

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of October 12, 2010

Call to Order

Chair Brian Budenski called the October 12, 2010, Eureka Town Board meeting to order at 7:02 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Dan Rogers and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Ken Olstad was present as Planning Commission Liaison. Township Attorney, Trevor Oliver, was also present. Supervisor Carrie Jennings arrived at 7:03 p.m. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

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

Public Comment Period

There were no public comments.

Treasurer's Report

Checking Account Balance: \$2,292.56. Outstanding Checks: \$863.38. Savings Account Balance: \$219,689.41. CD Account Balances: \$64,021.18. The Ledger Balance as of July 31, 2010, is \$285,139.77.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

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

Bills and Receipts

The Clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 9/30/2010	\$12,350.00
Dakota Electric Association	Town Hall	\$91.94
Frontier Communications	Phone Service Town Hall	\$112.04
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$42.03
Kelly & Lemmons	Legal Services thru 9/30/2010	\$2,233.60
PERA	Payroll Period 9/1/2010 to 9/30/2010	\$229.30
Nanett Sandstrom	Expenses 9/1/2010 to 10/5/2010	\$299.98

Pro Service Lawn	Mowing- Town Hall- September	\$384.75
T & C Commercial Cleaning	Clean Town Hall – September	\$42.75
MNSPECT	Inspection Service -September	\$284.52
Carol Kelly	PC Recorder- 9/1/2010 to 9/30/2010	\$150.06
Nanett Sandstrom	Clerk Payroll 9/1/2010 to 9/30/2010	\$1,417.14
IRS	October Deposit	\$345.93
M & R Sign	Signs	\$939.77
TKDA	Commercial/ Industrial Study	\$654.92
Castle Rock materials	Class 5	\$129.72
MAT Agency	Workman’s Comp thru 1/1/2011	\$289.00
Gold Mine Dezine	Newsletter	\$191.49
Dakota County Treasurer	Truth and Taxation	\$238.84
Rice Lake Construction	refund overpayment on permit	\$45.00
Anderson Bobcat	Ditch Mowing	\$59.50
Anderson Bobcat	Cut down tree	\$312.50
Dustcoating	Application 9-22-2010	\$8,376.00
Kim Budenski	Water softener salt	\$65.00
ECM Publishers	Legal Ads	\$154.00
Dave’s concrete	Replace sidewalk	<u>\$1,500.00</u>
Total Bills Presented		\$30,963.29

A Supervisor had a question on the Otte Excavating bill. There were 2 charges for sign replacement on 225th Street. One charge was for installing a sign, the other for a sign and post. The same amount was charged for each project. When Jason Otte arrived, he was asked why the 2 charges were the same. He commented that one included travel time.

It was noted that Claim No. 1409 is a voided claim. The TKDA bill will be paid from the money received from Hat Trick annexation.

A motion by Supervisor Brian Budenski: To approve the Claims List and Net Pay as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

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 Check Numbers 6001, 6005, 6006, 6008 and 6020 are voided checks.

The Township rented the boom mower from Diamond Mower because of the short time frame between rental and use; Anderson Bobcat did not have time to present credit references for credit approval to Diamond Mower.

The following receipts were deposited in September of 2010:

- **Local Permits**

Lee West- Permit 10-19 & 10-20	\$1,376.35	Lori Mathiowetz- Permit ET10-001	\$105.00
Mount Olivet- Permit 10-12	\$486.74	A & R Heating- Permit ET10-002	\$50.00
Glory to Glory- Permit 10-23	\$363.69	Rice Lake Construction- Permit 09-50	\$650.00

- **Other Receipts**

Wayne Hallcock- RASP Sign	\$15.56	Ackerman Furniture- Newsletter Ad	\$125.00
Hat Trick – Annexation agreement	\$10,000.00	South Cedar- Newsletter Ad	\$35.00
United States Treasury- Refund 941	\$20.21	Castle Rock Bank – Interest CD	\$389.98
Diffley- Town Hall Rental	\$25.00	Castle Rock Bank – Interest CD	\$430.76
Carol Nassif- RASP Sign	\$15.75	Castle Rock Bank – Interest Savings	\$1,213.58

TOTAL RECEIPTS AS OF SEPTEMBER 30, 2010 **\$15,302.62**

A motion by Supervisor Carrie Jennings: To accept the Receipts Register, Disbursements Register as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

The retrieval of the gravel from the ditches was successful.

Contractor Time

Jason and Bryce Otte, Road Contractors, were present. Chub Lake Road is open. There is a rut in the edge of the road that needs to be repaired. There are trees on the DNR Land that are leaning over the road. The DNR will be contacted about the trees.

The No Dumping signs have not yet been installed. Three posts need to be straightened.

240th and Highview are in good shape. They do not need to be graded before winter.

