

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 34

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 14
ESTABLISHING A PLANNING COMMISSION TO PLAN FOR THE
PHYSICAL DEVELOPMENT, TO RECOMMEND A ZONING PLAN FOR THE
TOWNSHIP OF EUREKA AND PROVIDING RULES FOR THE OPERATION THEREOF**

The Board of Supervisors of the Township of Eureka does hereby ordain:

Section 1. Ordinance No. 14 of Eureka Township in its entirety is hereby amended and restated to read as follows:

ORDINANCE NO. 14 (Amended)

**AN ORDINANCE ESTABLISHING A PLANNING COMMISSION TO
PLAN FOR THE PHYSICAL DEVELOPMENT, TO RECOMMEND
A ZONING PLAN FOR THE TOWNSHIP OF EUREKA AND
PROVIDING RULES FOR THE OPERATION THEREOF**

Section 1. PURPOSE

This Ordinance is enacted for the following purposes:

- A. To encourage sound and harmonious growth of the community and its environs and efficiency and economy in the provision of facilities and services, to insure maximum returns for expenditure of public funds, and to avoid errors and waste resulting from unplanned and uncoordinated development.
- B. To prepare and maintain in current form a comprehensive plan with related studies, statement of policies, regulations and ordinances to guide the development of the Township of Eureka.
- C. To establish a Planning Commission under the authority granted by the provisions of Minnesota Statutes Section 462.354.

Section 2. ESTABLISHMENT; QUALIFICATIONS; TERMS OF OFFICE

Pursuant to Minnesota Statute § 462.354, there is hereby established a Planning Commission, herein after referred to as a “Commission”, which will consist of five

(5) members appointed by the Town Board from among the residents of Eureka Township.

A Member of the Town Board shall attend meetings on a monthly rotating basis to observe the proceedings and serve as liaison with the Planning Commission.

Notification of all upcoming openings on the Planning Commission shall be made public. Commission members shall be appointed from among persons in a position to represent the general public interest. Geographic dispersion should be considered as part of the appointment process. No person shall be appointed with private or personal interests likely to conflict with the general public interest. If any Member shall find that the Member's private or personal interests are involved in any manner coming before the Commission, the Member shall disqualify himself from taking part in action from the matter, or the Member may be disqualified by the Chairperson of the Commission.

The terms of the current Members in office shall cease on April 30, 2003.

With respect to one position on the Commission, the initial term shall be a period of one (1) year from May 1, 2003, to April 30, 2004. With respect to two positions on the Commission, the initial term shall be two (2) years from May 1, 2003, to April 30, 2005. With respect to two positions on the Commission, the initial term shall be three (3) years from May 1, 2003, to April 30, 2006.

After the initial terms stated above, the term of Commission Members shall be three (3) years beginning on May 1 and ending on April 30 three (3) years after.

The Township Board of Supervisors shall appoint Commission Members in April with respect to the terms that commence on the following May 1.

No person shall be appointed to serve more than two successive terms on the Planning Commission; provided, however, if no other applicants apply for the position, the Town Board may waive the prohibition against serving more than two successive terms and in such case the Town Board may appoint the Member to serve one more additional successive term of three (3) years; provided further, existing Members whose terms cease April 30, 2003, shall nonetheless be eligible to be reappointed to serve two (2) additional successive terms, the duration of which shall be determined by the Town Board.

Section 3 **REMOVAL FROM OFFICE; VACANCIES**

Any Commission Member may be removed from office for just cause by two-thirds vote of the Town Board, provided that the Member is given ten days advance notice in writing of the proposed action of the Board and an opportunity for a public hearing before the vote is taken. In addition, any Member may be removed for non-attendance at Planning Commission meetings without action by the Town Board according to rules adopted by the Planning Commission.

It shall be the duty of the Chairperson of the Planning Commission to notify the Town Board promptly of any vacancies occurring in the membership. The Town Board shall fill such vacancies within 60 days for the unexpired term of the original appointment.

