

EUREKA TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
February 4, 2008

Chair Mike Greco called the meeting to order at 7:02 p.m. Commissioners present were Sharon Buckley, Mike Greco, Kenny Miller, Ken Olstad, and Nancy Sauber. Town Clerk/Treasurer Nanett Champlain was present through the land use portion of the agenda. Audience members included: Supervisor Gloria Belzer, Geoff Benedict of Vanguard Construction, George R. Kohler, Dean Engelman, Cheryl Engelman, Zach Malwitz, Russ Matthys, Carrie Jennings, Josh Malwitz, Building Inspector Scott Qualle, Nick Qualle, Supervisor Brian Budenski, and Supervisor Cory Behrendt.

**Approval of Agenda** -There were a few additions made to the agenda. Ken Olstad moved to approve the agenda as amended. Kenny Miller seconded the motion, which passed unanimously.

**Approval of Minutes –**

**1. December 20, 2007 –Roundtable of Planning Commission, Town Board and Township Attorney**

There were a number of corrections and changes suggested. Sharon Buckley moved to approve the minutes as amended. Ken Olstad seconded the motion. The motion passed with four votes; Kenny Miller did not vote, as he was not present at the roundtable meeting.

**2. January 7, 2008 –Regular Planning Commission meeting**

Sharon Buckley offered two corrections. Sharon Buckley moved to approve the minutes as amended. Ken Olstad seconded the motion, and it was passed unanimously.

**1. Permit Requests-**

There were no permit requests on the agenda.

**2. Other Land Use and Zoning Items-**

**A. Conditional Use Permit (CUP) application for Glory to Glory Christian Center**  
Pastor Dean Engelman, Cheryl Engelman, and Russ Matthys represented the request.

Chair Greco stated that the preliminary discussion of this proposal took place at the Planning Commission's December meeting. The Township did receive an application within the last week. There was an issue, however, in that the item that addresses the seven required conditions listed in the CUP Ordinance was missing. Town Clerk Nanett Champlain notified Mr. Kohler of this, and the item was presented and distributed to Commissioners before this meeting. The document was not submitted within the ten-day time limit for action to be taken. Since, however, the Commission would not be taking any actual action on the application itself at this meeting, Mike suggested, it could simply determine whether the application is complete and set the public hearing date. There was no objection to choosing this course.

The materials submitted included a completed land use and zoning request application form. There were no items on it that were deemed to be incomplete. There was included the afore-

mentioned written explanation of how the application meets the seven required conditions for a CUP in the Ordinances. The Commission may ask for more information on these conditions or seek that information on its own.

Concerning #1., b., and its mention of utilization of private well and septic systems on the site, Nancy Sauber brought up the topic of the commercial plumbing permit. This was in reference to a letter to Randy Ellingboe of the Plumbing and Engineering Unit, Construction Codes and Licensing Division, Minnesota Department of Labor and Industry, from Dan Rogers, Board Chair, and Scott Qualle, Building Official. It was Nancy's understanding from Nanett Champlain that until such time as the Township includes the section of the State Building Code concerning commercial plumbing permits in its Ordinances, all such requests for plumbing systems for other than single-family dwellings shall be submitted in triplicate to the State. After that section is included in the Ordinances, such requests may then go through the Township Building Official. Nancy stated that she wanted the applicants to be aware of this requirement. Mike Greco suggested that the applicants could ask Nanett for any further clarification or contact information. He also mentioned that the Building Official, Scott Qualle, would be at the Town Hall for his 8:00 p.m. agenda item. Even though he cannot do the inspection at this time, he could, Mike suggested, perhaps explain what is required. This would be a point of information that the Commission would be looking for at the public hearing, Mike further stated.

Mike mentioned again, as he had in December, that the applicants would need to obtain a County driveway permit, as the access to the Center will be off a County road. Further, Mike said that the Commission would like to see something in writing from the County concerning the proposed turn lanes, the placement of ingress and egress, etc.

Sharon Buckley asked a question about where the project would be placed on the site map.

