

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**NOVEMBER 14, 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, Carrie Jennings, Dan Rogers, and Lu Barfknecht. Supervisor Cory Behrendt 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 Comp Plan

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve the agenda as amended. Motion carried 4-0.

**TREASURER'S REPORT**

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

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the Treasurer's Report dated November 14, 2016. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the bills and receipt list. A roll call vote was taken. Motion carried 4-0.

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings, to approve the balance of financials.

The outstanding bill for culvert damage was discussed.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to allow an expenditure of up to \$100.00 to serve court documents on person responsible for culvert damage. Motion carried 4-0.

## **Public Comment**

Carol Cooper representing Joey Miller discussed a building permit application for a garage which had been reviewed at the November 7, 2016 Planning Commission. She noted that she was under the impression the issue would be on the Town Board agenda based on the outcome at the Planning Commission. Planning Commissioner Ralph Fredlund stated that a 30 day extension had been granted by the Planning Commission to give Mr. Miller time to review the suggestion of adding the garage onto the house. Ms. Cooper noted that according to Ordinance 3, Chapter 7, the acreage of the property (11.88 acres) would allow the additional accessory structure as presented

Motion was made by Supervisor Budenski, seconded by Supervisor Rogers, to add discussion of the Miller application to the land use portion of the agenda. Motion carried 4-0.

Dakota County Sherriff Deputy gave an update on activity in the Township, noting that several sheds had been broken into. He urged citizens to lock all accessory buildings. Nancy Sauber discussed signage on 225<sup>th</sup> Street between Highview Avenue and Dodd Boulevard, noting that an individual she had encountered in that area had indicated the “no trucks” signs were from CAPX 2020 and should be taken down. The Deputy stated that issue would be under the Township jurisdiction.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to add Citizen Business to the agenda. Motion carried 4-0.

## **Citizen Business**

Nancy Sauber discussed the issue of trucks from Scotts Miracle Gro using restricted Township roads. She referred to Ordinance 4, Chapter 2, Section 2.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to direct the Clerk to send a letter to Alex Allen, Scotts Miracle Gro, regarding the illegal use of the road, including a copy of the above referenced Ordinance and a map highlighting the subject roads. Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht to direct the Clerk to send a letter to Vermillion Aggregates regarding the illegal use of Township roads, including a copy of the Ordinance and map. Motion carried 4-0.

Ms. Sauber also discussed the accessory buildings and applicable building permits on the Miller property which abuts her property. She questioned buildings that were constructed without a permit and also designated agricultural buildings. Attorney Lemmons noted that given the amount of time that has passed since the construction of the subject building, it would be difficult for the Township to require a permit.

Ms. Sauber noted that formal complaints filed with the Township should be made public, excluding the name and address of the complainant.

## **Road Contractors**

Jason and Bryce Otte discussed ongoing road projects. Chair Budenski noted that backfill had been placed around the storage building. Signage issues were discussed.

### **Building Inspector Update**

Building Inspector Darrell Gilmer discussed outstanding inspections, including the ongoing inspections of the Mahoney property.

Supervisor Jennings questioned the installation of columns at the Ames driveway along Cedar Avenue. Mr. Gilmer stated a permit was not necessary. Mr. Gilmer was instructed to check on requirements that Dakota County could have regarding structures and if the columns would be considered such. Supervisor Jennings requested a review of the permitting fees for the Ames home, along with a breakdown of how the fees were accessed. It was also suggested that the plans for the Ames house be resubmitted to the Planning Commission for review.

### **Consent Agenda**

#### Minutes of the October 11, 2016 Town Board Meeting

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve the minutes of the October 11, 2016 Town Board meeting as presented. Motion carried 2-0. Supervisors Barfknecht and Budenski abstained.

#### Minutes of the October 18, 2016 Special Town Board Meeting

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve the minutes of the October 18, 2016 Special Town Board meeting. Motion carried 4-0

### **Planning Commission Update**

Planning Commission liaison, Donovan Palmquist provided a summary of the November 7, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board.

