

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
May 14, 2007

Call to Order

Vice Chair Jeff Otto called the regular monthly meeting of Eureka Township to order at 7:01 PM. Members present were Supervisors Jeff Otto, Cory Behrendt, Gloria Belzer, Brian Budenski 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:

Planning Commission: B. Separately conveyed parcels

New Business: D. Agenda Format & Updates

A motion by Supervisor Cory Behrendt: To approve the agenda as amended. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Audience Comment Period

Ray Swedeen asked that the Town Board approve paying the balance of the trophy house bill for the History project. The remaining balance owed is \$524.80. The History committee is \$254.80 short of funds to cover this claim. Ray Swedeen will continue to raise funds to cover the short fall.

A motion by Supervisor Cory Behrendt: To approve the payment of \$524.80 to Trophy House for payment of the remaining history wall with the notation that the remaining contributions on hand be transferred from the History Escrow account back to the General Funds once received. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Dick Wagaman had asked the clerk to add his CUP review to the agenda. He asked that his review be placed on the agenda.

Dick Wagaman will be added to the agenda under Other Planning Commission Business B.

Minutes

The following changes were made to the April 9, 2007 Town Board Meeting Minutes: Page 4- Ordinance amendment- Include: "Definition of Lot of Record, Lot, Substandard, Chapter 3 Buildable Lots- Section 1 & 2." under- Mike Kukla add: " Ordinance 3, Chapter 3, Section C."

A motion by Supervisor Jeff Otto: To approve the minutes as amended. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

A motion by Supervisor Gloria Belzer: To adopt the Resolution No. 54 amending Zoning Ordinance No. 3. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous

vote. The Ordinance will be published in the newspaper on Saturday May 19, 2007 it will be in effect 10 days later.

Treasurer Report

The clerk/ treasurer reported a checking account balance of \$739.68. \$103,453.11 in savings and CD Balances totaling \$150,240.36. Total account balances of \$254,433.15.

A motion by Supervisor Cory Behrendt: To approve the Treasurer report of April 9, 2007 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A motion by Supervisor Gloria Belzer: To approve bills and receipts. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Cluster Agreement 7:15 pm

Calvin Pflaum and Margaret Pflaum, 5780 225th St W Farmington requested to cluster a building right on his property. (Property ID # 13-00200-010-76)

More than one dwelling on NE1/4 of SW1/4 of Section 2

No dwelling on the SE1/4 of SW1/4 of Section 2

A motion by Supervisor Cory Behrendt: To approve the cluster agreement as presented by Calvin Pflaum. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Deputy Clerk Connie Anderson was present to notarize the Cluster Agreement. Mr. Pflaum submitted a check for the recording fee to the clerk. The clerk will file the agreement with Dakota County Recorders Office. (Dakota County Recorder Document #2517175 May 15, 2007)

Road Contractor Time

Road Supervisor Jeff Otto presented a handout on possible gravel projects for 2007.

Supervisor Gloria Belzer presented information she obtained from MAT on the procedure to changing the weight restrictions on Township roads. The road supervisors will contact property owners along 225th St for input on changing the road weight limits. They will report back to the Town Board at the June Meeting.

Supervisor Jeff Otto presented a draft copy of “Road Supervisor Guidelines and Procedures”

The Road Supervisors obtained 2 quotes for Dust control

Dustcoating Inc., Savage	Magnesium Chloride .651 per gallon
	Calcium Chloride .795 per gallon
Ferrellgas of Hastings	Magnesium Chloride .785 per gallon

A motion by Supervisor Jeff Otto: To select Dustcoating Inc. to provide this service to the township for this calendar year. To go with the bid for Magnesium Chloride, which is the lowest of the three quoted. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Application of the dust control was discussed. Road Supervisor Jeff Otto acknowledged and concurred with the suggestion by Chris Nielsen, based on favorable experience by Dakota County that 2 applications be applied at half the rate. The dust control helps to stabilize the roads

especially at intersections. The road supervisors will work with the road contractor on the application of the dust control.

