

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Town Board Meeting  
May 8, 2006

**Call to Order**

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:04 PM. 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.

**Audience Comment Period**

None

**Approval of Agenda**

The following additions were made to the agenda:

2. e. MinnCan Project 1. Atina Diffley 2. Don Storlie
3. Planning Commission Update

A motion by Supervisor Cheryl Monson: To approve the agenda as amended. Motion seconded by Supervisor Gary Smith Motion carried by unanimous vote.

**Minutes**

A motion by Supervisor Cheryl Monson: To approve the March 16, 2006 Board of Canvas Meeting minutes as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The following addition was made to the April 10, 2006 Town Board Meeting: Continued Meeting on April 11, 2006- page 2, add to road maintenance "and payment bond" Supervisor Cheryl Monson was not in attendance at either meeting. (Remove her name from attendance) April 11<sup>th</sup>- the meeting adjourned at 10:15 pm.

A motion by Supervisor Gloria Belzer: To approve the minutes of the April 10<sup>th</sup> Town Board Meeting, and continued minutes from April 11, 2006 as amended. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The following addition was made to the April 27, 2006 Round Table Meeting: Under Cory Behrendt's presentation add: "*see attached spreadsheet*"

A motion by Supervisor Dan Rogers: To approve the April 27, 2006 Round Table Meeting Minutes as amended. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

The following addition was made to the April 29, 2006 Road Inspection Minutes: Add Road Maintenance Contractor, Chris Nielsen to the attendance list.

A motion by Supervisor Gloria Belzer: To approve the April 29, 2006 Road Inspection minutes as amended. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

## Treasurer's Report

Treasurer Nanett Champlain reported that there is \$1,585.45 in checking, \$166,404.40 in the savings account and \$144,053.32 in CD investments. Overall total of accounts are \$312,043.17.

Motion by Supervisor Gloria Belzer: To approve the treasurer report as presented. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

## Bills and Receipts

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

<b>BeSure Inspection Services</b>	April 2006 Inspection Services	<b>\$4,741.60</b>
<b>Farm Road Services</b>	Road Maintenance- April 2006	<b>\$9,027.00</b>
<b>Farm Road Services</b>	Magellan Pipe repair	<b>\$75.00</b>
<b>Dakota Electric</b>	Electric Town Hall	<b>\$55.49</b>
<b>Frontier Communications</b>	Phone Service	<b>\$118.43</b>
<b>Culligan</b>	Water softener rent	<b>\$23.38</b>
<b>ECM Publishers, Inc.</b>	Legal ads	<b>\$120.50</b>
<b>Dakota County Treasurer</b>	Salt and Sand	<b>\$1,188.00</b>
<b>North Cannon WMO</b>	2006 member Dues	<b>\$1,103.89</b>
<b>Eureka Sand And Gravel</b>	Magellan Pipe repair	<b>\$117.04</b>
<b>Nanett J Champlain</b>	Expenses thru 5/9/2006	<b>\$162.53</b>
<b>Earl Schindeldecker</b>	Election judge	<b>\$55.00</b>
<b>Carol Smith</b>	Election judge	<b>\$40.00</b>
<b>Cheryl Schindeldecker</b>	Election judge	<b>\$30.00</b>
<b>Gloria Belzer</b>	Election judge	<b>\$50.00</b>
<b>Barb Bachman</b>	Election Judge	<b>\$135.00</b>
<b>Pat Fossum</b>	Election Judge	<b>\$85.00</b>
<b>Marlys Shirley</b>	Election Judge	<b>\$50.00</b>
<b>Julie Pflaum</b>	Election Judge	<b>\$80.00</b>
<b>Marlene Swantek</b>	Election Judge	<b>\$50.00</b>
<b>Mary Ann Michels</b>	Mileage April 2006	<b>\$5.34</b>
<b>Nanett Champlain</b>	Payroll 4/1/06 to 4/30/06	<b>\$1,651.37</b>
<b>Pat Fossum</b>	Cleaning Town Hall- April 2006	<b>\$83.11</b>
<b>Mary Ann Michels</b>	Payroll 4/1/06 to 4/30/06	<b>\$268.40</b>
<b>Murnane, Brandt</b>	Legal services thru 3/30/06	<b>\$1,904.00</b>
<b>Minnesota Pipeline And Equipment</b>	Culvert	<b>\$1,502.08</b>
<b>PERA</b>	Payroll 4/1/06 to 4/30/06	<b>\$259.23</b>
<b>Total Bills presented</b>		<b>\$22,981.39</b>

There are 2 items to be billed back to Magellan Pipeline for road and ditch repair on 267<sup>th</sup> St. W- Farm Road Services \$75.00 and Eureka Sand and Gravel \$117.04.

The Town Board reviewed the Murnane and Brandt attorney bill. The Town Board discussed the item billed on March 29, 2006, it was a Conference with Dick Thompson, from TDKA regarding planning and engineering. Was this item initiated by a Town Board member? Supervisor Cory Behrendt will check on the nature of this item and under whose direction.