Motion was made by Chair Budenski, seconded by Supervisor Jennings to add discussion of the revised fence ordinance under Old Business. Motion carried 4-0.

### **Land Use Permits**

#### Denise Griffith and Dennis Maher, 27569 Grenada Avenue – Building Permit Application for accessory building

It was noted that approval of the building permit had been recommended by the Planning Commission.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a building permit for Denise Griffith and Dennis Maher, 27569 Grenada Avenue to construct an accessory building. Motion carried 4-0

#### Troy and Jennifer Dudgeon, 25300 Highview Avenue – Building Permit Application for pole shed

It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve a building permit for Troy and Jennifer Dudgeon, 25300 Highview Avenue, to construct a pole shed. Motion carried 4-0.

Glen and Alisha Perkins, 24729 Dodd Boulevard – Demolition Permit Application for existing house and Building Permit Application for new single family two-story home.

Kurt Weber, represented Glen and Alisha Perkins. It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve a building permit application for Glen and Alisha Perkins, 24729 Dodd Boulevard (PID 13-01800-78-0), for a new single family home. Motion carried 4-0.

Joey Miller, 22260 Dodd Blvd. – Building Permit for Accessory Building

Carol Cooper addressed the complaint regarding the lack of a building permit on an existing building on Mr. Miller's property. Attorney Lemmons stated that since more than 10 years have passed, it would be difficult to enforce a building permit be required at this time. The requirement that no more than an acre of impervious surface be allowed was discussed. Ms. Cooper stated that the proposed building would be placed where impervious surface already exists. Planning Commissioner Ralph Fredlund stated that insufficient information had been provided to the Planning Commission, therefore a 30 day extension was granted. It was noted that Mr. Miller needs to provide the amount of impervious surface currently on his property and go back before the Planning Commission for review. It was also stated that Mr. Miller would need to obtain a letter from the VRWJPO.

**OLD BUSINESS**

Roadside Vegetation Management Information. Supervisor Rogers discussed information received from Roadside Vegetation Management regarding weed and brush control along the Township roadways.

Motion made by Supervisor Jennings, seconded by Supervisor Rogers, to request a quote from Roadside Vegetation Management for spraying 36 miles of Township Roads for weeds and brush. Motion carried 4-0.

Follow-up on previous complaint regarding illegal billboard. It was noted by the Clerk that no response had been received from the property owner since a letter had been sent on October 13, 2016.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to direct the Clerk to send a certified letter, with a return receipt, notifying the property owner that legal action would be taken if the billboard is not removed within ten days of the date of the letter. Motion carried 4-0.

Draft 2040 Comprehensive Plan

Motion made by Supervisor Jennings, seconded by Chair Budenski to distribute notification that the 2040 Draft Comprehensive Plan is on the Township website to area jurisdictions. Motion carried 4-0.

Fence Ordinance

Discussion was held on the draft fence ordinance. A revision to Section 1, seconded line, changing "a" to "any" fence was made.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to adopt Ordinance No. 2016-05, Fence Ordinance, subject to the minor revision noted above to be made by the Township Attorney. Motion carried 4-0.

## **NEW BUSINESS**

### Appointment of New Planning Commissioner

Julie Larson was interviewed by Board members. She discussed her experience with other commissions.

Al Novacek was interviewed by Board members and discussed his desire to serve again on the Commission.

A vote by ballot was taken and resulted in a tied vote. The matter was tabled until the December Town Board meeting to allow the full Board to be present.

### New Complaints

1. Joey Miller - Handled earlier in the meeting
2. Complaint number 2 was assigned to Supervisor Barfknecht for investigation.

### **Clerk Update**

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

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings, to adjourn the meeting at 9:27 p.m. Motion carried unanimously.

Respectfully submitted:

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Mira Broyles, Clerk