

**EUREKA TOWNSHIP  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
December 7, 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. The Town Board representative for the December meeting was Carrie Jennings. Supervisor, Jeff Otto, was also present. Nanett Sandstrom, Clerk for Eureka Township and Carol Kelly, Recorder were present.

**APPROVAL OF AGENDA**

The following items were added to the agenda:

Other business

- item 5, Road Tour review
- item 6, Commercial/Industrial Task Force
- item 7, Recorder for Public Hearings

A motion by Vince Mako: To approve amended agenda. The motion was seconded by Kenny Miller. The motion was carried unanimously.

**A. PERMIT REQUESTS**

None

**B. LAND USE & ZONING ITEMS**

1. **James and Mary Madden Trust, 10250 225<sup>th</sup> St W** (Parcel IDs 13-00600-010-51, 13-00600-010-52), represented by Francie Madden, submitted an application for a Building Right Cluster of the identified parcels on the Southwest ¼ of the Southwest ¼ of Section 6, Township 113, Range 20, Dakota County.

The Town Board determined there was an existing building site on a portion of the lot split previously applied for. The applicants request transfer of the building site to the west under the clustering ordinance, allowing for use of a shared driveway. Jeff Otto, representative from the Town Board, discussed the issues/confusion with the current clustering language in the ordinance. Based on preliminary findings there is nothing to prevent this action under current language in the ordinance. Depending on action by the Town Board the applicants may have to wait for legal interpretation of the current ordinance (zoning and clustering ordinance). The representative, Francie Madden, waived the 60-day

rule for the lot split previously applied for until the clustering issue is settled and/or the ordinance is rewritten. Based on the intent of the Township ordinance, it was decided the Planning Commission would approve the Building Right Cluster to be forwarded to the Town Board.

It was brought to the Planning Commissions attention that the application needs to be completed and notarized.

A motion by Vince Mako: To forward to Town Board for approval of the Cluster after the application has been completed/amended. The motion was seconded by Ken Olstad. The motion was carried by unanimous vote.

2. **Kelly Aggregate, Inc., 9235 235<sup>th</sup> Street West**, represented by Shawn Dahl and Pat Mason of Ames Construction, operator of Kelly Aggregate, submitted a Zoning Ordinance Text Amendment Application, requesting that the Eureka Township mining ordinance be amended to allow for accessory uses and that a permit be issued to allow for such accessory uses.

After discussion it was determined that the amendment change to the mining ordinance must be separate from the accessory use permit. A Public Hearing was scheduled for January 5 at 7:00 p.m. to discuss the change to the mining ordinance. The language proposed by the applicants will be used for this proposed amendment with minor adjustments. It will then be determined if the application to amend should be forwarded to the Town Board for approval.

If the amendment to the mining ordinance is passed, the applicants must then apply for an accessory use permit based on the amended ordinance. This may require a new Environmental Assessment Worksheet (EAW).

**Note:** The Town Board cancelled the Public Hearing scheduled for January 5, 2010. Further discussion will take place before any action on this request is taken.

Upon request from Nanett Sandstrom, a modification to the agenda was requested at this time to address who should be the recorder for the Planning Commission Public Hearings from this time forward. Kenny moved to adjust the agenda accordingly and Vince Mako seconded the motion. The motion was carried unanimously.

There was discussion with input from Nanett and Carol.

A motion by Kenny Miller: To recognize Carol as the recorder of record with Nanett as backup for scheduling purposes. The motion was seconded by Ken Olstad and carried unanimously.

## **C. APPROVAL OF MINUTES**

### **1. November 2, 2009 Planning Commission Meeting**

A motion by Ken Olstad: To approve minutes. Kenny Miller seconded the motion and it was carried unanimously.

### **2. November 2, 2009 Public Hearing Minutes**

A motion by Ken Olstad: To approve minutes. Pete Storlie seconded the motion and it was carried unanimously.

## **D. OTHER BUSINESS**

### **1. Town Board Update**

Carrie Jennings provided updates on the following along with input from Jeff Otto:

- Road closings for the Interceptor project to be made more public.
- Permits for pumping and the need to be more aware.
- Septic system for private kennel. Need to make sure it is pumped and inspected on a regular basis.
- Routes for CAPX – more public hearings scheduled. Discussion about the confusion and lack of information.
- Wind generation plant in Greenvale Township – proposal withdrawn
- North Cannon Watershed – extra funds allocated to Eureka Township for monitoring. Adopted Eureka Township's storm water management plan.
- Applying for funds from additional sales tax assessed to compensate farmers that have lost CRP and compensate landowners for easements to protect water quality.
- VRWJPO – Not prepared to take on all permitting in watershed. Until further action is taken, Eureka Township will continue to approve permits for lot splits, etc.

### **2. Professional Services Policy**

Provided for review to Planning Commission by Town Board. Discussion followed to determine what action the Planning Commission was expected to take at this time. It was decided that the Planning Commission's part in the process should be approved in order that the Town Board could proceed with adoption of the policy. Further discussion regarding evaluation of the professional services and enforcement thereof. Suggestion to include a list of professional services that will require updating as changes are made.

A motion by Kenny Miller: Forward to Town Board approval of policy and the Planning Commission's part in carrying out the policy. Vince Mako seconded the motion and it was carried unanimously.

### **3. VRWJPO Comments**

See D.1., Town Board Update

### **4. Ordinance and Comp Plan**

Ken Olstad reported that a meeting would be taking place, regarding the change to the Ordinances, on December 8, specifically to address the clustering and building rights. He proposed that the changes already made and sent to the Planning Commission be approved at the January meeting in order that a Public Hearing can be scheduled. Depending on the progress, this Hearing may incorporate the additional changes to the clustering and building rights.

Jim Sauber, Chair of the Comp Plan Update Committee, is still working on the Comp Plan and Ken Olstad will contact him to get an update.

A meeting was scheduled for January 6 to review both the Ordinance changes and the Comp Plan in the event it cannot be taken care of at the regular meeting on January 4.

### **5. Road Review**

Pete Storlie provided the documentation regarding the road review. There was a discussion regarding the prioritization of changes/improvements identified during the review. It was decided that capital improvements and maintenance should be separated and prioritized accordingly. Pete Storlie will incorporate the prioritization into the documentation to be forwarded to the Town Board after final review from the Planning Commission.

### **6. Commercial/Industrial Task Force**

Town Board will be taking this up at their next meeting. A search for volunteers to be part of this task force may need to be reinitiated due to passage of time. The Town Board should be made aware of this and a discussion should be on the agenda for the Planning Commission meeting on January 4.

### **7. Recorder for Public Hearings**

Covered earlier in meeting.

A motion by Kenny Miller: To adjourn. The motion was seconded by Cheryl Groves and carried unanimously.

Meeting adjourned at 9:35 p.m.

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