Mike asked whether any of the Commissioners had questions about the attachments to the application. Nancy Sauber verified with the applicants that the dark lines indicate Phase I of the project and all else is for the future. She also brought up the subject again that, since the plan is to rough grade the entire 10-acre parcel at the outset, that the Vermillion River Watershed Joint Powers Organization (VRWJPO) requires a Storm Water Pollution Prevention Plan (SWPPP). (Any disturbance of over an acre of ground must have such a plan.) Mike indicated that he had talked further with George Kohler about this issue. The Township has a separate application form for this, and it should be submitted in conjunction with the CUP application, as the Planning Commission would need to have the SWPPP before it could go on to make its recommendation on the project. The March meetings of the Commission and the Board would be the first opportunity for the applicants to act on the VRWJPO application. The public hearing would most likely be scheduled before those meetings, Mike said.

Mike stated that the site plan has the items of information needed. He verified with the applicants that there are no adjacent buildings within 100' of the boundaries of the property in question. Nanett Champlain had asked about any proposed lighting. Russ Matthys said that the parking lot lighting is shown on the site plan. It will be double boxes that direct the light downward, similar to the lighting that is at the Eureka Town Hall. The dashed lines on the plan

show the spread of light and where it should cut off. Russ said that there should be no light pollution outside the limits of the property from such downcast lighting. There would also be some lighting on the building itself, Mr. Matthys stated, which would also be cast downward.

Chair Greco asked whether there were any signs proposed that would be visible from the road(s). Mr. Matthys stated that there is a sign proposed that would be a lighted sign with a digital display. Mike said that a CUP would be required for that type of a sign anyway, but that it could be dealt with as part of the entire CUP application. The Commission would have specific questions about the sign; it was suggested that the applicants look at the sign ordinance to see what is allowed. There followed a discussion about sign permits, lighted signs, CUP's for lighted signs, and how this would all be handled. It was put forward that the sign requires a building permit, and the building itself requires a building permit, but that the CUP portion could deal with all the uses involved in the proposed project. This was discussed further. It was then suggested that the attorney be asked for advice on this topic, so that the issue be clarified correctly.

Chair Greco said that there was a landscaping plan submitted.

Mike stated that the Commission needs an actual building permit application for the building. Geoff Benedict, general contractor from Vanguard Construction, then joined the group. He stated that it was their understanding that they needed to obtain the CUP approval first, the site plan approval, and then the building permit application comes into play. Mike replied that the applicants are asking for a use that involves a very large structure, and the Commission should have this information at its disposal at the beginning. Mr. Benedict responded that it could be done, but that when it comes to structural, mechanical, or electrical drawings, if something changes later, then all those documents would need to be changed. He said, however, that they would accommodate whatever the Township's requirements are. Mike said that any changes that the applicants may make to the building would probably not have a significant impact on the CUP, unless there would be changes to the footprint of the building. Mr. Benedict said that the applicants may not, but, through its plan review, the Planning Commission might change the footprint of the building or its location, or the location of the drive. Mr. Benedict said that they could complete the [building permit application] form, but would the actual construction drawings be required right away? The attorney will be consulted on this issue as well.

Mike clarified to the applicants that the driveway permit is separate, the sign permit is separate, the building permit is separate, the SWPPP is separate, and the septic permit is separate. Mr. Benedict commented on the usual procedure that his company goes through in such instances.

The date for the public hearing was set for Tuesday, February 19, 2008, at 7:00 p.m.

The question was asked whether anyone on the Commission wanted the attorney present at the public hearing. Mr. Miller and Mr. Greco stated that they did not see a need for that. Mike stated, however, that if any Commissioner does wish to, he or she may request the attorney's presence through the Board attorney contact, Supervisor Cory Behrendt.

