

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

**PLANNING COMMISSION MEETING**  
**April 5, 2022-7:00pm**

**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)  
                                   Chad Berg (Commissioner- via Zoom)

Others Present: Amy Liberty (Deputy Clerk), Nancy Sauber, Ralph Fredlund, Mike Callahan, Dan Enser, Maggie Malecha, Ken Malecha, Georgie Molitor  
Zoom participants: Jim Sauber, Jeff Otto, Julie Larson, Brian Ahern,

**Approval of the Agenda**

Dylan & Julie Larson changed to item B under the Permit Request section.

Before making a motion on the agenda, the Planning Commissioners wanted to thank Julie for her service to Eureka Township and being an important part of the Planning Commission for many years.

*Motion:* Vice Chair Clancy moved to approve the agenda as amended. Chair Wood seconded.  
*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

**Citizen Inquiry**

Mike Meyer, 27345 Highview Ave., PIN 13-03200-01-010\*Proposed Lot Split

Mr. Meyer did not attend the meeting; therefore, nothing was discussed.

**Permit Requests**

Dan Enser, 7346 Granite Path., PIN 13-02200-50-011 \*Pole Shed

Mr. Enser presented the Planning Commission with a complete site plan and engineered plans of the pole shed that he would like to build on his property. After review, the Planning Commissioners saw no issues. The pole shed dimensions, including an overhang, measures as 34X50. All setbacks are met, and the square footage is in compliance with the ordinances.

*Motion:* Chair Wood recommends approval to the Town Board of the pole shed to be built on 7346 Granite Path., PIN 13-02200-50-011. Deb Burkhardt seconded the motion.  
*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

B. Dylan and Julie Larson, 8305 250<sup>th</sup> St. W., PIN 13-01600-51-020\*Pad/Grain Dryer  
A Grain Dryer is a piece of agriculture equipment that is used to reduce the moisture content of grain. The question before the Planning Commissioners is if this equipment needs an Exempt Agricultural Zoning Building Permit through the township. The definition of structure in the ordinance book does elude a permit may be required, however the Town Board will make the final determination. To cover all bases, the Larson's chose to present an application, along with plans of the grain dryer, for the Planning Commissioners to review. Other than an incorrect date on the application, the items were clear and there is no issue with wetlands. A Vermillion Watershed letter was also included with the permit application. Julie Larson agreed to correct the date by her signature and allow Commissioner Burkhardt to come out to the property to verify setbacks.

*Motion:* Vice Chair Clancy moved to recommend approval to the Town Board of the Exempt Agricultural Zoning Permit for PIN 13-01600-51-020, for Julie and Dylan Larson, at 8305 250<sup>th</sup> St. W. Chair Wood seconded the motion.

*Roll Call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

## **Land Use**

### A. GTJ Company, LLC, 9025 225<sup>th</sup> St. W., PIN 13-00500-25-010 \* Lot Split

Jim Sauber joined the discussion via Zoom and Georgie Molitor was present at the Town Hall to answer any questions regarding the lot split. During the review, a problem was discovered regarding that once the lot split occurs, there will be no garage on the new property that contains the residence. This is against the current ordinances.

#### **Ordinance 3, Chapter 4, Section 1-B,**

**3. Garage** - All residences must have a garage with a minimum width of 22 feet and a minimum length of 22 feet.

The preparation of this proposal has taken place over six months. This discovery is unfortunate, and the Planning Commissioners discussed possible solutions. Seeking legal advice to see if the five generational farm is grandfathered-in for exceptions was suggested. Debate took place as if it is plausible to apply for a building permit and submit the garage plans in conjunction with the lot split application to the Town Board for approval. A point was raised that proper procedure is having the Planning Commission review the building permit application first. An idea of creating an escrow for the mandatory garage was offered and discussed. Chair Wood pointed out that the Township would not be able to build a garage if the owner failed to do so.

