

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting  
June 8, 2009

#### **Call to Order**

Chair Jeff Otto called the meeting to order at 7:03 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Jeff Otto, Dan Rogers and Carrie Jennings. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

#### **Approval of Agenda**

**Citizen Business:** B. Wintron.

**Other Business:** C. Industrial/ Commercial Taskforce (move other items down)

**Old Business:** 7. Ditch Mowing (move Other Misc. updates down)

A motion by Supervisor Brian Budenski: To approve the agenda as modified. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

There were no public comments.

#### **Law Enforcement Firing Range**

Chief Deputy Dave Bellows and Sergeant Scott Durdall were present to address the Town Board on the Law Enforcement Firing Range. The Sheriff's Office has partnered with Lakeville Police and the Metropolitan Airport Commission (MAC) for the use of a gun range located on the MAC property. The current range is located east of Cedar Ave. and south of 225<sup>th</sup> St. The MAC has a different use planned for this site and desires to relocate the firing range. They are planning on moving the gun range to MAC property located south of the airport east of Highview Ave. and north of 225<sup>th</sup> St. (PID # 13-00400-020-25) *See attached maps*. A 15-20 foot berm will be built in a horseshoe shape. Work on the site will be done in late summer or early fall. The site will be used only for the Dakota County Sheriff's Department and the Lakeville Police Department. The Sheriff's Department has 80 staff. They qualify three times a year; Lakeville police qualify three to four times a year. Both departments train and qualify about the same time of the year. The berm should muffle noise. They do not shoot on weekends; they have one night shoot.

The Town Board had concerns with lead at the current site and the proposed site. They asked if a liner would be installed to contain the lead and to prevent leaching into the groundwater. Chief Deputy Dave Bellows commented that any negative effects from the lead at the existing site will be mitigated as well as any at the proposed site. Supervisor Dan Rogers will contact the MAC on lead concerns and Federal requirements regulating lead containment. The Town Board asked that neighbors near the new site be informed that the firing range is being moved, so that they are aware that shooting will take place on the neighboring property.

The Clerk asked that Leland Dilley's Cluster be moved up on the agenda. A notary public was present and was not able to stay late at the meeting.

## **B. Land Use & Zoning Issues**

### **1. Leland Dilley- Building Right Cluster**

Leland Dilley requested a cluster on Property ID #13-03600-011-75. This property consists of 125.73 acres. Mr. Dilley desires to build more than one dwelling unit on the NE 1/4 of the SE 1/4 of Section 36, Township 113, Range 20. No dwelling unit on the NW 1/4 of the SE 1/4 of Section 36, Township 113, Range 20.

A motion by Supervisor Brian Budenski: To approve the Building Right Cluster of Leland Dilley Property ID #13-03600-011-75. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

### **2. Leland Dilley- Lot Split Approval**

Leland Dilley requested a split on Property ID #13-03600-011-75. This property consists of 125.73 acres. He is creating two lots for the two building rights in the NE1/4 of the SE1/4 of Section 36. (The second building right is from the cluster approved above) Parcel A consists of 2.5 acres and Parcel B consists of 5.945 acres.

A motion by Supervisor Carrie Jennings: To approve the proposed lot split creating two lots by Leland Dilley. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

## **Approval of Minutes**

The following corrections were made to the May 11, 2009, Town Board Meeting Minutes: Page 6- 2<sup>nd</sup> paragraph second to last sentence change "agreeable amount" to "agreeable reduction". The last sentence add: "credit" after "\$1,000." Page 7- 4<sup>th</sup> paragraph from bottom, second to last sentence should read " Frost boils that appeared this spring have been dug and filled with ..." Page 10- **Use of Town Hall Picture** student's name is C.J. Becker. **Bounty on Pocket Gophers-** add "in the e-mail." after "listed."

A motion by Supervisor Jeff Otto: To approve the May 11, 2009, Town Board Meeting Minutes as corrected. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The following corrections were made to the Special Town Board Meeting of May 15<sup>th</sup>: First line "board" should be capitalized and add an apostrophe to "Clerks." The summary statement in the closed meeting should be added to the open meeting minutes:

Summary of closed session:

In the closed session the Town Board discussed the likelihood of litigation to enforce zoning codes against the Friedges Holdings Co. (Country Stone). The discussion ended with the Board telling the Attorney how to proceed.

A motion by Supervisor Brian Budenski: To approve the minutes of the Special Town Board Meeting of May 15<sup>th</sup> as amended. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

## Treasurer's Report

Checking Account Balance: \$93.07. Savings Account Balance: \$112,367.54. CD Account Balances: \$166,029.03. Total Account Balance: \$278,489.64.

