

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of April 11, 2011

Call to Order

Chair Brian Budenski called the April 11, 2011, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Dan Rogers, Pete Storlie and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Also present were Township Attorney Trevor Oliver and Vince Mako as Planning Commission Liaison. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Pete Storlie commented on a motion made at the 2002 Annual Meeting by the public that Town Board Meetings would go until 10:00 pm with a half-hour extension. This motion had not been reversed. It is his understanding is that things voted on at Annual Meetings are supposed to be followed through on. He is concerned with decisions being made late at night.

The citizens at the Annual Meeting have the authority to vote on and pass the Town Levy. The Town Board tries to adhere to other motions at the Annual meeting, but they are not binding. The Town Board has set a policy to review the agenda during the meeting (around 9:30 or 10 pm) to see where they are at.

The following additions were made to the agenda:

Other Business D. Kelly Brosseth- monitoring Plan was moved up to A.1. under Land Use & Zoning Permits.

Minutes- add: C. Closed Meeting of March 22, 2011- Employee Review

Other: Meeting ending time.

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

Public Comment Period

Carol Cooper, speaking for Terri Petter, asked that her Ag Application in the Vermillion River Watershed be placed back on the agenda.

With the permitting process the VRWJPO has in place, the Town Board is not to act upon a permit until the VRWJPO permitting process is complete (after the April 28 JPO Board meeting, in this instance).

Discussion continued on the VRWJPO permitting process. The Town Board reviewed the VRWJPO process as outlined by the VRWJPO at the March 14th, 2011, Town Board Meeting and was in agreement with it, although it is up to the JPO to set the process. The Town Board has followed citizen feedback to not adopt the VRWJPO Ordinance. Therefore, the VRWJPO has the authority; it is their process. It was always represented at the hearings and meetings that the Watershed Rules do not go away; it is simply a matter of which body enforces them. When the Township took itself out of this by not adopting the Ordinance, the next agency or body up the line of authority enforces, and that is the VRWJPO. The Town Board does not have the authority to set the process. The VRWJPO permitting process specifically states that the Town Board is not to issue a permit contingent on what the VRWJPO does later. The Board is to act on a permit after hearing from the JPO as to what its decision on the application has been at its last Board meeting. The VRWJPO is the permitting authority, and the Township needs to follow their permitting process in enforcing the Watershed Rules. Likewise, as the permitting authority, the VRWJPO establishes the cost of the fees associated with their permitting process.

The VRWJPO permitting process was put into place on March 14th Town Board Meeting. Final confirmation on the process was received on March 21st. It will be outlined in the Township Newsletter. It will also be placed on the Township website.

Treasurer’s Report

Checking Account Balance: \$2,676.72. Outstanding Checks \$1,761.16. Savings Account Balance: \$279,866.55. CD Account Balances: \$65,667.36. The Ledger Balance is \$346,449.47.

A CD matures on 6/29/2011.

A motion by Supervisor Nancy Sauber: To approve the Treasurer’s Report as presented. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

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

The Town Clerk received an invoice from Northfield Ambulance Association for \$206.00. The Township does not have a joint powers agreement with Northfield Ambulance. Supervisor Dan Rogers tried to contact the individual noted on the bill as the contact person, but he is no longer associated with Northfield Ambulance Association. The invoice will be checked into further before it is paid. The Board has an obligation to pay all *meritorious* bills within thirty days of receipt. The Attorney confirmed that the Board can look into this further and not pay it at this time.

Supervisor Nancy Sauber is attending the MAT Urban Short Course, so a check for \$50 was added to the Claims List. The Claims List and Total Disbursements were updated to reflect the 2 changes.

