

**EUREKA TOWNSHIP
PLANNING COMMISSION MINUTES
Regular Meeting
June 1, 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: Cheryl Groves, Vince Mako, Kenny Miller, Ken Olstad, and Pete Storlie. Clerk/Treasurer Nanett Sandstrom was present through the meeting with the Building Official.

Members Absent: None

Audience Members: Town Board Supervisors Jeff Otto and Nancy Sauber, Kirsten Pederson, Tony Pederson, Don Hill, Dave Larson, Jim Anderson, Scott Qualle, and Carol Cooper

APPROVAL OF AGENDA

Chair Vince Mako asked if there were any changes to the agenda. There were three additions.

MOTION: Ken Olstad moved, seconded by Vince Mako to approve agenda with changes. The motion carried 5-0.

A. PERMIT REQUESTS

1. Don Hill, 24595 Iberia Avenue – Residential Detached Garage
Don represented this application for a 672 sq. ft. detached garage. One correction on the application, changed wall from 2 x 4 to 9 feet. Don initialed and dated the correction. Don Hill is listed as the contractor on this project. All setbacks appear to comply with ordinance requirements.

MOTION: Ken Olstad moved, seconded by Kenny Miller to recommend the Board approve this permit request. The motion carried 5-0.

2. James Anderson, 25275 Ipava Avenue – Accessory Lean-to Addition
James represented this application for a 384 sq. ft. lean-to addition to an equipment storage building. One minor change, Other was checked on the application. This did not apply, therefore, it was marked delete and James initialed and dated the notation. Fredrickson Lumber & Const. is listed as the contractor. All setbacks appear to comply with ordinance requirements.

MOTION: Kenny Miller moved, seconded by Pete Storlie to approve and forward to the Town Board for their consideration this application. The motion carried 5-0.

3. Dave Larson, 7919 257th Street West – Pole Building
Dave represented this permit application for a 240 sq. ft. storage building. One correction, the completion date was changed from mid May 09 to mid July 09. Dave initialed and dated. Rob Ruh is listed as the contractor on this. All setbacks appear to comply with ordinance requirements.

MOTION: Ken Olstad moved, seconded by Vince Mako to recommend approval of permit request. The motion carried 5-0.

4. Kirsten and Tony Pederson, 5965 235th Street West – Pole Building
Kirsten and Tony represented this permit application, for a 2304 sq. ft. pole shed with a 576 sq. ft lean-to. Contractor of record is Northland Buildings. The stated use of this structure is for horses. Kenny Miller noted that the distance to the nearest residential dwelling(s) was not noted on the plan sketch and is required. Kirsten left the meeting to measure the distance between the planned structure and the nearest adjacent residential dwellings not on their property. She returned later with the following information. The two nearest dwellings on adjacent properties are at distances of 271 and 609 feet from the proposed structure. This information was added to the plan sketch. A wall height measurement of 11 feet 4 inches was added to the permit. Kirsten initialed and dated the corrections. All setbacks appear to comply with ordinance requirements.

MOTION: Kenny Miller moved, seconded by Ken Olstad to receive and submit to the Township for their approval, this application. The motion carried 5-0.

B. LAND USE & ZONING ITEMS

1. John Ackerman, 26455 Galaxie Avenue, Split Lot Application
No new paper work was submitted and no one was present to represent this issue. The original proposed lot split did not conform to Eureka Township ordinance regarding a required lot width of 250 feet at the residential dwelling. Jeff Otto followed up with the attorney on whether a change to the boundaries on a lot of record impacts the lot of record status and the rights associated with that status. Jeff found that if the boundaries are changed on a lot of record, it is no longer a lot of record. However, if the property already has a dwelling on it, then it would retain the associated building right. Jeff did advise Mr. Ackerman that the house would need to remain in place in order to retain the build ability of that lot.
Jeff advised Mr. Ackerman that he would have to change the proposed lot split to allow for the 250 feet lot width at the dwelling. A variance would not apply in this case because the issue or hardship is a result of Mr. Ackerman's creation.

2. Other Land Use - None

C. BUILDING OFFICIAL – BUILDING PERMIT APPLICATION FORM

Scott Qualle introduced himself to Cheryl Groves and Pete Storlie. Scott commented that his assumption is that the Township will have approved a permit before it ever reaches his office. A copy of the new Building Permit Application form was provided to each Commission member. Discussion followed regarding minor changes to the form. Nanett will make the corrections and forward the final copy to the Town Board for approval. Jeff Otto agreed to have the attorney review the fine text of the permit prior to submitting the permit to the Town Board for review and approval next month.

The Plumbing Permit Application form will be reviewed at the next regular Planning Commission meeting.

There were no other issues or problems to discuss.

D. MINUTES

1. Public Hearing Minutes – Text Amendment April 27, 2009

MOTION: Vince Mako moved, seconded by Ken Olstad to approve the Public Hearing Minutes Text Amendment April 27, 2009. Kenny Miller abstained as he had stepped away from the discussion due to possible conflict of interest. Cheryl Groves and Pete Storlie abstained as they were not on the Planning Commission at that time.

2. Planning Commission Meeting May 4, 2009

MOTION: Ken Olstad moved, seconded by Pete Storlie to approve these minutes with edits noted. Motioned carried 5-0.

