

# Eureka Township

## Dakota County

### State of Minnesota

Special Meeting  
November 15, 2004

Chair Don Pflaum called the Special Meeting of the Eureka Town Board to order at 7:03 p.m.

Town board members present were Don Pflaum, Kenny Miller, Connie Anderson, Dan Rogers and Mark Malecha. Clerk/ Treasurer Nanett Leine to record minutes. Attorney, Peter Tiede as also present.

The meeting opened with the Pledge of Allegiance.

Agenda: Kadlec Split  
Existing Non Conforming Use Permits/ Ordinance No 32  
Ordinance work

#### **Existing Non Conforming Use Permits/ Ordinance No. 32**

The correction to Resolution No. 38 has been published in the paper.

The planning commission asked for a response in writing to the following question: Are the existing nonconforming permit holders under Ordinance 32 automatically entitled to all privileges and rights under the new nonconforming use registration in Ordinance 20? The town board received the response from attorney Peter Tiede, *see attachment*.

Discussion followed.

The non conforming use permit that was issued under Ordinance No. 32 is no longer a permit. The permit is now a registration form fulfilling the requirements under 5.5 of Ordinance No. 20. (*As a result of Resolution No. 38*)

Businesses that were issued non conforming use permits under 32 are legal non conforming businesses within Eureka Township.

#### **Kadlec Split-(see 10/12/2004 and 11/8/2004 Town board meeting minutes)**

The requested letter from Gloria Murphy, Dakota County Treasurer / Auditors office was received and read. Philip and Ann Kadlec presented warranty deeds for 2 separate conveyed 10 acre parcels. The town board felt that Dakota County combined the 2 parcels when computerizing their records. The town board reviewed the warranty deeds and accepted that the Kadlec's have 2 separate conveyed parcels, before 1982. They have 1 building right for each parcel. The CUP that was issued on September 8, 2003 is not needed.

A motion by Supervisor Mark Malecha: That the town board after reviewing the evidence that the Kadlec's have 2 separate parcels, which their houses are located on, that they surrender their CUP. Motion seconded by Supervisor Kenny Miller. Motion Carried.

## **Ordinance Work**

### ***Ordinance 20***

Attorney Peter Tiede handed out packets with updated feed lot language and definitions.

### ***New Businesses in the township***

The town board reviewed the task force's recommendation from October 14, 2003. The task force did not recommend permitting new or additional commercial- industrial development in Eureka at this time. The conclusion of the report was read.

- COMP Plan says no new commercial or industrial uses.
- Home businesses are allowed per Ordinance. (Defined in the ordinance.)
- The township will continue to encourage personal agricultural and agricultural uses per ordinance.

New Commercial and Industrial businesses will not be part of the new ordinances.

### ***Other Issues that need to be addressed:***

#### *Trespass law*

Attorney Peter Tiede will check to see if township's have the authority to pass a trespass law. Also, can signage be posted by the township to cover all properties in the township?

#### *Signage*

A copy of the drafted signage language developed by the town board 6/4/2001 will be forwarded to Peter Tiede, to be incorporated into the ordinance.

#### *Antenna and Towers*

A copy of the drafted signage language developed by the town board 1/30/2002 will be forwarded to Peter Tiede, to be incorporated into the ordinance.

#### *Overhead wires*

What power or authority does the township have over utility? Do we need an ordinance regulating? Peter Tiede will check into this.

Next meetings agenda: Complete Zoning Ordinance, follow up on signage and tall structures. Trespass law- not part of zoning, but will be pursued. After zoning ordinance is completed, start public safety ordinance.

Attorney Peter Tiede will mail a draft of Ordinance No. 20 to all town board members and planning commission members for the meeting on November 20, 2004.

A motion by Supervisor Mark Malecha: To adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting adjourned at 8:58 pm

*Attachment to 11/15/04 Special Town Board Meeting.*

Re: Eureka Township  
Our File No. 52380

Dear Town Board Members and Town Clerk:

Board Chair Pflaum asked me to write a letter to the Township and answer the following question.

Are the existing nonconforming permit holders under Ordinance 32 automatically entitled to all privileges and rights under the new nonconforming use registration in Ordinance 20?

The answer is yes. The Board passed a Resolution at its meeting on October 18, 2004, that all existing nonconforming permit holders would be more or less brought forward and deemed registered. The Resolution said that the registration would be accepted as a registration form under the requirements of Ordinance No. 20.

The registration that such a pre-existing permit holder would have will be limited to the terms of whatever that permit says. That is, one of the ideas of the Ordinance was that the registration process would collect some information about the scope and nature of the use in question. Since we will be using the existing registration forms, that will be the only information collected and the Township will therefore have no other information to work with other than that.

With that stipulation, the answer to the question posed is, in our opinion, yes. Please call if there is anything further we can provide.

Sincerely,

Peter B. Tiede  
[ptiede@murmane.com](mailto:ptiede@murmane.com)

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