

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of April 10, 2012

Call to Order

Chair Brian Budenski called the April 10, 2012, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Pete Storlie, Mark Ceminsky, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Carrie Jennings 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:

New Business- MAT Training sessions

Public Comment Period

A citizen from Jersey Court expressed concerns that the neighborhood has on the Terri Petter wolf operation. They have had to deal with smell and noise. They are concerned if the operation should be taking place on the property.

Terri Petter expressed concerns if the watershed requirements are being checked on new permits. She also commented that at her recent DNR inspection there was no smell commented on her inspection.

Nancy Sauber commented that there is the prospect of a large NASCAR race track proposed for Elko/ New Market. She has 4 websites that have information and updates on the proposed race track. She asked that the information be posted on the website.

Jeff Otto asked that the information be made to the regular e-mail list. The noise could be heard up to 30 miles away. There could also be traffic issues, Dodd would be one of the key feeders for the races.

Treasurer's Report

Checking Account Balance: \$3,514.28. Outstanding Checks \$2,448.81. Savings Account Balance: \$349,274.96. CD Account Balances: \$67,814.65. The Ledger Balance is \$418,155.08.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report of March 12, 2012, as stated. The motion was seconded by Supervisor Kenny Miller. 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 3/31/2012	\$5,018.50
MNSPECT	Inspection Service – March 2012	\$448.00
Dakota Electric Association	Town Hall Electric	\$100.20
Frontier Communications	Phone Service Town Hall	\$117.24
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall- March 2012	\$46.37
T & C Commercial Cleaning	Clean Town Hall – March 2012	\$42.85
Kelly & Lemmons	Legal Services thru 3/31/2012	\$615.50
PERA	Payroll Period 3/1/2012 to 3/31/2012	\$288.71
ECM Publishers	Legal Ads	\$119.00
MN Department of Labor	1 st Qtr Surcharge Report	\$49.52
CliftonLarsonAllen LLP	Balance on 2011 Audit	1,540.19
Central Valley	Tax on LP	\$21.87
Carol Kelly	PC Recorder- 3/1/2012 to 3/31/2012	\$47.17
Nanett Sandstrom	Clerk Payroll 3/1/2012 to3/31/2012	\$1,547.93
Julie Larson	Deputy Clerk Payroll 3/1/2012 to3/31/2012	\$165.11
USPS	Renewal Bulk Mailing Permit	\$190.00
IRS	April 2012 Deposit	\$552.00
Metro Sales	Toner for copy machine	\$162.50
Dakota County Auditor	Election Equipment- maintenance	\$300.00
Dakota County Financial Services	Salt & Sand	\$122.89
Nanett Sandstrom	Expenses 1-10-2012 to 3-31-2012	\$210.36
State of MN	Additional Withholding 1 st Qtr 2012	\$128.78
USPS	Newsletter mailing	\$200.00
Julie Larson	Election	\$248.54
Earl Schindeldecker	Election Judge	\$132.50
Elaine Swedin	Election Judge	\$55.00
Jody Arman Jones	Election Judge	\$137.50
Pat Fossum	Election Judge	<u>\$40.00</u>
Total Bills Presented		\$12,671.74

A motion by Supervisor Brian Budenski: To approve Claims List and Net Pay Account Distribution as stated in the packets. The motion was seconded by Supervisor Mark Ceminsky. Roll call vote was taken on the motion: Kenny Miller- aye; Pete Storlie-aye; Brian Budenski-aye; Mark Ceminsky-aye; and Steve Madden-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.

It was noted that check #6524 is a voided check.

The following receipts were received in March:

• **Local Permits**

Steve Madden- <i>Mine Review 2011</i>	\$150.00	Loren Hoppe- <i>Application fee</i>	\$25.00
Ruth Troutman- <i>ET12-001</i>	\$105.00	Gayle Schleif- <i>ET12-004 & ET12-005</i>	\$150.00
WS&D Permit Services- <i>ET12-002</i>	\$105.00	Alan Storlie- <i>Application fee</i>	\$25.00
WS&D Permit Services- <i>ET12-003</i>	\$105.00		

• **Other Receipts**

Country Stone - <i>9 ton road assessment</i>	\$5,000.00	The Real Tree Church- <i>Newsletter AD</i>	\$125.00
Hat Trick - <i>9 ton road assessment</i>	\$5,000.00	Julie Larson - <i>CD of minutes</i>	\$5.00
Dakota County- <i>Aggregate Tax</i>	\$7,046.31	Castle Rock Bank- <i>Interest Savings</i>	\$1,265.78

TOTAL RECEIPTS AS OF MARCH 31, 2012 **\$19,107.09**

A motion by Supervisor Brian Budenski: To approve the balance of the Financials. The motion was seconded by Supervisor Mark Ceminsky. The motion carried by unanimous vote.

Monthly Budget

The Town Board reviewed the Monthly Budget.

