

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

OCTOBER 11, 2016

CALL TO ORDER

Chair Brian Budenski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Brian Budenski, Cory Behrendt, Carrie Jennings and Dan Rogers. Supervisor Lu Barfknecht was absent. Planning Commission Chair Nancy Sauber, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

Old Business:

- Draft Joint Powers Agreement for Denmark Avenue

New Business:

- Schedule closed meeting with Attorney
- Advertise for new PC member
- Move Prairie Creek CUP review to after Consent Agenda
- Quote for trimming of shrubs at Town Hall

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve the agenda as amended. Motion carried 4-0.

Public Comment

Gloria Belzer, 24335 Dodd Boulevard, expressed concern over discussions held at recent Town Board meetings not being fact based and sometimes given a negative spin. She went on to review actions taken at the March 2016 Annual meeting regarding the proposed annexation of the Airlake Airport property (based on the recording of the meeting).

Fritz Frana, former Planning Commission member, thanked the Board for the opportunity to serve on the Planning Commission and expressed his appreciation to the Board for the service they provide to the Township.

Building Inspector Update

Building Inspector Darrell Gilmer discussed outstanding inspections and the ongoing Mahoney property clean up, noting progress is being made.

Consent Agenda

Minutes of the September 12, 2016 Town Board Meeting

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings, to approve the minutes of the September 12, 2016 Town Board meeting as presented. Motion carried 3-0. Supervisor Rogers abstained.

Simon Tyler, Prairie Creek Community School, 27695 Denmark Annual CUP Review – The conditional use permit for Prairie Creek Community School was reviewed. It was noted there were no issues or complaints during the past year.

Deputy Sherriff Matt Lohman provided an update on activities in the Township.

Planning Commission Update

Planning Commission liaison Ralph Fredlund provided a summary of the October 3, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board. He and Planning Commission Chair Nancy Sauber discussed the need for the Township Attorney to attend all Planning Commission meetings.

Motion made by Supervisor Jennings, seconded by Supervisor Rogers, to allow the Planning Commission to have the Township Attorney attend their regular meetings, at their discretion.

Land Use Permits

Blake Rothem, 24090 Holyoke Path – Building Permit Application for a new single family home. It was noted that the Planning Commission recommended approval of the application.

Motion was made by Chair Budenski, seconded by Supervisor Behrendt, to approve a Building Permit Application for Blake Rothem to construct a new single family home at 24090 Holyoke Path, PIN 132466007060. Motion carried 4-0.

Joey Miller, 22260 Dodd Boulevard – Exempt Agriculture Building Permit Application. It was noted that the Planning Commission recommended denial of the application. Applicant was not present.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to deny an application for Joey Miller for an exempt agriculture building permit based on the following:

That the applicant claimed that the building to be constructed was an exempt agricultural building. Issuance of building permits are governed by Minnesota Statute Chapter 326B. Section 326B.103, Subd. 3 contains three conditions that must be met for a building to be considered an agricultural building. That 326B.103, Subd. 3(1) requires that the building be located on agricultural land as determined by the governing assessor, municipality or county under Section 273.13, Subd. 23. That the Dakota County Assessor is the governing assessor for the property in question. That the site where the proposed building is to be constructed is property identification number 13-00600-01-010. That for the tax year payable 2015 the property classification for said property was commercial preferred and residential non-homestead. For the tax year payable 2016, the property classification was residential non-homestead. That the property upon which the building is to be constructed does not satisfy the definition of an “agricultural building” as set forth above. The applicant is therefore not entitled to file an exempt agricultural building permit application for the above property.

Motion carried 4-0.

Dan Petersen, 26975 Iberia Avenue – Exempt Agriculture Building Permit Application. It was noted that the Planning Commission recommended approval of the application. Applicant not present.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve an exempt agriculture building permit for Dan Petersen, 26975 Iberia Avenue. Motion carried 4-0.

Donovan Palmquist, 27607 Grenada Avenue – Building Permit Application for an accessory building. It was noted that the Planning Commission recommended approval of the application. Applicant was present.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski, to approve a building permit application for Donovan Palmquist to construct an accessory building at 2760 Grenada Avenue. Motion carried 4-0.

Roy Joe Simon, 9724 267th Street, (represented by Dawn Lanning)

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to decline review of the lot of record application, private kennel operator application, and non-conforming use application for Dawn Lanning due to the incompleteness of the application which had not be executed by the property owner, and did not indicate the intent of the application. Motion carried 4-0

OLD BUSINESS

Joint Powers Agreement – Maintenance of Denmark Ave.

Attorney Lemmons stated he had reviewed the revisions made to the draft joint powers agreement and deemed it acceptable.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to accept the Joint Powers Agreement for Construction and Maintenance of Denmark Avenue between Dakota County, Eureka Township, and Castle Rock Township as presented. Motion carried 4-0.

NEW BUSINESS

Jody Arman-Jones – Draft Newsletter. The next edition of the Township newsletter was reviewed.

Jill Trescott, Dakota County. Jill Trescott, Groundwater Protection Supervisor for Dakota County Environmental Resources, discussed the results of a recent nitrate testing program for private drinking water wells conducted by Dakota County and the Minnesota Department of Agriculture.

Chair Budenski excused himself from the meeting at 8:10 pm. Vice Chair Behrendt took over as Chair for the remainder of the meeting.

Authorized Yield Crossing Order from Minnesota Department of Transportation.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve the road contractor to install signage in accordance with Yield Crossing Order No. Z-62-06. Motion carried 3-0.

Joint Powers Agreement with Dakota County for Administrative Services Related to SSTS Pump Maintenance Programs.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to accept the Joint Powers Agreement with Dakota County for Administrative Services Related to SSTS Pump Maintenance Program as presented and notify Building Inspector of Article III,3.2 A . Motion carried 3-0.

Complaint

Discussion was held regarding an illegal billboard.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to direct the Clerk to send a letter informing the property owner that a permit is required for the billboard located on the property, and an application for a conditional use permit may be required and is to be submitted, or the billboard removed within 30 days. Motion carried 3-0.

Weeds

Supervisor Jennings discussed an article regarding a plan by Bridgewater Township to spray for noxious weeds next Spring. She suggested the Eureka Township consider a similar program, working with Roadside Vegetation Management, LLC. Supervisor Rogers stated he would contact the company for information. It was also noted that ditches should be mowed in May or June and the road contractors should be reminded.

Schedule Closed Meeting with Township Attorney

A special closed meeting was scheduled for October 18, 2016 for review by the Township Attorney of the Eureka Township vs. Teresa Petter, et al, decision.

Trimming of Bushes

Supervisor Rogers discussed a bid from Outdoor Innovations to trim the landscaping around Town Hall.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to approve the trimming of landscaping and removal of dead shrubbery around Town Hall with the cost not to exceed \$800. Motion carried 3-0.

TKDA Proposal

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve a proposal by TKDA for a Boundary Protection Options Study. Motion carried 3-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to accept the revised Treasurer's Report dated October 11, 2016. Motion carried 3-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to accept the bills and receipt list. A roll call vote was taken. Motion carried 3-0.

The budget was discussed.

Outstanding escrows were discussed.

OTHER BUSINESS

Clerk Update

The Clerk reviewed assignments given to the Township Attorney and the Clerk.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to adjourn the meeting at 9:00 p.m.
Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk