning Commission cannot approve the permit tonight.

#### **Jason Curry – 8735 235<sup>th</sup> Street – Building Permit for a Lean-To.**

Chair Sauber stated that Mr. Curry is not requesting an Ag Exempt Permit. Mr. Curry does have 10 acres but it is classified as residential, therefore Mr. Curry is applying for a building permit.

Chair Sauber asked Mr. Curry what the lean-to would be used for. Mr. Curry stated personal storage. Chair Sauber stated that the Planning Commission does have a letter from Mark Ryan and that Mr. Curry would need to obtain a Shoreland Permit.

Mr. Curry stated he only applied for it today. He did not know it would be needed for the meeting tonight.

Chair Sauber stated that if Mr. Curry could get the Shoreland Permit by Thursday for the Town Board packet, the Planning Commission could approve it contingent on having that permit. That would be something that the Clerk will need to check for. If you do not have the Shoreland Permit at the Board meeting, the Board will not be able to approve it.

Chair Sauber stated that Mr. Curry also needs the setbacks to the lot line and he needs to put 300 feet to the Township road centerline on his site plan. Mr. Curry will add that and initial and date his site plan to meet the setbacks.

Chair Sauber also stated that Mr. Curry would also need to dig new footings. The Planning Commission is accepting his other setbacks, but Mr. Curry will need to get a Shoreland Use Permit from Dee McDaniels.

Chair Sauber moved to approve Mr. Curry's building permit application for a lean-to at 8735 235<sup>th</sup> Street West with the requirement that the Shoreland Use Permit be available for the Board's meeting next Tuesday. Commissioner Fredlund seconded. Motion carried unanimously.

### **Resident Inquiry**

**Ryan Murphy – 9110 225<sup>th</sup> Street West and Timothy and Cindy Murphy, 9110 225<sup>th</sup> Street West** – Residential Building Right Application.

Unfortunately Mr. Murphy had missed the deadline to have his Building Right Transfer Application reviewed at this Planning Commission meeting.

Ryan Murphy's father voiced his frustration with continued delays with approval for his son's building permit application. Mr. Murphy also noted that now the weather might not allow a start this year.

Commissioner Larson stated that before the Planning Commission can recommend a building permit they have to have a building right and the Planning Commission cannot move forward until we have that building right recorded at the County. We cannot give you a building right transfer tonight based on that.

Chair Sauber addressed the Murphys concerns and explained the ordinance and procedure to them.

Commissioner Larson stated that the Planning Commission is not here to hinder nor favor any citizens. The Planning Commission is here to uphold the Ordinances of the Township.

Chair Sauber stated it was put on the agenda as a Resident Inquiry because there was no application to review and it was not in on time.

Tim Murphy stated his options are to wait for a Building Right Transfer a month from now, or call a Special Meeting of this body and The Town Board and then the same for a building permit application.

Chair Sauber stated that Mr. Murphy could always request a special meeting of the Planning Commission and the Town Board at his cost and expense. It includes Clerk time as well as Attorney time. If Tim Murphy did that, the Planning Commission would then have had enough time to look through all the materials that at this point in time have ultimately been submitted.

Chair Sauber stated that coming in for the building permit was premature. She stated that when she and Tim Murphy talked, Mr. Murphy seemed to be under the misconception that the split at the top gives him a building right, but it does not.

Chair Sauber went on to say that she was sorry that Mr. Murphy felt he was removed from the Agenda. Chair Sauber did not remove him from the Agenda, but moved him down to resident inquiry. Perhaps a phone call to her could have cleared things up.

Chair Sauber stated that surely Tim Murphy could understand that the Planning Commission does have deadlines that we have to follow. The Planning Commission understands Mr. Murphy's frustration. We know Ryan wants to build his home, but we still have to do our job as the Planning Commission. Chair Sauber asked if any Commission member had anything to say.

Commissioner Larson stated that in her opinion the Murphys need to come back with the Building Transfer Right Application. Once that is approved and proof of recording with the County is brought in, he can then apply for a building right. That is in our Ordinance language.

Chair Sauber asked if Mr. Murphy had any other questions.

Mr. Murphy stated he did not.

**Colleen Arndt – 7363 Granite Path** – Inquiry regarding a manufactured home. Ms. Arndt was not present at the meeting.

**John Skjerping – 6405 247<sup>th</sup> Street West** – Inquiry regarding property for sale (PIN 130150077017) and adding an outbuilding.

Mr. Skjerping had a question about using an accessory building for storage of manufactured goods. The goods were defined as tree stands for hunting. The Planning Commission advised Mr. Skjerping that it would not be considered agricultural and not allowed.

