

Eureka Township

Dakota County

State of Minnesota

May 8, 2006 Eureka Town Board Meeting
Continued on May 15, 2006

Chair Cory Behrendt reconvened the meeting of May 8, 2006 to order at 7:02 pm on May 15, 2006. Present were Supervisors Cory Behrendt, Gloria Belzer, Dan Rogers, Gary Smith, Cheryl Monson and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of the Agenda

The agenda was reviewed. Gary Smith's business under Planning Commission had been accidentally removed from tonight's agenda, it was added after the Planning Commission update.

The Town Board discussed whether Terri Petter's CUP and Dog Kennel License discussion would continue this evening or a next month's Town Board Meeting. Supervisor Gary Smith and Supervisor Cheryl Monson had met with Ms. Petter. Terri Petter's attorney was present tonight. The Town Board decided to continue discussion on Terri Petter's permits this evening.

Zoning text change application review

The Town Board reviewed the draft application form "Request for Text Amendment to the Zoning Ordinance or Zoning Map", forwarded from the Planning Commission. The board decided to address this issue at tonight's meeting.

MinnCan Resolution

Planning Commission Chair Mike Greco and Supervisor Dan Rogers presented the Town Board with the draft resolution they prepared to address the MinnCan Pipeline issue. Documents presented by Gardens of Eagan's attorney were used as a basis for the resolution. Supervisor Dan Rogers read the resolution. Discussion of the resolution followed. The following changes were made:

Page 2-*under*- THEREFORE BE IT RESOLVED, a. *should read* "That an alternate route be selected which avoids the Township of Eureka entirely; such as collocating with existing MPL Crude Oil Pipeline easements."

Last page of document 2.- should read:

"The Township Clerk is authorized to transmit this resolution and other appropriate documents to the Department of Commerce for PUC Docket No. PL5/PPL-05-2003 and to the"...

A motion by Supervisor Gary Smith: To adopt the resolution and present it to the official authorities. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The resolution will be sent to the following officials: Department of Commerce, Administrative Law Judge, Commissioner Joe Harris, Bob Overby- Dakota County Soil and Water, Larry Hartman- Public Utilities Commission, Brian McDaniel- Met Council Representative and State Legislatures Pat Pariseu and Pat Garafello.

The Text Amendment to the Zoning Ordinance that relates to this issue is before the Planning Commission. They are in the process of scheduling a public hearing.

Friedges Landscaping Non Conforming Lot Split

The Town Board received legal council on this issue. The Town Board discussed possible scenarios of lot splits of CUP's and Non Conforming Businesses. They reviewed Friedges Non Conforming Use lot layout and property split. The building is located on Parcel B.

Discussion on this issue was tabled, so that Terri Petter's item scheduled for 8:00 pm could be addressed.

Terri Petter

Jerrie Hayes, Council for Ms. Petter presented a timeline of Conditional Use Permits on Terri Petter's property. Board discussion between Terri Petter, her attorney and the Town Board followed.

The 1999 CUP is for the same property as Spirit Ranch I, thus there are 2 CUP's for one property. Board concerns included that the number of dogs were restricted on the 1999 CUP, that there were no stated number of dogs on the Spirit Ranch I CUP, although the facilities outlined as a dog kennel on the Spirit Ranch I CUP includes 7 dog kennels, which limits the number of dogs that can be boarded. To increase the size of the kennel an amended CUP would need to be applied for.

A motion by Supervisor Gary Smith: That the Town Board asks Terri Petter to rescind the 1999 Conditional Use Permit issued on her property, located at 24005 Dodd Blvd. Motion seconded by Supervisor Cheryl Monson.

Supervisor Cory Behrendt offered a friendly amendment that the township attorney works with Terri's attorney to provide the documentation for the relinquishment of the permit, that both parties can sign. Supervisor Gary Smith accepted the amendment.

The following statement was made by Jerrie Hayes, Ms. Petter's Attorney: Terri Petter is willing to relinquish the right, title and interest to the 1999 CUP on Spirit Ranch I, but not as a condition to approval of the 2003 permit with the understanding that they are doing it to facilitate the renewal of the 2003 CUP. Terri's attorney would draft an agreement that would be signed and notarized tonight.

Supervisor Cory Behrendt withdrew his amendment. Gary accepted the withdrawal.

