

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
June 4, 2008

Town board members present were Brian Budenski, Jeff Otto, Carrie Jennings, Dan Rogers and Cory Behrendt.

Clerk/ Treasurer Nanett Champlain to record minutes

Township Attorneys Patrick Kelly and Christine Swanson

Call to Order

Chair Jeff Otto called the Special Meeting of the Eureka Town Board to order at 7:03 pm.

The meeting opened with the Pledge of Allegiance.

Agenda

Lakeville Annexation

MN Pipeline Crossing on Essex Ave

Update on Kelly Brosseth Application for Interim Use Permit- Gravel Mine

Lakeville Annexation

A meeting was held 10 days prior to this meeting to discuss the Hat Trick Annexation. Those in attendance included Supervisor Brian Budenski, Supervisor Jeff Otto, Township Attorneys Patrick Kelly and Christine Swanson. City of Lakeville representatives included Steve Mielke- City Administrator, David Olson- Community and Economic Development Director and Lakeville City Attorney Joel Jamnik.

The Lakeville City Council has given the City Administrator the go ahead to proceed with annexation by Ordinance. This gives the Township limited opportunity to negotiate compensation for loss of real estate taxes, etc. Lakeville has indicated that they are willing to compensate the Township for loss of real estate taxes. They are willing to pay 6 year of real estate taxes. The townships share of the taxes is \$1,200 a year, a total of \$7,200.

The annexation public hearing is scheduled for June 16th.

The average settlement agreements for cites average \$12,000 to \$50,000.

Because statutory annexation has started the Township basically has 2 options:

1. Proposal with a monetary figure, that the Township will be compensated for not opposing the annexation.
2. Fight it in court through the ALJ process.

Lakeville and Lakeville's City Attorney is willing to talk and work out some type of settlement.

Town Boards discussion of a settlement amount ranged from \$25,000- \$30,000 for future Planning and \$7,200 compensation for real estate taxes from Lakeville.

A motion by Supervisor Cory Behrendt: to allow Supervisors Jeff Otto and Supervisor Brian Budenski to carryout negotiations to final agreement with our Township attorney and City of Lakeville using our discussions as guidance. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

The Township attorney will draft a letter to Lakeville and inform them of the negotiations.

MN Pipeline Crossing on Essex Ave

Minnesota Pipeline Company LLC (MinnCan Project) needs to open cut the crossing at Essex Ave. The original application presented on January 28, 2008 called for boring under the roadway.

See attached e-mail from Tom Jones dated May 29, 2008

Escrow/ Letter of credit and an agreement were discussed with the Township attorney.

A motion by Supervisor Jeff Otto: To authorize the attorney to formulate an agreement to be used with MN Pipeline Co. LLC to provide for their ability to construct and provide the Township protection for necessary reconstruction of our road. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Update on Kelly Brosseth Application for Interim Use Permit- Gravel Mine

Kelly Brosseth was present to address the Town Board. He presented a binder to be distributed to the Planning Commission for their Special Meeting on June 6th. He will only be applying for a level one permit.

The need for an EAW was discussed.

A motion by Supervisor Cory Behrendt: That the Town Board waive the Environmental Assessment Worksheet requirement as there has been no clear environmental concerns presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Supervisor Cory Behrendt moved to adjourn. The motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 8:10 pm.