

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of March 14, 2011

Call to Order

Chair Brian Budenski called the March 14, 2011, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Dan Rogers, Carrie Jennings and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Also present were Township Attorney Trevor Oliver and Ken Olstad as Planning Commission Liaison. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda:

Under: Clerk/Treasurer Presentation- add: Gravel Bids
After Public Comment Period- add: Award

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

Public Comment Period

Jeff Otto asked for clarification on the VRWJPO Permitting process. He expressed the opinion that the only applications to be sent to the VRWJPO should be ones that may affect the Watershed and not the "over-the-counter" type of permits. This will be dealt with later in the meeting.

Award

Supervisor Dan Rogers presented a thank you award to Carrie Jennings for her service on the Town Board.

Treasurer's Report

Checking Account Balance: \$7,373.72. Outstanding Checks \$6,665.18. Savings Account Balance: \$260,870.82. CD Account Balances: \$64,843.56. The Ledger Balance is \$326,422.92.

A motion by Supervisor Nancy Sauber: 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:

Henry's Excavating	Road maintenance thru 2/28/2011	\$5,857.00
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MNSPECT	Inspection Service - February	\$97.60
Dakota Electric Association	Town Hall Electric	\$127.06
Frontier Communications	Phone Service Town Hall	\$112.23
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$43.20
T & C Commercial Cleaning	Clean Town Hall – March	\$42.85
Kelly & Lemmons	Legal Services thru 2/28/2011	\$1,113.75
PERA	Payroll Period 2/1/2011 to 2/28/2011	\$323.24
Nanett Sandstrom	Expenses 2/1/2011 to 2/28/2011	\$425.50
ECM Publishers	Legal Ads	\$266.00
Blue Earth Interactive	2011 Annual web site hosting	\$348.00
Safety Signs	Signs	\$61.20
Dakota County Treasurer	Salt/Sand	\$115.22
Carol Kelly	PC Recorder- 2/1/2011 to 2/28/2011	\$80.20
Nanett Sandstrom	Clerk Payroll 2/1/2011 to 2/28/2011	\$1,847.88
North Cannon WMO	2011 Member Dues	\$1,041.64
IRS	March Deposit	\$734.98
Dakota County Treasurer Auditor	2011 voting machine maintenance	\$300.00
Larson Allen LLP	2010 Audit – Partial payment	\$2,000.00
Kenny Miller	Mileage	\$36.72
MN Association of Townships	Spring Short Course Training- Nancy	\$50.00
USPS	Newsletter Mailing	\$175.00
State of MN	Withholding 1 st Qtr 2011	\$219.73
Cheryl Schindeldecker	Election Judge	\$45.00
Earl Schindeldecker	Election Judge	\$80.00
Marlene Swantek	Election Judge	\$55.00
Mary Ann Michels	Election Judge	\$70.00
Elaine Swedin	Election Judge	\$60.00
Jody Arman Jones	Election Judge	\$70.00
Central Valley	Propane Tank Rental	\$5.34
Julie Larson	Election Judge	\$190.00
Julie Larson	Mileage & Expenses	\$86.08
Brian Budenski	Supervisor Payroll 1 st Qtr	\$301.92
Carrie Jennings	Supervisor Payroll 1 st Qtr	\$254.74
Kenny Miller	Supervisor Payroll 1 st Qtr	\$358.53
Dan Rogers	Supervisor Payroll 1 st Qtr	\$217.00
Lu Barfknecht	Planning Commission Payroll 1 st Qtr	\$113.22
Vincent Mako	Planning Commission Payroll 1 st Qtr	\$113.22
Ken Olstad	Planning Commission Payroll 1 st Qtr	\$217.00
Pete Storlie	Planning Commission Payroll 1 st Qtr	<u>\$113.22</u>
Total Bills Presented		\$17,792.98

A motion by Supervisor Nancy Sauber: To approve Claims List and Net Pay Account Distribution sheets as presented. The motion was seconded by Supervisor Brian Budenski. Roll call vote was taken on the motion: Kenny Miller- aye; Carrie Jennings-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 February.

