

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
May 12, 2008

Call to Order

Chair Jeff Otto called the meeting to order at 7:00 pm. Members present were Supervisors Cory Behrendt, Brian Budenski, Jeff Otto, Carrie Jennings and Dan Rogers 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:

Old Business H. First Park Lakeville
I. Chub Lake Road
J. Friedges Complaint
K. Misc. Attorney Items
L. Ripley Complaint
M. Hawkins trailer
New Business A. Northern Natural Gas Pipeline 225th St.
B. Dodd Blvd. Safety Audit
C. Farmington Comp Plan Receipt

A motion by Supervisor Dan Rogers: To approve the agenda as modified. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Audience Comment Period

- Dust control application was discussed.
- A citizen commented that there is a bad spot on 225th St. between Essex and Denmark.
- There is a large quantity of bricks and debris along 225th St. and Highview Ave.

Minutes

Typing and grammar corrections were made to the April 14, 2008 Town Board Meeting Minutes. A motion by Supervisor Jeff Otto: To approve the April 14, 2008 Board Meeting Minutes as corrected. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Special Meeting Minutes of April 29, 2008. A correction was made in the spelling of Attorney Paul Reuver's name. A motion by Supervisor Carrie Jennings: To approve the Special Town Board Meeting Minutes of April 29, 2008. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$2,875.08. Savings Account Balance \$168,652.12
CD Account Balances \$158,151.96 Total Account Balance \$329,679.16.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of May 12, 2008 as presented. Motion seconded by Supervisor Carrie Jennings. Role call vote was taken on the motion. Supervisor Cory Behrendt- Aye, Supervisor Jeff Otto- Aye, Supervisor Dan Rogers- Aye, Supervisor Brian Budenski- Aye, Supervisor Carrie Jennings- Aye. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

State of Minnesota	1 st Qtr Withholding 2008	\$217.98
Connie Anderson	Notary	\$167.67
TDKA	Consultant Service- COMP Plan	\$1734.62
TDKA	Consultant Service- Glory to Glory	\$1,186.00
TDKA	Consultant Service- roads	\$480.31
Mike Greco	Reimbursement	\$53.22
Lakeville Printing	Newsletter	\$240.45
Brian Budenski	Reimbursement	\$30.00
Nanett Champlain	Expenses 4/1/08 to 4/30/08	\$159.40
PERA	Pay period 4/1/08 to 4/30/08	\$204.21
IRS	Deposit May 2008	\$371.56
Dick's Sanitation	Garbage Service May	\$39.49
Otte Excavating	Services thru 4/30/08	\$13,174.00
MN Inspect	Inspection services thru April 2008	\$2,016.14
Frontier Communications	Phone service Town Hall	\$122.84
Kelly & Lemmons	Legal Services thru 4/30/08	\$785.16
Dakota Electric	Town Hall	\$114.56
Culligan	Water softener rental	\$23.38
Earl F. Anderson	Signs	\$78.01
Nanett Champlain	Pay Period 4/1/08 to 4/30/08	\$1,230.69
Total Bills Presented		\$22,429.69

The following receipts were deposited in April:

• **Local Permits**

Doug Houser- Gas Fireplace	\$65.50	Kelly Brosseth- Interim use appl	\$300.00
Mark Nelson- Airstrip review	\$15.00	Springer Exter- re-roof 08-06	\$100.50
Terri Petter- CUP review & Kennel lisc	\$130.00		

• **Other Receipts**

MN Dept of Finance-HAVA Grant	\$162.00	Castle Rock Bank- Interest CD	\$591.88
Castle Rock Bank -Interest CD	\$350.17	Revtrak Inc- Chairs	\$88.00
Castle Rock Bank- Interest CD	\$368.88	Dakota County- Delinquent taxes	\$2,550.13

TOTAL RECEIPTS DEPOSITED IN APRIL 2008 **\$4,722.06**

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented. Motion seconded by Supervisor Carrie Jennings. Role call vote was taken on the motion. Supervisor Cory Behrendt- Aye, Supervisor Jeff Otto- Aye, Supervisor Dan Rogers- Aye, Supervisor Brian Budenski- Aye, Supervisor Carrie Jennings- Aye. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Sheriff Officer

Two representatives from the Sheriff's Office were present. They presented information on recent criminal activities in the area. They asked citizens to be more proactive. Keep track of models and serial numbers. There is a huge rash of mail and gas theft in Dakota County. Do not use mailboxes for outgoing mail and do not leave mail in the mailbox overnight.

Road Contractor Time

Per instruction from Road Supervisors two loads of gravel were placed on 245th St. W. Supervisor Brian Budenski had conversations with representatives working on the New Market Interceptor line installation. They have had discussion on the blacktopping 245th St.

Graveling of Township roads was discussed. Supervisor Jeff Otto presented an outline of graveling projects for the year. Additional dust coating options were presented.

City of Farmington asked if the Township could place gravel on 220th St. this year. The City of Farmington placed gravel on ½ of the road last year. Supervisor Jeff Otto had inspected the road he felt that there was sufficient gravel on the road, but it is lacking binder. Graveling of this road does not fit into this year's budget. He suggested placing dust control on the road.

Dust control bids were received:

Dustcoating Inc., Savage- \$.684 per gallon for full rate application, an additional \$.05 for half rate application for Magnesium Chloride

Ferral Gas, Inver Grove Heights- \$.0785 per gallon for full rate application, an additional \$.05 for half rate application for Magnesium Chloride.

A motion by Supervisor Jeff Otto: To award the contract for dust coating for 2008 to Dustcoating Inc. of Savage. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote. Supervisor Jeff Otto will contact Dustcoating.

The Road Graveling bid will be placed in the newspaper. The bid will call for 5,500 tons of limestone and 10,000 tons of class 5 road gravel. Bids will be opened at the Regular Town Board Meeting June 9th at 7:30 pm. The Road Maintenance Contract will also be put out for bid.

Tom Ostlie requested that the brush in the ditch ¼ mile north of 267th St. on Ipava Ave. be removed. It is impeding drainage of his field. He will clean the adjacent area in his field along with the Township cleaning out the ditch. The road contractor will work out the details of the project.

The road contractor was asked to check 225th St, east of Essex and to remove debris from 225th St and Highview Ave, per citizens comments.

Planning Commission, land use permits and related items

Permit Requests

1. Wayne Hallcock- 5975 280th St W. Northfield requested to move a two car garage from 5975 280th St. W., Northfield (Property ID# 13-00200-020-75) to 6155 280th St W. Northfield. (Property ID# 13-03500-020-51)

A motion by Supervisor Cory Behrendt: To approve the permit for moving the building by Wayne Hallcock as presented. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote. The application will be forwarded to the building official for issuance of the permit.

2. Glory to Glory Christian Center- Craig Moss of Vanguard Construction, project manager submitted an application for a building permit on behalf of the current property owner Lonnie and Gayle Malwitz for construction of the Glory to Glory Christian Center. The closing on the property should take place the end of this month.

The Conditional Use Permit application calls for the planting of the bare root stock. The timeline for planting of this stock will not be appropriate. Bare root stock should be planted in early spring. Glory to Glory requested a waiver of the requirement of the planting of the bare root stock until next spring. The Town Board asked that the landscaping proposal be submitted in writing. This proposal is to include the dates the condition will be satisfied. They asked that the document be signed by both parties.

Building Official Scott Qualle was present. He will proceed with processing the permit, once the clerk contingencies are met.

A motion by Supervisor Carrie Jennings: The building permit be conditionally approved upon completion of the property lot split and transfer of the property. Motion seconded by Supervisor Dan Rogers. Supervisor Cory Behrendt offered a friendly amendment that the current CUP is updated once the split and sale takes place. Supervisor Carrie Jennings and Supervisor Dan Rogers accepted the amendment. The CUP will be filed with the county once completed. Motion carried by unanimous vote.

Building Inspector- Scott Qualle

Scott Qualle has been in contact with the Township attorney on the Buffington complaint and Friedges complaint. He is waiting for direction from the attorney to move forward with compliance issues.