The Town Board asked that the itemized Attorney bill be emailed to all Supervisors for their information. The credit from last month was deducted from this month's bill.

The amount the Township has paid on the Sauber mine reclamation issue to date is \$8,279.32. The Town Board discussed who is going to pay this amount back. The Township has a letter of credit from Eureka Sand and Gravel. Chair Jeff Otto will check with the Attorney.

A motion by Supervisor Jeff Otto: To approve the Claims List and the Net Pay Accounts Distribution as presented. Motion seconded by Supervisor Dan Rogers. Roll call vote was taken on the motion. Supervisor Carrie Jennings-aye, Supervisor Brian Budenski-aye, Supervisor Jeff Otto-aye, Supervisor Nancy Sauber- aye and Supervisor Dan Rogers-aye. The Bills were approved by unanimous vote of Supervisors.

## Bills and Receipts

The clerk presented the following bills for payment:

<b>Otte Excavating</b>	Road maintenance thru 5/31/09	<b>\$17,159.00</b>
<b>MNSPECT Inc.</b>	Inspection Services May 2009	<b>\$1,947.05</b>
<b>Dakota Electric Association</b>	Town Hall	<b>\$74.96</b>
<b>Frontier Communications</b>	Phone Service Town Hall	<b>\$124.57</b>
<b>Culligan</b>	Water Softener Town Hall	<b>\$23.43</b>
<b>Dick's Sanitation</b>	Garbage Service	<b>\$39.89</b>
<b>TKDA</b>	Sauber 3-29-09 thru 4-25-09	<b>\$1,083.34</b>
<b>ECM Publishers</b>	Legal Ads	<b>\$238.00</b>
<b>Kelly &amp; Lemmons</b>	Legal Services thru May 31, 2009	<b>\$9,514.87</b>
<b>IRS</b>	Deposit 941 June 2009	<b>\$1,147.99</b>
<b>PERA</b>	Payroll Period 5/1/09 to 5/31/09	<b>\$284.71</b>
<b>Nanett Sandstrom</b>	Expenses 5-8-09 to 5-31-09	<b>\$40.99</b>
<b>ALF Ambulance</b>	Administrative Fee	<b>\$500.00</b>
<b>Dakota Co. Township Officers Assn.</b>	2009 JPA Pump Maintenance Program	<b>\$1,470.15</b>
<b>Resource Strategies</b>	Rural Collaborative Planning	<b>\$2,000.00</b>
<b>Earl F. Anderson</b>	Road Signs	<b>\$452.76</b>
<b>Dubbles Lawn Service</b>	Mowing Town Hall	<b>\$200.00</b>
<b>Dust Coating</b>	Dust control	<b>\$22,304.00</b>
<b>Eureka Sand &amp; Gravel</b>	Road Gravel	<b>\$24,264.12</b>
<b>Castle Rock Materials</b>	Limestone	<b>\$16,579.37</b>
<b>Dan Christensen</b>	Refund overcharge building permit	<b>\$77.27</b>
<b>State of MN</b>	Withholding 2 <sup>nd</sup> Qtr	<b>\$277.03</b>
<b>Dan Rogers</b>	Town Board Payroll 2 <sup>nd</sup> Qtr 2009	<b>\$544.86</b>
<b>Jeff Otto</b>	Town Board Payroll 2 <sup>nd</sup> Qtr 2009	<b>\$729.56</b>
<b>Brian Budenski</b>	Town Board Payroll 2 <sup>nd</sup> Qtr 2009	<b>\$498.69</b>
<b>Carrie Jennings</b>	Town Board Payroll 2 <sup>nd</sup> Qtr 2009	<b>\$775.74</b>
<b>Kenny Miller</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$230.87</b>
<b>Sharon Buckley</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$230.87</b>
<b>Ken Olstad</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$267.81</b>
<b>Vincent Mako</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$378.63</b>

<b>Cheryl Groves</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$157.00</b>
<b>Pete Storlie</b>	Planning Commission Payroll 2 <sup>nd</sup> Qtr	<b>\$157.00</b>
<b>Nanett Sandstrom</b>	Clerk/ Treasurer Payroll Period 5/1/09 to 5/31/09	<b>\$1701.33</b>
<b>Total Bills Presented</b>		<b>\$105,475.86</b>

The following receipts were received May of 2009:

