

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**PLANNING COMMISSION MEETING**  
**November 3, 2021-7:00pm**

**Call to Order**

The Planning Commission Meeting was called to order at 7:00pm by Chair Wood.

Commissioners Present: Randy Wood (Chair)  
Bill Clancy (Vice Chair)  
Debbie Burkhardt (Commissioner)  
Julie Larson (Commissioner)

Commissioners Absent: Chad Berg (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Donovan Palmquist, Ralph Fredlund, Mike & Eileen Devney. Zoom Participants: Brian Ahern, Jim Sauber, Lu Barfknecht

**Approval of the Agenda**

An error on the PIN listed for the Devney's parcel was noted.  
The correct PIN should read: 13-01300-**01**-010

*Motion:* Vice Chair Clancy moved to approve the agenda as modified, seconded by Commissioner Burkhardt. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; *Motion carried 4-0.*

**Permit Requests**

A. Michael & Eileen Devney, PIN 13-01300-01-010 \*Exempt AG Building  
A site map was provided to show where the 20x30 hoop house will be located, and measurements were verified by Commissioner Larson on the premises using a Measuring Wheel. All setback requirements have been met. The hoop house was described as similar to a hothouse, with the differences as it is solar heated and is a temporary structure. In addition to this permit request, it was discussed that there is another AG building permit pending on this parcel. The Devney's have yet to receive this permit due to the original driveway placement not meeting setback requirements. Supervisor Fredlund will verify the measurements of the new driveway location, which had been moved as requested, a month ago. A question arose since the application was submitted in April, if the permit is still active. It was stated that the application is still valid. Once the permit is issued, the 180- day rule will go in effect.

*Motion:* Commissioner Larson moved to recommend to the Town Board an approval of the application of the 20 x 30 hoop house for Michael & Eileen Devney, PIN 13-01300-01-010. Commissioner Burkhardt seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; *Motion carried 4-0.*

**Land Use**  
**NONE**

**Citizen Inquiry**

Jim Sauber, via zoom, asked to be added to the meeting to discuss an idea on how he would like to split property. The Commissioners agreed to allow Jim to speak during this time.

A. Jim Sauber, 9025 225<sup>th</sup> St., Lakeville, PIN 13-00500-25-010 \*Lot Split Inquiry

Jim Sauber presented a site map, via ZOOM, where he detailed his ideas on how to split property and asked if the Commissioners saw anything that would not work. He had asked the Planning Commission a couple of months ago about this lot split; however, the proposed lot lines at that time did not meet setbacks. With the suggestions from the prior meeting, Mr. Sauber refined an idea and wanted to ask for additional thoughts before moving forward. Discussion took place on the ability to access the proposed property to the north. A plan to add an easement on an existing driveway was mentioned. Based on the current drawing, it was concluded that everything met the setback requirements. The Commissioners did not currently see any issues.

**Town Board Liaison Report**

Chair Palmquist presented a summary of the October 2021 Town Board meetings.

Highlights:

- Eureka Estates drainage issue - need a second quote
- Crack sealant - project will be finished in the spring
- Dust control complaint - accident occurred
- Signage on roads - resolved
- Trees on property and trimming /lawyer issue
- Approval of Parker Properties
- General Code of Ordinances - not quite finished
- Code enforcement - Administrator Judge possibility

**Old Business**

A. Revisit the Ordinance 3, Chapter 3, Section 5 (per Town Board request 10/11/21)

Questions arose as to why this is a continued request and curiosity as to what the Town Board is trying to solve. The rationale that was written in the Planning Commission meeting minutes, pending approval, was read by Vice Chair Clancy:

“The 33-foot frontage requirement was established for good reason. It proactively at the time of establishing a lot, creates access to a road. If this was not done, the resident could later request the township establish access; stating they have a right to have a road built, according to the MN Cartway Statue. Legal Counsel Chad Lemmons concurred. *Towns must establish cartways to landlocked property of certain minimum size upon a proper petition from the owners of the property. Minn. Stat. §164.08*”

The 33-foot road access is a way of preventing landlocked parcels from being created during the time of lot split requests. It is in the opinion of the Planning Commissioners if the requirement is dropped it could lead to several problems. Supervisor Barfknecht thanked the Planning Commission for the clarification and wanted to let all know that it was not her intent to find a way to go around the state statute. The research and response were much greater today than when previously reported at the October Town Board meeting.

#### B. Mining Review Letter

Vice Chair Clancy and Commissioner Burkhardt are working together and hope to have the letter completed within 30 days. The goal of the letter is to make sure the mining companies have a more cooperative and comprehensive response to the requirements. It was mentioned the Town Board's deadline is December 1<sup>st</sup>. Vice Chair Clancy then stated a letter could be to the Town Clerk on November 4, 2021. Discussion took place on the need of Town Board's approval and what signature will be on the letter.

#### **New Business**

- A. Permit Review-Exempt Agriculture Building Permit application
  - 1. Updated 12/18/2018 (No PC or Town Board approval/denial section)
  - 2. Township AG Building Permit Card

Past Town Board Supervisors approved the Exempt AG Building application on 11/13/2018. This version is currently posted on the website and is on file at the Town Hall. This application does not have a Planning Commission or Town Board signature page. To update this, the current Planning Commission will need to recommend changes for the Town Board to review and vote.

*Motion:* Vice Chair Clancy moved to table this in order to investigate the rules before changing the form. Commissioner Larson seconded the motion.  
Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; *Motion carried 4-0.*

#### **Minutes Approval**

- A. October 5, 2021, Planning Commission meeting
- B. October 19, 2021, Special Planning Commission meeting

*Motion:* Vice Chair Clancy moved for the Planning Commission meeting minutes for October 5, 2021, be approved. Chair Wood seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; *Motion carried 4-0.*

*Motion:* Vice Chair Clancy moved for the Special Planning Commission meeting minutes for October 19, 2021, be approved. Chair Larson seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; *Motion carried 4-0.*

Discussion took place during this time on transferred building rights and tracking. The Commissioners would like more input from the Town Board. An established procedure and a mechanism to track needs to be in place. The Planning Commission did make a formal motion to request some type of commission to make these judgement calls. The Town Board did approve for the Planning Commission Chair to request the presence of the township lawyer when this topic is part of the agenda. Asking for escrow money for attorney fees may need to be considered.

**Deputy Clerk Matters**

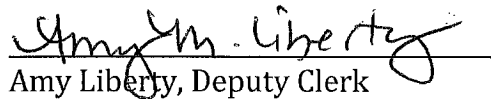
NONE

**Adjournment**

*Motion:* Vice Chair Clancy moved to adjourn the meeting, seconded by Commissioner Burkhardt. Roll Call Vote: Randy Wood – Aye; Bill Clancy – Aye; Debbie Burkhardt -Aye; Julie Larson-Aye; *Motion carried 4-0.*

Meeting adjourned at 8:20pm.

Respectfully submitted,

  
Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on:   
Planning Commission Chair Date



## Planning Commission Meeting

Attendance

Wednesday, November 3, 2021

7:00 PM

Printed Name:

SMITH FREDERICK

MILKUS EILEEN DENNEY

Address:

23450 DENNEY ST

24417 DENMARKS FARM