

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
October 9, 2007

Call to Order

Vice Chair Jeff Otto called the regular monthly meeting of Eureka Township to order at 7:10 PM. Members present were Supervisors Jeff Otto, Cory Behrendt, Gloria Belzer, Brian Budenski and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following item was added to the agenda:

Old Business: D. Misc. Updates
E. Pederson Lot follow up

New Business: C. Newsletter
D. CAC Ordinance Round 2 follow up

A motion by Supervisor Brian Budenski: To approve the agenda as revised. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Audience Comment Period

Vice Chair Jeff Otto called three times for public comment, hearing none, the public comment portion of the meeting was closed.

Minutes

The following correction was made to the September 10, 2007 Town Board Meeting Minutes: Spelling corrections were made to page 2 and 7. Page 10- Item D. Second line should read: "RFP and Interviews for a planner are in process by Dakota County Consultant Proposal Review Committee."

A motion by Supervisor Brian Budenski: To approve the September 10, 2007 Town Board Meeting minutes as revised. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$2,078.95. Savings Account Balance \$153,715.11.
CD Account Balances \$152,822.73. Total Account Balance \$308,616.79.

Supervisor Gloria Belzer asked if some of the savings account balance could be placed into CD's. The Town Board briefly discussed this. The consensus of the Board was that the money needs to be available to pay bills.

A motion by Supervisor Cory Behrendt: To approve the Treasurers Report as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

BeSure Inspection Services	Inspection thru 9/30/07	\$4,959.27
Otte Excavating	Services thru 9/30/07	\$8,168.00
Dakota Electric Association	Electric Town Hall	\$73.56
Frontier Communications	Phone service Town Hall	\$125.01
Dick's Sanitation	Garbage Service August	\$35.72
Culligan	Water softener rental	\$23.38
ECM Publishers	Legal Ads	\$35.00
Nielsen Farms	Mowing Town Hall	\$290.00
Severson, Sheldon	Legal fees	\$647.42
Kelly & Fawcett	Legal Fees	\$1,761.44
Anderson Rock and Lime	Limestone & Trucking	\$40,290.18
Nanett Champlain	Expenses 9/1/07 to 9/30/07	\$441.12
Ken Olstad	LUP Workshop	\$125.00
Earl F. Anderson	Signs	\$1,283.54
Mike Greco	CAC post cards	\$27.39
Barco Products	Wheel stops and hardware	\$1,368.80
MAT Agency	PAL & E&O Ins.	\$2,404.00
PERA	Pay Period 9-1-07 to 9-30-07	\$231.90
IRS	Deposit 941- October 2007	\$462.11
Minnesota Department of Labor	State Surcharge	\$275.04
Mike Giles	CUP Application Fee Refund	\$300.00
Mike Giles	Escrow Refund- CUP Application	\$500.00
Eureka Sand & Gravel	Return Escrow	\$5,744.99
United States Postal Service	Mailing Newsletter	\$175.00
Nanett Champlain	Payroll 9-1-07 to 9-30-07	\$1,432.76
Total Bills presented		\$71,180.63

The following receipts were deposited in September:

• Local Permits

Dave Tonsager- Re-roof #07-08-040	\$126.00	Gayle Klauser HVAC #07-09-042	\$90.00
Jerry Kennedy- Permit #07-09-036	\$779.04	Lisa Hawkins- Move in Building	\$50.00
Diedrich Builders-Permit #07-09-037	\$5,979.89	Sandau Const- Permit #07-09-038	\$269.25
Tornado Alley Roofing- #07-09-041	\$126.00	Minn Rusco Permit- #07-09-043	\$126.00

• Other Receipts

Alice Storlie –copies	\$2.70	Tornado Alley-History Fund	\$4.00
Northern Natural Gas- Reimburse extra road maintenance due to pipeline install	\$13,710.00	Castle Rock Bank-Interest CD	\$367.22
Castle Rock Bank-Interest CD	\$336.43	Castle Rock Bank-Interest savings	\$1,683.09

TOTAL RECEIPTS DEPOSITED IN SEPTEMBER 2007

\$23,649.62

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented. Motion seconded by Supervisor Brian Budenski. Roll call vote was taken on the motion:

Supervisor Gloria Belzer- Aye

Supervisor Jeff Otto- Aye

Supervisor Brian Budenski- Aye

Supervisor Cory Behrendt- Aye

Motion carried by unanimous vote of Supervisors present.