Planning Commission, Land Use & Zoning Issues

A. Zoning Compliance Permit- Julie Larson

Julie Larson requested to build a 12’x14’ lean-to with 16’ sidewalls to an existing Ag building at 8305 250th Street West, Farmington. (Property ID# 13-01600-020-51). An Ag Exempt Form was submitted. Planning Commission member Ken Olstad checked the location of the addition.

A motion by Supervisor Kenny Miller: To approve the building permit to Julie Larson at 8305 250th Street West, Farmington, a lean-to to an existing pole shed. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote. Zoning Compliance Permit #001016 was issued.

Other Business

A. Al Singer- Vermillion River Corridor

Al Singer, Land Conservation Manager with Dakota County, spoke to the Board. They have been working on the Vermillion Corridor Plan for almost two years. This is a non-regulatory attempt to look at the River in a much more holistic way that had not been done before. A goal is how to integrate water quality, wildlife habitat and recreation. The River is very different at different locations. There are increasing issues with recreation. He presented the Town Board with a copy of a PowerPoint presentation. There are no greenways or trails presented in Eureka Township. They are working with land owners on best management practices on their property. People are looking for more information and cost sharing. They are working through incentives. They will be contacting all land owners along the Vermillion River and Chub Creek to let them know that the opportunities exist.

B. Open Road Contractor Bids

Three Bids were received. Two bids were for Road Contracts. Proservice Lawn & Landscape bid was on snow removal at the Town Hall parking lot and shoveling snow from sidewalks. The Town Board did not accept the Proservice bid. Snow removal at the Town Hall is part of the Road Maintenance Bid.

The Road Maintenance bids were from Henry's Excavating, Farmington, and Otte Excavating, Randolph. The Clerk was asked to make copies of all the bids for Town Board Members. The Town Board reviewed the bids. Operating the road grader is the highest percentage of use. The Henry's Excavating bid for the road grader was \$82.00 per hour, and the Otte Excavating bid for the road grader was \$85.00 per hour.

Jeff Otto had created a spreadsheet in 2009 to enter the bids to compare the bids on a percentage basis of use. Jeff Otto was in the audience. He volunteered to go home and email the spreadsheet to the Clerk to use to compare the two bids. The Town Board tabled their decision on selecting a Road Contractor until later in the agenda.

Replacement of Road Signs on Denmark Ave.

Mark Henry, Castle Rock Township's Road Contractor, discussed with the Town Board the replacement of road signs on Denmark Ave. Castle Rock inventoried signs for replacement. Each respective Township maintains the ditches on its side of Denmark Ave. The question presented to the Town Board was who is responsible for road signage. The Road Supervisors will meet with Castle Rock to discuss this issue and to update the Denmark Road Agreement for approval by the two Town Boards.

Old Business

A. Misc Updates

- 3. VRWJPO-** Nancy Sauber attended 2 different workshops. She made copies of the handouts from the workshops for Planning Commission, Town Board members and Jeff Otto (per his request).

1. Mahoney follow-up

Sarah Mahoney sent the Town Board a response letter to the complaint. She stated that Mike would need to be home for the inspection. He travels a lot and is out of town. The Clerk was asked to send another letter to the Mahoneys explaining the Data Practices Policy and to find an approximate date that they might be able to meet with Mike for an inspection of the property.

New Business

A. Hat Trick- Road Right of Way Permits

Supervisor Kenny Miller spoke with Mike Regan, Hat Trick. They are interested in putting in permanent driveways on their property off of Highview at the unloading station. No applications have been received and no representative was present at the meeting. This item was tabled.

Old Business

A. Misc Updates

2. Progressive Insurance Claim

The concrete slab in front of the Town Hall was replaced. The costs were covered by the insurance claim last year. The Clerk forwarded the bill to the insurance company. Supervisor Brian Budenski needs to follow up with Progressive Insurance on the tree replacement.

A motion by Supervisor Brian Budenski: To pay the bill from Dave's Concrete for \$1,500.00 for the sidewalk replacement. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote. This bill will be 100% reimbursed by the Insurance Company.

5. Non-Compliant Septic Letters

Supervisor Carrie Jennings wrote draft letters to be sent out. The address identification was confusing. Carrie said that she would try to clarify the issue. There are 70 letters. They will be sent out through the Clerk.

4. Countertop, podium, hang Bulletin Board

Pete Storlie will be asked if he could hang the bulletin board that the Township purchased from him, used. Supervisor Brian Budenski will contact John LaFavor on the countertop and the tabletop podium.

6. 2010 County/Township Tire Collection Report

Supervisor Dan Rogers reported that 2100 tires were collected. Final bills have not been received. They should be received by the October Town Board meeting.