### **B. Hatrick Annexation-**

Mike referred to a January 11, 2008, email regarding this issue. The Planning Commission has not yet had the opportunity to discuss this email and may have a recommendation to the Board, Mike said. The property is on the east side of Cedar Avenue, near the airport, just north of the flight zone on 225<sup>th</sup> St. W. The owners, the Regans, approached Lakeville a year or so ago asking whether it might be interested in annexing this property so that it could be turned to an industrial use. At the time, Mike related, the Township was not interested in zoning it industrial, and there was also the issue of providing the kinds of services that such an industrial use would require. The Township held discussions with Lakeville as to what sort of an orderly annexation agreement might be entered into, and as to what benefits, such as tax revenue, the Township might receive from such an annexation agreement. Lakeville did not receive an official request from Hatrick Development, and the Township did not receive an answer back from Lakeville, either. Recently, the Regans have officially requested annexation, and the Lakeville City Council has given direction to pursue annexation of the property. Lakeville can do that by ordinance as a hostile annexation, but made contact with Eureka, hoping to work out an orderly annexation agreement. When requested by the property owner, a city can annex by ordinance properties up to 120 acres in size that are contiguous to the city limits.

Mike Greco stated that he thought it might be worth the effort to approach the property owners to see if there is any possibility that they may agree to stay within the Township as the proposed development is rumored to be of a low intensity. On-site septic and water may be adequate under those circumstances, which are different from the original, more intensive use planned for the property when the issue first came up. Mike stated that there would be a tax benefit to the Regans to stay in Eureka. The topic was discussed briefly, the end result being that Mike Greco moved that the Planning Commission recommend to the Board that it make contact with the Regans to see if they are interested in remaining in the Township and pursuing the development of the parcel through rezoning. Sharon Buckley seconded the motion, which passed unanimously.

### **C. County Road 70 and Dodd Boulevard Industrial development**

Chair Greco brought to the Commission's attention for informational purposes that there is a 140-acre parcel at the intersection of County Road 70 and Dodd Boulevard, which is on the edge of the Township, which is being proposed for light industrial use. The following is from a Lakeville city newsletter that is distributed to its employees:

*“Development News:*

A 140-acre parcel of property on the southeast corner of Dodd Blvd. and CSAH 70 has been purchased by First Industrial Realty Trust and is being proposed for development of up to 1.4 million square feet of light industrial/warehouse use. Because of the immense size of the proposed development, an environmental review is required. City Council ordered an Alternative Urban Areawide Review (AUAR) of the First Park Lakeville site, which will be brought back to the Council for authorization of its publication and distribution.”

This information will be brought up during the Comprehensive Planning process.

>There were no other land use and zoning items brought forward. <

### **3. Other Business**

#### **A. Building Inspector**

Building Inspector Scott Qualle and Nick Qualle of Waldron Associates were present to answer any questions that the Planning Commission may have concerning building permits. The year 2008 marks the beginning of the Township's new contract with this building inspection firm.

One procedure that the Commission wanted explained was that of dealing with expired permits. Scott Qualle stated that it is clearly the Building Official's responsibility to track where each permit is in the process and to report this to the Township. Waldron Associates automatically reports to the Township at each point during the process. He said that the Planning Commission's responsibility is to review Waldron's report and ask any questions it may have. Ultimately, the Township is responsible for the permits that have been issued. Technically, there is not an expiration date on a permit. They do get old, and there are some things that the Building Official can do to move things along and bring the permits to a close. If work is abandoned for 180 days, or if there is not substantial progress for 180 days, the Building Official can expire the permit and can go through a process to either renew it or to close it out and require that the permit holder obtain a new permit to finish the work. The Minnesota State Building Code says that there will be a final inspection performed for each permit that is issued. This does not necessarily mean that the work has to be completed. There can be a final inspection that says that the work has been abandoned at that point and the permit has expired. Waldron's goal is to start with an educational approach to help people to comply with the Code. Waldron Associates makes a phone call to the applicant when it has been four months since the permit was applied for and turned back to the Township, or since the applicant picked up the permit but there have been no inspections, or since the last inspection. At five months a postcard is sent stating that there have not been any inspections for a while, please make contact with the Inspector as there is a risk of the permit expiring due to a lack of activity. Just before six months, Waldron sends a letter that says that the permit is in danger of expiring because of lack of activity. The applicant is informed he may have to renew the permit or get another permit if the current permit expires. At six months and three weeks to seven months, another letter is sent saying that the permit has expired, and the opportunity to renew it for one half of the fee has passed. The 50% of the fee is a holdover from the old Universal Building Code, Scott said, but it works for many communities. There is not another plan review fee assessed with a renewal unless there have been changes to the structure. Waldron Associates tries to keep people on track with their projects by saying that they have to get to the next inspection, the next milestone.