Bills and Receipts

The Clerk presented the following bills for payment:

Henry’s Excavating	Road maintenance thru 3/31/2011	\$4,470.00
MNSPECT	Inspection Service - March	\$1,516.23
Dakota Electric Association	Town Hall Electric	\$95.73

Frontier Communications	Phone Service Town Hall	\$111.21
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$44.09
T & C Commercial Cleaning	Clean Town Hall – April	\$42.85
Kelly & Lemmons	Legal Services thru 3/31/2011	\$1,718.00
PERA	Payroll Period 3/1/2011 to 3/31/2011	\$242.50
Nanett Sandstrom	Expenses 3/6/2011 to 3/31/2011	\$89.30
ECM Publishers	Legal Ads	\$287.00
TKDA	Commercial/ Industrial Study	\$1,337.31
Larson Allen LLP	Final Payment Audit	\$3,000.00
Dakota County Treasurer	Salt/Sand	\$148.17
Carol Kelly	PC Recorder- 3/1/2011 to 3/31/2011	\$89.63
Nanett Sandstrom	Clerk Payroll 3/1/2011 to 3/31/2011	\$1,315.77
USPS	Bulk Mailing	\$185.00
IRS	April Deposit	\$410.77
GTS	Training- Nancy	\$75.00
MN Association of Townships	Training- Nancy Urban Short Course	\$50.00
Dan Rogers	Mileage and Training MAT Summer Short Course	\$130.58
Carrie Jennings	Town Board Supervisor Payroll	<u>\$47.17</u>
Total Bills Presented		\$15,429.82

A motion by Supervisor Brian Budenski: To approve Claims List and Net Pay Account Distribution as amended. The motion was seconded by Supervisor Nancy Sauber. 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.

Supervisor Brian Budenski performed the internal check of the Clerk's books for March.

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 March:

	<u>Local Permits</u>		
•	Ames Construction- Sign Permit 11-03	\$66.10	Russ Mealman- Permit ET11-004 \$105.00
	Elder Jones- Permit ET11-003	\$105.00	Fur-Ever Wild- Ag Permit Application \$25.00
	Wat Lao- CUP Review	\$15.00	
	• <u>Other Receipts</u>		
	Country Stone- per Settlement Agreement	\$25,000.00	Castle Rock Bank- Interest CD \$391.03
	MN Dept of Revenue	\$406.61	Castle Rock Bank- Interest CD \$432.77
	Dakota County – 2010 Gravel Tax	\$10,014.18	Castle Rock Bank- Interest Savings \$1,258.84
TOTAL RECEIPTS AS OF MARCH 31, 2011			\$37,819.53

A motion by Supervisor Nancy Sauber: To approve the balance of the Financial Reports 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

Road Contractor Mark Henry was present to discuss road concerns. There are a lot of frost boils this year. You need to wait until the frost is out before grading. The roads cannot be cut hard until May. If you break the crust, you will create additional problems.

There is a lot of garbage and tires in the ditch. This will be addressed in the Newsletter.

It was reported from a MAT Spring Session that gravel and snow ridges cannot be left on the roadway unless they are marked. Mark Henry commented that is an old practice that he does not use.

It was noted that there are several signs that need replacement in the Township. The Road Contractor was asked to replace these signs. During the Town Board road inspection, other immediate replacement signs will be noted. A complete sign inventory will take place later this year.

Gravel Bids

Two gravel bids were received.

Eureka Sand and Gravel bid on Class 5a Modified Road Gravel at \$4.50 per ton, delivery at \$2.50 per ton. Total cost \$7.00 per ton.

Castle Rock Materials bid on Class 5b Modified Limestone. Not less than 8% or more than 12% passing the 200 Sieve, Estimated Quantity 4,600 Tons, delivered price \$9.50 per Ton.

A motion by Supervisor Dan Rogers: To accept Eureka Sand & Gravel's bid for Road Gravel at \$4.50 per ton plus \$2.50 for delivery. A total bid of \$7.00 per ton and Castle Rock Material's bid for limestone at the price of \$9.50. The motion was seconded by Supervisor Brian Budenski. Supervisor Kenny Miller recused himself from voting. The motion carried by unanimous vote of Supervisors voting.

Planning Commission Member Candidate Interviews

There are three openings on the Planning Commission, one 1-year term and two 3-year terms. Two Township citizens applied for the openings: Gayle Klauser and Carrie Jennings. The Town Board interviewed both candidates. Gayle was interested in the 1-year position; Carrie Jennings was willing to fill either position.

The Town Board voted by ballot on filling of the Planning Commission positions. Gayle Klauser was appointed to the one-year term and Carrie Jennings to the 3-year term.

Mowing, Dust Coating and Sweeping quotes

Mowing Quotes

One quote was received for mowing of the Town Hall properties. The Proservice Lawn & Landscape quote was for \$90.00 weekly. Services offered are weekly mowing and trimming of the current Town Hall site, the old site, and across the road. The price also includes fertilizer and weed control of properties to keep the grass at its healthiest. Trimming of shrubs and plants will be done

as needed. Mowing service will include spring and fall cleanup, dethatching, and core aeration as well.

Proservice Lawn and Landscape mowed Town Hall properties last year.

A motion by Supervisor Brian Budenski: To accept Proservice Lawn and Landscape mowing quote. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

Dust Control Quotes

Two quotes were received for Dust Control. Dustcoating, Inc. from Savage, MN, quoted approximately 39,000 gallons of Magnesium Chloride furnished and applied to Township roads at \$.723/gallon.

The Quality Dust Control Services a Division of Quality Propane, Inc. of Burnsville, MN, quote was for Magnesium Chloride based on a .3 application rate at .698 cents per gallon. Quality Propane Services has been applying Magnesium Chloride in the Hastings area for more than 5 years.

A motion by Supervisor Kenny Miller: To accept the lower quote from Quality Dust Control Service. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote. The Clerk was asked to contact Quality Dust Control. Dustcoating application will take place early to mid-May.

Sweeping Quotes

2 quotes were received for sweeping the developments. The Reliakor Services, Inc. quote was for \$118.48 per hour. The Prosweep quote was for \$100 per hour. It takes approximately 11 hours to sweep the developments. Prosweep has swept the developments in the past. A motion by Supervisor Kenny Miller: To accept Prosweep's bid of \$100 per hour. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Ditch mowing

One quote was received for ditch mowing. Anderson Bobcat Services, LLC of Elko, MN, quoted \$31.00 for mowing a 7-ft. swath where possible and on both sides of the road where possible. Anderson Bobcat mowed Township ditches last year.

A motion by Supervisor Kenny Miller: To accept the Anderson Bobcat Services quote for ditch mowing of \$31 per mile of the Township road ditches 2 times per year. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Planning Commission, Land Use Permits and Related Items

A. Land and Use & Zoning Issues

1. Madden Mine, continued from March 14, 2011, Town Board Meeting

Francie Madden and Steve Madden were present. The documents relating to the Madden CUP were forwarded to the Township Attorney after the March Town Board meeting. To protect their right to continue the use on the Madden Mine, the past Annual Mine Review fees (2009 to present) must be brought to current. Annual Mine Review fees must continue on a yearly basis per Township Ordinance. Since at the present time there is no operator, the Financial Guarantee will not be required. The reclamation of the part of Steve's property that has already been mined out is not accomplished at this time. The Township's interest and requirement is that it will, along

with the five or so acres still to be mined, be reclaimed at some time in the future. Who reclaims the property is between the owner and the operator.

A motion by Supervisor Kenny Miller: That the Madden mine be considered as outlined by Trevor Oliver and the current fee schedule be adhered to, at \$150.00 per year to maintain their mining rights. To continue the Madden mining rights pursuant to Steve Madden bringing the Annual Review Fees up-to-date. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Steve Madden paid the Town Clerk the past review fees totaling \$450.00.

2. CUP Reviews

a. Kelly Brosseth Monitoring Plan

Kelly Brosseth, owner, and Shawn Dahl and Pat Mason from Ames Construction, operator, were present.

The Township Attorney reviewed the IUP. The question being addressed is whether the monitoring plan needs to be adjusted. Upon review of the data collected from the wells, there were concerns with the temperatures in monitoring well #2.

Shawn Dahl commented that they have not mined, processed, washed or crushed any gravel since November 2009. Since November of 2009 the only activity at the pit has been loading and hauling of the existing material stockpiles. There is nothing in the past 18 months that they could have done to adversely affect the groundwater temperatures. The Met Council has been dewatering the past 2 years. The dewatering may have affected the groundwater readings.

The Town Board agreed that the current monitoring plan will remain in place, and it will see if there is a recurrence of the elevated temperature in subsequent years.

