

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**September 11, 2017**

Chair Lu Barfknecht called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Lu Barfknecht, Dan Rogers, Butch Hansen, Carrie Jennings and Donovan Palmquist. Planning Commission members Nancy Sauber and Bill Funk, 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:

- Bid from Allied Black Top for crack sealing

Other Business:

- Settlement offer on Petter case

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, 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 Barfknecht, seconded by Supervisor Hansen, to accept the Treasurer's Report dated September 11, 2017. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

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

Treasurer Wilson noted that the Township is currently over budget on building inspections, road maintenance, and Town Hall upkeep. The Treasurer was directed to move the parking lot seal coating expenses under capital improvements.

**Public Comment**

Jody Arman Jones reminded the Town Board that the next edition of the Township newsletter will be published the third week of October. She asked that any information the Board would like to be included be provided to her as soon as possible.

### **Citizen Business**

Allen Novacek, 24030 Iberia Avenue, discussed the Airlake Airport annexation issue. He stated that effort needs to be put into explaining the position of the Township in regard to preventing the annexation of the airport, and urged the Town Board to act quickly.

### **Contractor Update**

Bryce Otte, Otte Excavating, discussed ongoing road maintenance, noting that the gravel contractor is not fulfilling their contract.

Motion made by Supervisor Hansen, seconded by Supervisor Jennings to direct the Township Attorney to send a letter to the gravel contractor that they have ten days to honor their contract or the Township will advertise for new bids. Motion carried 5-0.

### **Building Inspector Update**

Darrel Gilmer, Building Inspector, gave an update on ongoing inspections. Dave Selner's non-compliance for construction of a lean-to without a building permit was discussed.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers to direct the Township Attorney to send Mr. Selner a letter to bring his building into compliance by October 1, 2017.

### **Update by Sherrif**

Deputy Sherriff Schmidt provided information regarding recent criminal activities in the area including a stolen car in Castle Rock and cooper wire being stolen from a gravel pit.

### **Consent Agenda**

[August 7, 2017 Town Board Minutes](#)

[August 7 2017 Board of Adjustments and Appeals Minutes](#)

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the consent agenda as presented. Motion carried 5-0.

### **Planning Commission Update**

Planning Commissioner Bill Funk provided a summary of the August 5, 2017 Planning Commission meeting. See attached summary as Attachment A. Planning Commission Chair Nancy Sauber discussed an inquiry by Terry Anderson regarding a potential landscape business, stating she does not believe it fits the intent of a conditional use permit.

### **LAND USE PERMITS**

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Alan & Joan Storlie, 6987 255<sup>th</sup> Street – Exempt Agriculture Building Permit Application

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

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve an Exempt Agriculture Building Permit Application for Alan and Joan Storlie, 6987 255<sup>h</sup> Street, PIN 13-02200-26-022. Motion carried 5-0.

Ryan Murphy, 9180 225<sup>th</sup> Street – Building Permit Application for Single Family Home

It was noted that the Planning Commission recommended denial of the application based on covenant issues, lack of proof of a building right and changes in the building document. It was further noted that the applicant will be reapplying for the permit.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to deny the building permit application for Ryan Murphy, 9180 225<sup>th</sup> Street West due to covenant issues and lack of proof of a building right. Motion carried 5-0.

Terry Anderson – Inquiry regarding potential use of property at 9395 280<sup>th</sup> Street

Discussion was held regarding a potential landscaping business and it was noted that the parcel would have to consist of at least ten acres in order for a landscape business to be conducted on the property. Mr. Anderson was not present.

**NEW BUSINESS**

Ames Construction – Request for Temporary Extended Hauling Hours

Pat Mason, representing Ames Construction discussed a request for the temporary extended hours of hauling activities in the Kelly Aggregate / Brosseth Pit for the MNDOT S.P 2782-327 TH 35W and Lake Street project. He noted that hauling will not occur every night during the requested extended hauling hours and no material mining or processing is being requested past the normal hours of operation.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to approve the request for extended hauling hours September 12, 2017 – November 30, 2017 and written notice be sent to adjacent property owners. Motion carried 5-0.

Ordinance 3, Chapter 4, Section 9A, Regarding Swimming Pools

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to adopt Ordinance 2017-05 amending Ordinance 7, Chapter 2, Number R in regard to swimming pools. Motion carried 5-0.

