

*Eureka Township*  
*Dakota County*  
*State of Minnesota*

Special Eureka Townboard Meeting

January 20, 2004

Chair Don Pflaum called the Special Meeting of the Eureka Town board to order at 7:00 pm.

Town board members present were Don Pflaum, Dan Rogers, Supervisor Kenny Miller, Supervisor Mark Malecha and Supervisor Connie Anderson. Clerk/ Treasurer Nanett Leine recorded the minutes.

Planning Commission members present were Butch Hansen, Cheryl Monson, Corey Behrendt, Calvin Pflaum and Francie Madden.

Eureka Township Attorney, Louise Toscano Seeba was also present.

Agenda: Ordinance Work  
Review Newsletter, for publication.

*Ordinance Work*

The Township attorney, Louise Toscano Seeba presented the Town Board with sample ordinances for wireless telecommunication systems and wind energy conversion systems. These types of ordinances should be included in the township ordinances.

Louise also presented the town board and planning commission with the changes she has made to the ordinances, as directed by the town board. Discussion followed on whether to review the changes that have been made to the ordinance or to continue reviewing the existing Ordinance.

A Motion by Supervisor Mark Malecha: to move forward with the review process and then to go back and review the changes at a later time.

The town board picked up where they left off on reviewing Zoning Ordinance No. 20

5.4 Non-conforming Uses and Structures

Discussion on whether to start working on Ordinance 32- Regarding Non Conforming Use and the Task forces recommendations for Ordinance 32 took place. The Ordinance relates to section 5.4 of Zoning Ordinance 20.

A Motion by Supervisor Mark Malecha: To explore a different avenue for the existing businesses and not follow Ordinance No. 32. The motion was seconded by Supervisor Kenny Miller. A vote was taken, 3 nays, and 2 yeas. The motion failed.

A Motion by Supervisor Kenny Miller: To table any action on 5.4 of Ordinance No. 20 until the Town board addresses Ordinance No. 32. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

Section 5.4- skip for later discussion

Section 6- Administration

6.1, 6.2, 6.3 move to New Ordinance 2- Administration.

6.41 Procedures move to New Ordinance 1, Chapter 5  
Add a subdivision in the chapter for changing zoning.

6.41 B.

- State Statutes
- Days of notice
- Boundary notice
- Louise recommended that we do not use the 60 day language in the ordinance; it needs to be followed any way. Do not reiterate the rule, if it changes, then the ordinance would need to be changed.
- Make all deadlines in a timely fashion, follow all applicable laws.
- Consistent with any other applications.
- Define special meetings, town meeting, public hearing, emergency meeting, regular town board meeting, other meetings etc.

Move to New Ordinance 2 “Township Administration”  
A new chapter between 3 & 4 titled “Other Meetings”.

6.41 C. Delete

6.41 D.

- 1 year period is standard procedure.  
Move to New Ordinance 1, Chapter 5, subheading “Zoning”

6.5 Conditional Use Permits

In new Zoning Ordinance No. 3, Chapter 3, Section 14 “Conditional Use Permits”  
The attorney has drafted and added 9. Annual review if deemed appropriate by the town board.

#### 6.52 Procedure

The attorney has outlined the procedure; it has been condensed to items 1 & 2.

- Requires a public hearing – same standard procedure for Variances, Conditional Use Permits and Nonconforming Use.

#### 6.61 Criteria for granting Variances

- Section 15 “Variances” as written draft by attorney.
- Hardship is defined- consistent with State Statutes.

#### 6.62 Procedure for Variances

- Application to the town clerk.
- Board of adjustment- needs to be a separate meeting with separate minutes. In definitions- New Ordinance 2 “Township Administration under “Other Meetings” (define and how it is called).
- In the proposed Ordinance 20 that was drafted by the previous attorney- Louise can work this section in, staying within the state statutes.

#### 6.7 Building Permits

- Addressed in New Ordinance 3: Zoning, Chapter 2, Section 1”State Building Codes”

Ordinance review stopped at Section 7: District Provisions

At the next Ordinance meeting February 17, 2004 the town board will continue reviewing Zoning Ordinance No. 20.

#### *Review Newsletter*

The town board reviewed the draft of the newsletter and made changes necessary before publication.

Bob Papke has resigned as editor of the newsletter.

The artwork is personal property of Carolyn Papke, if the town board would like to use it in the future, they will need to obtain written permission from Carolyn Papke to do so.

A Motion by Supervisor Mark Malecha: to approve the newsletter as amended. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

A Motion by Supervisor Kenny Miller: to adjourn. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

Meeting adjourned at 9:12pm.