

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
April 10, 2006

Call to Order

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Dan Rogers, Gary Smith and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda: **Other Business:** Contacting MAT's Attorneys. **New Business:** Application for verification of Non Conforming Use and Clerk- hourly recording.

A motion by Supervisor Dan Rogers: To approve the agenda as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Audience Comment Period

Dennis Ripley asked that he might be moved to the first item under Planning Commission business.

Minutes

The following change was made to the March 13, 2006 Town Board Meeting minutes: correction on page 5- change sealed bid date for Road Maintenance to May 1, 2006 (date published in the legal ad)

A motion by Supervisor Gary Smith: to approve the minutes with the correction. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The March 16, 2006 Board of Canvas Meeting minutes will be approved at the May 8, 2006 Town Board Meeting, there were no Supervisors present that were in attendance at that meeting.

The following addition was made to the March 27, 2006 Town Board Reorganizational Meeting minutes: Agenda Item- EE. "Artists wishing to display Artwork in the Town Hall". A motion by Supervisor Dan Rogers to approve the March 27, 2006 Reorganizational Meeting minutes with the noted addition. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$651.00 in checking, \$173,545.08 in the savings account and \$144,053.32 in CD investments. Overall total of accounts are \$318,249.40.

Motion by Supervisor Gloria Belzer: To approve the treasurer report as presented. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

Bills and Receipts

Clerk/Treasurer Nanett Champlain presented the following bills for payment:

Besure Inspections Services	March Inspection Services	\$1,198.49
Farm Road Services	Road maintenance for March 2006	\$4,690.00
Farm Road Services	road repair Magellan Pipeline 267th St	\$136.00

Dakota Electric	Electric Town Hall	\$61.75
Frontier Communications	952-469-3736	\$116.55
Culligan	Water Softener Rental	\$23.38
Murnane Brandt	Legal Services	\$1,261.98
ECM Publishers	Legal Ads	\$203.51
Lakeville Printing	Newsletter	\$85.70
Dakota County Assess. Services	Newsletter labels	\$29.80
Nanett Champlain	Expenses 03/01/06 thru 03/31/06	\$620.85
Gary Smith	Reimburse Dakota Officers Meeting & Training	\$45.00
Cheryl Monson	Reimburse Dakota Officers Meeting	\$10.00
Chris Nielsen	Reimburse hardware- town hall sign	\$20.00
Connie Anderson	Town Board payroll 1st Qtr 2006	332.46
Connie Anderson	mileage expense 1 st Qtr 2006	8.01
Cory Behrendt	Planning Commission Payroll 1st Qtr 2006	\$129.29
Gloria Belzer	Town Board payroll 1st Qtr 2006	235.49
Nanett Champlain	Payroll 03/01/06 to 03/31/06	\$1,710.61
Kevin Flaherty	Planning Commission Payroll 1st Qtr 2006	\$32.32
Pat Fossum	Cleaning Town Hall March 2006	\$78.50
Mike Greco	Planning Commission Payroll 1st Qtr 2006	\$129.29
Frances Madden	Planning Commission Payroll 1st Qtr 2006	\$129.29
Mark Malecha	Town Board payroll 1st Qtr 2006	\$235.49
Mary Ann Michels	Payroll 03/01/06 to 03/31/06	\$389.60
Cheryl Monson	Town Board payroll 1st Qtr 2006	267.81
Dan Rogers	Town Board payroll 1st Qtr 2006	235.49
Rich Stevens	Planning Commission Payroll 1st Qtr 2006	\$64.64
PERA	Payroll 03/01/06 thru 03/31/06	\$269.39
IRS	1st qtr	\$1,430.64
State of MN	1st qtr	\$201.44
Department of Labor	State Surcharge 1st Qtr	\$618.97
Dakota County Treasurer	Septic Fees 1st Qtr	\$80.00
TOTAL BILLS PRESENTED		15081.74

The Murnane and Brandt bill was discussed- There were line items from the current attorney bill and the previous bill the town board did not feel should be charged to the township. *See motion made after receipts were presented.*

The road contractor's statement was reviewed. The Township had been billed 2 hours for plowing the town hall. The road maintenance contractor stated that he plowed the town hall twice that Monday and also Tuesday morning. (Monday, March 13- morning office hours and Town Board Meeting that evening and on Tuesday, March 14- election)

Magellan Pipeline repair on 267th St. - another load of gravel was added. It will be billed back to Magellan once the gravel bill is received from Eureka Sand and Gravel. Farm Road Services submitted a bill for road repair, totaling \$136.00.