Kenny Miller asked a question about Waldron's policy that the permit holder has to have had an inspection on a basis of at least every six months to keep the permit current, as described by Scott Qualle. Kenny asked whether this was in the State Building Code. Scott answered that, no, it is not directly from the Code, but it is a mechanism they use. Mike Greco stated that, in a

previous discussion on the Planning Commission, this very same criterion for progress was arrived at. Scott commented that the Code requires that the permit holder must demonstrate substantial progress within six months' time. Without an inspection, Scott questioned how a permit holder shows the Building Official that he has made this substantial progress. Nancy Sauber said that this issue of an inspection being required is dealt with on the signature sheet that was submitted to the Planning Commission by Waldron Associates, along with other of their materials used. Scott said that information was their recommendation for the signature box on the permit application form. Namely, (1) "I agree to pay plan review fees, even if I choose not to proceed with the work." and (2) "Building permits expire when the building or work is not commenced within 180 days of the permit issuance or if building or work is suspended, abandoned, or not inspected for 180 days." When making application for the permit, the applicant signs this. Scott said that it is in the spirit, if not the wording, of the Building Code. It is a guideline that his firm uses to try to keep projects moving so there are not permits that are ten years old. Mr. Miller questioned whether this would be defensible in a court of law. Mr. Qualle said that he disagreed, and that this is an area where the Building Official is given discretion. Mr. Miller said that he did not want the Township to get into a position where an applicant manipulates the system against the Township. Scott replied that is why they have the applicant sign the form, and that is how it would be defended. Mike Greco interjected that he was fairly sure that when Mr. Hegner agreed to a similar procedure tied to inspections, the attorney was consulted to be sure that this was a legitimate way to go. The inspections are the way a building official can keep track of progress. Kenny said that his only concern is that the process work for the Township. Scott replied that, typically, it is not a builder who would try to string out a project, because he wants to finish, get paid, and move on to the next project. If anyone, it would be the homeowner working on his own project that might try to take that route. Sharon Buckley referred to page 59 of the Ordinances that states that a permit becomes invalid unless the work authorized by the permit is commenced within 180 days of issuance, or if the work authorized by the permit is suspended or abandoned for 180 days after the time the work is commenced. It also deals there with extensions and the granting of such extensions for good cause. Scott said that the part read by Sharon is directly out of the Building Code. Nancy Sauber asked if it were not possible that someone could work more or less sporadically for 180 days and still not arrive at the point of actually needing an inspection or the next inspection. Scott answered that it is possible and that is why they added that language to be signed by the applicant. Nancy asked whether Scott is saying, then, that the applicant *has* to get to the point of needing an inspection or the permit could expire. Scott responded that the Code has "black and white" parts and "a fair amount of grey" parts. He stated that he would seek direction from the Township before he would do anything to shut somebody down. He would not make those decisions on his own and, in fact, would prefer not to. Mike Greco stated that there could be circumstances where someone does not ask for an inspection, but is making reasonable progress, and Waldron Associates seems reasonable in its approach. Scott said that if the reason given in the written request for an extension seems reasonable, they would probably grant the extension. If there were some question, Waldron would consult the Township for its input.

Nancy Sauber asked for a clarification if it is the Building Official or the Township itself that issues the permits. Scott responded that building officials issue permits, but, because of the contract relationship between the Building Official and the Township, the permit is not fully

issued until the Township has collected the fee. The Township has permit applications where the plan review was done, presumably the former Inspector was paid by the Township for the plan review, the applications came back to the Township for issuance, but they are still sitting in the drawer, Scott said. That, again, is the reason for the language that says the applicant will pay for the plan review fee, even if he decides not to go ahead with the project. The Township would have his signature so that the Township is not on the hook for that fee when those situations happen. Waldron does not consider the permit fully issued until the Township is paid, but the Building Official is the actual issuing party.