The Road Supervisors obtained 2 quotes for sweeping of the Blacktop roads

Environmental Enhancements, LLC, Northfield	\$97.00 per hour
Reliakor Services Inc., Shakopee	\$105.00 per hour

A motion by Supervisor Cory Behrendt: To accept the quote by Environmental Enhancements for Street sweeping as necessary by Road Supervisors. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Deputy Sheriff Charlotte Rahl addressed the Town Board on local issues. There have been some burglaries in the area and Meth lab components at abandoned farm buildings. She asked that citizens keep their eyes open and notify the Sheriff Department. ATV use on Township roads and ditches is prohibited.

Bills and Receipts

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

Besure Inspections	Inspection Services thru 4/30/07	\$4,367.30
Otte Excavating	Road Maintenance- March 2007	\$11,142.00
Dakota Electric	Electric Town Hall	\$79.75
Frontier Communications	Phone Service	\$115.01
Culligan	Water softener rent	\$23.38
Dick's Sanitation	December	\$35.29
Severson, Sheldon	Legal Services thru 3/31/07	\$1,555.22
MFRA	Services thru 3/31/07	\$3,477.10
Lakeville Printing	Newsletter	\$161.10
Georgie Molitor	Newsletter mailing	\$151.62
Nanett Champlain	Expenses thru 4/30/07	\$91.25
PERA	Pay Period 4/1/07-4/30/07	\$278.96
Elaine Hutchinson	Reimburse- overcharge permit 07-04-016	\$10.00
Mike Kukla	Overcharge on permit 07-02-011	\$25.00
IRS	May 2007 deposit	\$588.11
Dean Monson Landscape	Mowing Town hall 5-9-07	\$160.00
Trophy House	History Project	\$524.80
Nanett Champlain	Payroll period 4/1/07 to 4/40/07	\$1,697.09
Connie Anderson	Deputy pay	\$63.49
Total Bills presented		\$24,546.47

The following receipts were deposited in April:

• **Local Permits**

Andrea Krapu- Permit 06-11-024	\$7,216.83	Elaine Hutchinson- Application Fee	\$25.00
Mike Kukla- Application Fee	\$25.00	Elaine Hutchinson- Permit 07-04-016	\$219.66
Jerry Swedin- Permit- 07-04-013	\$5,965.69	Mark Pflaum-Application Fee	\$50.00
Mike Kukla- Permit 07-02-011	\$564.72	Northern Natural Gas- permit fees	\$2,025.00
Andrea Krapu-Application Fee	\$25.00	Orie Sexton Application Fee	\$25.00
Mildred Henrikson- Septic Fee	\$280.00		
Jeff Belzer-Plumbing Permit	\$60.00		
Wat Lao-Application Fee	\$25.00		

• **CUP's**

Tiller Corporation- Mining review	\$588.75	Mark Nelson- Airstrip review	\$15.00
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Other Receipts

Cash- History Fund	\$6.88	South Cedar- Newsletter Ad	\$35.00
Ray Kaufenberg- History Fund	\$20.00	Gary Smith- Newsletter Ad	\$35.00
Sharon Buckley- History Fund	\$100.00	Coreen Auge- Newsletter Ad	\$35.00
Northern Natural Gas – Bonds	\$5,000.00	Castle Rock Bank- Interest CD	\$329.38
Loren Hoppe- RASP Sign	\$25.00	Castle Rock Bank- Interest CD	\$346.11
Siegel, Brill, Greupner- copy request	\$7.40	Castle Rock Bank- Interest CD	\$555.35
Coreen Auge- Newsletter Ad	\$35.00	Dakota County- delinquent tax	<u>\$214.21</u>

TOTAL RECEIPTS DEPOSITED IN APRIL 2007 **\$23,894.33**

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

Budget

The Town Board reviewed the budget. The clerk noted that the claim added tonight and the claim by Dean Monson for the mowing of the Town hall is not reflected in the presented budget.