Supervisor Cheryl Monson offered a friendly amendment stating that rescinding the 1999 CUP does not affect the issuing of the 2003 permit. Supervisor Gary Smith accepted the amendment. A vote was taken on the friendly amendment and it passed with one dissenting vote. A vote was taken on the motion; it passed with one dissenting vote.

A motion by Supervisor Cory Behrendt: To approve the review of the Spirit Ranch I and Spirit Ranch II Conditional Use Permits of 2006. Motion seconded by Supervisor Cheryl Monson. The motion carried with one dissenting vote. Supervisor Gloria Belzer offered the following reasons for her dissenting vote: She believes the 1999 Conditional Use Permit that exists is the 1999- 7 kennel permit. She also believes that to change it, there are procedures in the ordinance that were not followed by the applicant or the Town Board. The CUP would need to be amended through this process, which includes a public hearing and the notification of the change to the neighbors. Information stated in the minutes and the CUP's issued are conflicting, the CUP'S expire in 2004, which makes it ineffective after the stated date. (Sunset clause)

The clerk stated that the Kennel License had not been issued for 2006. She will check the minutes and inform the board, if it had been issued.

Friedges Landscaping Non Conforming Lot Split

The Town Board decided not to continue discussion on this issue. It was tabled until the June Town Board Meeting.

Application for Verification of Non Conforming Use

The verification form would be used when a Non Conforming Use is brought before the Town Board for a change or modification. This form would be filled out to provide evidence that the business does meet or satisfy a Non Conforming Use status. A person would identify that the business was in existence before the zoning change and is entitled to the rights of a Non Conforming Use. Discussion was tabled until June Town Board Meeting.

Road Review Recommendation

Planning Commission has compiled items that are in immediate need. (See Item 4. of May 1, 2006 Planning Commission Meeting Minutes.)

A motion by Supervisor Cory Behrendt: To have the two road supervisors along with the maintenance contractor to replace the needed traffic signs that are of significant safety hazards, replacement of other signs will be discussed at a later date. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Town Board Supervisors were asked to compile their notes on road rankings, from the annual road inspection and to submit them to the clerk.

Round Table Discussion Items

Move to June Town Board Meeting

Planning Commission Update

Planning Commission Chair Mike Greco asked for clarification of the emergency road contact procedures. Order of contact is Road Supervisors, Clerk, Road Maintenance Contractor and as a follow up other town board members.

Planning Commission Member Nancy Sauber asked to attend 2 additional training sessions. A motion by Supervisor Cheryl Monson: To allow Nancy Sauber to attend the two classes and to reimburse her for them. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

MN Association of Township handbook is available for \$10.00, the Planning Commission asked for 5 copies, one for each Planning Commission Member. A motion by Supervisor Cory Behrendt: To approve the purchase of the MAT handbook for any planning commission member or Town Board member that indicates that they need one. To be purchased by the clerk. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The Planning Commission established the policy of accepting applications and completion of applications. A checklist is being developed for the acceptance of applications.

The Planning Commission will be interviewing Planning Consultants next week.

Dog Kennel License renewal for Spirit Ranch I

The Town Board had not completed the renewal of the Dog Kennel License for Spirit Ranch I.

Public comments on Spirit Ranch I had been opened on May 8, 2006; there were no citizen comments on the operation of the kennel.

A motion by Supervisor Cory Behrendt: To renew the dog kennel license for Terri Petter for the year 2006. Motion seconded by Supervisor Cheryl Monson. Supervisor Cory Behrendt amended the motion: at Spirit Ranch I, located at 24005 Dodd Blvd. Supervisor Cheryl Monson accepted the amendment.

Discussion followed: Are conditions allowed on a kennel license including the number of dogs, cleanliness, barking, etc. In the Ordinance 3, Chapter 7, Section 2 Private Kennel addresses these issues. A kennel license is renewed annually. A vote was taken on the friendly amendment, it passed. A vote was taken on the motion, it passed by unanimous vote.

Supervisor Gary Smith excused himself from board discussion on the next item.

Portable building/ requiring of Building Permit

Gary Smith is planning to place a portable building 36' x 80' on his property. It is vinyl with a metal frame; it is anchored to the ground with screw anchors. The building will be used for machinery, hay storage and animal use.

The existing policy of the Town Board - Buildings that are not permanently attached to the ground do not require a building permit. The town board did not feel that a permit would be required for Mr. Smith's building.