Section 4. **OFFICERS, RULES, EMPLOYEES, SALARIES AND EXPENSES**

The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among the Members. The election of officers shall take place at the May meeting of the Planning Commission. No person shall serve as Chairperson of the Planning Commission for more than two successive years.

The Commission shall adopt rules for its governance and for the transaction of its business, and shall keep a written record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each Member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record. Copies of the minutes of the Planning Commission meetings shall be transmitted to the Clerk of the Town Board at least twenty-four hours prior to the next regularly scheduled meeting of the Town Board following the meeting of the Planning Commission.

Subject to the approval of the Town Board and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

Members of the Commission shall receive such salaries or fees for their services thereon, as set by the Town Board at the annual Town meeting. Members may receive necessary travel per diem and other expenses, while on official business for the Commission, if funds are available for this purpose.

Section 5. TIME AND PLACE OF MEETING

The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the Board of Supervisors at the annual meeting and shall be kept on file at the Township's primary office and at the clerk's office. Adjourned meetings of the Commission and special meetings of the Commission shall be set by the Commission on days and at times that the Commission may deem proper. All meetings shall be held in the Town Hall or at a place designated on the schedule by the Commission. If the Commission decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided for a special meeting.

Special meetings may be called by the Chairperson or any two Members in writing, filed with the clerk at least three (3) days prior to the time specified for the meeting, excluding Sundays and holidays. The demand for the special meeting shall specify the date, time, place and purpose of the special meeting. At least three (3) days prior to the meeting, excluding Sundays and holidays, the clerk shall mail a notice of the special meeting to all Members; the notice shall state the date, time, place and purpose of the special meeting. The clerk shall prepare an affidavit that shows the mailing of the notice in the manner here prescribed. The clerk shall post written notice of the date, time, place and purpose of the special meeting on the principal bulletin board at the Town Hall. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the Township. This notice shall be posted and mailed or delivered at least three (3) days before the date of the meeting, excluding Sundays and holidays. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the clerk is required to send notice to that person only concerning special meetings involving those subjects. The Commission may establish an expiration date for request for notices of special meetings and require refiling of the request once each year. Not more than sixty (60) days nor less than thirty (30) days before the expiration date of a request for notice, the clerk shall send notice of the refiling requirement to each person who filed during the preceding year.

Emergency meetings may be called by the Chairperson or any two Members in writing filed with the clerk. The demand for the emergency meeting shall specify the date, time, place and purpose of the emergency meeting. As soon as possible the clerk shall telephone all Members and leave a message that informs the member of the date, time, place and purpose of the meeting; if a Member cannot be reached by telephone, then the telephone message may be left with an adult at the residence of the member or on the answering machine of the Member at the Member's residence. If the message cannot so be left, the clerk shall deliver a written notice to the residence of the Member and tape it to the front door of the residence. The clerk shall make good faith efforts to provide notice of the meeting to each news medium

that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone to each requesting news medium. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the Members. Notice shall include the date, time, place and purpose of the emergency meeting. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a meeting called because of circumstances that, in the judgment of the Commission, require immediate consideration by the Commission.

If a person receives actual notice of a meeting of the Commission at least 24 hours before the meeting, whether a special or emergency meeting, then all notice requirements of this Section are satisfied with respect to that person, regardless of the method of receipt of notice.

Section 6. FUNCTIONS, POWERS AND DUTIES

The functions, powers and duties of the Commission shall be, in general:

A. To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.

B. To prepare and keep a current comprehensive general plan for meeting present requirements, and such future needs as may be foreseen.

C. To establish principles and policies for guiding action affecting development in the Township and its environs.

D. To prepare and recommend to the Town Board ordinances, regulations, and other proposals promoting orderly development along lines indicated as desirable by the Comprehensive Plan.