**Amanda Atkins – 6405 247<sup>th</sup> Street West**

Ms. Atkins had questions regarding the same property (PIN 130150077017) Ms. Atkins had questions about the possibility of building an additional dwelling. The property is two parcels, but the current house is on the lot line. Several options were discussed, as was the risk of losing any existing Pre-82 Lot of Record if the lot was split.

The Planning Commission also explained the rules regarding a landlocked parcel with regard to lack of buildability without 33 feet of road frontage.

### **Robert Dupre – 6405 – 247<sup>th</sup> Street West**

Mr. Dupre was also inquiring about the same property (PIN 130150077017). Since one of the two parcels is landlocked, Mr. Dupre asked if he could donate part of the land for use as a public road. It was advised that if it were possible, it would have to be approved by the Township and the County.

### **Town Board Liaison Report – Lu Barfknecht**

- Building Inspector gave an update on ongoing inspections. Dave Sellner's non-compliance for construction of a lean-to without a building permit was discussed.
- Deputy Sheriff Schmidt provided information regarding recent criminal activities in the area including a stolen car and copper wire being stolen.
- Town Board approved Exempt Agriculture Building Permit Application for Alan and Joan Storlie, 6987 255<sup>th</sup> Street West.
- Town Board denied the building permit application for Ryan Murphy, 9180 225<sup>th</sup> Street West due to lack of proof of a building right.
- Board approved the request from Ames Construction for extended hauling hours September 12, 2017 – November 30, 2017. Written notice to be sent to adjacent property owners.
- Motion passed to form a sub-committee consisting of one Board member, one Planning Commission member, and the Building Inspector as a consultant to review ordinances for compliance with State Building Code.
- Motion made to accept the accessory building escrow policy, escrow agreement and license agreement documents as presented.
- Motion passed to direct the Clerk to draft a letter to the Metropolitan Airports Commission stating motions that were made at the Town Board Meeting.
- Motion made and passed to NOT accept the settlement agreement for 100 animals in the Eureka Township v. Teresa Lynn Petter, et. al. litigation.

It was also discussed that the Board address loitering and conducting business in the lobby. Main hall and conference room to be used to segregate activities.

### **Old Business**

#### **Review of Attorney Building Rights Transfer Application, Clustering Agreement, Procedures and Checklist.**

There was much discussion regarding details. Mr. Lemmons will check to see if Stub Abstracts are still an appropriate requirement. Deputy Clerk to add to the agenda for the November 6, 2017, Planning Commission meeting.

## **Road Review**

Scheduled for Saturday, October 7, 2017, at 8:00 AM. Commissioner Larson to drive.

## **Forms Review**

- Building Right Transfer Application form edited. Attorney Lemmons to work next on checklist for the Clerks
- Fence Application changed to “Administrative Fence Application”.
- Remodeling and Addition form will be split since they are handled differently. Decision was made to split up research among Commission members to speed the process.

## **New Business**

- Planning Commission to work with Darrel Gilmer and Supervisor Hansen on Ordinance in Building Code conflicts. Commissioner Funk to join this team.
- Suggested to have a list of outstanding permits from Building Inspector.
- Chair Sauber directed Deputy Clerk to make copies from the VRWJPO tour for Town Board and Planning Commission members.

## **Newsletter – Jodi Arman-Jones**

- Ms. Arman-Jones asked if there were any additional items they would like added to the Newsletter. It was suggested to have a blurb put in about starting building permit applications on the early side.

## **Minutes Approval**

- May 2, 2017 – Planning Commission Meeting Minutes. Deputy Clerk to check on further facts.
- May 10, 2017 – Round Table Meeting Minutes – Chair Sauber requested that the Clerk go back and listen to the tape to add further bullet points and discussion. Under Attorney Contact Chair Sauber made comments and would like those listed. Chair Sauber also submitted an itemized list of Planning Commission items and would like those listed in the minutes as well as what was discussed. Chair Sauber requested those comments be reported in the minutes.
- June 6, 2017 – Planning Commission Meeting Minutes – Chair Sauber moved to approve the meeting minutes as amended. Commissioner Wood seconded. Motion carried unanimously.
- July 2017 – Planning Commission Meeting minutes – not addressed by the Planning Commission as not received in time.
- August 22, 2017 – Public Hearing Meeting minutes – not addressed by the Planning Commission as not received in time.
- September 2017 – Planning Commission Meeting minutes – not addressed by the Planning Commission as not received in time.

**Adjournment**

Chair Sauber moved to adjourn the meeting. Commissioner Fredlund seconded. Meeting adjourned at 10:40 PM

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk