

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
March 8, 2010

Call to Order

Chair Jeff Otto called the meeting to order at 7:00 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Jeff Otto, Carrie Jennings and Dan Rogers. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following changes were made to the agenda:

Old Business: A. Misc Updates

1. Zimmer Update
2. Wat Lao
3. VRWJPO
4. Employee Review
5. Other

Other Business: D. add: "& grace period"

New Business: A. County CIP- Roads
B. County Amendment- Large Assemblies
C. Newsletter

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

Public Comment Period

Georgie Molitor expressed concerns about semi trucks sitting in the middle of the road on Highview Ave. She has seen these trucks on the road at 6:45 a.m. and 3:30 p.m. in early February. Trucks were parked on the road again the morning of this meeting, even after the road restrictions went on at 12:01 a.m. on March 8th.

Georgie also reported that there is still a large amount of debris in the ditch along 225th St. W.

Treasurer's Report

Checking Account Balance: \$461.16. Savings Account Balance: \$145,422.23. CD Account Balances: \$141,077.35. Total Account Balance: \$286,960.74.

A motion by Supervisor Jeff Otto: To adopt the Treasurer's Report as presented. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

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

A motion by Supervisor Jeff Otto: To approve the Claims List and Net Pay Account Distribution as presented. The motion was seconded by Supervisor Brian Budenski. Roll call vote was taken on the motion: Carrie Jennings- aye; Brian Budenski- aye; Jeff Otto-aye; Nancy Sauber- aye; and Dan Rogers- aye. The motion carried by unanimous vote.

Bills and Receipts

The Clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 2/28/2010	\$10,347.50
Dakota Electric Association	Town Hall	\$117.54
Frontier Communications	Phone Service Town Hall	\$125.74
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$40.27
Kelly & Lemmons	Legal Services thru 2/28/2010	\$859.75
IRS	Deposit 941 February 2010	\$322.04
PERA	Payroll Period 2/1/2010 to 2/28/2010	\$221.59
Nanett Sandstrom	Expenses 2/1/2010 to 2/28/2010	\$68.63
ALF Ambulance	Administrative Fees 2009	\$500.00
T & C Commercial Cleaning	Clean Town Hall February	\$42.75
Central Valley	Propane Tank Rental	\$5.34
Dan Rogers	Softener salt & Cleaning supplies	\$69.01
Carol Kelly	PC Recorder- 2/1/2010 to 2/28/2010	\$94.20
Nanett Sandstrom	Clerk Payroll 2/1/2010 to 2/28/2010	\$1,374.54
ECM	Legal Ads	\$253.50
Blue Earth Internet	2010 Annual Website hosting	\$348.00
Jeff Otto	Computer program	\$60.90
Graphic Designs	Ballots	\$165.66
Total Bills Presented		\$15,040.47

The following receipts were deposited in February of 2010:

• Local Permits

Lisa Hawkins- Application Fee	\$25.00	John Storlie- Mining Review	\$150.00
Hansen Airstrip- Annual Review Fee	\$25.00	Ames Construction- Mining Review	\$324.30
Eureka Sand & Gravel- Mining Review	\$369.00	Barton Sand & Gravel- Mining Review	\$150.00

• Other Receipts

Dakota County- Conservation Credit	\$973.48
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TOTAL RECEIPTS AS OF FEBRUARY, 2010 **\$2,016.78**

The Clerk reported that the prepay account for Central Valley (LP Gas for Town Hall) has a balance of \$512.01.

Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register were reviewed by the Town Board.

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

Budget

The Town Board reviewed the budget.

Contractor Time

Bryce Otte, Road Contractor, was present to address road issues. There have been few road complaints. The roads are in good condition.

Deputy Sheriff

A Deputy Sheriff stopped to address any Township issues. The truck parking on Highview Avenue was discussed. The Sheriff advised that 911 can be called to report matters such as truck traffic on restricted roads or trucks obstructing traffic on roads. All calls to the Sheriff now go through the 911 operators, who route them accordingly. These calls do not need to be about emergencies.

