

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
November 1, 2022
7:00PM

Call to Order

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

Commissioners Present: Bill Clancy (Chair)
Deb Burkhardt (Vice Chair)
Randy Wood (Commissioner)
Beth Eilers (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Ralph Fredlund, Nancy Sauber, Cheryl Wicklund, Alex Delmore, Keith Clubb, Chris Clubb

Zoom Participant: Julie Larson, Carol Cooper

Approval of the Agenda

Motion: Chair Clancy moved to approve the agenda as printed. Commissioner Eilers seconded.
Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;
Motion carried 4-0.

Citizen Inquiry:

Cheryl Wicklund asked for clarification from the Planning Commission regarding the storing of a work vehicle at home in an accessory building. The landowner does not operate a business from home but does have a large semi-truck that will be parked at the residence.

Three scenarios were discussed.

1. *Park the vehicle outside*
2. *Park in an attached garage*
3. *Park in an accessory building*

Discussion took place regarding the scenarios and the interpretation of the current ordinances regarding commercial vehicles. The Planning Commissioners agreed parking the vehicle either outside or in an attached garage would not be a problem. The interpretation of home-based businesses and storing of equipment is of concern when discussing scenario three.

At the end of the discussion, Cheryl Wicklund asked, if the landowner decided to build an attached garage, could an accessory building still be built on the property. It was stated that the attached garage would not count towards the total square footage allowed for accessory buildings on a property, therefore the opportunity would be available if the process follows the current ordinances.

Permit Requests

Novacek, Allen, 24030 Iberia Ave., PIN 13-24660-02-010 *New Deck

Mr. Novacek had a prior commitment, therefore he was not able to be present at the meeting. The application and site map submitted had all the necessary items included for a proper review. Although it does not seem to be a problem, the proximity of the deck was a bit concerning. The deck is positioned 31 feet and 2 inches from the property line, which is very close to the setback requirement.

Ordinance 3, Chapter 3, SECTION 4. SETBACKS AND LOT DIMENSIONS

1. Side yard setbacks for structures: 30 feet
2. Rear yard setbacks for structures: 30 feet

Motion: Chair Clancy recommended to the Town Board approval of a building permit for a deck, for Mr. Allen Novacek, at 24030 Iberia Ave., PIN 13-24660-02-010, with the stipulation that the distance from the to-be-installed deck to the property line be verified as 31 feet and 2 inches by Inspectron, Inc. Vice Chair Burkhardt seconded the motion.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;
Motion carried 4-0.

Land Use

Delmore, Alex, 23XXX Fairgreen Ave., PIN 13-01100-51-011 *Lot Split

Alex Delmore, the seller, along with Cheryl Wicklund, who is representing the buyer, were present to answer any questions the Planning Commissioners may have. Chair Clancy did verify the housing right status since there is an opportunity to designate which parcel will maintain the housing right during this lot split.

Motion: Chair Clancy recommended to the Town Board that they approve the lot split application for Mr. Alex Delmore, site address, 23XXX Fairgreen Ave., PIN 13-01100-51-011, and note the existing housing right will be placed in Parcel B on the eastside of the Quarter-Quarter section line. Commissioner Wood seconded the motion.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers, abstained.
Motion carried 3-0-1.

Clubb Kids, Inc. 25452 Ipava Ave., PIN 13-02000-27-011, PIN 13-02000-25-011 *Lot Split

This lot split was presented at the last Town Board meeting during the citizen inquiry time. The advice that was given to Clubb Kids, Inc. to go directly to the county was incorrect but proved beneficial. Although a lot split resulting in more than 20 acres does need Town Board approval, as of February 14, 2011, Dakota County was able to review this application and would accept as written, once the township's process was complete.