Contractor Time

Road Sign Update- was addressed during Planning Commission business.

Dan Rogers has been unable to make contact with Dakota County on the Reflecto meter and placing of heavy hauling signs.

Boat Landing- according to County officials and County maps there is no public access to Chub Lake. The township may post the area; stating that it is not a boat landing. Erosion at the lake access point continues to be a problem. Road Supervisor Dan Rogers and the Road maintenance contractor will post proper signage.

Tiling 225th St.

Gary Smith reported that 225th Street is too low- that there is not enough depth to make tiling work correctly. Two tiling lines side by side, forming a "V" shaped drain might work. The cost of the 4 drain tiles would be approx. \$2,300.

There is also a tree on the south side of the road that would need to be removed, if the road is tiled. (roots would plug the tiling) cost of removal \$1,000.

An alternate to tiling would be to install a textile mat. The price of the mat would be approx. \$1,400. Installation would be approx \$1,000, plus an 8" to 12" gravel fill over the mat.

A motion by Supervisor Cory Behrendt: To pursue the matting of 225th St at the bridge- east of Essex Ave., to install the matting and needed gravel. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

At this time it was after 10:00 pm. The town Board reviewed the remaining agenda. There was one citizen present to address the Eureka Estates complaint. North Cannon River WMO and appointing a new township attorney will be moved to another meeting.

Road Gravel Quotes

Eureka Sand and Gravel and Malecha Trucking submitted quotes for gravel hauling on township roads. Malecha Trucking submitted the lowest quote.

A motion by Supervisor Gary Smith: To accept Malecha Trucking quote dated May 1, 2006 for gravel and Limestone projects and spot graveling of township roads. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

Hard Road Surface Quotes

Supervisor Dan Rogers is in the process of obtaining quotes, table till the June Town Board Meeting.

Eureka Estates Complaint Update

The town board received a letter today expressing concerns that several property owners have not brought their property into compliance with Township Ordinances. They are asking the town board to enforce the ordinances. The township attorney advised that the township could file civil action or continue with the letter writing campaign. The town board will wait for further action until the new township attorney is appointed; this will be one of the first business items addressed by the new attorney.

Of the property owners that have received letters, Mike Zurek is the only property owner that sent a letter that he is in compliance, the town board accepted his letter and feel he is in compliance. Other respondents were in the process of bringing their property into compliance and have not fulfilled their obligations.

Supervisor Gloria Belzer will work with the clerk on putting together a list of non compliant property owners and the current status of their compliance. This will be presented to the town board for the June Meeting.

Cross Nursery Update

Brian Watson, Dakota County Soil and Water have set up a meeting with Mr. Cross to inspect the property.

Wat Lao Update

Supervisor Gloria Belzer and Supervisor Gary Smith inspected the property. There were a several small shacks near the river and garbage, plastic bags, debris and a truck. A letter will be sent to Wat Lao asking them to clean up property.

Northern Lights Pipeline

Supervisor Cory Behrendt setup a meeting with a representative on Wednesday, May 17, 2006 at 2:30 pm to receive maps and information. This will be an open discussion item at the June Town Board Meeting.

North Cannon River WMO Ordinance

The Town Board set a Special Meeting date to address the proposed ordinance for Tuesday May 23, 2006 at 7:00 pm. Appointing the new township attorney will also be discussed at this meeting.

Designate Official Bank and Renewal of CD will be addressed at June Town Board Meeting

Lawn Mowing Quotes for Township properties

Three quotes were received. Certificate of Liability Insurance was received by Erik Leine.

A motion by Supervisor Cheryl Monson: To accept the lowest mowing quote, this was submitted by Erik Leine. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Items from Annual Town Meeting

These Items will be tabled until June Meeting, except for artwork in town hall and advertising in newsletter.

Newsletter- advertising/ artwork display in Town Hall

Carolyn Papke presented a sample document for displaying artwork in the town hall and advertising in the newsletter. Discussion on these two items was tabled until the June Town Board Meeting.

The town board received a letter of interest from the Davis Family for the Old town hall. This letter will be kept on file for future reference.

Clerk/ Treasurer Presentation

The clerk asked that garbage service be obtained for the town hall. Supervisor Cory Behrendt will follow up on this request.

Supervisor Gary Smith will work with the road contractor on graveling projects, starting with priority projects, and staying within the budget.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gary Smith.

Meeting adjourned at 11:00 pm.