

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

PLANNING COMMISSION MEETING
July 7, 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)
Allen Novacek (Commissioner)
Bill Clancy (Commissioner)
Julie Larson (Commissioner)

Others Present: Raneé Solis (Town Clerk), Jeanie Fredlund (Deputy Clerk), Donovan Palmquist (Town Board Liaison), Adam Jakes, Ken Betzold, Tim Murphy, Ralph Fredlund, Gloria Belzer and Brian Ahern.

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
(None)

Permit Requests

Adam Jakes, 25681 Ipava Ave. – Accessory Building

Chair Sauber pointed out that an aerial photo of the property shows two outbuildings on the property. One outbuilding is no longer there and the other will be used until construction begins on the new 62'x80' shed which will replace it. Mr. Jakes has posted a \$5,000 escrow to ensure that the old building will be removed and replaced with the new building. A Vermillion River Watershed permit is not needed, setbacks are adequate and the structure will be used for personal storage. Vice Chair Wood questioned whether Mr. Jakes applied for a demolition permit for the building that had been removed and, upon learning that he had not, informed Mr. Jakes that the fee for doing work without a permit is doubled.

Motion: Chair Sauber moved to recommend approval of the 4,960 sq. ft. accessory structure for Adam Jakes at PID 13-01900-78-012 with a note that it is to be used for personal storage, seconded by Commissioner Novacek.

A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye, Allen Novacek – Aye; Julie Larson – Aye; Bill Clancy – Abstained to avoid any possible conflict of interest. *Motion carried 4-0.*

Motion: Chair Sauber moved to require an escrow of \$5,000 to be returned when the old structure is removed, seconded by Vice Chair Wood. A roll call vote was taken: Nancy Sauber – Aye; Allen Novacek – Nay; Julie Larson – Aye; Randy Wood – Aye; Bill Clancy – Abstained to avoid any possible conflict of interest. *Motion carried 3-1.*

Motion: Chair Sauber moved to recommend to the Town Board, in compliance with the building code, a demolition permit for the barn be issued with a double fee, seconded by Vice Chair Wood. A roll call vote was taken: Nancy Sauber – Aye; Allen Novacek – Nay; Julie Larson – Aye; Randy Wood – Aye; Bill Clancy – Abstained to avoid any possible conflict of interest. *Motion carried 3-1.*

Tim Murphy, 9110 225th St. W. – Solar Energy

Chair Sauber noted that the setbacks have been met and the solar energy system will be completely fenced. She added that the permit fee should be doubled due to work being done without a permit.

Motion: Chair Sauber moved to recommend approval of the 20kw solar system for Tim Murphy at PID 13-00500-50-043 with a provision that the Town Board can recommend any screening that it sees fit, seconded by Commissioner Novacek. A roll call vote was taken: Nancy Sauber – Aye; Julie Larson – Aye; Randy Wood – Aye; Bill Clancy – Aye, Allen Novacek – Aye. *Motion carried 5-0.*

Motion: Chair Sauber moved to recommend to the Town Board a double permit fee for work being done without a permit, seconded by Commissioner Larson. A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye; Allen Novacek – Nay; Bill Clancy – Nay; Julie Larson – Aye. *Motion carried 3-2.*

Land Use

Ken Betzold, 5304 220th St. W., PID – Lot Split

It was noted that creating a lot split does not create a building right. It was noted that the property is enrolled in Ag Preserve, which would constrain development until out of the program.

Motion: Vice Chair Wood moved to recommend approval of the lot split for Ken Betzold at PID 13-00100-26-020, seconded by Commissioner Clancy. A roll call vote was taken: Nancy Sauber – Aye; Allen Novacek – Aye; Randy Wood – Aye; Julie Larson – Aye; Bill Clancy – Aye. *Motion carried 5-0.*

Town Board Liaison Report

Supervisor Donovan Palmquist presented a summary of the June Town Board meetings as follows:

June 2, 2020 Special Town Board meeting

- Adopted Resolution 2020-05 setting the regular Planning Commission meeting dates

- Adopted Resolution 2020-06 for financials at Castle Rock Bank authorizing the Clerk to perform the Treasurer duties.

June 8, 2020 Town Board meeting

- Approved a pole shed permit for Jonathan Hoes at 4623 280th St. W.
- Approved minutes of the May 11th and May 26th Town Board meetings.
- Road contractor update:
 - Dust control was under way.
 - New signs are up.
 - Grading and mowing ditches is underway.
 - Approved placing “road closed” signs on the new gates at Chub Lake.
- Approved attorney presence at all scheduled CUP/IUP public hearings.
- Approved training for new officials and staff.
- Confirmed that Dakota County has a moratorium the issue of transferring ground water to Arizona through May of 2021.
- Assigned two supervisors to investigate a complaint at 24230 Holyoke Path regarding no fence around the pool.
- Requested that the Planning Commission discuss with Met Council what is needed to create a denser housing situation in the township.
- Adopted a Covid-19 Preparedness Plan.