Land Use & Zoning Issues

Kelly Brosseth- Interim Use Permit- Gravel Mine

Kelly Brosseth presented the Town Board with a formal application for an interim use level 1 gravel mining permit. The pit would operate for 1 full year. They would not operate in the winter. The permitting process was reviewed. The applicant is responsible for all costs in obtaining the permit. Supervisor Carrie Jennings will send the information to TKDA for a preliminary review and cost estimate. The \$7,500 Escrow was submitted to the clerk.

The Town Board took a 5 minute recess.

Citizen Business

A. Bev Topp- CapX2020- Citizen Task Force

Bev Topp informed the Town Board that the Citizen Task Force was organized. They submitted comments to the environmental review. They are an intervening party. They hired an attorney. Bev presented the Town Board with a handout titled "Citizen Energy Taskforce" *see attached*

The task force is a non profit organization.

Routing work group meetings for CapX 2020 are set for the end of May and beginning of June. The Township will have representatives present at the local meeting on May 28th.

B. Jacobson Resolution – Housing right retention

Supervisor Jeff Otto did some follow up on the subject. There is no ordinance language that specifically provides a sunset provision on housing rights. This property does not have a grandfathered right, there is a second property in the qtr/ qtr and the split of the property took place in 1989. Approving the retention right to the property would be an exception to current board policies.

The house is not the only building on the property. There is a barn which would maintain a principle use, if it is used for agricultural purposes. There is a registered non conforming use, which will expire in July (property transferred- use discontinued)

The Town Board discussed preserving building rights on a property. Supervisor Cory Behrendt expressed concerns that property owners would petition the Board to have rights preserved. This case would be preserving an existing right and is not creating a new right.

The Town Board could not come to an agreement, this item was tabled.

C. Pederson Resolution

The resolution presented did not introduce any new information. It is a single document that refers to the several different steps that the Board went through to determine that the property in question was a lot of record and has a housing right associated with it. Township attorney, Trevor Oliver has reviewed the document and made minor adjustments to the document.

Supervisor Jeff Otto moved for the adoption of Resolution #68. There was no second to the motion. Supervisor Cory Behrendt felt that the document does not address density. It is a buildable lot, but it does not meet density, so they cannot apply for a building permit. Density is not grandfathered. Supervisor Jeff Otto recalled advise from Attorney Jim Sheldon, that once the density requirement on the qtr/ qtr was broken, it no longer applies. He will get clarification on the density language in the resolution. Supervisor Jeff Otto withdrew his motion.
The item was tabled.

Other Business

A. Planning Commission Update

Planning Commission Chair Sharon Buckley addressed the Board. The Planning Commission scheduled a Special Meeting on Tuesday, May 27th at 7:00 pm to deal with the ordinance updates that are in progress.

B. Grant Application 1000 Friends of Minnesota

Supervisor Carrie Jennings drafted a resolution from the Town board expressing interest in applying for the grant. She presented an outline of what needs to be submitted. Current grants are for 2 years. Over a six year period up to \$100,000 may be given to the grant recipient.

A motion by Supervisor Cory Behrendt: To approve Resolution No. 68 A Resolution Permitting the Application for 1000 Friends of Minnesota Community Growth Options. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

C. Sound System- Town Hall

Supervisor Brian Budenski has received 3 bids for the new sound system in the Town hall. Brian has been in contact with Leo, from Brown Technology, the lowest bidder. He is negotiating on the cost of installation.

A motion by Supervisor Brian Budenski: To authorize up to \$7,500 for the new sound system. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Old Business

Misc. Updates

A. Terri Petter- exotic animals

The Town Board received the list of wild animals that represents what Ms. Petter keeps on her property. The list will be sent to Attorney Trevor Oliver to determine the classification of the animals.

B. Annexation- Hat Trick Property

A meeting has been scheduled with the City of Lakeville on May 23, 2008. Supervisor Brian Budenski and Supervisor Jeff Otto will meet with the Township attorney prior to the May 23rd meeting to discuss the annexation.

C. Citizen Complaint 235th St W.

There are two different properties involved in this complaint. Supervisor Jeff Otto has drafted a letter to be sent to one of the property owners. Supervisor Cory Behrendt had reviewed the letter and approved its content. Jeff is working on a draft of the letter to be sent to the other property owner. Cory will review this letter prior to it being sent.