Mike Greco raised the question of the “50% of the fee” when dealing with renewal of permits. What fee, exactly, is the fee in question? Mr. Qualle responded that, by Code, it is required that building permits are based on valuation. Waldron compares the supplied valuation with the State valuation table. They would usually pick the number that is the greater of those two numbers. That is filtered against the Township’s fee table, which, he believes, is the ’97 Universal Building Code table with some modifications. All this gives the Official the permit fee. For example, if there were a \$50,000 permit valuation, \$722.20 would be the permit fee for that project. Sixty-five per cent of that figure is the amount used for plan review fee- in the example, about \$440. There is a state surcharge based on the \$50,000 that may be about \$25, plus any fees the Township might add. When a renewal is made, the “50% of the fee” refers to the permit fee only. In the example, it would be the \$722, so that renewal fee would be \$361 plus a 0.50 surcharge that the State requires. If there were plan changes, Waldron would probably assess a reduced plan review fee based on the reduced renewal fee, or on an hourly basis, or it may require a new permit.

Ken Olstad asked a question about roofing and siding flat fees for residential uses vs. fees based on valuation for commercial uses. He said if it is a church in question, how is that handled? Scott replied that “commercial” as it is used here is anything that is not residential. Therefore, the church would fall under “commercial”. Single family homes, twinhomes, or townhomes built to the IRC, the International Residential Code, are what qualify as residential. Everything else is commercial under the IBC, the International Building Code. A sixty-unit apartment building is commercial even though people live there, Scott explained.

Mike Greco brought up the yet-open permits under the previous Inspector, Bob Hegner. It had been the understanding from Bob Hegner that he has the right to finish off and close out any permit that was started under his time with the Township. The Township had agreed verbally that this was acceptable. Nancy Sauber has compiled a list of the open permits left from Bob’s tenure, after updating the list during a recent conversation with Bob. These are only the permits that came before the Planning Commission, not inclusive of mechanical, plumbing, or any other permits. Nancy gave that list to Mr. Qualle. Town Clerk and Zoning Administrator Nanett Champlain was asked to come up with a list of the mechanical, roofing, and other permits that do not come before the Commission that are still open. Mr. Hegner has not returned the files on Nancy’s list yet, Nancy said. Nanett will check on what the status is with the other files. Mr. Qualle said that the Code does not address this issue except along the lines that Mr. Hegner is no longer the Building Official; Mr. Qualle is. Therefore, Bob does not have the authority any longer to inspect anything or ask the homeowner to do anything or to correct anything even if he

was the Official at the time the permit was issued. Sometimes the former Building Official is given a time frame, after which all work goes to the new Official. Mr. Qualle will work with the people on Nancy's list. Among them is a case of a homeowner who, reportedly, has repeatedly called Mr. Hegner for inspection so he can final out his house. Mr. Hegner disputed that in his phone call with Nancy. In any case, Mr. Qualle is taking care of that permit for the Township. However, Mr. Qualle stated that it is not known how many other permits overall still remain not closed out. There could be a large number. Mike said that the verbal agreement with Bob was pretty general. This is probably a question for the Board as to what they want to do in the matter. Nancy Sauber said that the important point is what Scott said about the lack of Bob's authority at this time. Mike agreed.

Scott said that the difficult part is Bob's having been paid already for services not done yet and that Bob would not be doing now (or at least after a certain time window that may be allowed him by the Board) since the Township has a new Inspector. How that money might be retrieved is problematic.

Kenny Miller asked whether the permit holders should be called to notify them to call Waldron Associates for any inspections. Mr. Qualle said Waldron could call those on Nancy's list, as there are just a few. Mike asked Nanett to try to arrive at some sort of a list of the other permits.

