

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting  
June 14, 2010 continued on June 15, 2010

Vice Chair Dan Rogers called the Eureka Town Board Meeting of June 14, 2010, continued on June 15, 2010, to order at 7:00 p.m.

Members present were Supervisors Nancy Sauber, Kenny Miller and Dan Rogers. Clerk/Treasurer Nanett Sandstrom was present to record the minutes and Planning Commission Chair Ken Olstad to incorporate the approved changes into the Ordinances.

#### **Agenda**

Update from Public Hearing May 17, 2010, according to the Planning Commission's recommendations.

The Township Attorney, Trevor Oliver, suggested that the changes be Titled "The June 14<sup>th</sup> Amendments." The Town Board decided to leave the title as the "June 14, 2010, Amendments" even though the Meeting was continued on June 15<sup>th</sup>.

With so many changes, Trevor highly recommended making a summary for publication. Since the full text is available, the summary can be quite brief.

The publishing notice must satisfy the publication requirement and notify people that changes are made and they should seek out the updated version at the library, Township website or at the Town Hall.

The Published Text shall read: The amendments make changes to Ordinance 1 (Definitions), Ordinance 3 (Zoning), Ordinance 4 (Public Safety), Ordinance 5 (Livability), Ordinance 6 (Mining) and Ordinance 7 (Fees).

The Town Board reviewed proposed changes:

Pre-1982 Lot of Record- change was based on workgroup of Ken Olstad, Jeff Otto and Nancy Sauber working with Attorney Trevor Oliver. This came about during and after the work on the cluster. The Title needs to be distinct.

- Page 21 5<sup>th</sup> Line of the definition that starts April 12, 1982, change to "Pre-1982 Lot of Record" after "Also to be considered as a", capitalizing "Lot" and "Record".

Definition of Temporary Structure- Changes were made because there has been confusion on what is temporary, the use, not the nature of the structure. To make it consistent with the language on page 67 that addresses temporary structures.

- Page 24 Definition of Temporary Structure- 1<sup>st</sup> line after temporarily add: ", that is, for not more than 180 days."

Under Conditional Uses and Structures, Page 50- The list of Permitted Uses and Structures had been modified to clarify, such as, added fences, decks etc. which we permit. So, under Conditional Uses and Structures two additional items were added to the list:

- 6. “On-site advertising signs larger than 50 square feet in size.”
- 7. “Signs illuminated by a fixed light or lights.”

These conditional uses/structures were in the body of the Ordinance text and could be more easily overlooked if not also on the list.

Page 53- C. Clustering - The workgroup had modified and deleted language. Part of the language had not been removed.

- Remove the following text after building eligibility: “of one residence”. (In the intended purpose paragraph)

The question had been asked earlier, as the foundation to the clustering and the rebuild grace period changes is the new buildable lots portion, does the buildable lots part need to be in place earlier or at least at the same time? Trevor’s opinion is that it is not critical, but he would recommend that the Buildable Lots language be moved forward within the near or immediate future.

There is a new feature on clustering. Providing for the transfer of a Pre-1982 Lot of Record eligibility was never really discussed at a Town Board Meeting. The reasoning of the workgroup: The Buildable lot establishes that is a fully-controlled building eligibility. The fact that you can transfer it from the middle of a field to near a road would be in accordance with the Comp Plan, preserving the Ag.

- Page 54- To keep it consistent with 4. Add to 6. After landowner: “, and written proof of such recording presented to the Town Clerk,”

The original clustering language talked about lot split, so that if and when we get lot split authority back, it will need to put back in. It was argued that lot splits need to be done before clustering was discussed by the work group over time.

Supervisor Nancy Sauber proposed an addition to Driveway requirements. Under Attorney advice, the Town Board can propose amendments and make changes during its consideration of the amendments to either address reported Planning Commission concerns or on its own initiative. The proposed change is not a controversial change. Supervisor Dan Rogers and Supervisor Kenny Miller agreed to make the proposed change to the Ordinance.

Page 57 -Driveways shall meet the following requirements add item 4:

- “4. Driveways accessing a township road must be located a minimum of 30 feet from the intersection of said road with another township road.”

Page 114 -Utility Installation. In the proposed amendment language B. was modified to say “a bond in the amount specified in Ordinance 7”, which is the Fee schedule, does not currently have the bond amount specified. It would not need to go to public hearing to be changed. The \$500 needs to be moved to the Fee Schedule.

Page 180 -No. V. add- under: Type of Application or Permit “Utility Installation Bond, per project” and under: Fee Amount “\$500”.

Page 176, the Header shows Chapter 1, it should be Chapter 2.

Page 177 thru 182, the Header shows Ordinance 8, it should be Ordinance 7, Chapter 2.

Per Pete Storlie memo:

- The Non-conforming changes (Sections 4 & 5) will be set aside - revert to original language.

Pete Storlie Motion from the Planning Commission meeting: Make sure that the following definitions mesh and don't remove the intent of the Township to allow agriculture.

Ken Olstad has gone through the Ordinance, taken notes and made cross references, checking A & B, before and after. He believes that intent has not been taken away.

- Any references to Ag will be changed back to original language.

It is important to be consistent.

A motion by Supervisor Nancy Sauber: To approve the changes from the May 17, 2010, Public Hearing as amended at the extended Board Meeting of June 14, 2010. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

The approved Ordinance language (June 14, 2010, Amendments) in its marked up form will be attached to Ordinance 2010-1.

The Ordinance Summary will be published on Friday, June 25, 2010.

A motion by Supervisor Nancy Sauber: To adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting was adjourned at 7:47 p.m.