Outstanding Invoices

Supervisor Brian Budenski talked to the City of Farmington on their outstanding invoice, they are looking into it. Country Stone will be invoiced for 2012. Billings will be followed up every 30 days. An assessment letter needs to be sent to Northern Natural Gas. Supervisor Kenny Miller will contact Trevor about the Sauber Trust invoice.

Planning Commission, Land Use Permits and Related Items

A. Permit Requests

1. Loren Hoppe - 8863 280th St W. - 3 sided loafing shed

Loren Hoppe was present to represent his application for a three sided loafing shed for his horses. His property lies in the North Cannon Watershed. The Planning Commission recommended approval. A motion by Supervisor Kenny Miller: To approve the permit for Loren Hoppe for a horse loafing shed. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Land and Use & Zoning Issues

1. Sauber Trust Lot Split

Larry Sauber was present to represent the Sauber Trust split request. An e-mail was received from the Travis Thiel that no permit was needed from the VRWJPO at this time and the Township may proceed with his split. There were questions on a possible Pre-1982 Lot of Record on the property. Mr. Sauber decided not to proceed with the split at tonight's meeting.

2. Ritchie and Joan Storlie- Lot Split

Ritchie Storlie was present to represent the lot split request. An e-mail was received from the Travis Thiel that no permit was needed from the VRWJPO at this time and the Township may proceed with his split. A motion by Supervisor Kenny Miller: To approve the split as presented by Mr. Storlie. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Road Contractor

Road Contractor Mark Henry was present for road discussion. There was discussion on repairing frost boils. The frost boils that will be repaired will be marked on the Annual Town Board Road Inspection. There are a couple of intersection signs are missing they will be replaced. Mark is working with the Clerk on entering the data of the sign inventory. Country Stone is damaging the road and culvert at their south driveway. It will be evaluated at the road inspection.

Lawn Mowing Quotes

The Clerk received one quote for Lawn mowing at the Town hall. It was from Clark's Lawn Service for \$110 per mowing. Mr. Clark was present at the meeting to discuss his quote. He will apply weed control for quack grass and dandelions, mowing and trimming. He will not apply fertilizer. Spring and fall cleanup is included in the quote. A motion by Supervisor Kenny Miller: To approve the only quote received, it seems reasonable in itself. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Proof of insurance was included with the quote.

B. Land and Use & Zoning Issues- continued

3. Dylan & Julie Larson- Cluster Agreement & Lot Split

Cluster Agreement

Julie Larson was present to represent the cluster and lot split. It was determined that a Pre-1982 Lot of Record existed on Parcel 13-02000-75-010. Dylan and Julie Larson requested to cluster the Pre-1982 Lot of Record to Parcel 13-02000-50-010. Parcel 13-02000-50-010 is also a Pre-1982 Lot of Record. The existing building right on 13-0200-50-010 is being used for the building permit request by Mitch and Katrina Larson, approved at the February Town Board Meeting. The Pre-1982 Lot of Record from Parcel 13-02000-75-010 clustered to Parcel 13-0200-50-010 is not being used at this time. Both pieces of property will be involved in the lot split to follow and the Property ID numbers will be changed.

Per the cluster agreement: the Landowner desires to build more than one dwelling unit on the following described parcel of real property: Parcel ID 13-0200-50-10 lying in the NE1/4 of the SW1/4 of Section 20. The Landowner agrees that no dwelling unit may be built on the following described parcel of real property: Parcel 13-03000-75-010 lying in the NW1/4 & NW1/4 of the SE1/4 of Section 20

A legal opinion was obtained by the Township Attorney on Pre-1982 Lots of Record. Julie Larson was given a copy of the Attorney's opinion and asked to review the letter and to come back before the Board later in the evening.

Julie came back to the Board and asked to move forward with the cluster as presented.

A motion by Supervisor Brian Budenski: To approve the Building Right Cluster for Dylan and Julie Larson. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Lot Split

Dylan and Julie Larson requested a lot split involving property 13-02000-75-010 consisting of 57.82 acres and 13-02000-50-010 consisting of 29.94 acres. They are creating a parcel

consisting of 9.91 acres. The building permit for a new home that was approved at the February 13, 2012 Town Board meeting will be located on this newly created parcel.

A motion by Supervisor Kenny Miller: To approve the Lot Split as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The Building permit will be issued once verification of the lot split has been filed with Dakota County.

4. CUP Reviews

a. Mark Nelson- Airstrip, not present, he will be

b. Glory to Glory Christian Center

Dean Engelmann, Sr, Pastor was present to represent the Glory to Glory CUP review. There were no public comments. No complaints were received over the past year. A document was presented showing that they are meeting all their reporting requirements for being a school.

The Town Board accepted the CUP review for Glory to Glory Christian Center.

c. Terri Petter- Spirit Ranch I & II, Renew kennel license.