A motion by Supervisor Kenny Miller: To accept the Kelly Brosseth mining review of 2011, with the consideration of bumping the monitoring report as anomaly, but keeping it in mind in the future. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

b. Mark Nelson- Airstrip

Mark was not present. The Clerk was asked to contact Mark, and the review will take place at the May Town Board Meeting.

The Town Board took a short break. The Town Board reviewed the agenda. Items that needed to be completed this evening were discussed.

c. Terri Petter- Spirit Ranch I and Spirit Ranch II

Terri Petter and Carol Cooper were present for the Petter CUP reviews. No complaints were received. There were no public comments on the CUPs. Terri commented that boarding and breeding of horses has slowed, since she does not have a barn.

Jeff Otto commented on Terri Petter's new Ag building permit application. He feels that it is an emergency situation. It is a fire-destroyed structure that needs to be replaced. The Town Board

has an expedited process for handling permits in this situation. The JPO's administration should not be able to interfere with an emergency reaction to the situation.

A motion by Supervisor Kenny Miller: To approve the CUP review of Spirit Ranch I. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To approve the CUP review of Spirit Ranch II. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Terri paid the annual CUP review fee of \$15 for each CUP review and she renewed her Annual Dog Kennel License fee of \$100.

d. Glory to Glory Christian Center

Dean Engelman and Russ Matthys were present for the CUP review. The fire alarms were installed and approved by the Building Inspector. The proof of compliance of State Reporting was given to the Town Clerk. There was no public comment.

A motion by Supervisor Nancy Sauber: To approve the review of the Glory to Glory CUP for a church and school in the Town of Eureka. The motion was seconded by Supervisor Pete Storlie. The motion carried by unanimous vote. The review fee of \$25 was paid to the Clerk.

B. Ag Preserve Renewal- Evers Jones II and Jody Arman-Jones

Evers Jones II and Jody Arman-Jones requested to re-enroll parcel ID 13-02200-010-02, an 80.72 acre parcel, into Ag Preserves. They are initiating expiration in 8 years as part of the renewal.

The Town Board is responsible for monitoring erosion control on Ag Preserve property. From the VRWJPO: Beginning in 2011, all new or renewing applications for Ag Preserves or Green Acres designation will trigger erosion standards ("tolerable erosion") be upheld as part of intensive monitoring during the normal monitoring cycle. The Township Attorney reviewed the State Statute. It is not a new step in the renewal process itself.

A motion by Supervisor Kenny Miller: To approve the re-enrollment of the Ag Preserve for Evers Jones, Parcel #13-02200-010-02. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

H. Newsletter

The Newsletter was discussed. Items were corrected and updated per Town Board's discussion.

Other Business

E. Planning Commission Update

Vince Mako was present as Planning Commission Liaison. The Planning Commission reviewed the Terri Petter application, even though it was not on their agenda. They looked over the application and suggested a few changes. They asked Terri to bring it to the Town Board this month. He gave the notes from the Planning Commission to the Town Board on Terri's permit.

Terri Petter - Ag Building Application

Discussion continued on Terri Petter's Building application for an Ag Building.

Terri commented that Butch Hansen went to the VRWJPO and discussed their concerns. The VRWJPO is requiring a Soil Erosion Plan. This plan is what will be accepted or denied on April 28th. Carol Cooper commented that at this time of the year, young are being born, and there is no place to house the young. It is becoming an emergency situation. They asked that the process be expedited, approving it contingent on the VRWJPO approval.

The Town Board policy on rebuilds after a fire is for the rebuilding of a building with the same footprint as the one that burned. This building is not the same size as the building that burned.

The new building that Terri is applying for will include Building #1, Zoning Permit 001014 approved at the June 14, 2010, Town Board Meeting and the horse barn that burned this past winter. The Town Board asked that the information from the application for Building #1 approved at the June 14, 2010, Town Board meeting be added to the current permit application rather than stapling the original application to the new one. They also asked that the site map be redrawn according to the instruction sheet on the website.

