

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Town Board Meeting of February 13, 2012

**Call to Order**

Chair Brian Budenski called the February 13, 2012, Eureka Town Board meeting to order at 7:13 p.m. Members present were Supervisors Brian Budenski, Nancy Sauber, Dan Rogers, Pete Storlie and Kenny Miller. Deputy Clerk/Treasurer Julie Larson was present to record the minutes. Also present were Carrie Jennings 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:

Land Use & Zoning Issues:

1. Mark & Charles Hansen- Airstrip CUP review

Planning Commission Update:

- c. and Wireless Communication Towers- Attorney Feedback Request
- e. Lighting Ordinance for Commercial Uses
- f. Planning Commission Request for Cover Letter from Board

Moved Annual Meeting assignments to Old Business

New Business

1. Possible posting on website: info on racetrack
2. Ag Preserve document from Jeff Otto

A motion by Supervisor Brian Budenski: To approve the agenda as amended. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

**Public Comment Period**

A citizen had the following questions for the Town Board

1. 21 semi loads of shredded trees have been dumped on the Hat Trick property on Highview Ave. Is this an expansion of Country Stone? What is the source of the mulch? If it is ash or elm it might not be safe for the trees in the Township.
2. Asked for Clarification on the hours of Country Stone and the operation since it is getting close to spring.

3. Asked for clarification on white noise. It has been almost 2 years (since the settlement). Is it allowed or not allowed?
4. Is the Township aware of the burning that is taking place on the railroad tracks? It has been burning all night.  
Supervisor Dan Rogers had checked on with the Lakeville Fire Department and they have a burning permit. Dan will check on the all-night burning.

**Treasurer’s Report**

Checking Account Balance: \$2,370.57. Outstanding Checks \$1,137.42. Savings Account Balance: \$431,232.38. CD Account Balances: \$67,814.65. Outstanding Deposits: \$270.00. The Ledger Balance is \$500,550.18.

A motion by Supervisor Nancy Sauber: To approve the Treasurer’s Report of February 13, 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:

<b>Henry’s Excavating</b>	Road maintenance thru 1/31/2011	<b>\$2,621.00</b>
<b>MNSPECT</b>	Inspection Services January 2012	<b>\$1,025.56</b>
<b>Dakota Electric Association</b>	Town Hall Electric	<b>\$104.68</b>
<b>Culligan</b>	Water Softener Town Hall	<b>\$23.51</b>
<b>Dick’s Sanitation</b>	Garbage Service Town Hall	<b>\$45.79</b>
<b>T &amp; C Commercial Cleaning</b>	Clean Town Hall – February 2012	<b>\$42.85</b>
<b>Kelly &amp; Lemmons</b>	Legal Services thru 1/31/2012	<b>\$2,660.00</b>
<b>TKDA</b>	Commercial/ Industrial Study	<b>\$652.12</b>
<b>City of Farmington</b>	Fire Contract	<b>\$50,128.00</b>
<b>MN Dept of Labor</b>	4 <sup>th</sup> Qtr State Surcharge 2011	<b>\$26.38</b>
<b>NCRWMO</b>	Dues 2012	<b>\$1,670.08</b>
<b>Metro Sales</b>	Toner- copy machine	<b>\$85.37</b>
<b>Dakota County Treasurer</b>	Salt and Sand	<b>\$96.48</b>
<b>PERA</b>	Payroll Period 1/1/2012 to 1/31/2012	<b>\$192.74</b>
<b>MN Revenue</b>	Sales & Use Tax	<b>\$1.00</b>
<b>State of MN</b>	4 <sup>th</sup> Qtr withholding 2011	<b>\$76.27</b>
<b>IRS</b>	Deposit February 2012	<b>\$391.40</b>
<b>Julie Larson</b>	Mileage 1-1-2011 to 1-31-2012	<b>\$161.17</b>
<b>Nanett Sandstrom</b>	Expenses 12/13/2011 to 1/31/2012	<b>\$246.70</b>
<b>Nanett Sandstrom</b>	Payroll 1/1/2012 to 1/31/2012	<b>\$1,057.59</b>
<b>Julie Larson</b>	Payroll 1/1/2012 to 1/31/2012	<b>\$386.83</b>
<b>Carol Kelly</b>	Payroll 1/1/2012 to 1/31/2012	<b>\$66.04</b>
<b>Castle Rock Bank</b>	Loan Payment #15	<b><u>\$26,446.19</u></b>
<b>Total Bills Presented</b>		<b>\$88,207.75</b>

A motion by Supervisor Nancy Sauber: To approve the Claims as submitted on 2/13/2012. The motion was seconded by Supervisor Kenny Miller. 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.

