

**EUREKA TOWNSHIP
PLANNING COMMISSION MINUTES
REGULAR MEETING
November 2, 2009
Eureka Town Hall
Dakota County, Minnesota**

The Eureka Township Planning Commission meeting was called to order by Chair Vince Mako at 7 p.m.

Members Present: Vince Mako, Ken Olstad, Pete Storlie, Kenny Miller, Cheryl Groves. Jeff Otto and Brian Budenski were present to represent the Town Board. Also present, Nanett Sandstrom, Clerk for Eureka Township, and Carol Kelly, Recorder.

APPROVAL OF AGENDA

The following items were added to the agenda:
Public Hearing at 7:30 to discuss a variance request
Other business, item 5, road tour

A. PERMIT REQUESTS

None (See B.4.c.)

B. LAND & USE ZONING ITEMS

1. **Carol Nassif, 26535 Galaxie Ave West** (Parcel ID 13-02700-011-37) submitted an application for a kennel license (existing kennel building). The building has 20 runs. The dogs are American Eskimo, used for show, and periodically bred for personal use.

An issue was brought up for discussion regarding the distance from the kennel to the nearest residential dwelling (other than owner). The distance must be at least 500 ft, as required by Ordinance 7. A preliminary measurement (GIS measurement) had been taken from an exterior wall of the kennel to an exterior wall of next dwelling at 476 ft. After further review it was determined the kennel was in existence and assumed in operation prior to passage of the Ordinance, thereby grandfathering the existing kennel. It was also noted that an addition had been made to the aforementioned dwelling that may have impacted the distance requirement.

A motion by Vince Mako: Recommend for approval a private kennel operator license for action by the Town Board. Specific note that the determination was made regardless of the distance to nearest residence since the kennel should be legal based on the language in the Ordinance. Kenny Miller seconded the motion. Motion carried by unanimous vote.

2. **James and Mary Madden Trust, 10250 225th St W** (Parcel Ids 13-00600-01250, 13-00700-010-26, 13-00600-010-52, 1300600-010-51), represented by Mary Madden Kopp and Francie Madden, submitted an application for a lot split of the identified parcels located in Sections 6 and 7, Township 113, Range 20, Dakota County. Will be split into 6 parcels. Three of the parcels have existing buildings. No set back issues.

A motion by Kenny Miller: To forward to Town Board for approval of lot split. The motion was seconded by Ken Olstad. Motion carried by unanimous vote.

The meeting was recessed at 7:30 for the Public Hearing to discuss a variance request and reopened at 8:55 p.m.

3. **Andi & Jeff Krapu** had applied previously for a lot split but had not at this time submitted an updated survey required for approval. There was no representation at this meeting.

A motion by Kenny Miller: To allow for a 60-day extension on the application, to December 24, 2009. Ken Olstad seconded the motion. Motion carried by unanimous vote.

4. Other Land Use & Zoning Items

- a. **Met Council - Variance for driveway for lift station at 235th St & Dodd Blvd following Public Hearing called to discuss any issues.**

Discussion as to whether or not the variance for a driveway met the criteria for a variance request. It was found that the criteria were met and that the variance should be allowed.

Motion by Kenny Miller: Recommend approval of the variance request for a driveway specific to the CUP for the lift station at 235th St. & Dodd Blvd to be forwarded to the Town Board. Motion was seconded by Vince Mako and carried by unanimous vote.

- b. **Met Council – Conditional Use Permit (CUP) for lift station at 235th St & Dodd Blvd following Public Hearing called to discuss any issues.**

Q & A with representatives of Met Council about likelihood of a spill and procedures in place in the event of a spill. Discussion about need for an annual review. Comment that nature of use may warrant annual review. Additional discussion regarding lifetime of pump and pipes in lift station.

It was decided that approval of the CUP should be contingent upon agreement and adherence to the following conditions:

- Contact information for the Met Council must be on file at the Eureka Township Hall.

- Eureka Township must receive timely notification of any unplanned occurrences (ex: a spill).
- There will be a Public Review two years after issuance of the CUP and optionally at the discretion of the Town Board each year thereafter.
- Landscaping will be completed according to plan within two years of issuance of the CUP and maintained in perpetuity.
- Access to the property be via the driveway specified on site plan provided the variance of setback requirements for the driveway is granted.

Motion by Ken Olstad: Recommend approval of CUP, to include the conditions outlined above, be forwarded to Town Board. Kenny Miller seconded and motion was unanimously carried.

c. Met Council - Building Permit Application for lift station at 235th St & Dodd Blvd

The required documentation for a Building Permit had been submitted but was currently being reviewed by the building inspector. The Met Council representatives provided the document reflecting the setbacks, which was initialed and handed over to the Planning Commission.

Motion by Ken Olstad: Recommend approval of the Building Permit provided the Town Board receives the building plan. Vince Mako seconded the motion. Motion carried by unanimous vote.

5-minute recess was called at 8:47 p.m. and meeting resumed at 8:55 p.m.

Nanett Sandstrom will draft the Resolution and Conditional Use Permit for the lift station, item B.4. b. of minutes.

C. APPROVAL OF MINUTES

1. Planning Commission Meeting October 5, 2009

A motion by Ken Olstad to approve the minutes. Vince Mako seconded the motion. The motion was carried by unanimous vote. (Favorable comment made regarding the format of these minutes; and noted that the format will be used in future).

D. OTHER BUSINESS

1. Joint Powers Agreement with Dakota County for technical assistance in Street & Address naming.

A motion by Kenny Miller: Recommend forwarding agreement to Town Board for their consideration. Motion seconded by Vince Mako and carried by unanimous vote.

2. Discuss & comment on the proposed Vermillion River Joint Powers Organization (VRWJPO) amendments to the Watershed Plan.

Jeff Otto, Chair of the Town Board and Brian Budenski, Vice Chair, were present for this discussion.

It was pointed out that the sizes of the buffers for the Watershed Plan have been reduced at the federal level. The VRWJPO is in the process of amending their standards to comply with the feds. Any comments to the proposed amendments should be submitted to the VRWJPO by December 15, 2009. The Planning Commission will address this at the December meeting.

Ongoing discussion of how permitting process will take place and what triggers a review by the County for a Permit. As of yet, Eureka Township has not adopted Dakota County's Ordinance. Until an agreement between the Township and the VRWJPO is in place citizens should be referred to the County if there is a request for a building permit that changes the footprint of the land within the Watershed.

3. Supervisor Board Member comments & discussion

Deputies are patrolling speed limits on rural residential roads. Information provided in current monthly Newsletter regarding speed limits.

Road conditions are an issue mainly due to weather conditions during October.

Damage to Town Hall addressed in October Newsletter.

Maintenance of ditches: Town Board recognizes need to get done.

4. Road Tour

Due to scheduling conflicts road tour was delayed to November 14, 2009.

5. Open Discussion by PC Members

Request for update of ongoing status document/project list discussed at roundtable meeting. Cheryl Groves had sent out information but will resend to Nanett for distribution.

Ordinance update being worked on by Ken Olstad. Goal, to be completed for comment by January meeting and to schedule any additional meetings needed/required to complete.

Comp Plan update - list of responses to the Met Council by December meeting. Ken Olstad and Jim Sauber are working this on.

Things to do before next meeting:

- Road tour
- Ordinance and Comp Plan updates
- Project status
- Review the Vermillion River Watershed documentation

A motion by Vince Mako: To adjourn. The motion was seconded by Ken Olstad.
Motion carried by unanimous vote.

Meeting adjourned at 10:00 p.m.

Minutes submitted by Carol Kelly, Recorder for Eureka Township Planning Committee