E. To determine whether specific proposed development conforms to the principles and requirements for the Comprehensive Plan and the Ordinances.

F. To keep the Town Board and the general public informed and advised as to all planning and development matters.

G. To conduct such public hearings, as may be required to gather information necessary for the drafting, establishment, and maintenance of a Comprehensive Plan and Ordinances and regulations relating to it, and to establish public committees for the purpose of collecting and supplying information necessary for the Plan, or for the purpose of promoting the accomplishment of the Plan in whole or in part.

H. To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the Plan.

In connection with its duties, and within the limit of its funds, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies of the location, condition, and adequacy of specific facilities of the Township and, as appropriate, its environs, including, but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All town employees shall, upon request within a reasonable time, furnish to the Commission or its employees or agents such available records or information as may be required in its work. The Commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized Township agents or employees, and shall have such other powers as are required for performance of official functions in carrying out the purpose of this Ordinance.

Section 7. **PLAT APPROVAL**

With respect to applications for plats, the Planning Commission shall hold the public hearing required by statute. The Planning Commission shall recommend to

the Board whether the proposed plat should be approved or disapproved. If the Planning Commission has not made its recommendation in a timely fashion to allow the Board to approve or disapprove the proposed plat within the timeframes set by Minnesota Statute § 462.358, the Board may proceed to act on the application for the plat without the recommendation of the Planning Commission.

Section 8. **BUILDING PERMITS**

No building permit for any structure to be erected on any property within the Township shall be issued until the application for the permit has been referred to the Planning Commission for review and a recommendation as to whether the building permit should be approved or disapproved and until the Planning Commission's review and recommendation has been made. An attested copy of the review and recommendation shall be forwarded to the Town Board prior to action by the Town Board in approving or denying the building permit. If the report and recommendation is not received by the Town Board in a timely manner so as to enable the Town Board to act on the building permit application within any timeframe set by law or ordinance the Town Board may nonetheless approve or disapprove the building permit application without the review and recommendation from the Planning Commission.

The review and recommendation of the Planning Commission is advisory only to the Town Board and shall not be considered dispositive of the action to be taken by the Town Board.

Section 9. **CHANGES**

No change shall be made in the present zoning of land, or in the zoning plan or future street or public land plan or regulations governing the platting of land, until the proposed change has been referred to the Planning Commission for a review and recommendation and until such review and recommendation has been made.

No ordinance or resolution establishing any such plans or specifications shall be adopted by the Town Board until such ordinance or resolution has been referred to the Planning Commission for review and recommendation and until such review and recommendation has been made

An attested copy of the Commission's reviews and recommendations shall be forwarded to the Town Board. If the reviews and recommendations are not received by the Town Board in a timely fashion so as to enable the Town Board to act on the matters within the timeframes required by law or ordinance, the Town Board may proceed to act on the actions without the reviews and recommendations of the Planning Commission.

The reviews and recommendations are advisory only to the Town Board and are not dispositive on the actions to be taken by the Town Board.

Section 10. **RECOMMENDED PUBLIC WORKS**

As a part of its duties, the Planning Commission, upon request by the Town Board, shall prepare a list of public works, which it believes, are necessary and desirable to be constructed. Such list shall be arranged in order of preference with recommendations as to which projects shall be constructed with Township general funds and which with road and bridge funds, and such other methods of financing as it deems advisable.

Section 11. **CONFLICTS WITH OTHER ORDINANCES;
SEPARABILITY**

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this Ordinance be held unconstitutional or void, the remaining provision shall nevertheless remain in full force and effect.

Section 2. Effective Date. The effective date of this ordinance Amending Ordinance No. 14 shall be upon its passage and publication in summary according to law.

Adopted this 10th day of March, 2003.

Chair of Town Board, Beverly Topp

ATTEST:

Clerk, Oliver Leine

Title, Summary and Notice published Thisweek Newspaper March 15, 2003

Farmington Independent March 13, 2003