A motion by Supervisor Nancy Sauber: To approve the Net Pay Account Distribution as submitted 2/13/2012. Motion seconded by Supervisor Brian Budenski. 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.

The following receipts were received in December:

<ul style="list-style-type: none"> <li>• <b><u>Local Permits</u></b></li> </ul>			
<b>Mitch Larson</b> – <i>Application Fee</i>	<b>\$25.00</b>	<b>Ames Construction-</b> <i>Mine Review</i>	<b>\$150.00</b>
<ul style="list-style-type: none"> <li>• <b><u>Other Receipts</u></b></li> </ul>			
<b>Dan Rogers</b> – <i>filing fee</i>	<b>\$2.00</b>	<b>Mark Ceminski-</b> <i>filing fee</i>	<b>\$2.00</b>
<b>Nancy Sauber-</b> <i>filing fee</i>	<b>\$2.00</b>	<b>Gloria Belzer-</b> <i>CD</i>	<b>\$5.00</b>
<b>Gloria Belzer-</b> <i>CD</i>	<b>\$5.00</b>	<b>Dakota County-</b> <i>Final tax 2011</i>	<b>\$23,067.32</b>
<b>Steve Madden-</b> <i>filing fee</i>	<b>\$2.00</b>	<b>Real Tree Church-</b> <i>Town hall rental</i>	<b>\$75.00</b>
<b>Gloria Belzer-</b> <i>filing fee</i>	<b>\$2.00</b>	<b>Dakota County-</b> <i>Bridge Fund</i>	<b>\$17,442.36</b>
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<b>TOTAL RECEIPTS AS OF JANUARY 31, 2012</b>			<b>\$40,779.68</b>

A motion by Supervisor Nancy Sauber: To approve the balance of the Financial Reports as presented on 2/13/2012. The motion was seconded by Supervisor Pete Storlie. The motion carried by unanimous vote.

**Deputy Sheriff**

Deputy Bryce Schuenke was present to address the Board and any citizen concerns.

**Contractor Time**

Road Contractor Mark Henry was present to discuss road issues. The debris in the Township ditches has been cleaned up. The Township entrance sign has been replaced on Cedar Ave. A “No Dumping” sign needs to be installed there as well.

The sign survey information needs to be entered into the data base. The sign survey notes were given to Mark Henry. He will work with the Clerk on getting the information entered into the data base.

## **Planning Commission, Land Use Permits and Related Items**

### **A. Land Use & Zoning Issues**

#### **1. Mark and Charles Hansen- Airstrip CUP Review** at 26120 Highview Ave.

There were no complaints received by the Town Board. There were no public comments. The review fee of \$25.00 was received by the Deputy Clerk.

A motion by Supervisor Kenny Miller: To approve the review of the Butch and Mark Hansen Airstrip for 2011 review in 2012. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

#### **2. Brosseth Mine- Ames Construction Gravel Mining IUP Review**

Pat Mason, Ames Construction, was present. The Town Board received a copy of the 2011 review of the Level 3 Brosseth Mining Permit. The Annual Fee of \$150.00 was received. No complaints on the operation were received in 2011. It was pointed out that the northernmost "Trucks Hauling" sign on Dodd Blvd. is facing west, so it is not visible to traffic. Pat said that he would address this matter.

A motion by Supervisor Nancy Sauber: To approve the Brosseth Mining Permit review as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

#### **3. Barton Sand & Gravel**

No one was present to represent the Barton Sand & Gravel Pit. The Town Board received a copy of the 2011 Annual Review for the Pre-Existing Mineral Extraction Facility for the Barton Sand and Gravel Co.'s facility at 10005 235<sup>th</sup> St. W. The minimum annual fee of \$150.00 was received as no material was removed in 2011. No complaints were received on the operation in 2011.

A motion by Supervisor Pete Storlie: To approve the Barton Mining Permit review as presented. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

#### **4. Storlie Pit**

No one was present to represent the Storlie Pit. The Town Board received a copy of the 2011 Annual Review for the Pre-Existing Mineral Extraction Facility for the Storlie Gravel Pit at 23449 Dodd Blvd. The minimum annual fee of \$150.00 was received as no material was removed in 2011. No complaints were received on the operation in 2011.