Nanett brought up another case of permit holders whose permit had expired. They still want to build the house in Eureka, but have to sell their present house first. Scott said that the Township could give direction on how it wants that handled. If the Township wants to extend that permit, that is fine with him. Nancy Sauber raised the issue that the instruction sheet says that permits are good for one year. Technically, they could be good for longer than that with extensions. More to the point, the permit holders in question who are still trying to sell their house, may not have even realized that their permit was about to expire because they may have thought that it was good for the whole year as stated on the instruction sheet without their having to do anything further, especially if they had not been informed otherwise by the Building Official. Therefore, an argument could be made to allow them to extend their permit even though it has now expired. The public needs to be educated from the every beginning where they stand and how this process is supposed to go. The process employed by Waldron Associates should improve this situation.

There is also a building permit for a house on the list from Nancy that has not been started, as the property owner did not intend to start any building until spring, 2008. If started by June, it would be within the 180 days. There is also one on the list for airport hangars that has only had a framing inspection so far, according to Bob. These are files that Bob still has for projects that he believes he will follow.

Mike Greco said that there were three Board members in the audience. They have heard what the situation is and can make their decision.

Sharon Buckley said that it is her suggestion that the Township give Bob a deadline by which to finish what he can on the files he has. Mr. Qualle asserted that the files are the Township's, not the Building Official's.

There was a question of whether a simple window replacement requires a permit. There is a Township replacement fee listed. Scott noted that Eureka's fee for this is higher than that of most of the communities he works with. It is up to the Township to set those fees. Ken Olstad asked whether a permit is actually required when it is a simple replacement of a window, with no egress involved, no moving of headers, same size, etc. Scott said it does require a permit; it is called an accessory permit.

Mr. Qualle said that, if asked, his firm would do setback checks as part of a site inspection before any earth is moved. Typically, they would receive a sheet with what the setbacks are for that property; there could have been a variance granted, for example. There would be a paper record in the file noting this setback measurement.

Scott Qualle attended a septic class. He wondered whether the Township wants to keep control of the septic inspections, or if it may want to give that back to the County. The County has the soil experts and the resources at its disposal. Scott said that he does not know why a small municipality would want to take that on. In any case, Waldron does have someone who can perform those inspections if needed. Mike said that the Commission could address that next month.

There is a similar situation with electrical inspections. The Township could take those inspections from the State, or it can elect to continue to have the State do the inspections. Waldron does also have someone who is qualified to do those inspections as well. It is up to the Township what it wants to do.

The Planning Commission discussed application forms and instruction sheets with the Qualles. Nick Qualle had examined the Township's forms that have recently been revamped. The Commission's question was whether the Township's forms are adequate or not; are there supplemental forms needed? Nick said that he took the Township's forms and added comments from his point of view. Nick said that if the Township really likes the way the forms are laid out, which is fine, he would like to add some things to them. Mike said that is why Waldron was asked to review the forms. Nick asked whether certified site surveys were required. Mike said for some things, yes. Most of the lots are so big that there isn't always an issue. The signature sheet referenced earlier was mentioned. There was a general discussion of the various forms and categories. Mike said that if Nick would highlight all the changes that Waldron would like to see, the Commission could go from there. The Qualles agreed to do so.

There was also a brief discussion of horses and agriculture, whether having horses would qualify a property owner to have an ag building. Scott said that he does not think that horses qualify except under specific circumstances. He will get back to the Commission this.

Ken Olstad will go over the Waldron permit submittal checklists to see where they might fit with the Eureka Township instruction sheets or if the Waldron sheets are better and should be substituted.

The matter of submission of commercial plumbing plans to the State until the proper language is adopted into the Ordinances was discussed.

The Commission thanked the Qualles for coming to the meeting to answer questions and to clarify issues. Scott invited calls or emails with any questions at any time.

Mike Greco called for a five-minute recess at 9:09 p.m.

The meeting was reconvened at 9:16 p.m.

## **B. Board Report**

**1. Comprehensive Plan Update Committee-** The Board appointed the Comprehensive Plan Update Committee recommended by the Planning Commission at its last meeting.