Terri Petter was present for the review of Spirit Ranch I & II. There was discussion on what animals were permitted at each Ranch. This issue at hand needed to be clarified before the Town Board would proceed with the review. A certified copy of the CUP's were presented to the Board, this document was drafted from the Town Board meeting minutes. The original application and CUP will be pulled from Terri's file for review. The review will be moved to the May Town Board meeting.

Deputy Sherriff

A Deputy Sheriff was present to address Board and citizen concerns.

Other Business

A. Planning Commission Member Candidate Interviews 8:00 pm

The Town Board interviewed four Planning Commission candidates. They voted by ballot for their top two choices. Butch Hansen and Allen Novacek were appointed to the Planning Commission.

B. Shon McIntyre- new gun sales

Shon McIntyre, 26255 Galaxie Ave. currently has a home business that he sells used guns. He has no store front, or onsite visitors. Business is strictly done over the internet. He would like to expand his sales to new guns. There is a requirement for the licensing that the guns be held in a safe. To do this he needs to hold a Federal Fire Gun License.

A motion by Supervisor Kenny Miller: To recognize the home use business of Mr. McIntyre. Motion seconded by Supervisor Pete Storlie. The chair signed paperwork acknowledging the use. A copy was given to the Clerk to keep on file.

C. The Real Tree Church- Town Hall use contract

Shon and Becky McIntyre were present from The Real Tree Church. The proposed contract for Town Hall use was discussed. The contract was signed by all parties involved.

The Town Board took a short recess.

D. Planning Commission Update

The Planning Commission asked for clarification on the portion of the ordinance (Ord. 3, Ch. 4, B 3 and 4) that relates to distances of driveways from intersections.

They are trying to simplify the permitting process. A draft PowerPoint presentation that could be placed online was created. The PowerPoint summarizes the Ordinances.

The Planning Commission will be looking at the Road Haul Ordinance as suggested by a citizen at the Annual Meeting.

Citizen Business

The Town Board received a complaint against Terri Petter/ Fur Ever Wild. The complaint was reviewed. Terri has not obtained the fence permit from the building inspector. She commented that she does not have the money for the permit.

The Sheriff Department does not see any violations. An emergency preparedness plan has been created. A copy of the Sheriff report is on file.

Terri commented that all dead animals are disposed properly. They are working with the MN Department of Health. Dead animals are composted. The compost has been moved to the back field away from the neighbors and operation. The fence is 8 foot elk fencing. The property is perimeter fenced. It is physically impossible for animals to stray off the property. She has never had a wolf breach. The fences are inspected by the USDA and the DNR. The signs are on private property, out of the road right of way and under the minimum footage requirements. (under 10 sq ft) They are 2'x3'. The sign located at Dodd Blvd has been removed. She has a track hoe, which is not currently operational. She has a skidsteer she uses as part of her agricultural operation. The wolves howl occasionally, when sirens are tested, at coyotes and once in a while during the breeding season. They are agricultural animals. She has been at this location for 13 years. She never had complaints until there was public notice of the operation.

A letter will be sent to the complainant addressing the issues: The animals are legal to have. The wolves are agricultural. The building permit issue has been resolved, the Building Inspector has signed off on it. The signs have been resolved. Terri commented that no wolves have been missing. The traffic is speculation; there are other homes and businesses in the area. Other issues are included in the lawsuit.

E. Newsletter

Jody Arman-Jones was present to discuss the proposed newsletter. The final draft will be sent to the Town Board in the next few days, and to go to print shortly after.

F. From Reorganizational Meeting

1. Resolution for adopting Township Procedures for Finances

A motion by Supervisor Brian Budenski: To approve Resolution 2012-02 A Resolution for Financials at Castle Rock Bank. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Resolution Adopting Planning Commission Schedule 2012

A motion by Supervisor Brian Budenski: To approve Resolution 2012-03 A Resolution Setting and Adopting Regular Scheduled Planning Commission Meeting Dates and Times. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

3. Resolution Local Board and Appeals

A motion by Supervisor Brian Budenski: To approve Resolution 2012-04 A Resolution Authorizing the Transfer of the Local Board of Review/ Equalization Meeting to Dakota County. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

4. Attorney and Building Inspector review date

The Professional Services review will take place on Thursday, April 12, 2012 at 6:30 pm.

5. Inspection pay for Officers/ PC

A motion by Supervisor Pete Storlie: To leave the site inspections for Town Board or Planning Commission members at \$25 per inspection. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

6. Pay rate for training attendance

A motion by Supervisor Kenny Miller: To maintain the pay rate for training at \$50 plus mileage. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

7. Road Inspection date

Road inspection was set for Saturday, April 21, 2012 at 8:00 am.

8. Board Packet Information

The Town Board discussed when Board packet information should be provided. It is difficult when e-mails are received the day of the meeting. Agenda items and supporting documents need to be to the Clerk by the Thursday at 4:00 pm prior to the scheduled meeting.

At 10:38 pm the Town Board Chair called for recess of the meeting. The Meeting will be continued on April 12, 2012 immediately following the Special Scheduled Town Board Meeting at 6:30 pm.