Planning Commission, land Use Permits and Related Items

A. Land Use & Zoning Issues

1. Windmill Mining Review

Kenny Miller, Owner/Operator of Windmill Mine, was present. The annual review of this Interim Use Permit (IUP) was tabled last month because of a question brought forward then. Mr. Miller was not in attendance at that meeting to answer the question, which was in reference to a line of trees. These trees are shown on the Windmill IUP plans and were to have been planted along the west side of the mining area, on the pipeline right-of-way. These trees have not been planted.

Kenny explained that he had elected to place a berm along the west side of the permitted property instead of the row of trees. The trees were to have been planted on the pipeline easement, whereas the berm is alongside the easement. He had needed to obtain an encroachment variance from the pipeline in order to plant the trees and said that it was a slow process to obtain the variance, taking over a year. He stated that he put the berm in place as a quicker way to provide screening. Mr. Miller said that he believes that the neighbors are satisfied with the berm. It is a better sound barrier than trees, Kenny said, and that to move the berm now would be expensive.

The Town Board will check with the Attorney for the proper way to handle changes to the IUP.

A motion by Supervisor Nancy Sauber: To table the review until the April 12th Town Board Meeting. The motion was seconded by Supervisor Jeff Otto. The motion carried by unanimous vote.

2. John Storlie Mine Review Fee- The Clerk sent a letter to Mr. Storlie asking him to submit the balance of last year's mining permit fee. The Clerk has not yet received a response or check from Mr. Storlie.

Other Business

A. Planning Commission Update – Vince Mako, Chair

1. The Planning Commission asked that Planning Commission Recorder, Carol Kelly, be given a key for the front door. The Board agreed, and the Clerk was asked to issue a key to Carol.
2. Cheryl Groves and Ken Olstad requested to attend training sessions.
3. Ordinance updates- Building eligibility, clustering, home occupations, swimming pools, nuisance and noise, and private dog kennel ordinance changes are being deferred for

consideration until the Commission does more research, Vince reported. There are about 15 proposed changes to the Ordinances that the Commission is moving forward with at this time. The Town Board asked that persons who worked on the Ordinances in the past be contacted and invited to discuss the deferred items to see if they could adequately address Planning Commission concerns, so that these items may possibly move ahead, rather than be deferred.

A motion by Supervisor Nancy Sauber: To approve \$430 for the five trainings as enumerated by Cheryl Groves and \$215 for three trainings as indicated by Ken Olstad. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Supervisor Nancy Sauber requested to take the Government Training Services (GTS) training session on rewriting ordinances and the MAT Spring Short Course Session. A motion by Supervisor Jeff Otto: The authorization of \$105 for Supervisor Nancy Sauber to attend the MAT and GTS trainings. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

A motion by Supervisor Nancy Sauber: To approve \$45 for Supervisor Dan Rogers to attend MAT Spring Short Course Session. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

A motion by Supervisor Jeff Otto: To preauthorize funds for whatever sessions the new Supervisor may wish to attend. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

B. Joint Powers Agreement Between Eureka Township and the County of Dakota for Enforcement of Local Ordinances

This agreement, written by the Dakota County Attorney's Office, was presented to the Town Board last month by Dakota County Commissioner Joe Harris. The agreement has been given to all the townships in Dakota County and has already been signed by some. The Town Board briefly discussed the agreement. It provides the authority to the Sheriff to enforce Eureka's local ordinances at a reasonable fee. Enforcement of the Ordinances is important. The Board decided that the document did not need to go to the Township Attorney for review.

A motion by Supervisor Jeff Otto: To sign and send the agreement to the County. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

C. Highview Church- Nomination as Historic Site

The Town Board reviewed the information. The Town Board did not feel that they needed to send a representative or make official comments on the nomination. It is a matter of whether the requirements are met or not.

D. Possible Text Amendments on Lightly-Framed Storage Structures and Grace Period for Housing Rebuilds

Grace Period – This suggestion affects housing eligibilities. The draft language would codify the rebuild policy as it exists today and has in the past; The Ordinances would be the proper place for this and makes it more visible to citizens. Supervisor Jeff Otto will check on a few further questions raised before sending this item to the Planning Commission for their consideration.