		<u>Local Permits</u>	
•	Fireside Hearth- <i>Permit ET11-0012</i>	\$70.00	John Storlie- <i>2010 mining Review</i> \$150.00
	Hansen Airstrip- <i>CUP Review</i>	\$25.00	Ames Construction- <i>2010 mining Review</i> \$327.17
	Tiller Corporation- <i>2010 mining Review</i>	\$150.00	Eureka Sand - <i>2010 mining Review</i> \$312.93
•	<u>Other Receipts</u>		
	Eureka Sand & Gravel- <i>Dev Agreement</i>	\$948.35	Dept of Revenue \$139.97
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TOTAL RECEIPTS AS OF FEBRUARY 28, 2011			\$2,123.42

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

Contractor Time

Road Contractor Mark Henry was not present due to an illness. There is some garbage that needs to be picked up along the Chub Lake Road.

There have been several phone calls following snowfalls. The snowplow route has been changed from previous years, due to where first responders and police officers are located in the Township. Those roads are opened first to allow the emergency response time needed. Citizens are asked to call the Road Supervisors, Miller and Rogers, with road concerns.

The damage to the culvert on 245th Street was determined to likely be from the Snow Tracker grooming machine. Scott County had noticed the damage and marked the culvert with a sign.

Deputy Sheriff-

Deputy Sheriff Pederson stopped in to answer any questions or concerns. A copy of the recent complaint concerning safety issues on Dodd Blvd. was given to the Deputy. The complaint addresses increased truck traffic, speed and air brakes. The Deputy said that they will look into the complaint.

Planning Commission, Land Use Permits and Related Items

A. Land and Use & Zoning Issues

1. Madden Mine

Francie Madden and Steve Madden were present. Steve Madden owns a portion of the Madden property that contains acreage that could still be mined under the Special Use Mining Permit for James Madden. (September 9, 1985) The property is located in the NW1/4 of the NW1/4 of Section 7. There has been no active mining in the past 18 months. There is no operator in mind. Steve wants to maintain the CUP.

If the mining is to be continued under the original CUP, you could transfer the operation and responsibility. The main thing the Township would be concerned about is that the reclamation is done according to the reclamation plan. The Township Engineer would sign-off on it. The back

fees would need to be paid to bring it to current status. The Town Board would take action to recognize the new operator. Escrows and securities would need to be replenished.

Alternatively, an Interim Use Permit could be obtained to mine the remaining five or so acres of gravel, rather than continuing under the original CUP. With this approach, the back fees would not need to be paid.

The Township Attorney was asked to review the original CUP and review the Ordinance that the CUP was issued under. Discussion will continue at the April Town Board Meeting.

2. Wat Lao- CUP Review and Complaint Follow-up

Sayphet Phabmisay was present for the CUP review. The junk vehicle complaint was discussed. Many of the cars have been donated. They are operable.

The Town Board explained that for each licensed driver on a property, two licensed and insured vehicles are allowed to be outside. Unlicensed and uninsured vehicles are considered as junk vehicles, and they are not allowed. Unlicensed and uninsured vehicles or additional licensed and insured vehicles beyond the two per licensed driver may be stored inside a closed building, per the Ordinance.

It was agreed that the property must be brought into compliance by the June Town Board Meeting. Sayphet will email the Township Clerk when the property is brought into compliance. Supervisor Dan Rogers will inspect the property and report to the Board at the June Town Board meeting.

The Town Board informed Sayphet that County Ordinances have changed. Outdoor Assembly permits are required if there are 300 or more people to be in attendance or between 100 and 300 people reasonably expected to be in attendance for a period to continue for 8 or more consecutive hours. Wat Lao representatives have spoken with Dakota County in the past and will be speaking with them again this year about the festival.