A motion by Supervisor Nancy Sauber: To approve the review of the Storlie Pit as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

#### **4. Windmill Mine- Eureka Sand & Gravel**

Kenny Miller, Owner/Operator, was present for the review. The Town Board received a copy of the 2011 Annual Review for Eureka Sand & Gravel, Windmill site. The Annual Review fee of \$343.06 was received. The final site plan for the Windmill Site was dated and initialed by the Town Board Chair and Kenny Miller, Owner/ Operator.

A motion by Supervisor Nancy Sauber: To approve the Eureka Sand & Gravel/ Windmill Site mining review as submitted. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

## **B. Permits**

### **1. Mitch and Katrina Larson**

Mitch and Katrina are requesting to build a home on parcel 130200050010 owned by Dylan and Julie Larson of 24510 Highview Ave. The driveway would run along the North property line. It would be placed 10 feet from the property line. A driveway permit would be obtained from Dakota County. The Planning Commission cover letter recommended approval of the application contingent on County approval for the driveway. The proposed home is the first home on the Qtr./ Qtr. Section, on a first-come first-served basis.

A motion by Supervisor Nancy Sauber: To approve the building permit conditional on the driveway being approved by the County. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

## **C. Other**

### **1. City of Lakeville Amendment to Comprehensive Plan**

City of Lakeville received an application to amend their Comprehensive Plan. Eureka Township needs to sign off that they have been notified and that it is not anticipated to impact their jurisdiction.

### **2. Certification of Bridge Safety Inspection**

Dakota County has performed the annual Bridge inspection in the Township. The reports of the inspections have not been received.

A motion by Supervisor Kenny Miller: To table this item until the reports are received. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

## **Other Business**

### **A. Fire Contract**

The contract was approved by Farmington and signed.

A motion by Supervisor Dan Rogers: To accept the new Farmington Fire Contract. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Two Eureka Town Board Officers signed the contract.

### **Fire Calls/False Alarms**

There was no address on the fire call submitted by Farmington. Farmington Fire will be asked to add the house address to the report, so false alarms can be tracked.

### **B. Planning Commission Update**

Carrie Jennings was present as Planning Commission liaison. Carrie presented information from a written report from the February 6<sup>th</sup> Planning Commission meeting.

1. Lighting ordinance should include performance standards for commercial uses.

2. The Planning Commission Chair will contact the Building Official and ask him to update their reporting procedures.
3. Wind Generators. The Planning Commission had some questions for the Attorney on the Wind Ordinance. The Attorney said he would send a memo.
4. The Planning Commission requested that the Town Board Liaison have a cover letter from the Town Board meeting.
5. Fritz Frana Training Request. A motion by Supervisor Brian Budenski: To approve the registration fee for Fritz Frana spring short course. Supervisor Nancy Sauber offered a friendly amendment: for the amount of \$50. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **C. Election Judges**

Election judges for the March 13, 2012, Township Election: Julie Larson, head judge; Earl Schindeldecker; Jody Arman-Jones; Marlene Swantek and Elaine Swedin. A motion by Supervisor Nancy Sauber: To approve the election judges as read by the Chair. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

### **Old Business**

#### **A. Misc Updates**

##### **1. TKDA Billing**

TKDA submitted a final bill for the Commercial Task Force. The billing is \$214.68 over the contracted amount. The Task Force held additional meetings to what was planned, which resulted in surpassing the contracted amount during the preparation of the final report. The additional billing was for the last part of the completion the final report. Since there was no budget available for review this month, it was suggested to table the request.

A motion by Supervisor Nancy Sauber: To table the TKDA additional request for \$214.68 over the contracted amount for Phase 1 of the Commercial/ Industrial Study. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

##### **2. Mahoney Update**

Mr. Mahoney is still out of Town. He is expected to be back by the April Town Board meeting. The Town Board discussed whether a deadline for Mr. Mahoney would be appropriate since it is over a year since the complaint was first made. It was suggested that, since he is making some progress, to readdress this later in the spring.

##### **3. Wat Lao Inspection**

Supervisor Dan Rogers has not contacted Wat Lao for an inspection.

##### **4. Buffington Status**

In progress –Attorney time has been taken up with more pressing Township legal matters.

**5. Liane Moved-in Building**

The Charles Liane certified letter was returned to the Township, unclaimed by Mr. Liane. This item will be tabled until the April Town Board Meeting.

**6. Ordinance 7 Fee Schedule**

Supervisor Nancy Sauber asked the Town Board's opinion on some changes to the Fee schedule. She will update the Ordinance to reflect the Town Board's discussion. The revised version of the Ordinance will be presented at the March 12, 2012, Town Board meeting.

**7. Town Hall Rental Policy**

Supervisor Kenny Miller is in the process of gathering information to update the Policy.

