

**NININGER PLANNING COMMISSION
REGULAR MEETING (#581)
June 5, 2023**

COMMISSION MEMBERS PRESENT: John Bremer, chair; Gary Rotty; Ted Wagner; Mary Dalaska, secretary

TOWNSHIP BOARD MEMBERS IN ATTENDANCE: Karen Bremer

MEETING CALLED TO ORDER by Chair Bremer at 7:59 p.m.

PLEDGE OF ALLEGIANCE RECITED

MINUTES REVIEWED AND APPROVED: Chair Bremer called for review of the minutes from the May 1, 2023, meeting. **Motion:** Gary Rotty made a motion to accept the minutes as presented. Motion seconded by Ted Wagner. **Member vote:** 4 Ayes; 0 Opposed. Motion carried.

PUBLIC COMMENTS/ISSUES:

1. **Megan Ries:** The Nininger Township attorney and Inspectron reviewed Megan's permit request and building plans submitted at the March Planning Commission meeting. Megan was unsure if the paperwork from Inspectron was returned so the permit could be finalized. Chair Bremer explained that the Planning Commission had approved the permit and submitted it to the township attorney. The paperwork will be returned to the Township Board for a final vote at their Tuesday, June 20 meeting. Megan should follow up with the township clerk 1-2 days before the meeting to ensure all the paperwork has arrived. Megan should also attend the board meeting to receive a final copy of the permit.
2. **Shawn Dahl, 9878 Livery Lane, Lakeville, MN 55044:** Shawn inquired about a permit to build a development on a nearly 30-acre parcel (previously owned by Lane Burger) adjacent to the Furlong addition and along the Nininger Township/City of Rosemount border. The land is zoned agricultural. Chair Bremer explained that the land use could accommodate agriculture/horticulture only. No building eligibility.

PERMIT APPLICATIONS:

1. APPLICATION FOR BUILDING PERMIT: **Kevin Chamberlain, 9620 132nd Street E, Hastings, MN 55033,** submitted a building permit application for a 17,820 square-foot multipurpose agriculture building at that address. The pole building will be 81 feet wide and 220 feet long with 16-foot walls. The building will be built by Lester Building Systems. Use will include crop storage, livestock housing, and horse training and boarding only. The building will not be used for shows, competitions or other public events. **Motion:** Mary Dalaska made a motion to recommend the Township Board accept and approve the building permit as submitted pending approval by the township attorney and Inspectron. Motion seconded by Ted Wagner. **Member vote:** 4 Ayes; 0 Opposed. Motion carried.
2. APPLICATION FOR BUILDING PERMIT: **Philip Nelson, 15544 Goodwin Avenue, Hastings, MN 55033,** submitted a building permit application for a 30-foot by 16-foot addition to the east side of the existing outbuilding located at that address. The addition will bring the outbuilding square footage to a total of 1,980. **Motion:** Gary Rotty made a motion to recommend the Township Board accept and approve the building permit as noted on the permit pending approval by the township attorney and Inspectron. Motion seconded by Mary Dalaska. **Member vote:** 4 Ayes; 0 Opposed. Motion carried. Gary will take copies to the township attorney's office for review and to forward to Inspectron for approval.

NEW BUSINESS:

- **MEETING RESCHEDULE:** The next Planning Commission meeting is currently scheduled for Monday, July 3, 2023. Because of the holiday weekend, the Planning Commission will reschedule the July meeting. **Motion:** Chair Bremer made a motion to move the July 3, 2023, Planning Commission meeting to Monday, July 10, 2023, at 8 p.m. and include the public hearings at the start of the meeting 8 p.m. Gary Rotty seconded the motion. **Member vote:** 4 Ayes; 0 Opposed. Motion carried. Meeting change notices will be posted at the town hall, on the township website and in the local Hastings Journal newspaper at least 10 days before the original meeting date — beginning June 23.
- **PUBLIC HEARINGS:** Two public hearings will be held prior to the Planning Commission meeting on July 10, 2023, at 8 p.m.:
 - a. **VAGRANCY AND TRESPASS:** The purpose of this public hearing is to accept comments regarding adding a vagrancy and trespass statute to Nininger Township Ordinance #15. The new **9.2.1.A. Vagrancy and Trespass** statute (attached) will be added to section **9.2 Performance Standards for Structures and Accessory Uses** under **9.2.1 Dwelling Units Prohibited**.
 - b. **BEA WESTERBERG:** This public hearing was requested by Bea Westerberg regarding a letter she received from Nininger Township to remove items in the ditch at her residence.

OLD BUSINESS:

- **DRIVEWAY ACCESS:** **Wes Frandrup** contacted Dakota County regarding a permit to construct a driveway access onto County Road 46 at Fischer Avenue. The permit was approved by the County; however, it does not have final approval by Township Board. The permit will need final Board approval to be valid before construction can begin. The permit stipulates that Luhman's Construction Company complete the work as the township has a service contract with them. Chair Bremer suggested Nininger Township Board chair, Bob Rotty, contact Mr. Frandrup to follow up.

MISCELLANEOUS ITEMS OF DISCUSSION/INFORMATION:

- **ROAD MAINTENANCE:** The weather has been too dry to apply Calcium chloride for dust control to the township's unpaved roads. Calcium chloride works best after a rain (or wetting) and the roads are graded and in good condition. Luhman's Construction Company will apply the chloride as soon as conditions allow.
- **PERMIT PROCESS:** A suggestion was made to perhaps make a change to the permitting process. This will be discussed at a future meeting: To avoid confusion and streamline process, applications for building and other construction permits that involve Dakota County should be submitted to the township and the township contact the county for approval/signature.
- Next Township Board meeting is scheduled for Tuesday, June 20, 2023, at 7 p.m.
- Next Planning Commission meeting is scheduled for Monday, July 10, 2023, at 8 p.m.

MEETING ADJOURNED: **Motion:** Mary Dalaska motioned to adjourn the meeting. Motion seconded by Chair Bremer. **Member vote:** 4 Ayes; 0 Opposed. Motion carried.
Meeting adjourned at 9:02 p.m.

Respectfully submitted by:
Mary Dalaska, Planning Commission Secretary

9.2.1.A. VAGRANCY AND TRESPASS
(proposed July 10, 2023)

No vagrancy or trespass is allowed in any district, whether private or public land, and is unlawful. This shall include the following:

1. No person shall enter the private land and/or premises of another, nor shall any person loiter in or near any structure, vehicle or machinery on any private or public land, who is there without the permission and consent of the owner or lawful possessor and is unable to reasonably account for his or her presence.
2. No person shall occupy private or public land without the permission and consent of the owner of the land, or the permission and consent of one who has authority to give permission and consent. This includes, but is not limited to, obtaining required permits for the occupancy of public land. Occupancy includes a person and/or the personal property and belongings of the person.
3. No person shall enter the private land and/or premises of another and refuse to depart from the private land and/or premises on demand of the owner or lawful possessor, without a legal claim of right to be on the private land and/or premises.
4. No person shall occupy or enter the dwelling or other buildings on the private land and/or premises of another, without a legal claim of right or the permission and consent of the owner of the private land and/or premises, or the permission and consent of one who has the authority to give permission and consent. This restriction shall not apply to emergency situations.
5. No person shall return to the private land and/or premises of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the private land and/or premises, without a legal claim of right or the permission and consent of the owner of the private land and/or premises, or the permission and consent of one who has the authority to give permission and consent.