The Town Board agreed that this is the first permit to go through the VRWJPO process. There has not been adequate time to inform the public of the new procedures in place. This is an Ag building, which does not require a building permit, only a zoning permit. Approving a permit on a contingency basis is not a good way to do business. This is an emergency situation, insofar as it is, in part, replacing a burned-down building, Terri agreed to draft a new site plan according to the instruction sheet and to add the information from the previously approved application to the current application. The changes to the application were added to the copy revised at the Planning Commission meeting.

Nancy Sauber had talked to Travis Thiel, watershed specialist at the VRWJPO. He confirmed that the sediment erosion control is likely all that will be asked on this application. He, however, cannot guarantee that, as it is up to the JPO Board to confirm this at their meeting on April 28. He also re-confirmed that the Board is to wait to hear from the JPO before moving forward. Nancy expressed the opinion that knowing that this is likely all that will be required for this application makes it easier to go ahead with the permit in this specific instance. This should be the last time, however, that this will be done. The process needs to be followed.

There was discussion on the permitting process. It was suggested that it be reviewed and discussed with the VRWJPO.

The Town Board reviewed Terri Petter's application as amended by Terri Petter. Terri was asked to label the structure as the new building.

A motion by Supervisor Nancy Sauber: To approve the building permit application for Terri Petter for an Ag Building as presented and amended with the contingency that all requirements of the VRWJPO are met. At 10132 235th St. W., Terri Petter's address. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

The comment was also made that, acting as Zoning Administrator, Nanett correctly took the item off the agenda as the application had to go to the VRWJPO first. Citizens may request to be on the agenda by filling out a request form, but that does not mean that their item will be acted upon by the Board.

The Town Board reviewed the agenda, prioritizing what items need to be addressed at tonight's meeting.

Attorney Items

RFQ for Engineering Firm

The Attorney was asked for advice on RFP or RFQ for Engineering Firms. The Township is looking for a price schedule and qualifications (RFP). The Town Board is not bound to go with the lowest quote. Professional services contracts are not considered "contracts" under the Municipal Contracting Law. The Township can look at other factors.

Subcontractor Wording

Unless the current Road Contractor is going to hire a subcontractor, creating an issue, the Town Board can wait and add the wording to the next Road Contract. Henry's Excavating should be contacted and informed that if he is going to hire a subcontractor, he needs to contact the Town Board first for a contract amendment.

Commercial/Industrial Task Force Report

The map created by from the survey data is public. Under Data Practices a copy can be requested. The Township cannot make changes to the map, but a sheet can be attached to explain data on the map, until errors on the map have been corrected on a new map. The explanation can provide further clarification of what the map does and does not show.

The Commercial/Industrial report and the next steps were discussed. The map that was created from the survey is confusing. It maps only those responding with a location, which was roughly only half of those responding. An attachment needs to be drafted explaining the data on the map.

The Board directed the Task Force to meet with the Met Council before holding any neighborhood meetings, so that something more concrete could be presented at those meetings. The next Commercial/ Industrial meeting will be held on Monday, April 18, 2011.

Reorganization Meeting Items

Road Review Date

Road Review was set for Saturday, April 30, 2011, at 8:00 a.m.

Liaison to Planning Commission Meeting

Supervisor Brian Budenski will be the liaison at the May Planning Commission Meeting. Supervisor Pete Storlie was scheduled for the February 6, 2012, Planning Commission Meeting. Pete is available to fill in for other Supervisors if needed.

Assignments

The assignments were reviewed as set at the Reorganization Meeting. Supervisor Pete Storlie agreed to be the main contact for the Vermillion River Watershed and the alternate for the North

Cannon River Watershed. Supervisor Nancy Sauber will be the main contact person for the North Cannon River Watershed and will remain as the alternate for the Vermillion River Watershed. The Technical Advisory Contact position was eliminated as unnecessary at this time.

The Reorganizational Meeting minutes were updated to reflect the changes in the assignments.

Local Board of Appeals and Equalization Training

Pete was informed that it is the Town Board's policy that newly-elected Town Board Officers are to be trained for Local Board of Appeals and Equalization the year they are elected. This means that Brian Budenski and Pete Storlie are to be trained this summer at the MAT session. This requires pre-registration for the training as seating is limited and one cannot register onsite.

It was suggested that the other items on the agenda be tabled until the next meeting.

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

Meeting adjourned at 12:09 a.m.