Lot Split/ Building Permit Approval Discussion

Supervisor Gloria Belzer talked to MAT, Gloria Pinky and Gloria Murphy, Dakota County on the lot split process.

When a property owner requests a lot split at the County it takes about two weeks to process the request and a property ID. A building permit should not be issued without a tax identifier assigned by Dakota County. Upon request of the property owner, with an approval by the Township for a split, payment of taxes and proof of ownership are required, with a written letter of request. The Town Board and the Planning Commission to write a policy. This item will be discussed at the joint meeting of the Town Board and Planning commission.

Planning Commission

Andrea Krapu

Jeff and Andi Krapu, 24315 Dodd Blvd, Lakeville requested an advertising sign permit for “Vermillion Kennels”

The sign consists of a large rock (approximately 18 sq.ft) with “Vermillion Kennels” engraved on it. The rock is located 45 feet from the center of Dodd Blvd. The road right of way at this location is 33feet.

A motion by Supervisor Cory Behrendt: To approve the Krapu sign permit request contingent to the verification from the Planning Commission. Motion seconded by Supervisor Gloria Belzer. Discussion followed that the location of the bushes were a separate issue of the sign permit. Supervisor Cory Behrendt withdrew his motion

A motion by Supervisor Jeff Otto: To approve the Krapu sign permit as presented. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

A copy of the Township attorneys opinion on this matter will be sent to Krapu's Attorney, Jerry Hayes as requested.

Wat Lao of Minnesota

Wat Lao of Minnesota, 22605 Cedar Ave requested a permit to build a 42' x 50' open pavilion over an existing slab.

The letter from Shoreland was received.

A motion by Supervisor Cory Behrendt; To approve the permit as presented for Wat Lao. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Building Permit # 07-05-017 was issued for \$958.53

Orie Sexton

Orie Sexton on behalf of Gary and Judy Petrash, 24300 Highview Ave, Farmington asked if parcel 13-01600-018-26 is a buildable lot. The survey for the parcel was filed in the Dakota County Surveyors office on August 10, 1978. The split/ Parcel ID was obtained in 1985.

A motion by Supervisor Cory Behrendt: To approve the lot split as presented contingent on the final publication of the ordinance change per Resolution #54. Motion seconded by Supervisor Brian Budenski. A friendly amendment was offered by Supervisor Jeff Otto: Contingent upon the 10 day period of publication. Supervisor Cory Behrendt accepted the amendment. Motion carried by unanimous vote.

Dennis and Linda Ripley

Dennis and Linda Ripley, 9460 235th St W Lakeville requested a lot split of their property PIN# 13-008-020-50.

A motion by Supervisor Cory Behrendt: To approve the lot split as presented contingent on final publication and 10 day publication period of Resolution #54. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Robert Ripley requested to build a 2860 sq ft 2- Story home on the split property. The letter from the Shoreland was received and a letter from Dakota County Surveyors office.

A motion by Supervisor Cory Behrendt: To approve the building permit as presented contingent upon verification to the clerk of the lot split and issuance of the property ID number. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To return the escrow for the proposed variance to Mr. Ripley. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Calvin Pflaum

Calvin Pflaum, 5780 225th St W, Farmington requested a lot split of parcel 13-00200-010-76 consisting of 153.60 acres. The new parcel will consist of 2 acres.

Calvin Pflaum, 5780 225th St W, Farmington requested a lot split of parcel 13-00100-010-50 consisting of 153.81 acres. The new parcel will consist of 2 acres.

A motion by Supervisor Cory Behrendt: To approve two lot splits as presented by Mr. Pflaum. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Calvin Pflaum requested to build a 3080 sq ft two- story house on the property split from Parcel 13-00200-010-76. The building cluster requested at this meeting will be used on this property. Shoreland approval was received. It was noted that the new home will be within 150 feet of Ag buildings. These buildings are owned by Calvin Pflaum.