Resolution No. 2011-02

EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA

RESOLUTION OF THE TOWN BOARD REQUIRING LOCAL APPROVAL BEFORE THE DAKOTA COUNTY AUDITOR MAY DIVIDE A TAX PARCEL IN EUREKA TOWNSHIP

Supervisor Brian Budenski moved the adoption of the following Resolution:

WHEREAS, The Eureka Town Board recently adopted official controls regulating the subdivision of land within Eureka Township; and

WHEREAS, Minn. Stat. § 272.162 authorizes the Eureka Town Board to elect, by Resolution, to require that the Dakota County Auditor submit all requests for division of a tax parcel to the Town Board for certification of compliance with the Town's subdivision regulations; and

WHEREAS, the Eureka Town Board has considered this matter and believes that it is in the best interest of the Township to adopt such a Resolution electing local certification.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Eureka Town Board hereby elects, under Minn. Stat. § 272.162, to require Town approval before the Dakota County Auditor may approve the subdivision of any tax parcel located in Eureka Township, whether through transfer of less than a whole tax parcel or by a subdivision of land as defined in Minn. Stat. § 462.352, subdivision 12.
2. The Town Clerk is directed to send certified copies of this Resolution to the Dakota County Auditor and to the Dakota County Recorder following its passage.

Supervisor Nancy Sauber made a second to the foregoing Resolution. Being put to a vote, the following Supervisors voted in favor of said Resolution:

The following Supervisors voted in opposition to the Resolution:

Whereupon the chairperson declared the Resolution to be duly passed and adopted by Eureka Township on this 14th day of February, 2011.

Drafted by:

Kelly & Lemmons, P.A.
200 Crossroads
7300 Hudson Boulevard
Saint Paul, MN 55128


Brian Budenski, Chair


Nancy Sandstrom, Clerk/Treasurer

Debate took place regarding the matter of moving borderlines within two lots. A similar Lot Split application submitted years previously resulted in the Township Attorney stating that the Town Board does not have the legal authority to do so. It was suggested to have Chair Barfknecht reach out to the current attorney regarding this matter before the next Town Board meeting. A two-step process was also mentioned during this discussion time. The two parcels could be combined and **then** split into four parcels. This, however, would require a separate survey, additional time, and cost.

Motion: Chair Clancy moved to request the Town Board to approve the lot split application for the Clubb Kids, on Ipava Ave., PIN 13-02000-27-011 and PIN 13-02000-25-011 with the stipulation that our new legal counsel, Mr. Ruppe, verify that we have the legal authority to handle this redrawing in one step and if not, provide a legal basis as to why we do not have legal authority. Commissioner Eilers seconded the motion. *Roll call vote:* Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; *Motion carried 4-0.*

Town Board Liaison Report

Supervisor Fredlund replaced Supervisor Sauber for tonight's Town Board meeting recap.

Highlights:

- Suzanne Berquist accepted the new Clerk/Treasurer position.
- Agreed to snow plow the portion of the closed 245th road to the first driveway, no further.
- Agreed to complete the culverts that need to be paved over in Eureka Estates.
- November Township Newsletter was approved and posted.
- Town Attorney Ruppe drafted a general response to hypothetical inquiries for the Board's consideration: "The Township does not provide assurances as to the use of a property to potential buyers. Any potential buyer should hire their own attorney to review the Township's Zoning Ordinance and issue their own opinion".

Old Business

Eureka Township PC Major Activity Tracker was reviewed by the Planning Commissioners. Many activities are still ongoing. Once items become closer to being finalized, it was stated it is extremely important to have the citizens accurately informed before a public hearing date is set.

New Business

Met Council Packet: Potential 2040 Comp Plan Amendment

Chair Clancy lead the discussion regarding the Met Council packet and what action is needed by the Planning Commission. The Metropolitan Council recently revised and updated the 2040 Transportation Policy Plan and the 2040 Regional Parks Policy Plan, which may require amendments. It was noticed that 235th street has a change in classification in Eureka Township.

Approval of Meeting Minutes

Motion: Chair Clancy moved that the Planning Commission meeting minutes for October 4, 2022, be approved as prepared. Vice Chair Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;

Motion carried 4-0.

Motion: Chair Clancy moved to adjourn the meeting. No objections were made.

The meeting was adjourned at 8:23pm.

Respectfully submitted,

Amy Liberty, Deputy Clerk

Minutes Officially Approved by:

WT Clancy
Planning Commission Chair

on:

12/6/22
Date

EUREKA TOWNSHIP

Dakota County, Minnesota



Planning Commission Meeting

Attendance

Tuesday, November 1, 2022

7:00 PM

Printed Name:

Nancy Sauber
Cheryl Wicklund Ender
Sue Chubb
Ann Chubb
Alex DeLmore

Address:

9445 225th St. W. Lkvl.
19749 - Jersey Ave. W. "
9034 250th St W
4312 Kirston Ct Fagan, MN
200 university ave Ale