

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

February 13, 2017

CALL TO ORDER

Vice Chair Behrendt called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were, Dan Rogers, Cory Behrendt, Carrie Jennings and Lu Barfknecht. Planning Commission members Nancy Sauber and Ralph Fredlund, 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:

- Move New Business before Old Business
- Land permits and issues: Don Oreskovich, 25500 Highview Avenue – Building permit application

Motion was made by Supervisor Behrendt, 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 Supervisor Behrendt, seconded by Supervisor Barfknecht, to accept the Treasurer's Report dated February 13, 2017. Motion carried 3-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Supervisor Jennings, seconded by Supervisor Rogers to approve the claims and receipt lists. Roll call vote was taken. Motion carried 4-0.

Collection for damage to Chub Lake culvert was discussed. The person responsible for the damage has not be reached.

Motion made by Supervisor Behrendt, seconded by Supervisor Rogers, to direct the Township Attorney to pursue the matter by publication of a summons. Motion carried 4-0.

The budget was discussed.

Approval of 2018 Budget

The proposed 2018 budget was discussed.

Motion was made by Supervisor Rogers, seconded by Supervisor Barfknecht, to approve the 2018 Budget as presented. Motion carried 4-0.

Year End Report to State Auditor

Financial information to be sent to the State Auditor was reviewed.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve financial schedules to be submitted to the State Auditor as amended. Motion carried 4-0.

Public Comment

Allen Novacek, 24030 Iberia Avenue, discussed a court action/judge interpretation of a Township ordinance that resulted in horticultural products not actually being produced on the property being ineligible for resale. He requested that the Board consider clarification of the ordinance.

Cal Pflaum, 5780 225th Street, noted there are dumped tires and other debris along the roadways. He also discussed the agricultural preserve designation and asked if the Township would consider paying the Dakota County filing fees. He also discussed 225th Street culverts that had been taken out and not replaced noting that he was concerned over flooding and pollution into river from his property. He further discussed a pumping project in Farmington and its negative ramifications.

Randy Wood, 23775 Essex Avenue, in reference to the upcoming annual review of Sibley Aggregates, noted that recently, high intensity lighting from the site was reflecting onto homes and public streets.

Butch Hansen, 26120 Highview Avenue suggested a resolution be adopted to amend the ordinance regarding the sale of agricultural products discussed by Mr. Novacek. He stated that he was disappointed that this issue was not on the agenda, as he had brought it to the attention of the Board at the January meeting. Attorney Lemmons stated the actual ordinance had not changed, but had been a judicial interpretation of the ordinance. Mr. Hansen indicated he would like a response to his concerns.

Gary Smith, 4628 235th Street, also expressed his concern over the interpretation of the ordinance.

Deputy Sherriff, Matt Lohman was present to discuss activity in the Township. He discussed a robbery that had occurred on Dodd Boulevard. Supervisor Behrendt informed Deputy Sherriff Loman that the dumping of tires continues to occur.

Contractor Update

Bryce Otte discussed ongoing road maintenance.

Building Inspector Update

The Building Inspector was not present. Supervisor Jennings asked that Mr. Gilmer be directed to follow-up on the progress of the Mahoney property clean-up.

Consent Agenda

Minutes of the December 12, 2016 Town Board Meeting

Supervisor Behrendt added wording to the motion on page three regarding an application by Joey Miller

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve the minutes of the December 12, 2016 Town Board Meeting as amended. Motion carried 4-0.

Minutes of the January 9, 2017 Town Board Meeting

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to approve the minutes of the January 9, 2017 Town Board meeting as presented. Motion carried 4-0.

Planning Commission Update

Planning Commissioner Fredlund provided a summary of the February 6, 2017 Planning Commission meeting.

Motion was made by Supervisor Behrendt, seconded Supervisor Rogers, to direct Attorney Lemmons to provide clarification to the Planning Commission on the judicial interpretation of the ordinance referenced in Eureka Township vs. Theresa Lynn Petter, et al, dated December 22, 2016. The Planning Commission was directed to review the issue and report back to the Town Board. Motion carried 4-0.

LAND USE PERMITS

Don Oreskovich, 2500 Highview Avenue, Building Permit for construction of a porch. It was noted that the Planning Commission had denied the permit due to an incomplete application.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to deny a building permit for Don Oreskovich, 2500 Highview Avenue. Motion carried 4-0.

NEW BUSINESS

Gary Smith, 4628 235th Street – Agricultural Preserve Renewal.

