

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of March 7, 2016

Call to Order

Chair Sauber called the meeting to order at 7:00 PM. In attendance were: Chair Nancy Sauber, Vice Chair Lu Barfknecht, Commissioner Donovan Palmquist and Commissioner Randy Wood. Commissioner Fritz Frana was absent. Supervisor Kenny Miller was present as the Town Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

Additions to the agenda were made as follows:

- Under Old Business – Move Comprehensive Plan and Solar Energy Systems Ordinance to the beginning of Old Business

Motion was made by Chair Sauber and seconded by Vice Chair Barfknecht to approve the agenda as amended. Motion carried unanimously.

Permit Requests

Jeremy White – 23005 Cedar Avenue – Building Application for Accessory Building.
Butch Hansen – 26120 Highview Avenue – subcontractor.

Chair Sauber noted that the square footage under “*Type of Structure*” was incorrect and needed to be changed to 3,780 square feet. The change to be initialed and dated. Same change needs to be made under “*Project Details*”, and initialed and dated.

Estimated value (\$13,411.23) needs to be added under “*Project Details*” and initialed and dated with the Clerk. Chair Sauber requested it be noted on the site plan that the distance from the pole building to the midline of Cedar Avenue is in excess of 110 feet, as it is a county road.

Vice Chair Barfknecht made a motion to recommend approval to the Board of the accessory building at 23005 Cedar Avenue. Chair Sauber added a friendly amendment “*with changes to the original application which would be initialed and dated*”. Commissioner Wood seconded the motion. Motion carried unanimously.

Land Use and Zoning Items

Real Tree Church – Delano and Jennifer Tonsager, 26301 Galaxie Avenue, Farmington – Application for Conditional Use Permit. **Shon and Becky McIntyre, 26255 Galaxie Avenue, Farmington**, Contractor.

Chair Sauber specified the square footage for the sign on the Sign Permit Application needs to be corrected, initialed and dated with the Clerk. In addition the sign needs to be 15 feet back from the right-of-way from the centerline on county roads.

Chair Sauber also noted that the letter from Butch McConnell, Right-of-Way/Permits Manager, Dakota County, states the church will need to install both a left and a right turn lane and that services cannot be held until that is constructed.

Mr. McIntyre stated they wish to vacate the Conditional Use Permit for the feed store. Chair Sauber will direct the Township Attorney to draw up the papers to vacate the CUP on the feed store and be filed with the county.

Chair Sauber stated that all the requirements for the Conditional Use Permit have been taken care of. The plans and the setbacks are appropriate. For the public hearing it was suggested the McIntyres provide a sketch of the parking lot lights.

The public hearing could be scheduled on March 21, March 22, or March 24, 2016, and that the Attorney would need to be contacted to attend.

David and Nancy Cook – 24485 Denmark Avenue – Lot Split Application

Chair Sauber and Mr. Cook determined what the setbacks need to be for all the structures. Chair Sauber stated that a survey would be required with the legal description and all setbacks marked before the Commission can continue with the lot split application.

Dan Ames – 10005 235th Street – Zoning Ordinance Text Amendment Application.

Chair Sauber recused herself from this portion of the meeting and Vice Chair Barfknecht took over as Chair.

Text Amendment of Ordinance 6, Mining Ordinance. Mr. Ames stated he would delete the words (Ordinance 6, Chapter 13, Section 2H.1, Source of Materials) *“and if the recyclable concrete and recyclable asphalt originated from a road demolition or road repair project in the Township of Eureka”*.

Mr. Ames stated this text amendment is consistent with the Eureka Township Comprehensive Plan on page 2-16 in that it will promote beneficial uses of his valuable

aggregate resources in a manner consistent with currently permitted mining sites. It will allow for the blending of our existing aggregates with recycled materials to make a product that is more usable in the construction industry. Two-way hauling will be utilized for the recycled materials so truck traffic will not be increased.

Acting Chair Barfknecht said the Planning Commission will need to schedule a Public Hearing and suggested we have both public hearings on the same night (March 21, 22, or 24).

Acting Chair Barfknecht made a motion to include the Public Hearing of the Text Amendment on the date the Attorney is available (March 21, 22, or 24) as a separate Public Hearing from the Public Hearing that will be taking place the same night for the Conditional Use Permit for Real Tree Church. Commissioner Palmquist seconded the motion. Motion carried unanimously.

There was discussion among the Commission regarding notification of the Text Amendment Public Hearing for the Township residents.

Commissioner Palmquist made a motion to send notification to all residents within 1,000 feet of all gravel pits in Eureka Township, to consider the text amendment at the Public Hearing somewhere around the third week in March, 2016. Acting Chair Barfknecht seconded the motion. Motion carried 3-0.

Chair Sauber resumed her position as Chair.

