

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

SEPTEMBER 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, Cory Behrendt, Carrie Jennings and Lu Barfknecht. Supervisor Dan Rogers was absent. Planning Commission Chair Nancy Sauber, Planning Commissioner Randy Wood, 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:

The minutes of the August 8, 2016 meeting and review of the July 11, 2016 minutes were moved to Other Business. The Larson application for an exempt agricultural permit was moved to the consent agenda. The Planning Commission discussion regarding zoning was added to Old Business.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, 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 September 12, 2016. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Chair Budenski noted that Supervisor Rogers should be paid the meeting rate for the times he accompanied the road contractor doing dust control.

Supervisor Barfknecht noted that Planning Commissioner Frana should be paid for the Planning Commission meetings that he chaired.

Supervisor Barfknecht questioned the bills from Dakota Aggregates vs. the amount of gravel being spread by Otte's Excavating.

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.

Outstanding invoices were discussed. Treasurer Wilson was unable to locate any insurance information in regard to the person responsible for culvert damage at Chub Lake. Attorney Lemmons was directed to write a letter. Chair Budenski discussed an outstanding invoice of \$3,000 for Dakota County pertaining to work on Dodd Road. He stated the County had offered to pay \$1,000. The Treasurer was directed to write a letter to Dakota County requesting a response prior to the October Board meeting.

The budget was discussed.

Escrows:

Outstanding escrows were discussed.

Motion made by Supervisor Behrendt, seconded by Chair Budenski, to refund the escrow accounts for Vermillion River Aggregates and Fitzke Construction less any outstanding legal expenses. Motion carried 4-0.

Public Comment

Allen Novacek, 24030 Iberia Avenue, discussed direction that was given at the annual meeting to proceed with consideration of commercial zoning.

Butch Hansen, 26120 Highview Avenue, questioned what was taking so long on the Airlake request. He noted that the Township had promised an answer to MAC in June. He stated the reason the Township had not collected the two outstanding bills discussed earlier was because they were over one year old. He stated someone should have been proactive in collecting at the time of the incident.

Contractor Time

Jason and Brice Otte, Otte Excavating, clarified the billing from Dakota Aggregates and dates that gravel was delivered in comparison to Otte's bill for grading. Damage on 240th Street by a Birds Eye Foods truck was discussed. A bill in the amount of \$5000 is to be sent to the tenant. Attorney Lemmons was directed to send a letter to the tenant. The frost boil on Highview Avenue was discussed.

A Dakota County Deputy was present to answer any citizen / Town Board concerns. Discussion on enforcement of specific ordinances was discussed.

Building Inspector Update

Building Inspector Darrell Gilmer discussed outstanding inspections and the ongoing Mahoney property clean up, noting progress is being made. The Board indicated they would like a schedule for cleanup of the property. Discussion of a garage being used as a residence at 24090 Holyoke Path was discussed. Mr. Gilmer was directed to inspect the property. The possibility of an administrative search warrant was discussed should the Building Inspector not be allowed access to the property.

Consent Agenda

Dylan and Julie Larson, 24510 Highview Avenue

Exempt Agriculture Building Permit – It was noted that the Planning Commission had recommended approval of the permit.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve an Exempt Agriculture Building Permit to construct a grain storage building for Dylan and Julie Larson, 24510 Highview Avenue. Motion carried 4-0.

Planning Commission Update

Planning Commission liaison Randy Wood provided a summary of the September 6, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board.

Land Use Permits

Kelly Brosseth, 23350 Dodd Boulevard – Building Permit Application for Accessory Building

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

Supervisor Behrendt questioned the primary use of the property where the accessory building is proposed to be constructed. Mr. Brosseth stated the property is adjacent to the Dakota Aggregates site but is not the same property identification number. Attorney Lemmons noted that an accessory building must be tied to a primary use. He stated Mr. Brosseth would need to amend the interim use permit on the Dakota Aggregates site, as each parcel has to have a primary use.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to deny the building permit for an accessory building for Kelly Brosseth, 23350 Dodd Boulevard. Motion carried 4-0

Mr. Brosseth indicated he did not wish to proceed with an interim use permit amendment at this time.

Dylan and Julie Larson, 24510 Highview Avenue - Lot Split Approval Application - It was noted that the Planning Commission had recommended approval of the Lot Split Application.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a lot split for Dylan and Julie Larson, 24510 Highview Avenue, from Parcel A as shown on surveyor certificate. Motion carried 4-0

Mike Northrup, 6220 W. 235th Street – Exempt Agriculture Building Permit. It was noted that the Planning Commission had recommended approval of the permit.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to approve an Exempt Agriculture Building Permit of Mike Northrup, at 62220 W. 235th Street to construct a building for farm implement storage. Motion carried 3-0.