The following receipts were deposited in March:

- **Building Permits**

Andy Zimmer-Zoning Permit Application	\$50.00	Loren Hoppe- Zoning Permit Application	\$50.00
Lee Slavicek-Zoning Permit Application	\$50.00	Roberts- Residential Remodel	\$1,066.36
Lee Slavicek-Building permit06-03-004	\$668.22		

- **CUPs**

Tiller Corporation- mining review	\$1,145.13
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- **Other Receipts**

Kenny Miller- Ordinance Book	\$25.00	Clyde Thompson- Request Zoning Ord change	\$125.00
Kurt Oestreich- driveway permit	\$50.00	Ken Malecha- Request Zoning Ord change	\$125.00
Dakota County-Aggregate tax	\$7,841.95	Castle Rock Bank- Interest on savings	\$1,467.47
4 RASP Signs	\$46.89		

TOTAL RECEIPTS DEPOSITED IN MARCH **\$12,711.02**

Castle Rock Bank-Interest on 1 yr CD	\$203.62	Castle Rock Bank-Interest on 4 yr CD	\$241.93
Castle Rock Bank-Interest on 2 yr CD	\$238.73	Castle Rock Bank-Interest on 5 yr CD	\$423.01
Castle Rock Bank-Interest on 3 yr CD	\$241.93		

TOTAL RECEIPTS IN MARCH **\$14,060.24**

A motion by Supervisor Gloria Belzer: To approve bills and receipts as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: The exceptions noted for attorney fees, that the clerk send a correspondence to Murnane and Brandt for credit on: 1/23/06, because it was an error on their part that they were correcting. Also credit for the items billed on 2/17 and 2/20, because they were initiated by a citizen, not an approved member of the Town Board. Motion seconded by Gary Smith. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Planning Commission

Dennis Ripley- buildable lot question- follow up

Dennis Ripley (presented buildable lot question at the March 13, 2006 Town Board Meeting)

Mr. Ripley presented a survey registered in 1977 with the Department of Survey as proof that Parcel ID 13-00800-020-50 consists of two separate lots.

A motion by Supervisor Gary Smith: To accept the Survey registered in 1977 with Department of Survey as proof of two separate lots prior to April 12, 1982. Motion seconded by Supervisor Dan Rogers. Supervisor Gloria Belzer entertained a friendly amendment to include property description to

the motion "Lot described as the N ½ of the SW Qtr Section 8". The motion carried by unanimous vote. A copy of the survey was kept by the township.

Vermillion Rivers Watershed Presentation 7:30 PM

Mary Beth, Vermillion River WMO representative presented information on the Vermillion Rivers water shed plan that was recently adopted. A copy of the plan was presented to the Township. A watershed map will be sent for display in the town hall. The Town Board must pass a resolution to adopt the plan.

Planning Commission applicant review

There were two applicants for the two open positions on the Planning Commission- Nancy Sauber and Sharon Buckley. Each applicant was asked to answer a set of questions.

A motion by Supervisor Gary Smith: To approve two applicants, to appoint them to the Planning Commission for a three year term. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Doug and Julie Mosley- 7385 Granite Path. Farmington, Property ID # 13-02200-013-32 requested a permit for a second driveway. The presented plan included two separate access points to the Township road. Per Township Zoning Ordinance: The driveway serving a parcel shall be separated from adjacent driveways on the same side of the road by the following distances: 1. Township road: 100 feet

The proposed driveway is not 100 feet from the current driveway.

A motion by Supervisor Gloria Belzer: To approve the circle driveway with only one access and egress to the Township road. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Permit # 06-04-03 was issued for \$50.00

Loren Hoppe-8863 180th St W Farmington, Property ID # 13-03200-030-75 and 13-03300-030-51 requested a permit to build a new home. The dwelling will be located in Section 32. The Township had a letter dated April 16, 2003 on record from Dakota County Soil and Water stating the property being sold to Mr. Hoppe was not in shoreland if it was in the yellow area on the map. The clerk talked to Dee Jarvis, Dakota County Planning Office, she affirmed that Mr. Hoppe property was not in shoreland. All necessary documents were provided. **Permit # 06-04-007 was issued for \$5,894.39**

A motion by Supervisor Gary Smith: To approve Mr. Hoppe request for a house permit. Motion seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Dale Leine- 24797 Highview Ave, Lakeville requested a permit to build a 48' x 144' pole shed with 16' side walls. The building will include electric, heat and septic. Mr. Leine has both a Conditional Use Permit and Non Conforming Business located on the property, he stated the building will not be used for either of these businesses. Mr. Leine presented an Agriculture Exemption Certification form indicating that the building will be used for agriculture purposes as defined in Agriculture Building per State Statute 16B. Specifically: Storage, maintenance, repair of farm machinery, equipment and supplies used on this farm.

Supervisor Gloria Belzer questioned the intending use of the building. In a previous conversation with Mr. Leine, he had stated that his tractor repair business, currently operating under a CUP had become so large that he needed to come in for a building permit for a pole shed. Mr. Leine stated that this

permit was not about that, it is for an ag use pole barn, his own equipment. If the use of the building changes, he needs to come back for a new permit.

Planning Commission has a dissenting vote on the approval of passing the permit onto the town board. Acting chair Mike Greco had a conversation with the Building Inspector that morning. The building inspector did not feel that the building qualified as an agriculture building.

The following additions were made to the Agriculture Exemption Certification form: “Include Mechanical system in building” and “personal” tractor and machinery repair. A septic permit must be obtained from the building inspector.