Appoint Signer for Checks

A motion by Supervisor Cory Behrendt: To approve Supervisor Brian Budenski to sign checks for the month of September. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Road Contractor Time

Road Project on 225th St.

A resident raised issues on the road project. He wanted to change the nature of the work that was going to be done. This created a potential delay and additional Township costs, so the project was cancelled, until research could be done on the background of the positioning of the road. A portion of 225th was in service and then taken out of service for a period of time. In October 1980 this portion of road was restored to service and has been maintained as a Township road for 27 years, (since 1980). The road is not positioned on the section line. The Town Board position stands that the road has been maintained for more than the minimum requirement in State Statute and will remain in the current location. The resident wants the road to be moved to the section line. The resident also wants culverts installed instead of current design of a 100 year flood spillway. These changes would be very costly. An attorney opinion will be obtained to the townships ownership of the road before the scheduled repairs are made to the road. The project will be postponed until next year.

Chub Lake Ditch & Project

A citizen submitted a complaint of cement being dumping into the Chub Lake Ditch. Chris Nielsen has placed cement in the ditch in as part of the ongoing erosion control on the Chub Lake Road. The recent dumping of cement into the ditch was not approved. The Township is aware of that the cement was placed in the ditch, this is not legal dumping.

The Chub Lake erosion control project is scheduled to be completed as soon conditions permit.

Wheel stops in parking lot/ paint striping

The wheel stops have been delivered to the Township. These should be installed before winter.

5 ton road signs on 225th St W.

The signs should be ready installation next Monday.

Fall Ditch Mowing

The fall ditch mowing has been scheduled.

Planning Commission

Lisa & Pat Hawkins- 8874 240th St W., Lakeville (Property ID# 13-24660-080-07) requested a permit to move in a trailer to be used for storage. The building will be anchored to the ground.

They will also place skirting around the trailer. The Township asked for a letter from Brian Watson, Dakota County Soil and Water on placement of the trailer.

A motion by Supervisor Cory Behrendt: To approve the application for the move in permit as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the building permit as presented with the contingency that the applicant provide a letter from Dakota County providing a positive statement of the setback from the wetland and positively reviewed by the Clerk and Planning Commission Chair. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The building permit fee shall be doubled.

Westwind Education- 8215 240th St W, Lakeville (Property ID# 13-0090-010-53) requested a CUP for a private school. The Town Board had the following documents: Exhibit A- detailed drawing showing planned parking arrangements, Application, Finding of Facts and minutes of the Public Hearing. The Planning Commission submitted a list of proposed conditions.

A motion by Supervisor Jeff Otto: To approve the Conditional Use Permit for Westwind Education for a creation of a private school at 8215 240th St W. Motion seconded by Supervisor Gloria Belzer.

Finding of the Facts- Item 5. The following statement was added: The intended use is for compulsory education.

After Town Board discussion Jeff Otto amended the motion to read as follows: To approve the Conditional Use Permit for Westwind Education to establish a private school for compulsory education at 8215 240th St W. This motion is based on the Finding of Fact provided by Eureka Township Planning Commission, which is made part of this record, including 8 delineating facts in addition to the general introduction. As part of the Conditional Use Permit there are 12 identified conditions that all must be satisfied as part of the continuing annual review to satisfy the requirements under the Conditional Use Permit. Motion seconded by Supervisor Gloria Belzer. Vote was taken on the motion, three supervisors voted in favor of the motion, one was opposed, the motion carried.

