

**EUREKA TOWNSHIP**  
**DAKOTA COUNTY, STATE OF MINNESOTA**

**PLANNING COMMISSION MEETING**  
**June 2, 2020 – 7:00 p.m.**  
**Via Teleconference**

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is not practical or prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meetings shall be conducted entirely through teleconferencing or other electronic means.

**Call to Order**

The Planning Commission Meeting was called to order at 7:00 p.m. by Chair Sauber.

Commissioners Present: Nancy Sauber (Chair), Randy Wood (Vice Chair), Al Novacek, Bill Clancy and Julie Larson.

Others Present: Raneë Solis (Town Clerk), Jeanie Fredlund (Deputy Clerk), Tim Murphy (Town Board Liaison), Ralph Fredlund, Larry Schofield, Ken Malecha, Gloria Belzer, Jonathan Hoes, Brian Ahern, Mark Ceminsky, Bill Roske, Georgie Molitor, Donovan Palmquist and Lu Barfknecht.

**Approval of the Agenda**

*Motion:* Chair Sauber moved to approve the agenda as presented, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye; Al Novacek – Aye; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

**Citizen Inquiry**

**Larry Schofield – 25898 Dodd Blvd**

Larry Schofield asked the Commissioners to weigh in on whether the 25898 Dodd Blvd. parcel was buildable. Chair Sauber stated that our zoning allows one native right per quarter-quarter. Building rights can be clustered up to a cap of four per quarter-quarter. Mr. Schofield would not be able to transfer a building right onto this parcel because there are already more than four houses in the quarter-quarter. The only way this parcel would be buildable is if it were a pre-April 12, 1982, Lot of Record. Mr. Schofield indicated that the last split was in 1998.

Mr. Schofield then inquired about another parcel, PID 13-02800-26-012. Mr. Schofield stated that some possible official walked the property to point out locations that would be buildable.

Chair Sauber asked Mr. Schofield if a realtor, or other representative, came to the Township to receive a determination on whether the parcel is buildable. Chair Sauber explained that the County may have been looking at the topography/wetlands for physical buildability, but that does not address the Township's zoning laws.

Chair Sauber asked Mr. Schofield to relay the information to the Clerk. This can be looked at and the Clerk can notify him of next steps.

### Ken Malecha – Henry Wall Estate parcel

Chair Sauber explained that she had spoken with Mr. Malecha about his question of whether the splitting of the parcel into one 20-acre lot and one 19.84-acre lot could be done without Township approval under State statute. Chair Sauber advised that the statute states 20 acres or more with at least 500' of road frontage for each parcel. The Township does not have authority to grant leeway on state statutes. Because this lot is not a full 40 acres due to the road easement, it would not qualify for splitting under the statute provision. Therefore, Mr. Malecha would have to receive Township approval to do a lot split. Chair Sauber offered that the easement issue would not affect buildability as far as the Township's zoning applies.

### **Permit Requests**

#### Jonathan Hoes, 4623 280<sup>th</sup> St. W., PID 13-03600-79-013 – Pole shed

Jonathan Hoes was present to represent the application. Chair Sauber pointed out that Mr. Hoes indicated on his application that this was at least partially for agricultural use. She wanted to clarify that the property is zoned residential and the pole shed is not an Ag building under the statute. She did not believe that Mr. Hoes was asking for that, but just wanted to clarify that issue. She added that she sees no issues with the site plan. Vice Chair Wood asked, and Mr. Hoes confirmed, that the building is to be used for personal storage.

*Motion:* Commissioner Larson moved to recommend approval of the pole shed for Jonathan Hoes, seconded by Commissioner Novacek with an amendment by Chair Sauber to include PID 13-03600-79-013. Roll call vote: Nancy Sauber – Aye; Randy Wood – Aye, Allen Novacek – Aye; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

#### William Roske, 6335 265<sup>th</sup> St. W., PID 13-02600-26-016 – Deck

Bill Roske was present to represent the application. Chair Sauber noted that the proposed deck would be 25 feet from the property line, which does not meet the 30-foot setback. Mr. Roske asked if it would be an option if he received permission from the neighboring property owner to impinge upon the setback. The Commissioners explained that what matters under zoning is the property line. A neighbor cannot waive the Township's responsibility to abide by the Ordinances.

A variance request to waive the setback must prove that there is a unique aspect on the property that restricts the landowner's ability to meet the setback. The problem cannot be caused by the landowner or any other landowner preceding him. Mr. Roske stated there was no unique aspects to his parcel.

Mr. Roske asked if it made a difference if the deck was floated vs. attached to the house. Chair Sauber indicated that the building inspector might be able to offer a determination on that. However, that would address whether a permit is required. Any deck is still a structure, attached or not, and must meet the setbacks.

Chair Sauber offered that if Mr. Roske changes his plan to meet the set-back he would need to come back to the Planning Commission for review.