**8. Hat Trick**

Dan Regan, Hat Trick, was not present at the meeting. He will be notified that he will be placed on the March Planning Commission and Town Board agenda.

**9. Sauber Trust Letter Status**

This is on the Attorney's list to do. As with the Buffington item, other, more pressing Township legal issues needed his attention first.

**10. Country Stone**

The OSHA report on whether white noise alarms are feasible for the site and a copy of the SWPPP on file were part of the settlement agreement reached approximately two years ago. In answer to the citizen question at the beginning of the meeting, the hours are part of the Settlement Agreement. A certified letter will be sent from the Town Board asking for the outstanding items that are part of the agreement.

Annual road payments- The Deputy Clerk has attempted to send the invoice by e-mail, but has not had success. Supervisor Brian Budenski will contact them for the correct address. A certified letter will also be sent.

**11. Reimbursement for Highview Improvement to 9-ton Road**

The three outstanding payments for reimbursement of Highview Ave improvement have not been received.

**12. TDR Study follow up**

The updated Comprehensive Plan states that a TDR study will be done. There is no timeline given for this study in the Comp Plan. Discussion on this item will be tabled until the April Town Board Meeting.

**13. Follow-up on Citizen Input Regarding Countertop Extension, Ordinances and Forms in Lobby**

The countertop extension should be installed shortly. The Deputy Clerk is working on putting together a form and Ordinance book for public use.

#### **14. Sign Replacement**

Addressed during Contractor Time.

#### **15. More or Less Restrictive Discussion**

The Attorney was asked for clarification on the Township's ability to be more, but not less, restrictive and yet sometimes being overruled by other governing bodies. There are no general rules. It varies from ordinance to ordinance, law to law, area to area. As a Town government, we can exercise only the powers the legislature gives us. If there is an area that the legislature doesn't give any local government authority, then we do not have any room to act. (Power plant sites, Criminal law, Traffic laws, Building Codes are examples)

The Town Board took a 10-minute recess.

### **Citizen Business**

#### **1. Terri Petter**

##### **Data Practices Request**

Attorney Trevor Oliver looked at the Data Practices Policy. The Data Practices Act states that local governments can charge .25 per copy and actual labor costs. The bill was calculated according to the Township Data Practices Policy, which reflects the law. There was discussion that some felt the Township's Data Practices Policy is not clear on the charges. There was discussion to charge Terri Petter only for the staff time and not the per-page cost.

A motion by Supervisor Kenny Miller: To amend the bill presented to Ms. Petter to charge the staff rate for the Data Practices request in the amount of \$191.88. Motion seconded by Supervisor Brian Budenski. Supervisor Dan Rogers offered a friendly amendment: Due to the Data Practices Policy that it is stated- 100 pages or less are 25 cents per copy or over 100 pages staff time. The friendly amendment was accepted. Motion carried by a vote of 4 to 1. Supervisor Nancy Sauber voted against the motion because the Policy is stated on the website, and when the attorney was asked by the Board to check the Policy, his opinion was that it is a valid bill based on the Policy.

A personal check will be accepted.

A motion by Supervisor Nancy Sauber: That Supervisor Pete Storlie reviews the Data Practices Policy and suggests improvements to the Board for next month's meeting. Motion seconded by Supervisor Brian Budenski. Supervisor Nancy Sauber amended the motion to ask Supervisor Pete Storlie to look into the Data Practices Policy. After further discussion, Supervisor Nancy Sauber withdrew her motion.

The Data Practices Policy will be added to next month's meeting. All Town Board members should review the Policy and present any suggested changes they might have.

Terri Petter asked if her attorney, the Township Attorney, and two Town Board members could meet to try to mediate and resolve her issues without going to court. Supervisor Brian Budenski commented that the Board will talk about it, but not at this meeting.

## **Minutes**

### **A. January 9, 2012, Town Board Meeting Minutes**

Typing errors and punctuation corrections were made to the January 9, 2012, Town Board minutes.

A motion by Supervisor Brian Budenski: To approve the Town Board meeting minutes of January 9, 2012, as amended. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **B. January 24, 2012, Special Town Board Meeting Minutes**

A motion by Supervisor Brian Budenski: To approve the Special Town Board Meeting minutes of January 24, 2012. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **C. January 30, 2012, Special Town Board Meeting Minutes**

A motion by Supervisor Kenny Miller: To accept the minutes as presented for the January 30<sup>th</sup> Closed Town Board meeting. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by: Supervisor Kenny Miller.

Meeting adjourned at 9:45 p.m.