

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

June 12, 2017

CALL TO ORDER

Vice Chair Carrie Jennings called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Dan Rogers, Carrie Jennings, Butch Hansen, and Donovan Palmquist. Lu Barfknecht was present electronically. 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:

New Business:

Accessory building tear-down escrow.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, 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 Supervisor Hansen, seconded by Supervisor Palmquist, to accept the Treasurer's Report dated June 12, 2017. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed. An extra charge for weed control was noted on the invoice from Outdoor Innovations.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to approve the additional amount on the invoice from Outdoor Innovations with a note specifying permission should be given in advance for additional services.

Motion carried 5-0

Motion by Supervisor Jennings, seconded by Supervisor Hansen to return the balance of escrows accounts to Gloria and Arland Anderson and Stacy Simonette. Motion carried 5-0

Discussion was held regarding the cost for dust control. Mark Cemensky stated that he recalled a meeting with Brian Sorensen from Dakota County where it was indicated the County would provide dust control to side roads during the reconstruction of Dodd Boulevard.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to direct the Clerk to search for minutes of the Road Committee in 2013 pertaining to the Dodd Boulevard reconstruction and dust control on area roads. Motion carried 5-0.

Motion made by Supervisor Hansen, seconded by Supervisor Rogers to approve the claims and receipt lists. Roll call vote was taken. Motion carried 5-0.

The budget was reviewed.

Treasurer Wilson indicated that the annual audit by Lewis, Kisch & Associates, Ltd. was concluded.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to accept the audit report by Lewis, Kisch & Associates, Ltd. dated May 31, 2017. Motion carried 5-0.

Treasurer Wilson indicated that Deputy Treasurer Nanette Sandstrom is moving out of State. The Greenvale Township Treasurer, Wayne Peterson, has agreed to serve as Deputy Treasurer for Eureka. Ms. Wilson noted that she will be serving as Greenvale's Deputy Treasurer.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings to appoint Greenvale Township Treasurer Wayne Peterson as Deputy Treasurer at a rate of \$25 per hour and \$70 for meetings. Motion carried 5-0.

Mike Slavik, Dakota County Commissioner, updated the Town Board on capital improvement projects. The issue of an agreement with the County for dust control in conjunction with the Dodd Boulevard reconstruction project was discussed. Mr. Slavik indicated he would follow-up on the issue and asked that any information located by the Clerk be forwarded to him.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen to empower the Road Supervisors to meet with Dakota County representatives in regard to the Capital Improvement Plan as it pertains to road improvements. Motion carried 5-0.

Public Comment

Alex Allen, 22447 225th Street, representing Scotts Miracle Gro noted that the project being constructed on the former Hat Trick property along Cedar Avenue would have been a huge tax benefit to Eureka Township had it not been annexed into Lakeville.

Beverly Swanson, Granite Path, stated she thinks dust control should be applied earlier in the spring and chloride applied to the entire road rather than specific sections. It was noted that dust control will be applied on June 15th and 16th. It was agreed that dust control should be applied earlier next year.

Cal Pflaum, requested mowing of ditches occur as soon as possible. He also expressed concern over weed control and dust control throughout the Township. He complained about the manner in which his agriculture preserve application was handled at a previous meeting. It was noted that the Board made every effort to accommodate the late arrival of the application material.

Dakota County Deputy Matt Lohman discussed incidents that have occurred in the area and encouraged residents to call 911 when they see suspicious activity.

Citizen Business

Mark Ceminsky, 235th Street, discussed the Airlake Airport issue pertaining to annexation and/or sewer and water services. He presented two draft resolution agreements for the Board to consider.

Don Storlie, 235th Street, discussed a culvert on 245th Street that is plugged due to growth of trees on private property on the north side. Supervisor Jennings stated she would like to visit the site along with a Road Supervisor and Brian Watson from the DCSWCD, to better understand the situation. In addition, Mr. Storlie noted that trees are hanging over a portion of 235th Street.

Contractor Update

Jason and Bryce Otte, Otte Excavating, discussed ongoing road maintenance, ditch mowing, dust control, and tree trimming on 235th Street. Signage on 225th Street regarding restrictions for truck traffic was discussed. It was noted that tonnage requirements could not be enforced by the County.

Building Inspector Update

Darrel Gilmer, Building Inspector, discussed ongoing inspections. Discussion was held regarding the stipulation that local building codes cannot be more restrictive than the State building code.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to direct the Planning Commission and the Building Inspector to review the State Building Code in conjunction with the Township code to ensure compliance. Motion carried 5-0.

Consent Agenda – continued to later in the meeting

Planning Commission Update

Planning Commissioner Ralph Fredlund provided a summary of the June 6, 2017 Planning Commission meeting, noting the following:

Approval was recommended for a building permit for Kathy Maas; an accessory building for Adam Jakes with an escrow for the demolition of a barn currently on the property; a sign for Living Waters Baptist Church; and an agricultural exempt permit for Terri Petter. Denial was recommended for an accessory building on the Scotts Miracle Gro property.

Mr. Fredlund also noted that discussion had been held with the Township Attorney regarding certified copies of deeds being a requirement with the submittal of certain applications. The Town Board was asked to reaffirm the requirement. It was also noted that landowners should be responsible for recording clustering agreements with the County rather than the Clerk submitting the documents for recording. The review of the ordinance pertaining to the transfer of building rights was being conducted. A request was made to permit the Township Attorney to assist with the review.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to have the Township Attorney assist with the transfer of building right application form, summary and procedure. Motion carried 5-1.