7. Other

a. JPA with Dakota County on Septic

The current JPA expires at the end of 2010. The County Attorney is currently working on the agreement. No significant changes are expected to be made.

b. Newsletter Correction

The vote on the Gravel Text Amendment request was incorrectly reported in the last newsletter. It was a roll call vote of 4 to 1 to reject the proposed amendment in its entirety. A correction notice will be placed in the “What’s New?” section of the website. A correction notice will be printed in the next newsletter.

c. Wat Lao Complaint Follow-up and Permit

The Clerk has not sent a letter to Wat Lao on the complaint. Direction of the Town Board was to send the letter once a response was received from the Sheriff’s Department and Wat Lao had paid for and picked up the permit. The Sheriff’s Department has not sent a report, and Wat Lao has not paid for and picked up their permit. Another complaint, almost identical to the first complaint, was received also.

d. Stop Payment Fee- Anderson Bobcat

The \$20 stop payment fee for a lost check was deducted from one of the bills from Anderson Bobcat that was paid in tonight’s Claims.

e. Ag Building Started Before a Zoning Compliance Permit Is Issued

The Attorney was asked if a fine be administered if an Ag building is started before obtaining a Zoning Compliance Permit for an Ag Building.

Ag building applications, although submitted on a building permit form, are a zoning compliance matter. As such, there is no building permit fee to be doubled for starting work without a permit as for other buildings such as personal storage pole sheds. If started without going through the process and, if upon inspection it is discovered that setbacks are not met, there would need to be changes to meet the setbacks. Further, Trevor stated that to start an Ag building before going through the process is a violation of the zoning code and therefore a misdemeanor and punishable as such. It did not appear appropriate to assess a fine in such cases for starting without going through the process first.

f. Kelly Aggregate Sign

The septic pipe and turn lane have been installed along the Kelly Aggregate property. The Clerk was asked to send a letter to Kelly Aggregate, reminding them that the sign needs to be permanently installed. The sign must be placed fifteen feet back from whatever the County has now established as the road right-of-way after the improvement on Dodd.

Road Contractor Bids Continued

The bids were entered into Jeff Otto’s worksheet. Road Grading in summer months accounted for 70% of the bid, General Trucking was 13.8 %, and Winter Road Grading was 12.1%. With the weighting of the various bid amounts to reflect the use, Henry’s Excavating came in at \$76.49 per hour and Otte Excavating at \$79.70 per hour.

The Township is obligated to go with the lowest responsible bidder. The MAT Township Government Manual was referenced for the bid selection responsibility. (Statute 365.37, subdivision 2)

Travel time to the Township was discussed. Henry's Excavating is located 3 miles from Eureka Township. Otte Excavating is located east of Castle Rock Township.

After a question to the Attorney about the fact that Kenny Miller is related to Mark Henry, it was stated that, as explained in the past, it is up to the Supervisor to recuse him- or herself for a conflict of interest. Supervisor Kenny Miller stated that both contractors are customers of his. Kenny further stated that Mark is a relative and the Ottes are friends of his. He has no direct or indirect financial interest in their businesses, and therefore did not need to recuse himself.

Mark Henry held Eureka Road Contractor Bids in 2002, 2003 and 2004. The Township did not have any problems with his services at that time. He was under bid and lost the Township contract.

A motion by Supervisor Dan Rogers: To accept the Mark Henry bid. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Road Supervisor Dan Rogers made a statement for the record that he has been very happy working with the Ottes. They have been very responsive, and there have only been a couple of complaints over the years.

The Town Board took a short break at 9:05 p.m. The meeting resumed at 9:15 p.m.

Other Business

C. Planning Commission Update- Ken Olstad, Liaison

Lightly-framed Structures

The Planning Commission is looking at allowing these types of structures up to 400 square feet without a permit or an inspection. The structure would still need to meet setback requirements. They would not be considered a temporary structure, as they propose there would be no time limit. The Township Attorney commented that it would need to fit into the Building Code. If they are permitted, performance standards could be set.

The Town Board asked for the written report from the Planning Commission members that did the research for the basis of discussion. This report was requested in a motion unanimously approved by the Town Board on this topic at an earlier meeting.

Wind Energy Conversion Systems (Wind Generators)

The Planning Commission had a short discussion on Wind Energy Conversion systems. They would like to research allowing taller structures for harvesting wind power. The Town Board was open to the Planning Commission doing research on changes that would liberalize the tight limits in the current Ordinances. This topic will be discussed further after the research is completed.

ISTS language for the Comprehensive Plan

The ISTS language for the Comprehensive Plan was sent to the Met Council representative. This language was approved. This was the last part of the plan to be completed. All the

changes are being put together to be submitted for the informal review prior to submission to the Review Board.