3. Special Planning Commission Meeting May 19, 2009 Not completed.

4. Special Planning Commission Meeting May 20, 2009 Not completed.

E. OTHER BUSINESS

1. Professional Planner Interview Process

The Planning Commission interviewed five of the six candidates who submitted proposals for the Eureka Township Commercial Industrial (C/I) Study. SWB was a no show at the interview due to illness. Three firms, NAC, TKDA, and Yaggy, were selected from the five that were interviewed. Each Planning Commission member present for the interviews agreed to contact a different reference for each of the three firms and bring those results to this meeting. Not everyone had received a response from the sources they contacted.

At Jeff Otto's request, Vince Mako spoke with Alan Brixius regarding the potential for conflict of interest because of NAC's work with Lakeville. Vince reported that he had a

good discussion with Alan. NAC has had a long standing relationship with Lakeville since 1963. Alan did not anticipate a conflict of interest between his relationship with Lakeville and the Eureka Township C/I Study project. NAC also does a lot of work for Credit River Township which also borders Lakeville. Alan commented to Vince that if Eureka Township successfully changes zoning in the Airlake area to commercial, Eureka may become a more attractive target for additional annexation by Lakeville. Where Lakeville would have no interest in annexing land that is zoned agricultural, land zoned commercial would be very appealing. Cheryl noted that David Johnson of Stillwater Township had relayed a similar experience where commercially zoned property in the township bordered the city of Stillwater and was annexed. At the time of the annexation, Sherri Buss, was working for the city of Stillwater and employed by a different firm.

Vince recommended the Planning Commission move forward with discussion in order to make a recommendation to the Board. With regard to relevant experience, the commission felt that NAC was especially qualified because of their work in the geographical area with Lakeville and Credit River. TKDA is also well qualified and has had a good relationship with Eureka Township on other projects. Yaggy appeared to have greater experience in working with cities rather than townships.

Discussion followed relative to the sense of professional confidence and experience imbued by each of these firms. Ken felt that his previous experience with Sherri Buss of TKDA inspired confidence. Ken commented that of the interviews we had conducted, Alan from NAC seemed to have the most detailed grasp of our previous commercial study, demonstrating his understanding by pointing out details and summarizing correctly. Pete noted that TKDA seemed to stumble in this area.

Vince noted Yaggy's proposal did not appear to allow for collaborating with the task force to accomplish the C/I study. Pete commented that Alan from NAC was the only firm that seemed to identify the involvement of the task force. NAC's proposed tactile interviews, individual one-on-ones with people, and then doing the ground work together as a community represented by the task force was preferable to a firm that came in and told the task force what to do.

Vince suggested the commission move forward and put together their recommendation to the Board. Following are a few key points in consideration of each firm.

NAC

- Lots of experience with small municipalities and townships.
- Excellent approach to working with the task force and involving the community.
- NAC was very well prepared and knowledgeable.
- NAC proposal cost was very reasonable.
- NAC relationship with Lakeville may be a point of concern.

TKDA

- Sherri Buss, TKDA has an excellent reputation with group dynamics and handling conflict.

- Scheduling of phases may be of concern from a cost factor.
- TKDA is known for their high professional standards.

Yaggy Colby Associates

- Not a known quantity.
- Did not appear to have much experience with townships.
- Lacked enthusiasm for the project.

MOTION: Vince Mako moved, seconded by Ken Olstad to put forward NAC as the primary selection, with TKDA as secondary, and Yaggy Colby Associates would be the third backup suggestion for the Town Board's consideration to hire for the Eureka Township C/I Study. This recommendation will be followed up with specific bullet points prepared by Ken Olstad and approved by the Planning Commission. Planning Commission members will follow up with individual summary recommendations to submit to the Board. The motion carried 4-0. Kenny Miller abstained as he was not present for the interview process.

2. Task Force – Commercial Industrial Study

Four individuals submitted letters of interest to be on the Task Force. The majority of these individuals reside or own property in the northern half of the township. Kenny felt these individuals represented a cross section of the people's interests. In order to have an interview process and representation of a cross section of the township, additional applicants are needed. To accomplish this, the deadline needs to be extended along with advertisement for additional applicants. Kenny commented that some people have stated they are burned out on this process as it is the third or fourth time around in the last 10 years. Vince Mako will write a letter to the editor requesting more applicants in addition to posting an advertisement.

MOTION: Vince Mako moved, seconded by Pete Storlie to request funds from the Town Board to put an ad into the Lakeville / Farmington Times to ask for more applicants for the task force. The motion carried 5-0.

Vince will notify Nanett to extend the application deadline on the website to July 2, 2009. Vince will ask Nanett to notify the four applicants that the process is continuing.

3. Update on the Mining Text Amendment

Pete commented that Ken Olstad, Jeff Otto, Nancy Sauber, Sharon Buckley, Kelly Brosseth and he have met a couple of times. After the last meeting there was a request for cost estimates for the engineer and attorney to review our questions, concerns and comments. These estimates would be given to Kelly Brosseth to see if he wanted to proceed or not based on the cost. If he decides not to proceed, then this is done. If he decides to proceed, then we will schedule a meeting to review with the Planning Commission. As yet we have not heard back from Kelly Brosseth.

4. Ordinance Update Review

Ken commented that one of the outstanding items is the housing rights and clustering. There were some questions the working group, Nancy Sauber, Jeff Otto, and Ken Olstad,

have submitted to the attorney. Once complete the ordinances will be brought to the Planning Commission for review.

MOTION: Kenny Miller moved, seconded by Ken Olstad to adjourn the meeting at 10:00 p.m. The motion carried 5-0.

Respectfully submitted by Cheryl Groves, Recorder