Supervisor Hansen seconded the motion then withdrew his second and stated he felt it was not a good use of Township funds. He opposed the motion. It was suggested that Jeff Otto be consulted during the review.

LAND USE PERMITS

Daron and Kathy Mass, 8541 267th Street West, Building Permit Application for Single Family Home.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to approve a building permit for a single family home for Daron and Kathy Mass, PID 13-02900-75-015. Motion carried 5-0.

Adam Jakes, 25681 Ipava Avenue, Building Permit Application for Accessory Building.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to approve a building permit for an accessory building for Adam Jakes, 25681 Ipava Avenue, PID 130190078012, subject to \$5000 escrow for removal of an existing barn within 90 days of completion of the new building. Motion carried 5-0.

Scott Peterson, Living Waters Baptist Church, 22222 Dodd Boulevard, Sign Permit Application.

It was noted that the Planning Commission recommended approval of the permit.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve a sign permit for Living Waters Baptist Church, 22222 Dodd Boulevard. Motion carried 5-0.

Alex Allen, 22447 Highview Avenue, Building Permit Application for Accessory Building.

It was noted that the Planning Commission had recommended denial of the application due to restrictions in the Settlement Agreement with Country Stone and Soil of Minnesota, Inc. dated September 28, 2010. Mr. Allen discussed the specific portions of the Settlement Agreement that he felt would allow the proposed addition of an accessory building. Township Attorney Lemmons discussed his interpretation of the purpose of that portion of the agreement.

Supervisor Jennings asked if Supervisor Hansen would recuse himself from this item due to his representation of one of the involved parties during the time of the Settlement Agreement negotiation. Supervisor Hansen indicated he would not recuse himself.

Matt Duffey, Attorney representing the applicant, stated he disagreed with the Township Attorney's interpretation of the Settlement Agreement. He stated he felt it only fair that he be allowed to discuss his interpretation. He further noted that the actual intention of the parties at the time the Settlement Agreement was signed cannot be interpreted by others now.

Georgie Moliter, 8875 225th Street, stated she was involved at the time of the agreement and stated that it was stated that everything on site would be stored within the building. She further stated she was assured there would be no expansion of the property. Supervisor Hansen stated there are no documents, including meeting minutes, that indicate there would be no expansion.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to deny the application by Alex Allen, Scotts Miracle Gro, for a building permit application for an accessory building at 22447 Highview Avenue. Motion carried 4-1. Supervisor Hansen opposed.

Terri Petter, 10132 235th Street, Exempt Agriculture Building Permit Application.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to approve an exempt agriculture building permit for Terri Petter, 10132 235th Street, PID 130070050011. Motion carried 5-0.

NEW BUSINESS

Mark Nelson, 5255 265th Street West Annual Review of Conditional Use Permit.

There was no public comment and it was noted that no complaints had been filed.

It was acknowledged that the review was held with no negative comments.

OLD BUSINESS

Bids for Limestone

It was noted that testing results had been submitted for the bid from M & J Trucking Company dated May 8, 2017.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to accept the testing result for limestone from M & J Trucking Co., LLC and the bid dated May 8, 2017. Motion carried 5-0.

The Clerk was directed to notify M & J Trucking Co. that end dumps or belly dumps are required when delivering the product.

Complaint Follow-Up, 22702 Hamburg Avenue.

It was deemed that the issue in the complaint could not be verified at the current time. The Clerk was directed to notify the complainant that the Board will revisit the site during the Fall season when it is open for business.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to have follow-up regarding the complaint on 22702 Hamburg Avenue placed on the September, 2017 Town Board agenda.

Follow-Up – Fence Issue, 24565 Iceland Path

Attorney Lemmons stated a formal complaint has been filed with District Court and he is awaiting a hearing date.

Eureka / Lakeville Proposed Joint Powers Agreement for Airlake Airport

Attorney Lemmons stated a draft Joint Powers Agreement had been prepared and presented to the City of Lakeville, however, no action has been taken. He stated that the City of Lakeville had provided an example of a different agreement. He was asked to forward that draft agreement to the Town Board. It was noted that it would be beneficial for the MAC, Met Council, the City of Lakeville, and Eureka Township to have a joint meeting.

Consent Agenda

Town Board Minutes

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to approve the minutes of the May 8, 2017 Special Town Board minutes. Motion carried 5-0.

Motion was made by Supervisor Hansen , seconded by Supervisor Jennings, to table the minutes of the May 8, 2017 Town Board meeting. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to table the minutes of the May 10, 2017 Round Table meeting. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen , to approve the minutes of the May 15, 2017 Special Town Board meeting. Motion carried 5-0.

Other Business

Town Hall Maintenance Issues:

It was decided that a security system is not warranted at this time.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to get quotes for power washing the front of the building. Motion carried 5-0

Clarification of August, 2017 Town Board Meeting Date

It was noted that the second Monday of August would fall two weeks after the Planning Commission meeting to be held on Tuesday, August 1st.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to schedule the August Town Board meeting for August 7, 2017. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to set a special meeting for July 10, 2017 at 6:30 PM for the Clerk's annual review. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to adjourn the meeting at 10:10 PM. Motion carried 5-0.

Respectfully submitted:

Mira Broyles, Clerk