D. Buffington

Supervisor Cory Behrendt spoke with the attorney on this issue. The attorney has not been in contact with Mr. Buffington. Mr. Buffington will be given a 10 day response time, before the attorney moves forward.

E. Interceptor 245th St.

Attorney Patrick Kelly has initiated contact but has not received any return phone calls. Supervisor Brian Budenski has been in contact with the Met Council Supervisor Mike Weber. The reconstruction of 245th is part of phase II which takes place in July. The road (gravel base) will be rebuilt to specifications that meet future blacktopping of this road.

F. Old Building Inspector

No follow up on this item

G. County Road 23 realignment

Some of the scenarios will have an impact on the very southern tip of where County Road 23 enters the Township. It is a long term futuristic plan. (15-20 years) They are trying to identify a likely route so they can build in it to the zoning to protect the easement for the future. The current proposal does not include the expansion to four lanes in Eureka Township.

H. First Park Lakeville

The City Council of Lakeville formally adopted the proposal for First Park in Lakeville. Lakeville acknowledged the receipt of our response indicating our concerns and the proposal does address them satisfactorily.

I. Chub Lake Road

Supervisor Cory Behrendt had contacted several residents. The consensus is that they would not be in favor of closing the road. The Town Board is not in favor of the installation of a public boat launch. They would prefer that the shoulder be restored with material that would support hand boat launching (Coarse material) and vegetation established on the shoulder. Supervisor Jeff Otto will follow up on this item.

J. Friedges Complaint

The Township attorney has not taken any action. He is continuing to review the case before taking any action. The Town Boards continues to take the position that the business needs to return to the impact of 2003. All activity on the property needs to take place inside the building. Wood chipping and storage is not allowed. The trucks are loaded inside the building with soil being processed inside the building.

K. Misc. Attorney Items

Prairie Creek School

The Township Attorney has not presented a quote on costs. They have not made contact with Prairie Creek School's Attorney. It has not been determined if a CUP is needed to allow for the expansion of the school.

MinnCan Right of Way

No update

Krapu CUP

The attorney needs to update the CUP from the agreement that was written. This has not been completed.

L. Ripley Complaint

Supervisor Brian Budenski spoke with Mr. Ripley on Saturday, May 10th about the open dumpster from the construction of his home. He gave him 10 days to clean up the site.

M. Hawkins Trailer

Hawkins has not responded to the letter sent by the clerk. They have not paid for the permit. The file will be sent to the building inspector for follow up.

New Business

A. Northern Natural Gas Pipeline

Northern Natural Gas is planning on installing a new section of pipeline along 225th between Highview and Flagstaff. They will be asking property owners for a 10 foot easement. They are asking what the setback requirements are from the road right of way. The Town Board agreed that the pipeline could be placed on the edge of the road right of way. Supervisor Jeff Otto will check with the Township attorney if there are any particular requirements.

B. Dodd Road Safety Audit

Dakota County completed the road safety audit. Dodd Blvd was determined to be number 8 in the county for severity of accidents for modest type upgrades. They are open to widening the road by building up the shoulders, so they are wider and safer shoulder. The Township would need to request this in the next round of capital improvements. (5 year plan) The safety audit suggested adding road edge rumble stripes to Dodd Blvd. This could happen as early as 2009 or 2010. They

also looked at 235th St, near the Miller gravel pit. Road signage is appropriate along this stretch for roadway.

C. Farmington COMP Plan Receipt

The Township has received a full set of documents for their Comp Plan. They are seeking a response from the Township by September 12, 2008.

Clerk/ Treasurer Presentation

The Clerk received a flyer from Dakota City on the 150 year. They are looking for a display from our Township. The history committee will be contacted, to see if they are willing to put something together.

Lewis Kirsh contacted the clerk about the 2007 audit. The Township has an extension thru May 15th. The clerk will set up a date with Lewis Kirsh for the audit.

Supervisor Jeff Otto asked that a policy book be assembled and a copy be made for each supervisor for reference.

A motion by Supervisor Cory Behrendt: to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 11:49 pm.