- **Local Permits**

<b>Air Comfort-HVAC Permit</b>	<b>\$90.50</b>	<b>James Anderson- Application Fee</b>	<b>\$25.00</b>
<b>Dan Christensen- Application Fee</b>	<b>\$25.00</b>	<b>Dave Larson- Application Fee</b>	<b>\$25.00</b>
<b>Northern Natural Gas- Permit 09-09</b>	<b>\$1,028.32</b>	<b>Property Claims Solution- Re-roof</b>	<b>\$100.50</b>
<b>Don Hill-Application Fee</b>	<b>\$25.00</b>	<b>Kirsten Pederson- Application Fee</b>	<b>\$25.00</b>
<b>Twin Cities Siding- Re-roof Permit 09-11</b>	<b>\$100.50</b>	<b>Dan Christensen- Permit 09-13 &amp; 09-14</b>	<b>\$380.41</b>
<b>Dupay Construction- Re-roof 09-12</b>	<b>\$100.50</b>		

- **Other Receipts**

<b>Mount Olivet- In Lieu of taxes</b>	<b>\$1,450.00</b>	<b>Dave Tousignant- RASP Sign</b>	<b>\$15.56</b>
---------------------------------------	-------------------	-----------------------------------	----------------

---

**TOTAL RECEIPTS DEPOSITED AS OF MAY 31, 2009** **\$3,391.29**

Current Investments, Disbursements Register, Receipts Register, Statement of Receipts and Balances, and the Cash Control Statement were reviewed by the Town Board.

The Clerk explained that there is enough money in the Savings Account to pay the bills for this month. Transfers from funds will need to take place to balance the books. The First half taxes will be received the first week of July. Funds that were transferred to pay bills will be returned to the proper funds at that time.

The clerk purchased 900 gallons of propane from Central Valley Co-op for the 2009 to 2010 heating season at the contracted price of \$1.34 per gallon. (Amount approved at the May 12, 2009, Town Board Meeting.) The Township had a credit of \$162.00 from the 2008-2009 heating season. This credit was applied towards the purchase for the 2009 to 2010 heating contract. The amount paid to Central Valley was \$1,044.00.

Glory to Glory still owes the Township \$821.25 on their Conditional Use Permit. The Clerk sent notice last month to Glory to Glory. A second notice will be sent.

A motion by Supervisor Dan Rogers: To approve the Bills and Receipts Reports as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

### **Budget**

The Town Board reviewed the budget.

### **Contractor Time**

The amount of Dust Control applied to the Mount Olivet driveway needs to be calculated and charged to Mount Olivet Retreat Center. Supervisor Brian Budenski will take care of this item.

The brush has been cut back from the road right-of-way on the south end of Ipava Ave. off of 267<sup>th</sup> St. The property owner will be contacted to see if they want to do further work at the site at their own expense.

The 225<sup>th</sup> Street Rebuild Project was discussed. The Ottes have not provided a quote for the project. This project will be scheduled for the middle to the end of July. All Supervisors were brought up to date on the history of this project. The Township is under no obligation to move the road as had been requested by the property owner. The project will move forward as planned. Supervisor Brian Budenski was asked to contact the property owner a week before the start of the project to inform him that the reconstruction project will be taking place.

The placement of a guard rail on the 265<sup>th</sup> St. bridge was discussed. Supervisor Jeff Otto will contact the Attorney on liability issues. The total cost is \$15,987.00. Discussion will continue at the July 13, 2009, Town Board Meeting.

The new, larger 5-ton Load Limit signs have been installed on 225<sup>th</sup> St. between Highview Ave. and Dodd Blvd.

## **Planning Commission, Land Use Permits and Related Items**

### **A. Permit Requests**

#### **1. Don Hill-24595 Iberia Ave., Lakeville (Property ID #13-2460-040-10)**

Don Hill was present to represent his request for a permit to construct a 24'x28' detached garage.

A motion by Supervisor Brian Budenski: To approve the building permit for Don Hill at 24595 Iberia Ave. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

#### **3. Dave Larson- 7919 257<sup>th</sup> St. W., Farmington (Property ID #13-02100-014-78)**

Dave was present to represent his request for a permit to build a 12'x20' storage building with open sides. This building will be used for personal storage.

A motion by Supervisor Brian Budenski: To approve the building permit for Dave Larson at 7919 257<sup>th</sup> St. W. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

#### **4. Kirsten Pederson- 5965 235<sup>th</sup> St. W., Farmington (Property ID #13-01100-013-02)**

Kirsten Pederson was present to represent her request to build a 36'x 64' barn with a 9' lean-to. The barn will be used for horses and related feed and equipment. The required setback of a minimum of 175' from adjacent residences will be met.

A motion by Supervisor Nancy Sauber: To approve the building permit application for Kirsten and Tony Pederson at 5965 235<sup>th</sup> St. W. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

#### **2. James Anderson- 25275 Ipava Ave., Lakeville (Property ID #13-001900-010-08)**

Jim Anderson requested a permit to add a 24'x 16' lean-to to an existing building on his property. Jim Anderson was not present. The Town Board proceeded with review of his application. They had no questions on the request.

A motion by Supervisor Carrie Jennings: To approve the addition proposed by James Anderson of 25275 Ipava Ave. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

### **Ackerman Property Split request (from May 12, 2009, Town Board Meeting)**

Supervisor Jeff Otto updated the Town Board on the Ackerman split request which involves an adjustment of the property line of two adjacent lots of record. The Township Attorney was contacted and the lot split may proceed, maintaining the housing rights, as the houses currently exist. The Attorney advised that if either house on either of Mr. Ackerman's two lots of record were demolished, it would have to be rebuilt within 12 months to retain the buildability of the lots. Once a lot of record is altered, it is no longer a lot of record under the Ordinances. Mr. Ackerman is in the process of having the property re-surveyed. A 60-day extension was placed on this request. Mr. Ackerman will be advised of the extension.

## **B. Land Use Permits & Related Items**

### **1. & 2. Leland Dilley- *previously addressed***

## **C. Other Business**

### **Contract Gilmer- Septic Inspector**

The draft contract language was received late this afternoon from Scott Qualle. A copy of the contract has been forwarded to Darrel Gilmer for review. Supervisor Brian Budenski will contact Darrel for signature of the contract and obtain supporting documents for the July Town Board Meeting.

At 8:48 p.m. the Town Board took a short recess. At 9:00 p.m. the meeting was resumed.

MNSpect will perform the inspection on the Glory to Glory septic installation.

## **Citizen Business**

### **A. Friedges/ Country Stone**

The documents regarding Friedges/ Country Stone have been filed with the court. June 12<sup>th</sup> has been set as a hearing date on the temporary injunction motion.

### **B. Wintron**

Supervisor Nancy Sauber recused herself from discussion on the Wintron issue. Supervisor Carrie Jennings sent a letter to the VRWJPO. Supervisor Carrie Jennings has received some feedback on environmental issues. The MPCA is waiting for further direction from the Town Board. Supervisor Carrie Jennings will contact the MPCA and ask them to proceed.

The sign issue was discussed. It will be addressed as a separate issue from possible environmental issues. Supervisor Dan Rogers will draft a letter to be sent to Wintron Racing concerning the sign issue.

There is also a zoning issue in this complaint. It will be addressed separately

## **Other Business**

### **E. Vermillion River- Elko/ New Market Discharge**

Supervisor Carrie Jennings reported that the facility is inspected during weekdays/normal operating hours. They have been meeting compliance requirements. It had been previously informally reported by a citizen that there was a foamy, blue discharge in the River. The MPCA would welcome any samples or photos of suspicious activity that the Town Board or a citizen volunteer would submit. Citizens will be informed via the newsletter to document any concerning activity that may occur due to Elko/ New Market discharge.

## **Planning Commission Update**

Planning Commission Chair Vince Mako updated the Town Board on Planning Commission business. The New Building Permit Application was sent to the Township Attorney for review. The Plumbing and Mechanical Permit is still being updated.

The Planning Commission interviewed the Planning Firms for the Industrial/ Commercial Study. Their recommendations have been presented to the Town Board.

There were four applicants for the taskforce before the Commission's first deadline. The Planning Commission had extended the deadline until July 2nd. One additional application has been received by the Clerk.

The Town Board asked that the Planning Commission continue working on Ordinance updates and the Road Haul Ordinance.

#### **A. Industrial/ Commercial Planner**

The Town Board discussed the need for hiring a planner and creating a taskforce. The need for a Market Analysis was discussed. Supervisor Brian Budenski questioned the timing of the study and the creation of the taskforce. Two documents from Planning Commissioners also expressing reservations about the timing of the study had been received by the Board. Level of local interest is one key factor of consideration. The state of the economy was also mentioned. It was discussed that there are three natural stopping points to the study, depending on what is learned at each: level of interest, planner discussions with the Metropolitan Council, and the Market Analysis. A decision whether to continue could be made as the study would progress.

