

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of December 5, 2016

Call to Order

Chair Sauber called the meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, and Randy Wood. Carrie Jennings was the Town Board liaison. Township Attorney Martin Norder was also in attendance. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

Under Permit Requests, Jeff and Linda Otto will be postponed until January.

Chair Sauber requested to add under Old Business between Comp Plan and Applications add Fence Building Permit that Commissioner Wood created.

Under New Business add Town Board liaisons for January and February add Attorney discussion.

Chair Sauber moved to approve the agenda as amended. Commissioner Fredlund seconded. Motion passed unanimously.

Permit Requests

Joey Miller – 22260 Dodd Boulevard and Carol Cooper, Attorney representing Mr. Miller – Building Permit Application for Residential Garage

Chair Sauber recused herself for this portion of the meeting and Commissioner Fredlund chaired this portion of the meeting.

Commissioner Fredlund thanked Mr. Miller for the updated site plan and stated that Mr. Miller was going ahead with a detached garage. Commissioner Fredlund stated that he still had some questions regarding impervious surfaces.

Ms. Cooper stated that according to the Water Management Ordinance that applies to the Vermillion River Watershed, the definition of an impervious surface is any constructed hard surface that either prevents or retards the entry of water into the soil and causes

water to run off the surface in greater quantities and at an increased rate of flow prior to development. Examples include rooftops, parking lots, sidewalks, concrete, asphalt, gravel roads etc. The site where the garage will be constructed is already paved. It is already an impervious area and there will be no increase in the impervious area by putting up a garage. Mr. Miller added that the current driveway would be pulled out.

Commissioner Wood stated he is having a hard time locating where the garage will be located on the map. Mr. Miller pointed out on the site map the location. Commissioner Wood also stated that there were some errors on the application regarding square footage that would need to be corrected. Commissioner Wood also asked what would be put in the residential garage and will it be open for inspection at a later time to see if there are only vehicles in the garage. Commissioner Wood also asked Mr. Miller if he would agree that the Building Inspector could check it out at any time after it is built. Mr. Miller said no he is not agreeing at this time to any future inspections as he feels that is not a stipulation that has been requested of any other Township resident to comply with, and Mr. Miller stated he feels that the Commission is discriminating against him.

Commissioner Wood asked Mr. Miller what he has in his other buildings. Mr. Miller stated that he does not need to disclose that.

Acting Chair Fredlund moved to forward the application for a residential garage to the Board for approval for Joey Miller, 22260 Dodd Boulevard, PID# 130060001010 for a four-stall garage of approximately 1500 square feet.

Commissioner Wood stated he would not second it and would like to see Mr. Miller give the Township access to the building at any time in the future after it is completed.

Ms. Cooper asked if there was any reason why the Commission is requesting that of Mr. Miller.

Commissioner Wood stated he does not need to speak to that.

Acting Chair Fredlund stated that the motion dies for lack of a second. Acting Chair Fredlund stated that perhaps this application should be tabled until next month.

Mr. Miller stated that last time the Planning Commission stated we had too much impervious surface. We are actually subtracting impervious surface rather than adding to it, so I do not see an issue. Mr. Miller asked if the Planning Commission would be willing to recommend approval with that information filled in on the application by next week.

Commissioner Wood stated that the Planning Commissioner needs to know what is in the other buildings. Mr. Miller stated that he does not need to disclose that and that he is being discriminated against.

Ms. Cooper pointed out that the house Mr. Miller lives in was built in 1900 and at that time they did not have garages. He is only asking to build a garage for the house that is going to be used as an accessory use and it will be used to house his vehicles.

Mr. Wood stated that he does not know of any other property in the Township that has 23,000 square feet of other buildings and that he could use one of those buildings to house his vehicles in.

Mr. Miller wanted to know why he is being discriminated against when he has other outbuildings that are further from his house. The Commission can see from the photo that the cars are parked by the house. It is a long walk from the house to the outbuildings.

Acting Chair Fredlund stated that his previous motion that the permit sent to the board with the recommendation that it be denied dies for lack of a second.

The Attorney stated the reason why it is being denied is for lack of information.

Supervisor Jennings stated that the permit could be put it on the Board's agenda and advance it without a recommendation.

Acting Chair Fredlund moved that the application for Joey Miller at 22260 Dodd Boulevard for a residential garage of 1500 square feet be sent on to the Board without recommendation from the Planning Commission. Commissioner Wood seconded it. Acting Chair Fredlund stated that was the end of discussion.

Chair Sauber resumed her role as Chair.

Dave Sellner – 24535 Iberia Avenue – Building Permit Application for Lean-To. Mr. Sellner was not present at the meeting.

Glen and Alisha Perkins – for property at 24729 Dodd Boulevard – Building Permit Application for Swimming Pool Construction by Quality Pools, LLC. Quality Pools representatives were not present for the meeting.

Chair Sauber stated that the permit for a swimming pool is over the counter and they do not have to come before the Planning Commission. She can meet with them and the Zoning Administrator to look over their documents. Deputy Clerk to notify Quality Pools.

Jeff and Linda Otto – 25580 Dodd Boulevard – Building Permit Application for Accessory Building. Mr. Otto tabled for January 2017, meeting.

David Cook – 24485 Denmark Avenue – Exempt Agriculture Building Permit Application

Chair Sauber requested Mr. Cook indicate North on the site plan. All distances are listed except well and septic. Mr. Cook needs to initial and date the site plan.