Lightly-Framed Storage Structures- The Town Board discussed the text amendment for lightly-framed storage structures. A motion by Supervisor Nancy Sauber: That the Planning Commission appoints two of its members to research the topic of lightly-framed storage structures and their use. Aspects such as levels of durability or grade, location on site, materials to be allowed (such as steel vs. plastic posts and types of covering materials), size, maintenance requirements, and other communities' ordinance language and their researched information should all be examined and reported to the Commission and the Town Board for further work and discussion on this proposed change. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

At 8:45 p.m. the Town Board took a brief recess

E. Plan Review Deposit Schedule/Proposal and other Ordinance Issues

Building Code Fee Language and other Board-initiated changes to the Ordinances- Supervisor Nancy Sauber presented a handout to the Town Board for further discussion on the Ordinance changes that the Board had agreed to at its previous meeting and which she had presented to the Planning Commission at its last meeting. Nancy had communicated again with the Building Official in the time since his appearance at the last meeting and informed the Board about how this communication affected the proposed changes. The fee schedule adopted by the municipality must be "fair, reasonable, and proportionate." It is the adoption of a schedule by the Town Board that sets the fees. Nancy reviewed the changes on the handout. The Board affirmed that it is in agreement with the changes and asks the Commission to place them in the document and forward them to the public hearing. Nancy will send the amended handout and further explanation electronically to Commissioner Ken Olstad, as he had requested.

Plan Review Deposit Schedule/Proposal- The Board reviewed the proposed Plan Review Deposit Schedule as presented by Building Official, Scott Qualle, at the Board's request. They agreed that the proposed schedule is appropriate and that the Planning Commission should carry it forward as presented.

Septic Compliance Issue- The Town Board briefly discussed the enforcement of septic compliance, as was touched upon by Vince Mako in his report. Planning Commission Ken Olstad engaged in conversation with the Town Board on this issue in Vince's absence. Supervisor Carrie Jennings will send an e-mail to Planning Commission Chair Vince Mako asking the Commission to contact Mike Rutten of Dakota County about this issue.

F. Annual Meeting

Supervisor Jeff Otto provided the PowerPoint presentation to the Town Board for its review. The Board briefly discussed the presentation. The CD of the transcripts for the Country Stone trial will be available for purchase by citizens at the usual cost of \$5.00 per CD.

A motion by Supervisor Carrie Jennings: In event that negotiations with Country Stone move beyond Supervisor Jeff Otto's tenure as Supervisor, that he stays as negotiator along with Supervisor Brian Budenski as the negotiating team. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote. Supervisor Jeff Otto recused himself from voting on this motion.

Old Business

A. Misc. Updates

1. Zimmer

The review group on Zimmer's proposed Vermillion River crossing still has open issues.

2. Wat Lao

Supervisor Carrie Jennings explained the Wat Lao parcel situation. It is a complex issue. The Building Inspector agreed with putting a covenant on the property so that, if and when there is a sale or transfer of the property, the parcels would need to be combined. The Attorney also agrees with this approach. The Building Inspector approved the fence plans.

3. Vermillion River Watershed Joint Powers Organization (VRWJPO)

Supervisor Jeff Otto updated the Town Board on the VRWJPO permitting agreement. To have a Joint Powers Agreement, both parties would have to adopt the ordinance language. The Eureka Town Board did not adopt the language. The new proposal is that the Township would handle the zoning permit. The JPO would do the water permit.

A motion by Supervisor Brian Budenski: That Jeff Otto continues to collaborate with Supervisor Carrie Jennings on the VRWJPO Agreement. The motion was seconded by Supervisor Dan Rogers. Chair Jeff Otto recused himself from vote on this issue. The motion carried by unanimous vote.

4. Employee Review

Employee review date was set for Monday, March 15th, at 7:00 p.m. The Attorney and Town Engineer will also be reviewed at this time. The Clerk was asked to come at 7:30 p.m. for her review.