*Motion:* Vice Chair Clancy moved to recommend approval of the Lot Split application at 9025 225<sup>th</sup> St. W., in Eureka Township, for GTJ Company, LLC, with the understanding that the owners will move promptly to submit a building permit for a garage to seek Town Board approval. Commissioner Burkhardt suggested to list an exact time frame. Vice Chair Clancy agreed to a friendly amendment to the motion, stating that the application should be submitted in one week's time. Commissioner Berg seconded.

Discussion took place and a suggestion of adding to the motion, "unless we can get an opinion from the attorney by next Tuesday night that it wouldn't be necessary" Vice Chair Clancy accepted this, and Commissioner Berg seconded the friendly amendment.

The question was raised if there was an idea already as to where a garage would be placed. Reminders that the garage does need to meet all setbacks. It was suggested to simply add the garage to the site plan that was presented tonight, with dimensions.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0*

B. 9-M Corp., xxx265th St., PIN 13-02700-75-010 \*Lot Split/Cluster Agreements

Ken Malecha was present to answer any questions the Commissioners may have on the paperwork presented for the Lot Splits and Cluster Agreements. The 40-acre parcel will be split into four parts, A, B, C, & D. The site map was discussed with confirmation that the 33-foot piece in-between Parcel C and Parcel D allows access to Parcel B. An additional 66-foot easement, listed as Parcel A, was included to provide two neighbors on the east the ability to continue to have access to their own property.

*Motion:* Vice Chair Clancy moved to recommend an approval to the Town Board of the Lot Split application, PIN 13-02700-75-010, for 9-M Corporation, xxx 265<sup>th</sup> St., per the exhibits A, B, C, & D. Chair Wood seconded.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

The Cluster Agreement was next to review, with Jeff Otto being part of the dialogue. Mr. Otto explained the numbering system used on the application which helps identify housing rights available for 9-M to exercise. The data listed on the paperwork is part of a program that is currently being implemented to help improve the tracking of building rights in Eureka Township.

*Motion:* Vice Chair Clancy moved to recommend approval to the Town Board for the first Residential Building Right Transfer Application submitted by 9-M Corporation. PIN 13-02700-75-010 (Parcel C) will be receiving a building right (3411a) from PIN 13-03400-01-011. Parcel B will maintain the native right. Commissioner Burkhardt seconded.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

*Motion:* Vice Chair Clancy moved to recommend approval to the Town Board for the second Residential Building Right Transfer Application submitted by 9-M Corporation. PIN 13-02700-75-010 (Parcel D) will be receiving a building right (3451b) from PIN 13-03400-01-011. Again, Parcel B will maintain the native right. Commissioner Burkhardt seconded.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye.  
*Motion carried 4-0.*

**Town Board Liaison Report-**Supervisor Barfknecht shared information from the Reorganization Meeting on March 22, 2022.

- The Town Board approved the change of meeting dates from the second and fourth Monday to the second and fourth Tuesday of each month.
- All liaison volunteer positions were assigned, with approval of adding two more assignments-mine and grants.
- Increase in pay for election judges to earn \$18.00 per hour, and the head election judge to receive \$20.00 per hour.
- Increase in pay for meeting liaisons from \$50.00 to \$90.00.

A few highlights from the two Town Board meetings held in March:

- Ground maintenance contract renewed with Oh! Ottomatic; price will remain the same for 3 years.
- Permit approvals for Shaw's revised pole shed, Adelman's/Tucker's garage replacement, Harmer's Agriculture Building.
- Chad Lemmons agreed to transfer township files to the new attorneys, Couri & Ruppe.
- Sheriff report-street racers on Dodd Rd, mail theft in Greenvale Township. Sheriff was advised of changes to Town Board meeting dates.
- Town Hall maintenance-roof inspection, sound system guidance, lighting estimates.
- Approval of change to Town Hall hours on Tuesday's. Now open until 6:00pm.
- Fence ordinance needs to be updated.
- Supervisor Sauber gave detail report on Dakota County Officer's Association meeting.