A motion by Supervisor Dan Rogers: To approve the bills and receipts, so noting the March 29, 2006 item in question on the attorney bill. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

The following receipts were deposited in April:

- **Building Permits**

Tami Ahlgren-Zoning Permit Application	\$25.00	Dale Leine- ag building	\$25.00
Dale Leine-Zoning Permit Application	\$25.00	Tami Ahlgren- swimming pool permit	\$658.06
John Eckdahl-Zoning Application	\$25.00	Loren Hoppe- Building permit 06-04-00	\$5,844.39
Ross- Building permit 06-04-006	\$423.46		

- **CUPs**

Mary Rocchio- application CUP	\$250.00	Mark Nelson- CUP Review	\$15.00
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- **Other Receipts**

Dale Leine- Ordinance Book	25.00	Alice Storlie-Ordinance Book	\$25.00
Dakota County- delinquent taxes	\$468.41		

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**TOTAL RECEIPTS DEPOSITED IN APRIL** **\$7809.32**

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

### **Budget**

The Town Board reviewed the budget.

### **MinnCan Pipeline Project**

Gardens of Eagan attorney presented a sample resolution for the Town Board to consider using in response to the MinnCan Pipeline crossing Eureka Township. Atina Diffley, Gardens of Eagan explained the impact on organic farming if the pipeline goes through their property.

Butch Hansen and Don Storlie asked that the town board allow the transfer of building right to another piece of property. They have filled out an application for a text amendment change to the Zoning Ordinance. At this time they did not officially submit the application.

MinnCan pipeline discussion was tabled until later in the meeting, so road bids could be opened.

### **Open Road Maintenance Contract Bids 8:00 PM**

The township received two bids for the 2006 to 2008 road Maintenance Contract. One bid was received after the 2:00 PM deadline on May 1, 2006.

The Town Board discussed whether to accept the bid for review that was received on time or to recall for bids.

A motion by Supervisor Gary Smith: To accept the bid for review that was submitted on time. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The bid that was received after the bid submittal deadline will be returned to the submitter, unopened.

The bid received by Rud Construction was opened and read. No representative was present from Rud Construction. The town board felt they needed to discuss the bid and road maintenance contract with Rud Construction before awarding the Road Maintenance Contract. Town Board's discussion included concerns of the performance, of the same contractor in the maintenance of township roads in a previous road maintenance contract. The Clerk will ask Rud Construction to be present at the June Town Board Meeting to discuss and review the bid and the road maintenance contract.

A motion by Supervisor Cory Behrendt: To table the bid acceptance, following discussion with Rud Construction at the June Town Board Meeting. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

## **Planning Commission**

### ***Consent Agenda Items:***

**Mitch Malone-** 9320 267<sup>th</sup> St W Lakeville (Property ID 13-02900-030-57) asked for a permit to build a 50'x70' garage with 14' sidewalls for personal use. A motion by Supervisor Cheryl Monson: To approve the request as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

**Dwight and Donna Pederson-** 24875 Dodd Blvd, Lakeville (Property ID 13-01800-015-52 & 13-01800-010-53) Mr. Pederson owns a piece of property with a grandfathered building site. This parcel contains a pole building. Mr. Pederson would like to realign the property borders, so that the pole building is located on the same parcel as his residence. He wants to make sure that the buildability of the remaining lot will remain if he changes the size of the parcel.

The town board will obtain an attorneys opinion for the June 12, 2006 Town Board Meeting.

## **Text Amendment Change of the Zoning Ordinance**

Ken Malecha and Clyde Thompson submitted an application for a text amendment change to the zoning ordinance. The Planning Commission accepted the application as complete on March 23, 2006. A public hearing has been scheduled for May 16, 2006. The initial 60 day rule deadline is May 22, 2006. The Town Board feels it needs additional time to make a thorough decision. Written notice will be sent to Mr. Malecha and Mr. Thompson informing that a 60 day extension will be taken by the Eureka Town Board. The additional time will allow the town board to research and gather information to make a decision on the request.

A motion by Supervisor Gary Smith: To file for an extended 60 day, giving notice to the applicant on the decision. Motion seconded by Supervisor Cheryl Monson. A friendly amendment was offered by Supervisor Cory Behrendt reason being to give enough time to make an adequate decision based on the impact of the decision on our current Ordinances and Comprehensive Plan. Gary accepted the friendly amendment. Vote was taken on the amendment and it passed. Vote was taken on the motion and it passed by unanimous vote.

A motion by Supervisor Dan Rogers: To set the escrow requirement for the request of the text amendment change at \$1,000. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

**Richard Patten-** 8995 Upper 240<sup>th</sup> St W Lakeville, Property ID # 13-24660-070-02 requested a permit for a 36'x60' pole building with 12' sidewalls for personal use. The Town Board had concerns of the setback of the building to lot lines. Mr. Patten had located two of the corner survey markers on his property. The Town Board is asking that the building inspector check the location of the proposed building as to set backs from the property line. If a determination of the location of the property line is in question, then Mr. Patten will need to obtain a survey of the property before the building permit is issued.