Complaint (1)

Complaint against gravel pit noise was reviewed.

Complaint (2)

It was noted that the address on the complaint was not correct. The Clerk was directed to contact the complainant and place the item on the October agenda.

#### Proposal by Allied Blacktop Company

A bid by Allied Blacktop Company was discussed for crack sealing of the parking lot.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to reject the bid by Allied Blacktop Company for crack sealing the Town Hall parking lot. Motion carried 3-2. Supervisor Rogers and Chair Barfknecht voted nay.

#### **OLD BUSINESS**

#### Minnesota State Building Code / Township Ordinances

A memo dated August 31, 2017 from Township Attorney Lemmons regarding the question of the Township adopting ordinances dealing with an area of building design or construction which are also addressed by the State Building Code was reviewed. It was recommended that before the Township decides to adopt any ordinance with a building component or building methods that the ordinance be reviewed by the Township Building Official to determine whether or not the component or method in question is also covered by the State Building Code.

It was agreed that review of the Township ordinances is needed to determine if there is conflict with the State Building Code.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to form a subcommittee consisting of one Board member, one Planning Commission member, and the Building Inspector as a consultant (to be compensated), to review ordinances for compliance with State Building Code. Motion carried 5-0.

Supervisor Hansen volunteered to serve on the Committee and discuss the issue with the Building Inspector.

#### Accessory Building Escrow Policy, Escrow Agreement, License Agreement

A draft escrow policy, agreement and license agreement was reviewed.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to accept the accessory building escrow policy, escrow agreement and license agreement documents as presented. Motion carried 5-0.

#### Follow-up on Previous Complaint

It was noted that this item was directed previously to be placed on the September Town Board agenda to have follow-up during the Fall season when the business is open. Supervisors Rogers and Palmquist will follow up on the complaint.

#### Road Turnover to Dakota County Report

Supervisor Rogers discussed a meeting with County Commissioner Mike Slavik regarding roads that Dakota County could potentially take over. He indicated that any road taken over by the County would be widened and blacktopped.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to have a proposal drafted for potential road options that Dakota County could take over. Motion carried 5-0.

#### Airlake Airport Annexation

Supervisor Hansen discussed a meeting he attended with Attorney Lemmons, Supervisor Jennings and representatives of the Metropolitan Airports Commission (MAC). He stated that MAC was receptive to the idea of the Township providing sewer and water to the airport property. Supervisor Jennings stated she did not feel that MAC was receptive to holding off on the annexation. Attorney Lemmons stated that MAC will proceed with annexation but will be willing to listen to proposals by the Township.

The need for a letter to the Metropolitan Council requesting permission to tap into MUSA line was discussed. It was noted that an amendment to Comprehensive Plan would have to occur. The Boundary Protection Study conducted by TKDA was also discussed.

Motion was made by Supervisor Hansen to change the Comprehensive Plan, send a letter to the Metropolitan Council requesting the Airlake Airport be allowed to connect into MUSA line; and look into cost effectiveness of installing and maintaining a well to service the airport. No second to the motion.

Motion made by Supervisor Hansen to allow the City of Lakeville to annex all property north of 225<sup>th</sup> Street. No second to the motion.

Mark Ceminsky questioned why the Township is willing to give up the airport property to Lakeville. He stated he felt more of an effort should be made to work with MAC.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to send a letter to MAC to let them know that the Board is not pursuing providing sewer and water to the airport property. After discussion, no action was taken on the motion.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to direct the Clerk to draft a letter to the Metropolitan Airports Commission stating motions that were made at this meeting. Motion carried 4-1. Supervisor Hansen voted nay.

#### Settlement Offer for Petter litigation

Township Attorney Lemmons noted that an offer had been made in regard to the Eureka Township v. Teresa Lynn Petter, et. al. litigation, after court action had been taken on September 5, 2017, which would limit the number of animals on the property to 100.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to not accept the settlement agreement for 100 animals in the Eureka Township v. Teresa Lynn Petter, et. al. litigation. Motion carried 4-1. Supervisor Hansen voted nay.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to adjourn the meeting at 9:50 p.m. Motion carried 5-0.

Respectfully submitted:

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Mira Broyles, Clerk