Citizen Business

A. Eureka Sand & Gravel Reclamation- Sauber Property

Rita Poppitz represented Sauber Mine. She presented the Town Board with a letter addressing issues with the reclamation of the property. Mr. Miller terminated the contract early. Some of the gravel was not removed. Because the original use plan was not completed, the reclamation plan as presented could not be followed. A new reclamation plan was presented to the Sauber's. This reclamation includes a sediment pond. The Sauber's are ok with the sediment pond. The Sauber's wants the property to be returned to farm land and the topsoil needs to match surrounding area. They are asking for soil testing to be done.

The Town Board agrees that the reclamation is not complete. The Town Board will work with Mr. Miller to make sure the reclamation plan is complete. An engineer will need to inspect the property to make sure the reclamation is complete. Supervisor Cory Behrendt will talk to the Township attorney about the reclamation plan, to see if changes can be made.

Other Business

Planning Commission Update- Chair Mike Greco

1. Building Inspector- The clerk will draft and send the letter for termination of the building Inspector. Supervisor Cory Behrendt will review the letter prior to it being sent.
Supervisor Cory Behrendt presented changes to be incorporated into the Building Inspector RFP. He will update the RFP accordingly. The clerk will mail it out.
Questions from the RFP will be forwarded to Supervisor Gloria Belzer.
2. Citizen Advisory Committee report to Planning Commission and Town Board is October 30, 7 pm.
3. Planning Assistant for comp plan update-The Planning Commission will start working on the comp plan in November. They will be holding 1-2 special meetings. They may want to work with a planner. Mike will develop a request for qualifications for comp plan help.
4. Ordinance updates- The Planning Commission will hold special meetings on October 22 and 29th to work on Ordinance updates. The Town Board authorized Supervisor Cory Behrendt to setup a special meeting in early November with the attorney and to have the attorney review the cluster agreement.
5. Planning Commission Road review- October 27, 2007. One road contractor should be present.
6. Dakota County CIP recommendations- The Planning Commission submitted suggestions to the Town Board for recommendations to the Dakota County CIP. The request must be sent to the county by November 5th. Supervisor Dan Rogers will be asked to draft the request, Mike Greco will assist.
7. Township policy on procedure for rebuilds in case of fire- exact rebuilds can go through the same procedure as for decks and swimming pools. If the rebuild presents any changes in size of the home, then they must follow regular established procedures to acquire a permit.
8. "Firearms are prohibited on these premises" sign- Supervisor Cory Behrendt will check with the attorney.
9. Installation of load restrictions on 225th St.- Once posted some type of measures should be taken to bring attention to the signs.

Town Hall Rental Agreement

The attorney response was received on the agreement. Planning Commission member Ken Olstad will add the attorney's suggestions to the drafted agreement. Discussion on this item was tabled until the November Town Board meeting.

Resolution for Road Sign Replacement Program

The road sign replacement program is a State funded program being granted to six counties in the State. By the Town board passing this resolution does not assure Dakota County being placed in the program. If Dakota County is not selected to participate, there will be no costs to the Township.

The Township will be responsible for 10% of the cost of inventory and 10% of the sign costs. The inventory costs are based on a per mile basis- approximately \$600 for our Township.

A motion by Supervisor Jeff Otto: To adopt Resolution 62 to participate in the County Road Sign Replacement Program. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Resolution for COMP Plan update and VRWJPO Planning Assistance

A motion by Supervisor Cory Behrendt: To adopt Resolution No. 63. A Resolution Committing to Participate in the 2008 Southern Dakota County Collaborative Comprehensive Plan Update and Fulfilling Local Watershed Planning Requirements According to The Metropolitan Council Grant Program. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Resolution for Publication of Summary of Ordinance Amendments

The clerk had contacted a MAT attorney. He did not feel that the published Ordinance summary was adequate. Mike Greco had presented a summary for the newsletter. The clerk incorporated this summary into the resolution.

A motion by Supervisor Cory Behrendt: To adopt Resolution No. 64. A Resolution Approving Summary for Publication of Ordinance Amendments Adopted in Resolution No. 59. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Flags

Nancy Sauber has an American Flag that she will donate to the Township.