A motion by Supervisor Jeff Otto: That the building permit be approved contingent on providing proof from the county of the creation of the new parcel that will contain the house. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Cheryl Monson- lot split question

Cheryl and Dean Monson, 10391 250th St W. (Property ID#13-01800-011-51) have a registered non conforming business (Monson Landscaping) on their property. The piece of property that the non conforming business is registered on consists of 20 acres. They would like to reduce the footprint of the nonconforming business to 5 acres, the Southwest corner of the property. This property would include a pole building. The created lot would not be a buildable lot.

Dick Wagaman- CUP Review

Dick Wagaman, 25791 Dodd Blvd (Property ID#13-01900-010-58) Conditional Use Permit for DGI Gunsmithing was up for review. Mr. Wagaman review runs concurrent with his 3 year Federal License. Vice Chair Jeff Otto opened the floor for public comments. Carolyn Papke asked if the business is reviewed every three years, and a citizen has a concern, how the issue will be addressed.

The Township has a process for addressing complaints. Hearing no more public comment, the public comment portion of the meeting was closed. The review process was completed. It was noted that the CUP will be reviewed in 3 years.

Planning Commission update- Chair Mike Greco

Strategic Envisioning Committee update: Committee members will continue meeting.

Town Hall Use Committee- Ken Olstad will be the Planning Commission representative

Procedure for lot of record verification- The Planning Commission asked that a letter be presented from the Dakota County Surveyors Office of verification of a survey filed in their office.

Rain Garden grant is a Dakota County program- up to a \$4,000 cost share program. Jim Davidson, Dakota County Soil and Water will meet with the Township and look at the site to see if it is a candidate for a rain garden. Mike Greco will setup a meeting.

Communications with attorney- The Planning Commission would like to be copied on non confidential communications with the attorney, to stay updated on issues.

Planning Commission and Town Board round table meeting: Thursday, May 31, 2007 at 7:00pm.
Agenda Items should be sent to the clerk.

Old Business

Storlie Pit- Dewatering

Supervisor Cory Behrendt received a proposal from TKDA on the Ordinance updates relating to dewatering. The estimated cost for their services is \$6,600. The Town Board and Mr. Storlie felt that the cost for services was high. Supervisor Cory Behrendt will look into other firms.

Clarify Communication Guidelines

Supervisor Jeff Otto presented a Resolution Clarifying Communication Policy. The following changes were made to the document: The resolution was numbered 55 and under Item 1. add: "currently" published hours.

A motion by Supervisor Jeff Otto: To approve Resolution #55. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Sauber Family Mine- Eureka Sand & Gravel Reclamation

Eureka Sand & Gravel is still working with the Sauber Family on finishing the reclamation of the gravel pit.

Windmill Gravel Mine Permit

The Town Board received a report back from TDKA. There were a few minor adjustment requested to the EWA. Supervisor Cory Behrendt will continue working with TDKA. Upon receiving the final approval from TDKA, Supervisor Cory Behrendt will forward the document to the Chair Dan Roger for signing.

Vermillion Watershed Local Plan

The Town Board received a follow up letter from the watershed on the Planning Assistance Workshops and Meetings. Several Townships are considering a joint effort on putting together a plan/ ordinance. Town Board and Planning Commission members will attend meetings to learn more about the joint efforts.

Building Inspector- Bob Hegner

Bob Hegner informed the Town Board that he completed a septic compliance test at 25155 Cedar Ave., Farmington, this house has been sold. The septic passed inspection. He is waiting for the paperwork to go through.

Vice Chair Jeff Otto informed Mr. Hegner that 2 permits (Ripley & Pflaum) were issued tonight on a contingency of receiving Property ID's from Dakota County.