5. Other

Attorney updates

- a. Hegner- no update
- b. Hansen- no update. The Attorney will be asked to send Mr. Hansen a letter giving 30 days to file the covenant, or further action will be taken.
- c. Sauber Letter- no update. The letter was not sent yet.
- d. Buffington- Mr. Buffington has not paid for his building permit.
- e. Charles Roberts- He has not submitted his Building Permit Application or Plans as agreed to. The Clerk was asked to contact Mr. Roberts during the upcoming week.
- f. The Attorney was to check on the Ordinance language stating that Building Permits must be paid within 30 days or expire. Mr. Oliver had questioned at another meeting as to whether this language is legal. No further information on this point.

Planning Commission Items

- g. Ordinances, page 172- The Fee Schedule does not show the public hearing fees for the application for an expansion of a Non-Conforming Use. The public hearing is mentioned in the body of the Ordinances and should be shown in the schedule. The Planning Commission is asked to address this issue in time for the public hearing on the Ordinances.
- h. Mining Ordinance- The actual mining could be closer to the mine owner's residence than the 1,000-foot distance to any neighbor's residence. The need for this change was talked about during the Kelly Aggregates IUP application, but is not reflected in the proposed Ordinance

changes. The Planning Commission is asked to address this issue in time for the public hearing on the Ordinances.

- i. Joint Meeting- Mining Accessory Uses (Text Amendment permitting Recycling and Asphalt and Concrete Plants)- not scheduled yet. Supervisor Carrie Jennings will continue to work on scheduling a field trip to an asphalt plant. Ames Construction has agreed to provide transportation. Money will be drawn from the escrow to cover Township costs.

Other

- j. TKDA Contract for Commercial/ Industrial Study- The requested revisions were incorporated into the contract. Supervisor Jeff Otto signed the contract. It has been sent to TKDA.

New Business

A. County Capital Improvement Plan (CIP)

The County is asking for input on their plan. The Township would like the County to consider blacktopping 245th St. as part of the scheduled resurfacing of Dodd Blvd.

B. County Amendment – Large Assemblies

The Town Board briefly discussed the proposed County Ordinance. If this Ordinance goes into effect, the Township Ordinance may need to be repealed. The Township Ordinance is less strict. The Township may be more restrictive than the County, but cannot be less restrictive.

C. Newsletter

The editor asked if the Memorial Picnic will be held this year. It has not been held the last few years. The Town Board did not feel that this tradition needed to be reestablished.

A new printer will be chosen for the newsletter as the current printer has moved out of the area. In addition, it was felt that the quality of the newsletter in the past year has deteriorated. The editor will solicit bids from other local vendors.

Minutes Approval

A. Regular meeting of February 8, 2010

The following corrections were made to the February 8, 2010, Minutes: Minor typing errors and punctuation were corrected. Page 4, under Scott Qualle- add: “Ordinances” and “The Board discussed the Fee Schedule with the Building Official.”

Last Paragraph, the second sentence insert: “...hearing or, alternately, for a meeting for a...” The last sentence should read: “It is intended that this meeting would include the Planning Commission, Town Board, Representatives from both sides of the issue, and the Township Attorney.”

Page 8, under Fire Calls- second sentence should read: “...multiple false fire calls and calls to illegal fires back to citizens.”

Page 9, under Other Ordinance Updates- c. at the end of the sentence add: “and Building Permits.”

A motion by Supervisor Nancy Sauber: To approve the Town Board February 8, 2010, Minutes as amended. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

Clerk/ Treasurer Presentation

1. State Grant- Automatic Doors

The Clerk received a solicitation from a glass company indicating that State grants are available to install automatic doors to buildings where elections are held. The Town Board is not interested in pursuing this at this time.

2. Audit

The Township audit for 2009 will take place on Tuesday, April 6th. April 8th is reserved for additional time, if needed.

3. Lawn Mowing Quotes

Lawn mowing quotes will be opened at the April Town Board Meeting.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Jeff Otto.

Meeting was adjourned at 10:47 p.m.