A motion by Supervisor Cory Behrendt: To approve the replacement of both flags, the amount not to exceed \$400. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Old Business

A. Exotic Animals

Terri Petter came into the Township office and asked for a copy of the letter the Township had sent her. The clerk provided her with the copy of the letter. The certified copy of the letter that was mailed to Ms. Petter was returned by the post office, because it was not picked up by Ms. Petter.

The Town Board acknowledged the fact that Ms. Petter had received the letter. A copy of the letter along with the following minutes: Planning Commission Meetings- November 6, 2006, December 4, 2006, January 2, 2007, Town Board Meeting Minutes- November 13, 2006, December 11, 2006, January 8, 2007, February 12, 2007 and the article from the Star and Tribune relating to this issue will be sent to the Township attorney.

B. Noise Complaint- Hoes's property

The Township received a written response from Mr. Hoes addressing the complaint. Supervisor Jeff Otto will draft a letter to Mr. Hoes thanking him for the response, suggesting that he contact his neighbors prior to holding the next event. A copy of the letter will be sent to the complainant.

C. Cross Nursery Sign

Supervisor Brian Budenski reported on the Cross Nursery Sign. No one seems to know about the Replacement of the Cross Nursery sign. Supervisor Brian Budenski will talk to Jeff Cross and ask him to move the sign, so it is compliant with Township Ordinances.

D. Misc. Updates

When CUP's are filed with the County, a copy of the Filed paperwork needs to be sent to the permit holder.

Supervisor Gloria Belzer will contact Bev Topp and ask her to write an article on the CAPX2020 project for the newsletter.

In reference to the existing CUP's that are being processed for recording at the County: Supervisor Gloria Belzer obtained sample form letters from the County. Old CUP's that do not have findings of facts or conditions (formal document) a copy of the minutes should be sent. The minutes should be notarized and include the Township seal on it. Once prepared a Town Board member will review the documents for recording.

Representation of Authorization form has not been sent to the MAT Attorney for review.

Follow up on Thistles on the Conroy farm- The Township did not receive response from Mr. Conroy, but the thistles were cut.

October 25, 2007 is the date of the fall Association of Township Officers Meetings at 7:00 pm. They are looking for a Township to host a CAPX 2020 meeting. Eureka Township will offer the use of the Town hall for the meeting.

E. Pederson lot follow up

Supervisor Jeff Otto will draft a Resolution bringing together the Town Board actions on the property. Discussion with the Township attorney on this item will take place at a Special Planning Commission meeting on Ordinance updates to be scheduled at a later date.

New Business

A. Cannon River Watershed Meeting at the Town Hall

Cannon River Watershed asked if they could hold a breakfast meeting at the Eureka Town Hall. The Town Board asked if this would be a public meeting for township citizens or a special interest meeting for their own benefit. It was unclear by the request. The clerk will obtain more information on the request.

B. Windmill mine financial guaranty

Supervisor Gloria Belzer questioned if a financial guarantee was obtained by Windmill mine. The Mining Ordinance states that the operator must provide and maintain a performance bond, cash escrow or letter of credit. (Chapter 11 Financial Guaranty) Supervisor Jeff Otto will draft a letter to be sent to Windmill mine. Mr. Miler will have 30 days to respond to the letter.

C. Newsletter

A draft of the October newsletter was presented to the Town Board for review. Supervisor Gloria Belzer will help Jody with the finalizing the newsletter for print.

D. CAC Ordinance Round 2 follow up

Previously addressed.

Clerk/ Treasurer Presentation

The clerk asked about the escrow for the Dwight Pederson variance. Attorney bills directly relating to the variance request need to be summarized. Supervisor Cory Behrendt will review the attorney bills and highlight related bills. It was noted that Attorney Jim Sheldon was present at the Public hearing for the Pederson variance.

A motion by Supervisor Cory Behrendt: to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 11:20 pm.