A motion by Supervisor Dan Rogers to approve the zoning permit for an agriculture building with the changes noted. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Zoning Compliance permit #000995 was issued for \$50.00.

John Eckdahl- 25035 Ipava Ave., Lakeville requested a permit for a 40’ x 80’ pole shed with a 12’ x 80’ lean-tos with 15’ walls for agricultural use. Mr. Eckdahl presented an agricultural exemption form.

A motion by Supervisor Gloria Belzer to approve the zoning permit for an agricultural building as presented. The motion was seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

Zoning Compliance permit #000996 was issued for \$50.00.

Jeff and Tammy Ahlgren- 26446 Ipava Ave, Lakeville requested a permit for a 18’ x 36’ in ground pool. The pool has a self closing cover. Per Township ordinance a fence with a self closing gate must be installed around the pool.

A motion by Supervisor Gloria Belzer: To approve the permit for the pool with a 5 foot fence and self closing gate. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Freidges Landscaping (225th St and Highview Ave) requested a property spilt on a parcel, Property ID 13-00500-017-01. The split would create Parcel A consisting of 13.79 acres and Parcel B consisting of 19.4 acres, per survey dated 8-19-05. The parcel to be spilt contains a Non Conforming Business. On November 12, 2005 a building permit was issued to this property. Freidges needs to split the property for financing of the new building; the building will be located on Parcel B.

A motion by Supervisor Gloria Belzer to approve the property split as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

The Town Board discussed how the split of the property would affect the Non Conforming Use that currently takes place on the parcel. Discussion continued after the Sheriff presentation.

Dakota County Sheriff Representative

Deputy Charlotte Rayl addressed citizens concerns and comments. The process to follow for illegal burning: Call the sheriff department at 651-437-4211 if you suspect illegal burning. The sheriff department will contact the fire department to see if a burning permit has been issued before investigating the concern. The sheriff department must catch the person in the act of illegal burning to prosecute.

Fridges landscaping- Continued

The Town Board could not come to a conclusion on the status of a Non Conforming business in the case of a property split. The Township attorney will be contacted for further council. A letter will be sent to Freidges, notifying them in writing that the split has been approved, but the Non Conforming Use Permit status with pending split is not known. Discussion will continue at the May 8, 2006 Town Board Meeting.

At 10:00 PM the Town Board stated that they will continue the meeting, so those present with business would be addressed. All other business will be addressed on Tuesday April 11th starting at 7:00 pm

Mary Rocchio is a perspective buyer for a piece of property located at 24215 Idalia Ave, Lakeville. She would like to build a private dog kennel on the property, she currently owns 6 dogs, and they are all debarked. She has obtained signatures of all residents whose structures lie within 500 ft of the proposed kennel location.

The Township ordinance states that a kennel license must be obtained in conjunction of a Conditional Use Permit. Current owner Mike Woehrle was present he is willing to obtain a Conditional Use Permit for the property. The application for the Conditional Use Permit was presented to the clerk along with the application fee of \$250.00. A public hearing was set for Monday, May 1, 2006 at 6:30 pm. The clerk will publish notification and notify all property owners within 1000 ft of the proposed property of the CUP application.

Terri Petter- Public Dog Kennel License Renewal and CUP Review for Spirit Ranch I and II

Terri Petter and Dan Storlie appeared before the Town Board for review of the CUP's for Spirit Ranch I & II. Chair Cory Behrendt opened the floor for public comment. There were no public comments. Chair Cory Behrendt closed the floor for public comment.

The Town Board discussed the CUP issued on November 9, 1999 for the public dog kennel. Terri Petter was also issued a CUP's on April 14, 2003, one for Spirit Ranch I located at 24005 Dodd Blvd and one at Spirit Ranch II located at 10132 235th St W. The public dog kennel is located at Spirit Ranch I. It is unclear if the CUP issued in 1999 is still in effect or replaced by the 2003 CUP.

Documents will be sent to the Township attorney. Discussion on the Conditional Use Permits and dog kennel license will continue at the May 8, 2006 Town Board Meeting.

Mark Nelson- 5255 265th St. W. Farmington appeared before the Town Board for review of his Conditional Use Permit for an airstrip located on his property. Chair Cory Behrendt opened the floor for public comment. There were no public comments. Chair Cory Behrendt closed the floor for public comment.

A motion by Supervisor Gary Smith: To approve the review of Mr. Nelson's airstrip. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote. A review fee of \$15.00 was collected.

Mark Nelson- 5255 265th St W, Farmington requested renewal of a building permit for a deck that was issued on May XX, 2005. He is requesting to increase the size of the deck. The building inspector will determine the building permit fee

A motion by Supervisor Cory Behrendt: To approve the deck permit- renewal 50% of the original permit fee plus additional square footage. The motion was seconded by Supervisor Gloria Belzer. The motion carried by unanimous vote.

Chair Cory Behrendt announced that the April 10, 2006 Town Board Meeting will be held open until 7:00 pm, Tuesday April 11, 2006.