Comments on Planning Commission Minutes entry

Supervisor Nancy Sauber entered into record the following statement: The Planning Commission minutes of September 7, 2010, say that Nancy Sauber said that the Professional Services Policy does not apply to TKDA. This is exactly the type of firm to which it would apply. She did state that we have a contract with TKDA and we do project-specific contracts with them when needed. She said by having a Professional Services Policy in place, it would enable the Township to not have to go through the RFQ and RFP process as it has done in the past. The Professional Services Firm or Firms could be reviewed at each Reorganizational Meeting, as has been done with the Attorney relationship in the past. If services are satisfactory, the Board would continue that relationship for the next year as it currently does with the Attorney services. If unsatisfactory, then the process for searching out, interviewing and selecting would be engaged. This is what the policy is for.

Other Business

D. Buildable Lots and Variances

The Township Attorney sent the Town Board a 3-page discussion draft of an Ordinance regarding Lots of Record. The Town Board reviewed the draft and the Township Attorney answered Town Board questions. A Conditional Use Permit would be required to build on a Pre-1982 Lot of Record. The work group and the Attorney had originally approached this Ordinance from the variance route, but this had to be changed due to the recent MN Supreme Court ruling on variances. At this point, the Board was satisfied with the Ordinance as proposed, and the Ordinance will go to a public hearing.

E. Septic Ordinance

The Township Attorney took the County Septic Ordinance and changed references to the County to the Town. There were a few differences in what the Township is able to do and the County is able to do. The Town Board reviewed the draft Septic Ordinance. The Septic Inspector will be responsible for Ordinance enforcement, similar to the Building Inspector's role in issuing Building Permits. The Town Board would be involved only in Appeals or a variance from requirements.

A motion by Supervisor Kenny Miller: To adopt Ordinance No. 2010-3: An Ordinance Adopting Revised Standards and Permit Requirements Governing the Installation, Maintenance and Management of Subsurface Sewage Treatment Systems (SSTS) in Eureka Township. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: to approve the Summary of Ordinance 2010-3 for publication, with the revision of the typos. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote. The Clerk will publish the Summary on Friday, October 22, 2010, in the Thisweek Newspaper.

F. Outdoor Assembly

The Township Attorney presented the Town Board with a 4-page discussion draft of an Outdoor Assembly Ordinance. The County Ordinance was reviewed when creating the Township Ordinance. Further discussion on the Ordinance will take place at the November Town Board Meeting.

H. Subdivision Ordinance

The Attorney drafted a Subdivision Ordinance for discussion. The Town Board discussed the draft and the Attorney answered their questions on the draft ordinance. At this point, the Board was satisfied with the Ordinance as proposed, and a public hearing will be held on the Ordinance.

I. Dakota County Township Officers Meeting Report

Supervisor Nancy Sauber reported on the Meeting. Copies of all materials distributed at the meeting were included in the Town Board packets. New voting machine equipment is to be purchased, with the County proposing a 50-50 cost-sharing with the Townships and Cities. The Township is to be aware that it has three years to budget its share of the cost. The amount is to be paid in 2013.

Hank Tressel, Chair of Dakota County Township Officers Association, signed the Resolution to participate in the Hazard Mitigation Planning process with Dakota County.

The revisions of the Shoreland and Floodplain maps have been delayed, Tom Berry reported to the Association, due to a procedural glitch.

Other Business

G. Policy on Pre-1982 Lots of Record

No update at this time; the Township Attorney will address this shortly at the Board's request.

Minutes Approval

Eureka Town Board Meeting Minutes September 13, 2010

The draft minutes presented to the Town Board for approval were not the final draft version created by the Clerk. The Clerk will present a new draft to the Town Board for approval at the November Town Board meeting. Glory Belzer submitted a written statement of what she wanted entered into the minutes from the meeting. This is in reference to her comments during the Public Comment portion of the meeting. The Town Board agreed that, as speaker, her statement should be entered as drafted if supported by the recording of the meeting. The Clerk will check the disc and, if so supported, will incorporate her statement as submitted into the minutes.

Special Town Board Meeting Minutes of September 28, 2010

A motion by Supervisor Nancy Sauber: To approve the Special Town Board Meeting Minutes of September 28, 2010, as presented. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

New Business

B. JPA Street Naming & Addresses

The Town Board received a copy of the JPA prior to the meeting for review. The amendment changes the agreement from 1 year to 10 years.

A motion by Supervisor Brian Budenski: To approve Dakota County Contract 12829 First Amendment to the Joint Powers Agreement between the County of Dakota and Eureka Township for Technical Assistance in Street Naming and Address Assignments. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote. Supervisor Brian Budenski signed the agreement.

C. Dakota County CIP Resolution and Comments due

The Town Board did not submit any comments.

Clerk/Treasurer Presentation

Westwind CUP review was due in October. Westwind did not contact the Clerk to initiate the review process. The Clerk sent a reminder notice. Westwind responded and will be in for their review in November.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Carrie Jennings.

Meeting was adjourned at 11:38 p.m.