Town Board Liaison Report – Supervisor Kenny Miller

Supervisor Miller stated there were two upcoming big issues. The first issue is the upcoming annexation proposal by the Metropolitan Airports Commission (MAC) to be annexed into the City of Lakeville. The Township would like MAC to stay in Eureka Township. The other big concern is with shooting next to the Wildlife Management on the south side of Chub Lake. The Township is waiting on response from the County.

Comprehensive Plan and Solar Energy Systems Ordinance-March Meeting. Patrick Boylan, Metropolitan Council will be able to meet to discuss possible airport annexation and how annexation would need to be dealt with in regards to Eureka Township's Comprehensive Plan. There will be a joint meeting of the Planning Commission and the Town Board with Sherri Buss and Mr. Boylan. The only date Mr. Boylan is available is March 29, 2016.

In regards to solar, Chair Sauber reminded the Attorney that we need the resolution for the 6-month extension by March 14th. Next meeting with Sherri Buss will be March 29, 2016, at 7:00 PM and is posted on the website.

Allan Novacek requested to be allowed to speak to the Planning Commission regarding possible annexation of the airport.

Allen Novacek, 24030 Iberia Avenue- The major concern Mr. Novacek has is with the Comp Plan and Mr. Novacek is wondering who is the Comp Plan Committee and who writes the words as they are in the draft plan. Chair Sauber responded that the Town Board directed the Planning Commission to take on this task and that Sherri Buss acts as the secretary.

Mr. Novacek discussed the Comp Plan and the fact that the Met Council (appointed by the Governor) requires us to do a 10-year Comp Plan. Mr. Novacek also discussed the airport annexation issue, noting that two Supervisors attended unauthorized meetings representing the Town Board and promoting annexation by Lakeville. Members of the Town Board and the Township residents knew nothing about these unauthorized meetings. Mr. Novacek feels, in his opinion that the Met Council, MAC and the city of Lakeville are in each other's pockets. He believes Lakeville will take the airport from Eureka. Mr. Novacek feels that if the Township acts wisely and change the Comp Plan to allow multi-zone and allow commercial, the Township would be able to keep the airport. He stated he felt expansion is at Lakeville's border whether we like it or not.

Commissioner Barfknecht requested for the record, who in Lakeville gave Mr. Novacek his information. Mr. Novacek stated he received his information from Mr. Olson, employed by the city of Lakeville.

Brian Budenski, Town Board Chair, 24325 Highview Avenue stated that Dave Olson is the Economic Development Director, City of Lakeville.

There was much discussion of the Comp Plan and the Met Council and commercial development of the Township's north border.

Georgie Molitor, 8875 225th Street. –Ms. Molitor stated that she read the article about the air hangers. In her opinion she thinks that people who own the hangers do not care if it is Lakeville or Eureka Township—they just want annexation and to have sewer and water. Ms. Molitor questioned if Eureka would have to pay for sewer and water if we keep the airport. Chair Sauber said there would be discussion on March 29, 2016. It will also be discussed at the Annual Meeting on March 8, 2016.

Vice Chair Barfknecht suggested that the Commission has spent enough time on this topic and move on.

Fence Setback Ordinance Review – Chair Sauber and Supervisor Frana

Chair Sauber met with Attorney Lemmons and stated the fence issue is more complicated and is not clearly understood. Chair Sauber said she felt it would be beneficial to have a special meeting of the Planning Commission, the Town Board and the Township Attorney.

Chair Sauber requested the Deputy Clerk to make copies of fencing information she has given her and to distribute to the members of the Board and the Planning Commission to read ahead of time. Vice Chair Barfknecht suggested we have the meeting the same night as the Reorganization Meeting, March 23, 2016.

Building Permit Application Changes. –Next month Chair Sauber requested the Deputy Clerk to put copies of the Remodel Application in the Planning Commission packets, as well as the instructions for the Building Permit Application

Old Business

Recodification Review –Public Hearing was held on January 27, 2016 and the Planning Commission gave the Board the changes but wish to wait for the fence and sump pump ordinances. There were a couple things that Chair Sauber noted were not on the electronic copy.

- Ordinance 1, Chapter 4, the definition for Variances still says “undue hardships” instead of “practical difficulties”
- Ordinance 3, Chapter 3, Section 7, A4 – I had suggested it state “wetland determination”, rather than “assessment”
- Ordinance 3, Chapter 4, Section A5 – two commas are missing after 1982, and need to be put in.

Changes to be forwarded to Attorney by Deputy Clerk.

Comp Plan and Solar Energy Systems Ordinance

Planning Commission to meet on February 9, 2016, with Sherri Buss. Request to the Board for a 6-month extension to the moratorium.