Wat Lao is continuing to work with the County on the wall location along Cedar Ave.

Sayphet will email the Clerk the dates of the celebrations for this year. The annual review fee of \$15 was collected.

3. Kelly Aggregate

After receiving clarification on the Diesel Range Organics report, Supervisor Jennings stated that it was determined that this is not an issue. After gathering other information, the groundwater temperature change is still a concern. The water temperature has increased in one of the wells (Well No. 2). There has been no other increase in the temperature of any other monitored wells in the Township. The experts contacted by Supervisor Jennings share the opinion that it is related to the mining activity. A significant increase in temperature is likely to have an impact on the stream and surrounding wetlands. It was suggested that additional temperature monitoring data needs to be collected at more frequent intervals. A change to the monitoring plan was recommended. TKDA may be contacted regarding this matter, per the IUP. The Township Attorney will be review the IUP and Development Agreement to see how this was provided for there. A response will be sent to Ames Construction.

The Development Agreement and IUP have been sent to Dakota County for Recording, as is required. The recording fees will be taken from the Kelly Aggregate Escrow Account. Pat Mason of Ames Construction confirmed that the NPDES, Air Quality, and Water Appropriation Permits are in place and are current.

Other Business

A. Planning Commission Update

Ken Olstad was present as Planning Commission Liaison. Copies of the proposed draft of the Kennel Ordinance and Swimming Pool Ordinances were forwarded to the Town Board for consideration of approval at the March 14, 2011, Town Board meeting. A public hearing on these ordinances was held on March 7, 2011.

There was discussion on the Wind Energy Ordinance, to ask if there has been any citizen response to the newsletter request for input to Ken Olstad. Ken replied that the input to date has been in his discussion with citizens, and that the request to his email has not been responded to. The Planning Commission has this ordinance in mind as a future project.

The Town Board asked if the Planning Commission Policies and Procedures Manual has been updated, since there are new members to come onboard. This task is still a work in progress, Ken reported.

B. Appointment of New Planning Commission Member

Dave Peterson was called out of town and could not attend tonight's meeting. Further, he withdrew his application for the Planning Commission position, stating that he now believes that he will not have the time necessary to devote to the position after all.

The Town Board voted by ballot on the appointment of Mark Ceminsky to the Planning Commission. The Town Board unanimously voted in favor of appointing Mark Ceminsky to fill the vacant position on the Planning Commission. The term runs until May 1, 2012.

Budget

The Town Board reviewed the budget.

C. Pools and Dog Kennel Ordinances

Pools Ordinance

The Town Board reviewed the proposed Pools Ordinance. The Planning Commission comments were reviewed.

The following changes to the proposed Pools Ordinance were agreed upon by the Town Board: All the added sections suggested by the comments, the highlighted language on pages 1 & 3 and the language from the comment out to the side of B.2., page 2. Page 3, C.7., Add the sentence: "Owners shall check for any Best Practices published by the Minnesota Pollution Control Agency before draining." Add a New Section D. that states "The requirements of this section apply to pools installed after the effective date of this ordinance."

A motion by Supervisor Brian Budenski: To approve Ordinance 2011-01 with the changes the Township Attorney recommended. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Dog Kennel Ordinance

The Town Board reviewed the proposed Dog Kennel Ordinance. The Planning Commission and Public comments were reviewed.

There are no liability issues if a Town Board Supervisor or a Planning Commissioner performs onsite inspections of a kennel operation, as asked for in the proposed Ordinance. It had been stated at the hearing by a member of the public that the Board and the Commission would be taking on liability in visiting kennels, but this is not accurate.

Fees offset the cost of the program. If over the course of time it is found that the expenses are far less than anticipated, the fee could be dropped. The \$100 fee has been a place to start.