June 22, 2020 Town Board meeting

- Received a complaint regarding building without a permit, tabled to allow time for the Board to review new documentation.
- Received a complaint regarding the hiring of Jeanie Fredlund as Deputy Clerk without advertising the position. Attorney reinforced that the Clerk was within her right to hire a deputy clerk without publicly advertising the position.
- Received an editorial legal analysis of the ordinance recodification, held for further review.
- Hired TKDA to address the drainage issues in Eureka Estates.
- Adopted the solar energy text amendment with one change to (h) the Town Board may require screening for ground-mounted ASES greater than 10 kw and up to and including 40 kw.
- Adopted a new right-of-way fee schedule.
- A previous complaint at 24729 Dodd Blvd was resolved.
- Made a motion requiring that Ag-exempt permits go before the Planning Commission and Town Board, and are no longer over-the-counter permits.

June 29, 2020 Special Town Board meeting

- Reviewed road maintenance bids from Friedges Landscaping, Hansen’s Services, Grossman Companies and Otte Excavating.
- Awarded the road maintenance contract to Otte Excavating.

Old Business

(None)

New Business

Research Comprehensive Plan amendment to zoning density

Chair Sauber provided the zoning ordinances from Castle Rock Township, Empire Township, Greenvale Township and a generalized land use map for Scott County to allow the Planning Commission to look at what currently exists in the surrounding area.

Chair Sauber made the following observations:

It was suggested at the Town Board meeting that neighboring townships have zoning other than Agricultural, and if they could get that by the Met Council, why can't Eureka do the same. It was implied that the neighboring townships can increase their housing densities. Therefore, Chair Sauber asked the Clerk to send out the zoning ordinance language and zoning maps as indicated above.

Castle Rock Township: Their RR-1 designation is basically the same as our grandfathered lot, and actually goes back even further to 1978. The majority of the Township is zoned Agricultural. We could zone Eureka Estates and Rice Lake as RR as well, for example, but it will not change our housing density.

Empire Township: Similar set-up where the majority is zoned Agricultural Preservation with additional zones, such as highway commercial.

Greenvale Township: The majority is zoned Agricultural Preserve with actually less flexibility than Eureka since there is no mention of grandfathered lot buildability.

Chair Sauber noted that the RR-1, RR-2, Neighborhood Commercial, Highway Commercial zones in Castle rock and Empire Townships likely delineate what already existed at the time that local zoning authority came into effect. The areas are small, disconnected, irregular in shape. Looking at the zones of increased housing density shows that those areas are already full. They do not create open zones for additional density.

Chair Sauber also noted that in zoning for commercial, sexually oriented business are allowed. The Townships cannot prohibit such districts under those circumstances.

Eureka Township reportedly has approximately 200 non-developed native rights, and approximately 200 undeveloped lots of record. We currently have the flexibility to increase the number of houses. The Metropolitan Council has repeatedly told us that they see us as Agricultural until 2040. Since we are zoned Ag and basically held open for future development of a much higher density, allowing 5-10 acre lots would defeat this purpose. Water and sewer would not be economically practical in that scenario.

Commissioner Clancy commented that the materials indicate that the perception that our neighbors are denser than us is inaccurate. A long-term change is coming and Eureka Township needs to decide whether to proactively implement a change in zoning. Although he stated that time may not be now. The longer we wait, the less flexible the Met Council will be.

The Planning Commission was in agreement with the interpretation of the information presented.

General Code Legal Analysis review

The Commissioners and Liaison Palmquist agreed that perhaps the best approach would be to recommend a Round Table meeting of both bodies.

Minutes Approval

Minutes of the June 2, 2020, Planning Commission meeting

Two minor changes in wording were requested.

Motion: Chair Sauber moved to approve the minutes of the June 2, 2020, meeting as amended, seconded by Vice Chair Wood. A roll call vote was taken: Nancy Sauber – Aye; Randy Wood – Aye; Al Novacek – Aye; Bill Clancy – Aye; Julie Larson – Aye. *Motion carried 5-0.*

Adjournment

Motion: Chair Sauber moved to adjourn the meeting, seconded by Commissioner Larson. Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Planning Commission Chair Date