Poplar Grove Farms / Dick Nielsen, 24380 Chippendale Avenue West – Residential Building Transfer Application and Lot Split Approval Application. It was noted that the Planning Commission had recommended approval of both applications.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to approve a lot split of two acres from PID 13-02200-50-010. Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to approve a Residential Building Right Transfer for sending parcel 13-02200-25-010 (NW ¼ SW1/4 Section 22-113-20) and receiving parcel 13-02400-50-010 (SE ¼ and N1/2 of SW ¼, Section 22-113-20 contingent on completion of cluster agreement. Motion carried 4-0.

OLD BUSINESS

Discussion – Public Hearing for Ordinance 3, Chapter 2, Zoning Districts Amendment

Discussion was held regarding the update of the Comprehensive Plan and a possible amendment for rezoning parcels to commercial / industrial. Planning Commission Chair Nancy Sauber stated there is not enough time to get the rezoning into the 2018 Comp Plan and that a physical impact study would have to be conducted.

Butch Hansen, 26120 Highview Avenue, stated that a motion to start a commercial zone was made at annual meeting held in March. He stated that should have been included in the new Comprehensive Plan.

Chair Budenski stated that Patrick Boylan, Metropolitan Council, indicated the land use changes could be included in the new update of the Comprehensive Plan.

Reference was made to a 1966 resolution indicated the property was zoned commercial. Attorney Lemmons noted that the resolution was no longer in effect since other resolutions have been adopted since that time.

Chair Budenski made a motion to have the Planning Commission hold a public hearing on a proposed Light Industrial Zoning Ordinance, amending Ordinance 3, Chapter 2: Zoning Districts. Brian. The motion was not seconded. Motion failed.

Planning Commission Zoning Discussion – Supervisor Behrendt recapped what had transpired prior to the Township Annual meeting in conjunction with the proposed annexation of the Airlake Airport property by the City of Lakeville. He further stated that a short term joint powers agreement could be implemented while working on other alternatives to provide sewer and water services to the airport property. He noted that a motion had been made last month for the Planning Commission to discuss if they are willing to start the process of either the incorporation of the Township and the Township providing sewer and water services to the MAC property, which would include meeting the requirements of the Metropolitan Council, the possibility of a joint powers agreement with Lakeville, or orderly annexation of the property into Lakeville. He noted that the Planning Commission has agreed to move forward with this process.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to direct the Planning Commission to pursue the investigation that was laid out in the motion last month and prepare a plan by next month with costs and a timeframe to be completed with six months. Motion carried 3-1. Chair Budenski voted nay.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht to direct Supervisor Behrendt to draft a letter to the City of Lakeville, the Metropolitan Airports Commission and the Metropolitan Council, to be reviewed by the Township Attorney, regarding the Township plans and timeframe to move forward with plans for how to proceed with sewer and water service being provided to the MAC property. Motion carried 3-1. Chair Budenski voted nay.

Website – Policies Review and Update

Exhibit Policy – The current Exhibit Policy that is on the Township website was reviewed. The Clerk was directed to revise the policy to reflect changes made.

Policy on Citizen Input and Conduct at Township Meetings. The current Policy on Citizen Input and Conduct at Township Meetings was reviewed. The Clerk was directed to revise the policy to reflect changes made.

Town Hall and Grounds Rental Policy. The current Town Hall and Grounds Rental Policy was reviewed.

Motion was made by Supervisor Jennings, seconded by Chair Budenski to direct the Township Attorney to review and rewrite the Town Hall and Grounds Rental Policy. Motion carried 4-0.

NEW BUSINESS

Draft Joint Powers Agreement for Construction and Maintenance of Denmark Avenue (2nd Draft)

The second draft of the Joint Powers Agreement for construction and Maintenance of Denmark Avenue was discussed. The Township Attorney was directed to contact Dakota County regarding the agreement.

Discussion Regarding Possible Township Waste Tire Collection Event Partnership

Discussion was held regarding a proposal by the Rural Solid Waste Commission to hold, in partnership with other Townships, a waste tire collection event. It was decided that the Township would not participate.

OTHER BUSINESS

Minutes – August 8, 2016. A change was made on page 5 of the draft minutes.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to approve the minutes of the August 8, 2016 Town Board meeting as amended. Motion carried 4-0.

Town Board Minutes - July 11, 2016.

Supervisor Behrendt requested approval of the July 11, 2016 minutes be rescinded and changes made to page 4.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings to rescind the approval of the minutes of the July 11, 2016 Town Board meeting as amended. Motion carried 3-0. Chair Budenski abstained.

Clerk Update

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

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to adjourn the meeting at 10:40 p.m. Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk