

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of January 9, 2012

Call to Order

Chair Brian Budenski called the January 9, 2012, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Nancy Sauber, Dan Rogers, Pete Storlie and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Also present were Lu Barfknecht as Planning Commission Liaison and Township Attorney Trevor Oliver. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following items were added to the agenda:

Other Business: D. Schedule Budget Meeting

The following items were tabled until the February 13, 2012, Town Board Meeting: Hat Trick, Ordinance 7, Town Hall Rental Policy, and Wat Lao inspection.

A motion by Supervisor Nancy Sauber: To approve the agenda as amended. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

Public Comment Period

An audience member expressed concerns for the safety of office staff. Citizens should not be allowed in the office. Confidential information is located in the office. The extension to the countertop should be installed. It was also suggested that policies, ordinances and application forms should be available to the public without bothering the Clerk.

A motion by Supervisor Kenny Miller: To amend the agenda to address these issues. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote. The item was placed as Item B. under New Business.

An audience member brought to the Town Board's attention that a large race track is being proposed at County 2 and 35W. If built, it will be heard for miles, including in Eureka Township. The planning is in early stages. Citizen information meetings are being scheduled.

Treasurer's Report

Checking Account Balance: \$1,251.25. Outstanding Checks \$389.64. Savings Account Balance: \$400,552.40. CD Account Balances: \$67,814.65. Outstanding Deposits: \$770.30. The Ledger Balance is \$469,814.65.

A motion by Supervisor Nancy Sauber: To accept the Treasurer's Report of January 9, 2012, as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

The Town Board reviewed the Claims List and Net Pay Account Distribution.

Bills and Receipts

The Clerk presented the following bills for payment:

Henry's Excavating	Road maintenance thru 12/31/2011	\$2,858.50
MNSPECT	Inspection Services December 2011	\$632.50
Dakota Electric Association	Town Hall Electric	\$122.59
Frontier Communications	Phone Service Town Hall	\$229.81
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$45.63
T & C Commercial Cleaning	Clean Town Hall – January 2012	\$42.85
Kelly & Lemmons	Legal Services thru 12/31/2011	\$2,212.75
Darrel Gilmer	2 Septic systems	\$400.00
PERA	Payroll Period 12/1/2011 to 12/31/2011	\$202.24
Dakota County Assoc of Townships	Dues	\$948.72
MATIT	Workers Comp 2012	\$313.00
IRS	January 2012 Deposit 941	\$416.63
USPS	Stamps	\$44.00
ECM Publishers	Legal Ads	\$70.00
Julie Larson	Mileage 12-1-2011 to 12-31-2011	\$64.26
Nanett Sandstrom	Payroll 12-1-2011 to 12-31-2011	\$1,106.14
Julie Larson	Payroll 12-1-2011 to 12-31-2011	\$400.99
Carol Kelly	Payroll 12-1-2011 to 12-31-2011	\$47.17
Brian Budenski	Additional Town Board Payroll 4 th Qtr 2011	<u>\$47.17</u>
Total Bills Presented		\$10,228.46

A motion by Supervisor Kenny Miller: To accept the Claims up to the Kelly & Lemmons bill. The motion was seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Supervisor Nancy Sauber reviewed the Attorney billing charges, and they are appropriate.

A motion by Supervisor Nancy Sauber: To approve the Claims List from Kelly & Lemmons on through the Net Pay Account Distribution as submitted. Motion seconded by Supervisor Dan Rogers. Roll call vote was taken on the motion: Kenny Miller-aye; Pete Storlie-aye; Brian Budenski- aye; Nancy Sauber-aye; and Dan Rogers-aye. The motion passed unanimously.

The Town Board reviewed the following financial reports prepared by the Clerk: Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register.

It was noted that Receipt #699932 is voided.

The following receipts were received in December:

• **Local Permits**

Cheryl Ackerman – Kennel License	\$100.00	MN Energy- Utility Permit	\$25.00
Dran Pro Plumbing- HAV Permit	\$80.00	Wat Lao- CUP Review	\$15.00
Gayle Schleif- Application Fee	\$25.00		

• **Other Receipts**

Dakota County – 2 nd half taxes	\$177,000.00	Castle Rock Bank- Interest CD	\$236.82
Eureka Sand & Gravel- Escrow payment	\$525.30	Castle Rock Bank- Interest Savings	\$1,000.37
Castle Rock Bank- Interest CD	\$410.25	State of MN-	\$2,925.25

TOTAL RECEIPTS AS OF DECEMBER 31, 2011 **\$182,342.99**

A motion by Supervisor Nancy Sauber: To approve the balance of the Financial Reports as presented. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

The Town Board reviewed the Outstanding Invoice Report prepared by the Clerk. A change was made to the report. The Invoice dated 11/14/2011 for Terri Petter in the amount of \$67.50 for her attorney's contacting the Township Attorney was removed. This charge will be billed to the General Fund/Legal fees due to the subject of the conversation between Ms. Petter's attorney and Mr. Oliver.

A motion by Supervisor Kenny Miller: To accept the Outstanding Invoice Report and review the report at the Budget Meeting that will be scheduled later in the meeting. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Contractor Time

Various items in the ditches were noted. The Contractor was asked to pick up the items and check for additional items.

The grading schedule will be reviewed after the March election and before the next grading season. Dust-proofed roads should not be graded as often to preserve the dust-coating application.

Planning Commission, Land Use Permits and Related Items

A. Land Use & Zoning Issues

1. Ag Preserve- Jeff Otto

Jeff Otto presented the application to move property owned by Jeff and Linda Otto, husband and wife and Keith Mundy and Joyce Hagen, husband and wife, from Green Acres into Ag Preserve.

A motion by Supervisor Kenny Miller: To approve the transfer from Green Acres into Ag Preserve for Parcels 13-01900-50-012 owned by Jeff and Linda Otto, husband and wife, and Keith Mundy and Joyce Hagen, husband and wife, and 13-01900-50-020 owned by Jeff and Linda Otto, husband and wife. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

2. **Gayle Schleif & Jeff Muldrew- 27850 Iberia Ave.- Remodel & Addition**

Gayle and Jeff were present to represent their application for a remodel and addition to their residence. They are adding a 336-square foot, two-story addition to the existing structure. The estimated completion date of 6 months was added to the application. There are no CUP's, IUP's or Non-Conforming Registrations on file for this property. The square footage of the addition was corrected on the application. Various distances were added to the application. The changes were initialed and dated by the applicant.

A motion by Supervisor Nancy Sauber: To approve the building permit application for Gayle Schleif and Jeff Muldrew for adding a two-story addition and rehab of the house. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Other Business

A. Interview For Planning Commission Position- Fritz Frana

Fritz Frana was present to interview for the open Planning Commission position. The Town Board interviewed Fritz. The open position is for 25 months- through April 30, 2014.

A motion by Supervisor Nancy Sauber: That the Town Board approve Fritz Frana for the opening in the Planning Commission to become effective immediately. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Commissioner Joe Harris

Roads

Commissioner Joe Harris was present to address the Town Board. Dakota County is working on an agreement with Castle Rock Township on possible road swapping- 240th St. and Denmark Ave. (1/2 mile that has a shared agreement with Eureka Township)

Dodd Blvd continues to be on the 5-year Capital Improvement Plan. Construction is to take place in 2014. It will remain a 2-lane road but with added, wider shoulders. County Rd. 80 (255th St.), from Hwy 3 to Cedar Ave. has possible construction scheduled in 2015.

Dakota County Plan to include a Regional Trail Search Corridor in Eureka Township

Scott County is working with the Met Council on some trails. They are looking at Greenway corridors across the County that would connect greenway corridors and connect to the Scott County system. There are greenway corridors in Eureka Township. It is a Planning document to look at areas. Public meetings will be scheduled in the area.

B. Planning Commission Report

Lu Barfknecht was present as Planning Commission Liaison. The proposed Zoning, Building, Conditional Use and Variance Application Supplemental Information Requirement form was discussed. Questions and suggestions will be taken back to the Planning Commission for further review.

The Planning Commission is continuing to research the Wind Ordinance. They are discussing the square footage of accessory buildings allowed on a site. They also discussed the sign ordinance and agreed that it was adequate.

The Town Board discussed the Sign Ordinance as it relates to off-site advertising signs (billboards).

A motion by Supervisor Nancy Sauber: To study off-site advertising signs, in all of their dimensions. The motion was amended: The study to be conducted by the Planning Commission. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To put a moratorium in place on off-site advertising signs pending the outcome of the study and a modification of the ordinance. Motion seconded by Supervisor Nancy Sauber. Motion carried with one dissenting vote by Pete Storlie.

C. Newsletter

Editor Jody Arman-Jones was present to discuss the next newsletter. The newsletter will go to press after the close of the withdrawal period for candidate filing for the March election.

D. Schedule Budget Meeting

The Budget meeting was scheduled for Monday, January 23, 2012, at 7:00 p.m.

At 9:00 p.m. the Town Board took a short break. The meeting resumed at 9:15 p.m.

Old Business

A. Misc Updates

1. Farmington Fire Contract

The proposed Farmington Fire Contract was reviewed by the Township Attorney; a few changes were made. The Farmington city attorney had no problems with the changes made. The Farmington City Administrator is presenting it to the Farmington Town Council on January 9, 2012. This item will be added to the agenda of the Budget meeting on January 23, 2012.

2. TKDA

TKDA has an additional bill for the Commercial/Industrial Study. They were concerned that they were over budget. There were more meetings held than their proposal included and there were end costs for the final update of the final report. Supervisor Nancy Sauber reviewed the billings and at this point the project is under budget by about \$1,300. Supervisor Nancy Sauber will contact Sherri Buss and let her know that they are under budget and that she should submit the additional billing.

3. Mahoney Update

Supervisor Kenny Miller and Supervisor Dan Rogers re-inspected the property. Mike was out of the country; Sarah was present. The site is 40% - 50% cleaned up. A few pictures were taken. Mike will be back for an extended time in March or April. Mike will be contacted when he is back in Town. There was a question as to whether a deadline should be given as it is over a year

since the complaint was first filed. It was decided that, although only about 40% is cleaned up, Mike is making progress and not to give a deadline at this time. Progress will be monitored.

4. Buffington Status

No update at this time as the attorney has had to spend his time to address the issues on the Petter property.

5. Liane Building

Dee McDaniels met with Mr. Liane. The trailer was located 20 feet within the floodplain. Mr. Liane said that he will move the trailer outside of the floodplain.

The Clerk was asked to send a letter to Mr. Liane indicating that Township permits are required for moving the building within the Township and a Building permit.

6. State Mechanical Building

Dee McDaniels commented that the State Mechanical building is located completely within the floodplain. It is a total illegal use of the floodplain. The building was not permitted when it was built in 1985. The Dakota County is checking into this issue.

7. Sauber Trust Letter

No update at this time for the same reason as given in number 4 above.

Lawsuit from Wolves, Woods and Wildlife

A lawsuit from Wolves, Woods and Wildlife was received today. It has been forwarded to the Insurance Carrier. Many issues in the citizen complaint will be dealt with in the lawsuit. Under Attorney's advice there was no open discussion on these issues.

Citizen Business

1. Terri Petter Complaint

An additional complaint was received today. The complaint was distributed to the Town Board. No action was taken on the complaint, because it relates to the lawsuit.

2. Data Practices Request-Terri Petter

Terri Petter commented that she was told only that a 25-cent charge per copy applied for the Documents. She was not told that she would be charged per hour if there were than 100 copies. She is willing to pay the 25 cents per copy, but not the hourly charge. The Township Attorney will review the Data Practices Policy and State Data Practices Statute. The bill was calculated according the Township's Data Practices Policy.

3. Terri Petter - Fence Built Without Permit

Terri Petter commented that she will submit the application for the fence. She was concerned with the fees that will be assessed.

On August 9, 2004, the Town Board adopted by Resolution the Minnesota State Building Codes. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in May 2000: Building Valuation Data , 1999 Residential and

Commercial Building Permit Fees. The permit for the fence is required under the State Building Codes. The fees for the permit are based on the value of the fence. Terri will work directly with the Building Inspector on obtaining the fence permit.

4. Building Moved In Without a Permit-Terri Petter

Terri Petter commented that this building is named the “Trapper’s Cabin” in the court documents. It will be addressed as part of the lawsuit.

Minutes

a. Motion to Preserve January Town Board Meeting Recording

A motion by Supervisor Nancy Sauber: To preserve the recording of the January 9, 2012, Town Board Meeting. Motion seconded by Supervisor Dan Rogers. Motion carried with one abstaining vote by Pete Storlie.

b. December 12, 2011, Town Board Meeting Minutes

The following corrections were made to the December 12, 2011, Town Board meeting minutes: Page 7- change “gathered” to “gathering”. Page 8- correct spelling of “time”, Page 9- add commas: “the issue is that, as the building was submitted and designed,”

A motion by Supervisor Nancy Sauber: To approve the Eureka Town Board Meeting minutes of December 12, 2011, as amended. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

New Business

Dakota County Comprehensive Plan Hearing

The Town Board discussed the hearing, the Town Board’s position, and whether any Board member should attend to represent the Township’s position.

A motion by Supervisor Kenny Miller: That if a member of the Town Board attends the Comprehensive Plan hearing that the Town Board’s stance is that they are firmly against any actions in Eureka Township. Discussion on the motion followed.

Township Attorney commented that the Comprehensive Plan Amendment will be presented to local jurisdictions for comments. The Town Board can make comments at that time.

Supervisor Kenny Miller withdrew his motion.

Countertop Extension and Forms Available

The Town Board asked the Clerk to make the Ordinances, policies and forms available for easy public access. Supervisor Brian Budenski will check on the countertop extension.

A motion by Supervisor Pete Storlie: To adjourn. Motion seconded by: Supervisor Nancy Sauber.

Meeting adjourned at 10:22 p.m.