**2. Bill Weber** - Mike brought up to the Board the issue of keeping Bill Weber on retainer as available to the Township should it require MFRA's services as planner on specific projects. The Board agreed to do so. Supervisor Cory Behrendt was to make contact with Bill to let him know of the decision.

There was nothing further offered for Mike to take back to the Board on behalf of the Commission.

## **C. Organizational/Administrative Issues**

**1. Outstanding permits** – Nancy Sauber reported that there are no permits about to expire. Scott Qualle will be in touch with Jeff Tonsager about his situation, Mike said.

**2. Planning Commission Report at the Annual Town Meeting-** The Board gave the Commission 10-15 minutes for its report. Some items that could be included are: 1) the new Building Inspector, 2) the Comprehensive Planning process and the planner engaged, along with an update of the process as well as that citizens' input is welcomed, 3) Ordinance updates, if timely, and 4) some of the bigger issues of the Conditional Use Permits and Interim Use Permits that have come before the Commission in the last year. Sharon commented that last year the overall number of permits was also reported. Mike Greco volunteered to give the report for this year.

**D. Ordinance Update Round II** – The Commission has received an email from attorney Trevor Oliver with memos on six ordinance items where the Commission has asked for feedback or more specific language. Mike suggested that the Commission schedule at least one special meeting to review these six items and the other changes that attorney Patrick Kelly had suggested at the November meeting on the Ordinances. The date of Thursday, February 28, 2008, from 7:00 to 9:00 p.m., was set for the special meeting. The Commission agreed to go over the items first on its own, and then schedule another meeting with Mr. Kelly, if thought necessary.

## **E. Training –**

### **1. Reports on training attended**

Mike Greco attended a workshop offered through Government Training Services entitled “A Fresh Look- Rethinking Local Land Use Planning”. There were a number of speakers there, talking about items such as what was done to the trout stream east of Cedar Avenue when Cedar was upgraded and how to work natural resources information into land use planning. Mike gave copies of a CD to the Commissioners for later use once the Comprehensive Plan is done. For example, there is a model ordinance on the CD that was used by a couple different communities to protect aggregate resources; there is information on how development can be staged around the mining of the aggregate; there are examples of agreements that neighboring landowners sign when they might want to build, that signify their understanding that there is a potential gravel pit across the street. There were also model ordinances on conservation design and how a community might allow greater density in housing that would result in preservation of open space. Mike is scheduled to go to the session entitled “Redefining the Development Process”, which is the same one that Nancy Sauber attended previously, Mike said.

### **2. Upcoming opportunities**

Tom Stinson, State Economist, and Tom Gillaspie, State Demographer, will give a presentation on February 9 in Canon Falls. The topics to be discussed are the economy and how it may have an impact on rural communities and also changes in the demography of rural communities. Sharon Buckley and Nancy Sauber indicated that they may attend this session.

## **F. Airlake Airport**

Sharon Buckley reported that she and Supervisor Jeff Otto attended a meeting with Bridget Rief of the Metropolitan Airports Commission (MAC) and Jeff Nawrocki, Airlake Airport Manager, to start talking about the issues related to the anticipated development of the south hangar area. The notes that Sharon took at this meeting are attached to these minutes.

Mike Greco suggested that the Township should get TKDA planners involved in the discussion of development/annexation issues to better protect the Township’s interests. Mike offered the opinion that the more that Lakeville and Eureka are in agreement on what should happen, the more likely MAC would be to cooperate. Something like what Stillwater and Stillwater Township have done, working through a Joint Planning Board, might be something that Eureka would want to do with Lakeville as a more constructive approach to the problem, Mike stated. TKDA works with Stillwater and is certainly familiar with this process. He stated that he would make these issues part of his Board report in March.

Sharon stated that she did not think that a permanent joint board to deal with building permits is what is needed, but that there needs to be some conversations. Kenny Miller stated that he believes the Township needs to become more active on this issue of annexation and what the Township might receive from it.

## **G. Vermillion River Watershed Joint Powers Organization**

Supervisor Jeff Otto is working on the map of current land use as requested by planner Dean Johnson.