### **Land Use**

(None)

## Town Board Liaison Report

Supervisor Tim Murphy presented a summary of the May 11<sup>th</sup> and May 26<sup>th</sup> Town Board meetings as follows:

May 11, 2020:

- Consent agenda items were approved for a new residence permit and a lot split application, retroactive approval of training for new officers, 2<sup>nd</sup> quarter newsletter, April meeting minutes.
- Received a road report.
- Approved annual CUP reviews for Spirit Ranch I, Spirit Ranch II and Hansen air strip.
- Received no Ag Preserve re-enrollment requests.
- Opened sealed road maintenance bids and tabled until May 26<sup>th</sup> meeting to allow for review by the Board.
- Received the Treasurer's Report and tabled a list of budget allocations for further review.
- Initiated a process authorizing payment of bills twice per month.
- Rescinded a motion made at the Reorg meeting appointing a deputy treasurer.
- Approved revised Resolution for banking.
- Tabled the grounds maintenance bid received from Beaver Creek to allow attorney to research conflict of interest statute.
- Requested road liaisons prepare a revised ROW fee schedule for review at the next meeting.
- Authorized Jeff Otto to spend up to 10 hours with the attorney regarding housing rights/grandfathering.
- Reviewed an estimate from TKDA for drainage issues in Eureka Estates, tabled until June meeting.
- Approved the solar energy text amendment language and directed the planning commission to schedule a public hearing at such time as they can do so under the existing executive order without all the restrictions.

May 26, 2020

- Road Maintenance bids: Rejected all road maintenance bids and re-opened the RFP process with a deadline of June 22<sup>nd</sup>.
- Awarded the grounds maintenance bid to Beaver Creek Companies.
- Directed Supervisors Fredlund and Ceminsky to meet regarding a revised ROW fee schedule, to assess the real costs to the Township and present a recommended fee schedule at the June 8<sup>th</sup> meeting.
- Update on four complaints
- MPM mining on 235<sup>th</sup> – received notification that they are currently hauling gravel out of the pit.
- Resignation of Treasurer, Marcia Wilson, was accepted and appointed Rane Solis as Clerk/Treasurer.
- Clerk Solis hired a new Deputy Clerk, Jeanie Fredlund.
- Tabled review of TKDA estimates to repair drainage issue in Eureka Estates until the June meeting.
- Directed Planning Commission to schedule public hearing on solar energy text amendment June 15<sup>th</sup>. (Testimony will be in-person and via Zoom.)
- Directed Supervisor Fredlund and Clerk Solis to draft a COVID Preparedness Plan for the Town Hall for review by the Board at their June meeting.

Vice Chair Wood asked if a date had been scheduled yet for dust control. Supervisor Fredlund announced that he has reached out to Quality Propane and is awaiting the schedule, but it is imminent.

### **Old Business**

(None)

### **New Business**

#### General discussion of Ordinances and Statutes regarding zoning and land use

Chair Sauber began discussion by stating that, in all cases, the Commissioners must observe state statutes. The Township's authority comes from the state. The Township must also observe our ordinances as they are written. There is no authority to deviate from them.

- Ag-exempt buildings must be on property be taxed by the County as an Agricultural use in order to qualify for Ag-exemption. The use must also fit the statute requirements.
- Permits: all structures, temporary or permanent, have to be permitted. Moveable or not does not enter into the equation. Temporary refers to something that is on the property less than 180 days. Once something is there for 180 days or more, it can be taxed, making it permanent. A permit is good for 180 days. Once it has received an inspection, it is good for another 180 days from that point in time. An extension can be requested in writing and granted by the building inspector in writing for no more than 180 days at a time for due cause. Commissioner Larson asked if the building inspector could grant an extension for a one-year period of time. Chair Sauber referenced the Ordinance language on this point.
- The mere splitting of a lot does not mean there is a building right. Zoning has to be checked.
- There is a difference between zoning and the building code. The building inspector has no zoning authority; he only enforces the building code.
- An Ag building must be separated from a residence by 250 feet, and vice versa.
- Although you may have animals, it doesn't necessarily mean you have Ag buildings. Under these circumstances, the structure housing animals must be 175 feet from any nearby residence.
- CUPs and IUPs can be granted for the listed items in the ordinance. They are allowable uses. We reserve the ability to place reasonable and proportional conditions on them because they are the type of use which may have some negative impacts on neighbors. The conditions are there to alleviate or mitigate those negative impacts. If an applicant is willing to abide by those conditions, they are entitled to the permit and it should be granted. The Township cannot arbitrarily deny CUPs and IUPs.

### **Minutes Approval**

#### Minutes of the April 7, 2020, Planning Commission meeting

*Motion:* Commissioner Larson moved to approve the minutes April 7, 2020, meeting as presented, seconded by Vice Chair Wood. Roll call: Randy Wood – Aye; Al Novacek – Aye; Julie Larson – Aye; Bill Clancy – Abstain; Nancy Sauber – Abstain. *Motion carried 3-0.*

#### Minutes of the May 5, 2020, Planning Commission meeting

*Motion:* Chair Sauber moved to approve the minutes of the May 5, 2020, meeting as presented, seconded by Commissioner Larson. Roll call: Nancy Sauber – Aye; Randy Wood – Aye; Al Novacek – Aye; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

**Adjournment**

*Motion:* Commissioner Larson moved to adjourn the meeting, seconded by Vice Chair Wood. There were no objections. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

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Ranee Solis, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Planning Commission Chair Date

DRAFT