## **Old Business**

### **A. MPM Mine Review**

Vice Chair Clancy went through the background information that was provided in the meeting packet. The intent of this review was to keep all informed regarding the mine and to understand the status of the reclamation plan. MPM submitted a reclamation plan on March 14, 2022, that did not meet the full requirements. Since this first attempt, a new letter, dated March 17, 2022, was received, stating that MPM will follow the reclamation plan in the original agreement and explained the first letter was simply meant to address a complaint. Mike Callahan was present at the meeting and shared the reclaiming of the mine has started.

B. Proposed text amendment-Ordinance 3/definitions, housing rights & transfers

It was suggested in the March Planning Commission meeting to reach out to MNDOT and public safety departments for guidance on proper road width. During this investigation, Vice Chair Clancy learned of a new software program that will be implemented by the Lakeville Fire Department to help reach households during an emergency. He shared that this would be especially beneficial to Eureka Township. Jeff Otto, with his findings, was able to confirm the requirements needed for a proper driveway. An April 19, 2022, Special Town Board meeting has been scheduled to review the progress made on this proposed text amendment. It was suggested to prepare a synopsis of the major changes.

A brief review of what has transpired:

- Housing Rights clarified/definitions were updated and moved to the specific chapters.
- Process to make sense to the landowners and minimize upfront costs.
- Continuing to recognize Grandfathered housing rights
- Continuing to allow the parking of housing rights to a landlocked property.
- Eliminating losing a housing right after a fire and no building construction after 12 months.
- Keeping 33-ft minimum of road frontage.
- Concept of shared driveways and defined the specifications

Debate began on the defined specifications of shared driveways that once was agreed upon at the March meeting. Mr. Otto feels it should be a township effort to make the economics favorable to encourage the use of shared driveways. Jeff mentioned an example of a shared driveway on the east side of Chub Lake. Six people have been sharing a 15-foot driveway for years without any motivation to having the driveway upgraded.

All Planning Commissioners agreed to forward the proposed text amendment to the Town Board for further review. Mr. Otto will include a cover letter with revised recommendations.

C. Township Zoning Issues -Tabled for future meeting.

**New Business**

A. Planning Commission-Quality/Continuous Improvement

The Planning Commissioners used this time for thoughtful consideration and discussion on time commitments and training possibilities. Strengthening collaboration between the Town Board and Planning Commission, reviewing ordinances together, and a possible Planning Commission Forum with other townships, were just a few ideas exchanged.

**Minutes Approval**

*Motion:* Vice Chair Clancy moved to approve the March 01, 2022, Planning Commission meeting minutes as written. Chair Wood seconded.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Deb Burkhardt-Aye; Bill Clancy-Aye;  
*Motion passed 4-0.*

**Deputy Clerk Matters-NONE**

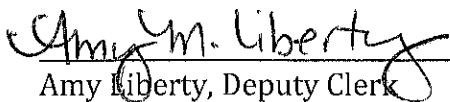
**Adjournment**

*Motion:* Vice Chair Clancy moved to adjourn; Chair Wood seconded.

*Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Deb Burkhardt-Aye; Bill Clancy-Aye;  
*Motion passed 4-0.*

Meeting adjourned at 9:25pm.

Respectfully submitted,

  
\_\_\_\_\_  
Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  \_\_\_\_\_ on:   
Planning Commission Chair Date

# EUREKA TOWNSHIP

Dakota County, Minnesota



## Planning Commission Meeting

Attendance

Tuesday, April 5, 2022

7:00 PM

Printed Name:

Randy Fiedler

Nancy Saubert

Mike Colthorn

Dan Enser

Maggie Malecha

Ken Malecha

Georgie Molitor

Address:

23680 Jensen Ct

9445 225th St. W.

~~1905~~ 1905 3rd Ave Mankato MN

7346 Granite Path

17206 Galaxie Ave W

18039 Garrett Ave

8875 225th St W.