New Business - None

Minutes

January 27, 2016 – Planning Commission Public Hearing – Recodification of Ordinances –Chair Sauber made a motion to approve the minutes of January 27, 2016, for the Public Hearing of the Recodification of Ordinances as amended. Commissioner Palmquist seconded. Motion carried unanimously.

February 1, 2016 – Planning Commission Meeting – Chair Sauber made a motion to approve the meeting minutes of the February 1, 2016, Planning Commission meeting as amended. Vice Chair Barfknecht seconded. Motion carried unanimously.

Chair Sauber read excerpts from the Citizen Input Policy as well as a portion of the Planning Commission Policies and Procedures and requested it be in the record.

From the Policy on Citizen Input and Conduct at Township Meetings, Eureka Township:

Citizen Input:

Individuals or groups wishing to address the Township Board are encouraged to complete an Agenda Request Form and request that an item be put on the agenda for discussion at a regular Township Board meeting. The deadline for such requests is noon on the Thursday preceding the meeting of the Township Board. Public comment at Board meetings is defined by the following procedures.

It is requested that anyone bringing written materials to the meeting have seven (7) copies available—five for the Board, one for the public and one for the official record.

Citizen Input at Meetings:

Public Comment Period (Beginning of a Meeting)

Although not required by Township Ordinances, a public comment period will be held at the beginning of each Board meeting (following agenda approval) to receive input from the individuals in attendance. The “Public Comment” section of the agenda is your opportunity to address items on the agenda or general comments to the Board. The following procedures will be followed:

1. Public comment will be taken after the agenda is approved in the order of signature.
2. The time allotted for all comments will be no longer than twenty (20) minutes.
3. After recognition by the Chair, each individual will have up to three (3) minutes to speak and cannot assign any remaining time to someone else. Time may be extended by the Chair based on the number of speakers and time available.
4. Each person will stand at the podium, if one is available and give their name, address and group affiliation (if applicable) before addressing the Board.
5. If a group would like to address the Board, an appointed spokesperson will speak for the group.

It is requested that anyone bringing written materials to the meeting have seven (7) copies available—five for the Board, one for the public and one for the official record.

The Township Board will listen to your comments and may ask questions for clarification. It should be noted that this is a time for listening, not uncontrolled debate. If there is a need for a response from the Board, it should come at a later time when the Board has had time to deliberate the issue, to seek more information, or to take recommendations from the Township Attorney.

During a Meeting:

In fairness to all individuals and items before the Board, public comment during a Board meeting will not be taken, unless the Board at its sole discretion decides it is necessary. Public comment is allowed during the public comment period at the beginning of the meeting or through an Agenda Request Form to be put on the agenda.

From the Planning Commission Policies and Procedures Manual, Revised 2015:

Ch. 2 — Procedures for Regular and Special Planning Commission Meetings

B. Agenda. Agendas for regular and special Planning Commission meetings shall be created by the Chair and Deputy Clerk. Members may contact the Deputy Clerk or Chair to request that an item be added to the agenda for an upcoming meeting, ideally by noon Monday, one week before the meeting. The presiding officer may vary or alter the order of business. Agenda items may be added or deleted during agenda approval section at regular meetings only.

Agendas for regular meetings shall include the following categories of items:

1. Call to order
2. Approval of agenda
3. Permit Requests. This item is reserved for permit requests. To be placed on the agenda, a complete application must be received by the Zoning Administrator by noon ten (10) days before the Planning Commission meeting.
4. Other Land Use and Zoning Items. This item is reserved for
 - a. land use and zoning requests (e.g., lot splits, building right clusters, variance requests, lot of record verification) that do not require a building permit and for which complete applications were received by the Zoning Administrator by noon ten (10) days before the Planning Commission meeting; and
 - b. questions from the audience regarding land use and zoning items not on the agenda.
5. Town Board Liaison Report
6. Old Business
7. New Business
8. Minutes Approval
9. Deputy Clerk
10. Adjournment

From Planning Commission Policies and Procedures Manual Appendix B:

The Planning Commission is an appointed body that makes recommendations to the Town Board on Planning and zoning issues. Our recommendations are advisory only. The elected Town Board makes the final decision on all issues brought before us.

To be acted upon at tonight's meeting, applications for permits were due to the Zoning Administrator by noon 10 days before tonight's meeting. Applications received after that time will be placed on next month's agenda. However, if you have questions about a late application, we're happy to address them this evening under item #2 on our agenda.

I'd like to remind everyone that this is a public meeting, not a public hearing. Public meetings are open to the public to observe. Therefore, comment from the audience is generally limited to those with business pending before the Planning Commission.

Adjourn

Chair Sauber made a motion to adjourn the meeting. Meeting adjourned at 9:08 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk
Eureka Township

Meeting Minutes approved _____.