The Town Board invited Bob Hegner to the Roundtable meeting on May 31, 2007 at 7:00 pm.

Friedges property- citizen complaint

The Town Board received feedback from MAT attorneys on the process to change the weight limit on Township roads. Road supervisors are working on this issue. Supervisor Brian Budenski and Supervisor Dan Rogers have not met with Friedges. The complainant has been logging noise it starts

at 6:30 in the morning and continues for 12 to 14 hours. Noise includes: Backup beeping of trucks and repeated slamming of tailgates, emptying the dirt from the trucks. The concerns include: Erosion around the septic system and amount of run off of the building roof. Has there been a lot split, which property does the business operate on?

Report on Flag Pole Lighting

Gary Smith submitted a report on the flag pole lighting. Gene Dietz paid the entire cost of the flag pole lighting.

Recording of Existing Conditional Use Permits in Eureka Township per State Statute

Supervisor Gloria Belzer presented a list of CUP's that have been issued in the Township. The Town board reviewed the list. There are several CUP's that may not be current. The clerk will send letters to property owners ask if they feel a CUP exists on their property. The letter will include a copy of the state statute and Township Ordinance. A response will be requested from the property owners. Letters will be sent to: Piper, Eide, Pepera, Adelman, Osterman, Countryside Kennel, Zender. The existing CUP's will need to be put into recordable form and recorded with the Dakota County Recorders Office. The Township will be responsible for the \$46.00 recording fee.

New Business

A. Request from Dakota County on Commercial Property

Gloria Pinke from Dakota County Assessing Services sent a letter to the Town Board requesting names of business in the Township. The Town Board will provide a list of registered non conforming businesses and Conditional Use Permits in the Township.

B. Mowing Town Hall

The Clerk received two quotes for mowing of the Town hall property,
North Country Landscapes- \$140 per mowing- weekly
Nielsen Farms- \$135 per mowing- as needed basis

A motion by Supervisor Cory Behrendt: To accept the quote from Nielsen Farm for mowing on an "as needed" basis. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Storage Locker

There was Board discussion on the placement of the storage locker. Some persons feel that it is an eye sore. Don Storlie offered to donate trees for screening around the storage locker. It was decided that it will be moved back to the old Town hall property.

Old Outhouse

The old outhouse remains on the old Town hall property. It was promised to Dakota City. The clerk will check to see if Dakota City is still interested in it and ask them to remove it.

C. Road Contract

The new road contract runs from July 1, 2007 to June 30, 2008. The same contract will be used as last year. The clerk will publish notice of Road Maintenance Contracts, to be opened at the June 11, 2007 Town Board Meeting.

D. Policy for handling citizen complaints on the agenda/ agenda formats and updates

Supervisor Cory Behrendt will draft a policy.

All citizens that need to be seen whether old or new business should be addressed under “Citizen Business” This will be after Planning Commission business.

Updates of agenda items will not be included in the agenda unless there is something to report.

E. Attorney Engagement Policy

This item will be tabled till the June 11, 2007 Town Board Meeting. At that time an attorney contact will be appointed.

A motion by Supervisor Jeff Otto: Supervisor Cory Behrendt to continue as attorney contact. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

F. Township Attorney

Supervisor Jeff Otto will research possible attorney candidates. Supervisor Gloria Belzer will forward information she had gathered previously on attorneys to Supervisor Jeff Otto.

G. Township recycling day

A note will be placed in the June newsletter, that the Town Board is looking for a citizen to organize a Township recycling day.

H. Annual Meeting Items

Landscaping- John Strunk
Sound system- newsletter
Mail box drop- Mike Greco & Clerk

The clerk reported that the printer is broken but under warranty, She is also having trouble with the computer and is working with Dell on resolving issues.

A motion by Supervisor Cory Behrendt: To adjourn. Motion seconded by Supervisor Jeff Otto.

Meeting adjourned at 11:21 pm