The Board approved the proposed Dog Kennel Ordinance with the following changes: Section 2. A.2. "adjacent" changed to "nearby". A segment in 2. A. 3. Replace with "The Town Board may require a pre-renewal inspection. If such an inspection is ordered, the kennel shall be inspected." Addition to B.4. – 2nd sentence to state "All refuse, garbage and waste shall be placed in a waste receptacle and removed by a licensed waste hauler as often as necessary to prevent contamination, reduce disease hazards, and keep the surrounding area free from obnoxious odors." Change on D.4.(highlighted)- gives a 30 day period if a license is revoked. 2.B. 6. A. Replace language with: "Habitual barking, howling, whining, or other discernible animal noises shall be defined as barking, howling, whining, or other discernible animal noises for repeated intervals of at least ten minutes with less than one minute of interruption. Such animal noises must also be audible off of the owner's premises."

The definitions of Dog Kennel and Private Kennel will be addressed at next month's meeting.

A motion by Supervisor Nancy Sauber: To adopt Ordinance 2011-02 with the changes that have been discussed and read into the record by the Attorney. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

Summary Statement: Ordinance 2011-01 The Ordinance establishes a building permit requirement, safety standards and performance standards for newly installed pools of 5,000 gallons or greater. A motion by Supervisor Nancy Sauber: To approve the Summary Statement as Trevor presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Summary Statement: Ordinance 2011-02 The Ordinance amends Chapter 7 of Town Ordinance 3, relating to dog kennels, to require a Private Kennel License in order to keep 6 or more dogs on a lot. The Ordinance establishes maintenance requirements and a license revocation procedure. A motion by Supervisor Nancy Sauber: To approve the summary as present by Trevor. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

D. Resolution for Speed Limit Signs

A motion by Supervisor Kenny Miller: To adopt Resolution 2011-03 A Resolution Relating to Rural Residential Speed Limits. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Old Business

A. Misc. Updates

1. Subcontractor Wording

The subcontractor wording recommended by the Auditor firm is only for those contracts that are capable of being subcontracted. It should be in the Roads Contract. It is statute-required. The Attorney mentioned that he has not reviewed the Road Contracts for content. The contracts can be amended. The Clerk was asked to forward the Winter and Summer Road Contracts to the Attorney for his review.

2. Mahoney Complaint Follow-up

The Attorney will send the Mahoneys a follow-up letter. Late April is fine for a site inspection. Supervisor Nancy Sauber will review the letter before it is sent.

3. Fire Ordinance

The Attorney asked to review the current fire contracts. Since the Township is the taxing authority, they could certify the taxes. The Township could create an ordinance to offset fees incurred for fire calls. Call fees would run through the Township, not the Fire Department. The Board agreed to have the Attorney work on draft language for a fire ordinance in which the call fees would be assessed for calls for illegal fires.

There was discussion on moving the fire districts in the Township. The Farmington Fire bill has increased dramatically over the past few years. Supervisor Dan Rogers is in the process of contacting other fire departments.

4. VRWJPO Permitting

An outline of the permitting process for issuing permits within the Vermillion River Watershed was presented to the Town Board. Any significant permits will be sent to the VRWJPO. The VRWJPO does not want to see permits that do not change the footprint of an existing structure. (Re-roof, re-window, siding, plumbing and heating, etc.) The Attorney did not see any problems with the outlined procedure.

The Clerk was asked to let Travis Thiel of the VRWJPO know that the permitting process as outlined is acceptable to the Town Board. The Board asked that the Clerk attach a list of the types of permits that will be forwarded to the VRWJPO for review.

5. TKDA Response on Windmill Site Plan

The Township has still not received the final revised Windmill site plan or final response from TKDA on the plan. Supervisor Sauber has been in contact with Town Engineer Ron Quanbeck, who has stated that he has not seen anything lately from Sunde Engineering for his final comment. Kenny Miller has not turned in the revised equipment list which is to include the blender. He commented he will turn in this document to the Clerk and will check with his engineer, Kirsten Pauly of Sunde, on the submissions to Ron.