Motion by Supervisor Behrendt, seconded by Supervisor Rogers, to approve the Reenrolling Application for Placement of Land into a Metropolitan Agricultural Preserve for Gary Smith, 4628 235th Street. Motion carried 4-0.

Leroy Chard, Sibley Aggregates, Gravel Permit Annual Review

It was noted that required information was lacking from Mr. Chard's submittal. He was informed that the requirements for annual review are listed in the Mining Ordinance.

The lighting concern previously discussed by Randy Wood was addressed. Marty Preusser, Site Manager, stated that the mine has been closed since November and the wind may have disrupted the reflectors on the lights. He stated he will correct the problem.

The floor was opened for comments regarding the operation of the mine. Gary Smith commented that the cement trucks are quiet. He requested that weeds be removed from the berm adjacent to his property.

Randy Wood expressed concern over back up alarms. Mr. Preusser stated they will check into different alarms that might be more acceptable.

Cal Pflaum stated he would appreciate Sibley Aggregates hosting an open house to better acquaint the neighboring property owners with the new owner/operators of the mine. He commended Mr. Chard on how quickly the trucks get in and back out of the pit.

The review of the Sibley Aggregate mine was tabled until proper reports are submitted.

Mike Slavik, Dakota County Commissioner, provided a brief update on the VRWJPO's reassuming their permitting process. He stated they are working to streamline the application process throughout all Townships. He also encouraged attendance at the Township Officers Spring meeting on March 18, 2017 at 9:00 a.m. at the Empire Township Maintenance Building.

Pat Mason, Dakota Aggregates – Brosseth Gravel Permit and Storlie Gravel Permit Annual Review.

The Brosseth and Storlie gravel pits were discussed. There was no public comment regarding the gravel pits.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to accept the submission of the annual review from Dakota Aggregates. Motion carried 4-0.

Election Judges for March 14, 2017 Town Election

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to adopt Resolution #2017-02 approving Election Judges for the March 14, 2017 Township election. Motion carried 4-0.

OLD BUSINESS

Ordinance Recodification

The Township Code of Ordinances recodification was reviewed. It was noted that a correction regarding the Clerk and Treasurer positions in Ordinance 2, Chapter 6, Section 1A need to be corrected.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to adopt Ordinance #2017- 01 adopting the re-codified Code of Ordinances as presented and amended February 13, 2017, and authorize a summary publication. Motion carried 4-0.

Update on Street Light Request

Supervisor Rogers discussed the details and cost for installation of a street light to be installed at 235th Street and Jersey Court as being \$6,700. He further discussed warning signage that could be beneficial to the area. The cost for that signage would be \$238.68.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to approve the purchase and installation of warning signs as presented near the intersection of 235th Street and Jersey Court. Motion carried 4-0.

The Clerk was directed to send a letter to the resident that had requested the street light on 235th Street.

Discussion – Ordinance Regarding Volume of Material Brought onto Property

Supervisor Jennings discussed an email from Brian Watson regarding importing and exporting fill from property as it would pertain to hydrologic changes. She stated that having the VRWJPO resuming the permitting process, she saw no reason for action at this time.

OTHER BUSINESS

City of Lakeville / Eureka Township Joint Powers Agreement

Supervisors Behrendt and Jennings discussed their meeting with City of Lakeville officials, Justin Miller and Dave Olson regarding a potential joint powers agreement to provide sewer and water services to the Airlake Airport property. It was noted that Lakeville would be open to an agreement should it serve to be financially beneficial, it would serve the airport long term, and future annexation remain a possibility. Supervisor Behrendt noted that Gary Schmidt, Metropolitan Airports Commission had been contacted regarding the discussion with Lakeville.

Discussion was held regarding consultation with Sherri Bus, TDKA and Attorney Lemmons to draft a proposal which would be an equitable arrangement for both Eureka and Lakeville.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to authorize Supervisors Behrendt and Jennings to work with Sherri Bus, TDKA and Attorney Lemmons to draft a Joint Powers Agreement for review at the March Town Board meeting. Motion carried 4-0.

Waste Tire Collection. Discussion was held regarding a waste tire collection that would be a funding partnership with the Rural Solid Waste Commission and other townships. Supervisor Jennings stated she would discuss the possibility of a joint event with Greenvale Township.

Clerk Update

The Clerk reviewed assignments and also discussed preparation for upcoming annual meeting.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to adjourn the meeting at 9:45 p.m. Motion carried 4-0.

Respectfully submitted:

Mira Broyles, Clerk _____