Chair Sauber moved to approve the Ag Exempt agricultural building permit for a farm shed for David Cook to be used for farm implements and livestock. Commissioner Wood seconded the motion. Motion carried unanimously.

Town Board Liaison Report – Supervisor Carrie Jennings

Supervisor Jennings stated that Joey Miller was not on the agenda so the Town Board was not prepared to discuss his building permit. The Board gave him some bad advice and told him he needed to consult with the VRWJPO. If the Board had known from the very beginning of the development of Mr. Miller's site what Mr. Miller planned to do long-term, the Township would have had more control.

The Board requested that the Building Inspector review the permit for the Ames house as the Town Board members have gotten complaints. Supervisor Jennings wanted to understand how the fees were assessed and how it was an existing structure. It was also suggested that the plans for the Ames house be resubmitted to the Planning Commission for review. Supervisor Jennings also questioned the installation of columns at the Ames driveway along Cedar Avenue.

The Township sent out letters in response to some complaints. An illegal billboard sign was removed.

The Fence Ordinance was adopted. A revision to Section 1, second line, changing "a" to "any" fence was made.

Board members interviewed Julie Larson. She discussed her experience with other commissions.

Al Novacek was interviewed by Board members and discussed his desire to serve again on the Planning Commission.

A vote by ballot was taken and resulted in a tied vote. The matter was tabled until the December Town Board meeting to allow the full Board to be present.

Old Business

Recodification

Chair Sauber stated that there are still a number of changes that need to be made. There are still grammatical errors. Regarding Conditional Use Permits, Attorney Lemmons still needs to reword that. Chair Sauber also stated that the Fence Ordinance wording is not in there and Attorney Lemmons office needs to put the stub abstract back into the Transfer of Building Rights. In the Nuisance Ordinance, the part at the beginning needs to be eliminated. In the Watershed Ordinance 9, the body of the ordinance does not reflect that one is North Canon and the other is Vermillion. Chair Sauber is looking for a final draft. Chair Sauber also requested that it get sent to the Planning Commission at the earliest date possible.

Comp Plan

The Board approved that Sherri Buss from TKDA could send out the Comp Plan to other jurisdictions.

Fence Permit Application Form

Commissioner Wood created a Fence Application Form.

Chair Sauber stated that under Type of Work, the application should state something about a boundary fence regarding monuments, or a survey or the Building Inspector has to request that under the Ordinance language, or the two parties could agreement in writing and it has to be recorded at the County.

Other suggestions made were:

- A Security fence could be one category, a Boundary fence could be another category, Other Fence not a Boundary could be another category
- Add on a separate line, "is this a corner lot fence?"
- Fee: Application fee - \$25
- Inspection Fee – may vary

Chair Sauber suggested that Commissioner Wood make the appropriate changes and bring the application back to the Planning Commission. This will be added to Ordinance 7 (Fee Schedule).

Application Forms

Chair Sauber suggested that we spend about a half-hour going over the applications forms and instructions. Planning Commission made changes and Deputy Clerk to put on the agenda for the next meeting.

Liaisons for Town Board for December 2016, and January 2017:

- Commissioner Fredlund for December 2016.
- Commissioner Wood for January 2017.

Discussion regarding Mr. Hallcock and his Attorney Mr. Hvistendahl

Chair Sauber stated that Mr. Hallcock would need to apply for what it is he wants to do. Attorney Lemmons went through the building rights that are available on Mr. Hallcock's property. Mr. Hallcock needs to provide the Planning Commission with more information. Mr. Hallcock also asked which would be the preferred parcel to cluster on. Chair Sauber stated that the Planning Commission does not determine that. Mr. Hallcock needs to determine which parcel he wants to cluster on.

Chair Sauber stated that regarding the setbacks and variances, there was another person from Top-Notch Properties that was going to do something with that land. There were two parcels and they wanted to do a lot split. Because of the way they drew the line, they were creating their own problem because they could not meet the setbacks.

Chair Sauber is not sure what Mr. Hallcock is going to propose when he come to the Planning Commission in January.

Attorney Lemmons stated that are m, two houses. Mr. Hallcock will need to provide a survey. Below is an email from Attorney regarding Mr. Hallcock.

I will break this down by tax parcel.

PID 13-02300-76-030. No potential transfers because he does not own the entire ¼ ¼. Harlan Stevens owns the West ½ of both ¼ 1/4s . Harlan would have to assign a transfer right(s) to Wayne before Wayne could assign the transfer rights

PID 13-02400-51-011. Two transfer rights and possibly a third if he can obtain an assignment of the building right attached to the SW ¼ of the SW ¼. However there are 2 houses in the NW1/4 of the NW ¼ and I would like to know how that happened.

PID 13-03500-75-010. Two building rights.

PID 13-03600-26-010. Two building rights.

As to the last two questions. We can't answer them until they provide the town with more information.

Chad D. Lemmons

Attorney at Law

Chair Sauber stated that the Planning Commission and the Town Board would like a better explanation of the Common Plan of Development.

Jodi Arman-Jones requested that the Planning Commission meeting dates, as well as the date for the 2017 election and the date for the annual meeting be updated on the Township website. Deputy Clerk to update.

Minutes Approval

December 5, 2016-Planning Commission Meeting Minutes.

Chair Sauber moved to approve the meeting minutes as submitted. Commissioner Fredlund seconded. Motion approved unanimously.

Adjourn

Chair Sauber moved to adjourn the meeting. Commissioner Wood seconded.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Cheryl Murphy
Deputy Clerk

Minutes for the December 5, 2016, meeting approved on February 6, 2017.