

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

DECEMBER 12, 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, Cory Behrendt and Lu Barfknecht. 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:

E. VRWJPO

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to approve the agenda as amended. Motion carried 5-0.

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 Rogers, to accept the Treasurer's Report dated December 12, 2016. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the payroll, bills and receipt list. A roll call vote was taken. Motion carried 5-0.

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings, to approve the balance of financials. Motion carried 5-0.

The budget was discussed.

Motion was made by Supervisor Budenski, seconded by Supervisor Rogers to approve the budget. Motion carried 5-0.

Treasurer Wilson discussed the conversion to the updated CTAS software.

Public Comment

None.

Contractor Update

Jason and Bryce Otte discussed ongoing road maintenance, installation of railroad signage and the clean-up of dumped tires and debris. Signage with defective reflective coating was also discussed.

Building Inspector Update

Darrel Gilmer, Building Inspector, noted that he had visited the Mahoney property however due to the accumulated snow, it was difficult to determine if there had been further clean-up of the property.

He discussed the columns and gate being installed on the Ames property driveway along Cedar Avenue, noting it is classified as a fence according to State statutes and that the setbacks are in conformance with County regulations. In addition, he noted that the remodeling of the house was in compliance with the building permit issued.

Mr. Gilmer asked for direction from the Board in regard to the construction of an accessory building being constructed at 27607 Grenada Avenue. He stated it appears the building is being constructed for use as a dwelling or an office. The Board directed the Clerk to write a letter to the property owner requesting he resubmit his plans and confirm the use of the building with the Planning Commission.

Consent Agenda

Minutes of the November 14, 2016 Town Board Meeting

Corrections were made as follows:

Page 1 – Motion to accept the bills and receipt list was made by Supervisor Budenski rather than Supervisor Behrendt.

Page 2 – The word “an” was added in the third paragraph

Page 4 – Typographical error was corrected

Motion was made by Chair Budenski, seconded by Supervisor Rogers , to approve the minutes of the November 14, 2016 Town Board meeting as amended. Motion carried 4-0. Supervisor Behrendt abstained.

Planning Commission Update

Planning Commissioner Ralph Fredlund provided a summary of the December 5, 2016 Planning Commission meeting. Planning Commission Chair Nancy Sauber noted that the Commission had been reviewing options regarding the Boundary Protection Study and early indications are that a Joint Powers Agreement will be the best option.

The Road Review Report was discussed.

LAND USE PERMITS

David Cook, 24485 Denmark Avenue, Exempt Agriculture Building Permit Application

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

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve an Exempt Agriculture Building Permit for David Cook, 24485 Denmark Avenue, PIN 13-01300-05-012. Motion carried 5-0.

Joey Miller, 22260 Dodd Boulevard, Building Permit Application for Residential Garage.

Carol Cooper, representing Joey Miller, and Mr. Miller were present. Mr. Miller noted that the Planning Commission did not recommend approval of the permit application due to the fact that he would not allow impromptu inspections of his accessory buildings, and the current total square footage of impervious surface on the property. Ms. Cooper noted that with the addition of the garage, the actual impervious surface would decrease. Mr. Miller clarified that the building will be a garage adjacent to the home on the property.

Attorney Lemmons stated that a building permit cannot be conditioned on what will be stored in the building. He discussed a civil administrative search warrant which could be obtained should the need arise to verify that ordinances are not being violated.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to approve a building permit application for Joey Miller, 22260 Dodd Boulevard, to construct an accessory building to be used in association with his residence and not for non-conforming uses. Motion carried 5-0.

OLD BUSINESS

Appointment of New Planning Commissioner

This item had been tabled at the November 14, 2016 meeting due to a tied vote between Julie Larson and Allen Novacek. A ballot vote was taken. Julie Larson was appointed to fulfill the term ending in April 2017.

Follow-up on previous complaint regarding fence at 24565 Iceland Path.

Supervisor Barfknecht recused herself for this item.

Tim Steinhoff, property owner, was present.

Supervisor Behrendt discussed the background of the revised fence ordinance. It was noted that the fence currently on Mr. Steinhoff's property line does not comply with the ordinance in regard to the method of construction and the materials used. It was further noted that the ordinance requires that the fence be built with good workmanship, proper finish and materials. Township Attorney Lemmons stated the building material must be consistent and decay resistant.

Mr. Steinhoff asked if he had the choice of flipping the fence around so the finished side faces the neighboring property or have two finished sides. He was instructed that he could flip the fence, however the building material must all be consistent with good workmanship and proper materials. He requested he be allowed until summer to complete the project.

Dan Barfknecht, neighboring property owner, stated that the fence had been up for a year and he felt it should be corrected immediately.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski to direct Mr. Steinhoff, 24565 Iceland Path, to have a finished side of the fence facing the neighboring property completed by the end of March, 2017. Motion carried 4-0.

Attorney Lemmons recommended that the pictures of the existing fence be saved and provided to the Building Inspector for comparison with the finished fence. Chair Budenski agreed.

Dakota County Deputy Sheriffs were present noting there had been thefts in the area. They cautioned residents to keep accessory buildings and vehicles locked. The dumping of tires within the Township was discussed and Supervisor Jennings asked that the Sheriff's Department address the issue.

Follow-up on previous complaint regarding illegal billboard at 25756 Galaxie Avenue.

It was noted that the billboard had been removed.

Follow-up on previous complaint regarding Scotts Miracle Gro product being stored on Vermillion River Aggregates property.

Supervisor Barfknecht stated she had visited the property and had not seen anything inappropriate. The complaint was closed.

VRWJPO

Supervisor Jennings discussed the VRWJPO ordinance pertaining to control of the volume of sediment moved. Discussion regarding the possibility of requesting the VRWJPO take back the enforcement of the Water Resource Management ordinance.

Dakota County Commissioner Mike Slavek addressed the issue, stating that he felt the County would be willing to take back the enforcement authority. He suggested a letter be sent to new County Board in January.

The Clerk was directed to send letter requesting the item be on the County Board agenda for their January 27th meeting (after review by Supervisor Jennings).

Mr. Slavek reviewed topics discussed at the Township Officers meeting held in September and ongoing projects in the County.

NEW BUSINESS

None

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 9:15 p.m. Motion carried 5-0.

Respectfully submitted:

Mira Broyles, Clerk