A motion by Supervisor Cheryl Monson: To allow Mr. Patten to move ahead with the building of the pole shed, with Mr. Hegner checking the set back, if not determined then request a survey. Motion seconded by Supervisor Cory Behrendt. Supervisor Gloria Belzer offered a friendly amendment to

verify the setback with the current survey markers in place. Supervisor Cheryl Monson accepted the amendment. The amendment was voted on and passed. The motion was voted on and passed by unanimous vote.

### **Elko/ New Market Interceptor Line**

Robert O'Connell from Boonestroo and Associates presented an update on the Elko/ New Market Interceptor Line. The facility plan was approved in March. The approved route runs along 245<sup>th</sup> St in Eureka Township and then along the east side of Dodd Blvd into Lakeville. The 30 day comment period for the Environmental Assessment worksheet will start sometime in June. The design is going to take place in three stages. Phase one will start in New Market Township and continue to 235<sup>th</sup> St and Dodd. The second Phase will start at approximately 235<sup>th</sup> St and run into Lakeville. (at the location of the lift station) The met council will be mailing a fact sheet to everyone in the township in the next two weeks. Land acquisition takes 9-10 mos. Construction will begin next April- Phase 1 to be completed September 2008. Roads will remain open during construction.

### **MinnCan Pipeline *Continued***

Chair Supervisor Cory Behrendt presented information on the MinnCan project and the process for approval of the pipeline. He referred to a letter from Dakota County. *See attached letter- addressed to Lynn Moratzka.* Public hearings on the "need permit" will be held in August to September.

The town board discussed the possibility of allowing TDR (Transfer of Development Right) in the township. Comments included that the Comprehensive Plan would not necessarily need to be changed, only if zoning related to it changed. As long as the density remained the same, the COMP Plan would not need to be changed. Allowing TDR would be an extensive process, very complex, it should probably be put on a referendum.

Supervisor Gloria Belzer presented information on TDR. *See attached document*

Options the Town Board discussed included the possibility of the pipeline bypassing the township, the use of existing right of ways- existing pipeline, road right of ways and along lot lines. The town board also discussed the possibility of allowing TDR's to increase the property value and the hiring a planner that is familiar with the TDR's.

Town Board's discussion included comments that a planner needs to be hired to investigate the option of allowing the transfer of development rights in the township, this needs to be done in an orderly fashion.

Supervisor Cory Behrendt offered a statement that: The township acknowledges that it is on the cusp of development, that we are close to high development areas and that we feel property within the township should be considered for the near term development potential. A resolution will be drafted stating the Town Boards position.

A motion by Supervisor Cheryl Monson: To table discussion, to continue discussion within the next 7 days, to have an attorney opinion on the transfer of building rights or have an attorney present to help work through it and to move onto Terri Petter's dog kennel and to conclude by 11:30 pm. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The Town Board Meeting will continue on Monday, May 15, 2006 at 7:00 pm.

Supervisor Cheryl Monson will contact a Dakota County Planner and ask him to attend the May 15, 2006 meeting to advise the Town Board on TDR's. Planning Commission Chair Mike Greco and Town Board Supervisor Dan Rogers will draft a resolution to be reviewed at the May 15, 2006 Town Board Meeting.

**Terri Petter- *Public Dog Kennel License Renewal and CUP Review for Spirit Ranch I and II***

The Town Board received a response this evening from their attorney, Peter Tiede addressing the CUP's on Terri Petter's property. The town board felt it needed time to review the document before coming to a conclusion on status of the permits. Supervisor Cheryl Monson suggested that 2 supervisor's work with Ms. Petter on solving the issues.

Dan Storlie stated that they have seven dog kennels, that there are only a reasonable amount of dogs that you can have in seven dog kennels and they have been boarding as many dogs as they want and there hasn't been any complaints. Terri Petter stated that they can not extend the dog kennel because she is in Shoreland, she can't add a building because she is in Shoreland, and she can't expand what she has. She has 7 kennels.

A motion by Supervisor Dan Rogers: That two board members set down with Terri Petter and come up with a working plan for the dog kennel, Spirit Ranch I and Spirit Ranch II CUP's. The plan will be presented to the town board for review and approval. Motion seconded by Supervisor Cheryl Monson. Motion carried with one dissenting vote. Supervisor Gloria Belzer felt the discussion should be done by the entire Town Board and an attorney should be present.

Supervisor Cheryl Monson and Supervisor Gary Smith will meet on Wednesday, May 10<sup>th</sup> at 12:30 pm with Terri Petter.

At 11:37 PM Chair Supervisor Cory Behrendt called for recess of the meeting until Monday May 15, 2006 at 7:00 pm.