6. Septic Compliance Response

The Clerk has received a few additional confirmations of septic compliance from citizens. One receipt submitted did not identify the Pumping Service which pumped the septic system. The Clerk checked with the County, and no pump log has been received on the address. The Clerk was asked to send a letter to the property owner asking for the name of the Pumping Service used so it can be verified with the company that the pumping was done and a pump log record can be obtained to send to the County, as is required.

7. Employee Review Date

Employee Review Date was set for Tuesday, March 22, 2011, at 7:00 p.m.

8. 2010 Audit

Draft reports from the Audit Company were presented to the Town Board. The Chair and Vice Chair signed the Management Letter to be returned to the Auditors. Once signed, the draft documents will be released.

9. Other

Buffington

The Clerk has received direction from the Attorney on providing the information requested under Data Practices. The Attorney has put in a phone call to the Commissioner of the Department of Industry concerning this matter, but has not heard back yet.

10. Commercial/Industrial Taskforce

The survey results and analysis will be discussed at the next Commercial/Industrial Taskforce Meeting on March 21st at 7:00 p.m. The next step of Phase One, Option 2, would be to contact the Met Council. The Board directs the Task Force. The point at which things are is one of the "natural stopping points" that have been discussed often before. The Board will determine whether to proceed with the next step. This matter will be discussed at the next Board meeting.

New Business

A. Newsletter

Jody Arman-Jones, editor of the Township Newsletter, was present to discuss the Newsletter publication with the Town Board. The Newsletter will be published after the April 11, 2011, Town Board Meeting.

Minutes

The Clerk asked for the following correction to be made to the February 14, 2011, minutes: The Deposit from Eureka Sand & Gravel for the Development Agreement of \$948.35 was a receipt for February. It was removed from the document. The correct Receipts amount for January 2011 is \$21,671.50.

A motion by Supervisor Nancy Sauber: To approve the February 14, 2011, Town Board Meeting minutes as amended. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

A motion by Supervisor Nancy Sauber: To approve the Special Town Board Meeting minutes of March 7, 2011, as presented. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

A motion by Supervisor Nancy Sauber: To approve the Board of Canvass minutes of March 10, 2011, as presented. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

New Business (continued)

B. Complaint Dodd Blvd- already addressed earlier with the Deputy. The Clerk was asked to send the complainant a response that this is a County Road, and the complaint was forwarded to the Sheriff Department.

C. SilverCycling- Time Trials

The dates submitted do not conflict with other Township meeting dates. Notice will be published in the Newsletter that this event will be taking place in the Township again this year.

D. Dakota County Officers Meeting Report

Supervisor Nancy Sauber reported on the Dakota County Officers Meeting. Copies of the handouts will be provided to those who did not attend.

E. South Cedar Greenhouse Permit

South Cedar Greenhouse contacted the Clerk about a roof cave-in on their property. She referred them to the Building Inspector. A phone call was received by the Clerk that building was taking place at the property. The Building Inspector checked with South Cedar, and they told him the building is Ag exempt. The Town Board asked that the Clerk contact the Building Inspector and have him verify the construction.

F. Reorganizational Meeting Date

The Reorganizational Meeting was set for Tuesday, April 5, 2011.

Clerk/Treasurer Presentation

The Road Supervisors will update the road gravel bids for publishing on March 25th and April 1, 2011. Supervisor Dan Rogers will obtain quotes for dust coating and street sweeping.

Planning Commission openings will be published in the Newspaper.

Supervisor Brian Budenski will review the financial statements for March. Supervisor Kenny Miller reviewed the financial statements for February; everything was in order. Supervisor Dan Rogers reviewed the January financial statements; everything was in order.

The Town Clerk received an Environmental Assessment Worksheet for AirLake 70 Industrial Park. There is a CD available for review and comments.

The Clerk will be out of Town from March 26th to April 3rd. The office will be closed during this week.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Dan Rogers.

Meeting adjourned at 11:52 p.m.