**H. Castle Rock Empire Eureka Farmington (CEEF)**

The CEEF is asking for a representative from Eureka. There is a meeting every two months. They want to update their bylaws. Bernie Wood used to be involved in it; Sharon Buckley will call Bernie for further information on what this organization does.

Nancy Sauber moved to adjourn. Ken Olstad seconded the motion. There was no objection to adjournment, and the meeting was adjourned at 9:58 p.m.

Submitted by,  
Nancy Sauber, Recorder

**Meeting 2/4/08 at Airlake Airport** with Jeff Nawrocki, Bridget Rief, and Jeff Otto to discuss development of the south building area

The airport's long-term comprehensive plan does include a 5000-foot runway in 10-15 years, and development of the south hangar area in 0-5 years. The runway expansion project may run into issues of re-aligning Cedar Avenue too close to the Vermillion River.

In the 2009 Capital Improvement Plan, there is funding for a restroom on the north side (within Lakeville boundaries) and development of the south hangar area.

6-8 developers have expressed interest in developing the south hangar area. MAC will request RFPs when they get to that process. The developers will need to know more about the parameters and expectations in order to submit their proposals.

MAC expects a continued decrease in general and private aviation, and an increase in corporate aviation. VLJs (very light jets) are new and may drive the usage. A major advantage to a corporation to having "fractional ownership" in a VLJ is the cost (if 6 or more are flying, it's less expensive privately than commercially) and no security to go through. VLJs are predicted to have no more and possibly less noise than current aircraft. There may be an increase in traffic from VLJs being used more frequently than private planes.

#### **Discussion of Eureka's concerns:**

**Sewer and water:** The plan is currently looking at a "dry" hangar area (no sewer and water) with future corporate development with full service. The timeline would be linked to the runway expansion. Both Jeff N. and Bridget verified sewer and water trunks are under the runway from Lakeville into Eureka Township. This could be an advantage in that water is already available for fire protection, and Eureka contracts with Lakeville for this service.

Since MAC is moving away from private well and septic systems, it is not their plan to build new ones in the south hangar area. There are 3-4 private systems still existing in the north hangar area. The existing hangars will remain service-free according to the current plans.

**Annexation:** There is general sentiment in the township to resist neighboring communities from annexing portions of Eureka Township. If Lakeville did annex the airport land, MAC would be freer to develop. Lakeville has other areas requesting services and their provision of services to the airport would be more acceptable in their community if the airport were within Lakeville boundaries. There would be questions of who would install services, and who would maintain them, and these are handled in different ways in different communities. Eureka might consider what it would want in exchange for annexation. Could/should the requested annexation of land for industrial development be included in the mix? Again, Eureka prefers to find workable solutions that avoid annexation considerations.

**Roads:** The added traffic on 225<sup>th</sup> Street and Highview Ave are a concern to Eureka Township.

MAC funding in 2009 includes paving 225<sup>th</sup> Street from Cedar Ave to the south hangar entrance (about half the distance from Cedar to Highview). MAC *could consider* paving the rest of 225<sup>th</sup> to Highview, and Highview from 225<sup>th</sup> to the Lakeville boarder. Maintenance of the road would be a question. Also need to question if there could be any county involvement in the road plan.

**Hangar use:** MAC has lease options for storage and for commercial use. Currently Eureka ordinances only allow storage, not commercial uses. There is no plan for a FBO (Fixed Base Operation) such as the “chalet” building on the north side. They do anticipate small aviation-related industry. This issue is also handled differently in other communities. For example, St. Paul has no jurisdiction. In Blaine, MAC owns surrounding land that is being considered for other development. MAC is working with the city to re-zone some of the land from the current “airport” zoning. Eureka may want to consider providing language in the 2008 Comprehensive Plan update to allow for a zoning ordinance change for the airport property.

There are currently no plans for a museum or flight school. Museums typically do not do well. There are already two flight schools.

**In summary:** MAC is interested in working with surrounding communities for mutually beneficial agreements. It is politically wise to do so. In the end, there may be business decisions that drive their choice of direction on these issues.