Some Town Board members had not received the Planner Proposals from the Planning Commission. The Clerk was asked to put an e-mail out to Planning Commission members to turn in the proposals.

The Planning Commission had narrowed the field to three candidates: NAC, TKDA and Yaggy Colby, in that order. Town Board members expressed concern with hiring NAC as a Planner, because of a conflict of interest. NAC has represented the City of Lakeville since 1973. Lakeville is a significant part of their business. The person who would be the project manager has stated that Lakeville would continue to be their client. He, along with other planners, has stated that if Eureka were to have a Commercial/Industrial zone and it is successful, this would make Eureka more attractive to Lakeville regarding annexation. There was concern expressed with hiring the Lakeville planner to take the Township through a process the potential end result of which could make Eureka more attractive to Lakeville regarding annexation. It was felt that there would be a perception problem at the least.

The Town Board did not feel that they had enough information to choose a Planner at this meeting. The Town Board will continue discussion on Industrial/ Commercial Planner and the study at the July 13, 2009, Town Board Meeting.

#### **B. Industrial/ Commercial Taskforce**

The size of the taskforce was discussed. Five applications have been received so far. It was originally proposed that approximately seven positions on the task force would be held by citizen applicants. The question was asked if there should be more applications, would there then be interviews of all applicants with additional questions asked of the applicants to help determine recommendations to the committee. Would all those who have already applied be accepted without further interviews or not? The Town Board agreed that it would place the emphasis on the balance of the task force more so than its size. A smaller, balanced task force would be preferable to a larger

one that did not have balance. One or two Planning Commissioners and one or two Supervisors, depending on interest, would be involved with the taskforce. The role of the taskforce needs to be clear to all from the beginning.

### **C. Brosseth Escrow Reconciliation**

The Clerk presented a spreadsheet of the escrow account for the Brosseth Mining Permit. Kelly Brosseth has questioned some of the items on the billing. The Clerk presented the proposed adjustment to the bills. The adjustments involved meetings that ended up being canceled. Kelly Brosseth also had questioned why his permit application cost so much more than Kenny Miller's permit for his Level 3 Mining Permit. The Town Board discussed the costs associated with the permitting process, mentioning that the end uses were different, one of them being a lake. Supervisor Jeff Otto will follow up with Ron Quanbeck on costs.

A motion by Supervisor Brian Budenski: For the Clerk to inform Kelly Aggregate that the Town Board approved the reconciled amount of \$855.23 to be deducted from the bill. The Town Board will follow up with the request of an explanation of the cost. Motion seconded by Supervisor Jeff Otto: Motion carried by unanimous vote.

### **F. Summer Short Course- Local Board of Appeals and Equalization Training**

There are limited openings for the Local Board of Appeals and Equalization Training at the Summer Short Courses offered by the Minnesota Association of Townships (MAT). If the newly elected officers attend this training, the Township is able to maintain the ability to hold these local meetings for Eureka citizens.

## **Old Business**

### **A. Misc. Updates**

1. **VRWJPO-** already addressed.

### **2. North Cannon Buffer Ordinance**

The draft Ordinance has been distributed. The Town Board will review the Ordinance for comments at the July Town Board Meeting.

### **3. CapX2020**

The report drafted by the workgroup facilitator has been distributed for review. Comments on the draft were due by the end of May.

### **4. False Alarms**

Supervisor Dan Rogers has attempted to contact Farmington Fire Department on the false alarms; he has yet not been able to speak with anyone at the Fire Station.

### **5. Sauber Pit Mediation**

A proposal has been made, but the issue has not been settled. The Sauber family is requesting soil testing. Ron Quanbeck, of TKDA, is waiting for direction on the soil test. Supervisor Jeff Otto will contact the Attorney about bringing this issue to a settlement and close.

### **6. Posting Town Board Meeting as a quorum**

The clerk did further checking on posting meetings. Dan Greenwich, MAT Attorney, recommends that every meeting be posted as a Special Meeting of each body that may be present. Supervisor Nancy Sauber presented a handout from the Attorney General's Office that supports this advice.

Supervisor Nancy Sauber will check with Eric Hedtke of MAT about questions related to liaison attendance at Planning Commission Meetings.

### **7. Ditch mowing**

Clarification on the entire ditch mowing and brush cutting quotes received at the May Town Board Meeting was not obtained. Supervisor Dan Rogers will obtain clarification on the quotes.

### **8. Other Misc. Update**

#### **Nuisance and Noise**

Supervisor Nancy Sauber sent the noise and nuisance questions to the Township Attorney as directed by the Town Board at the May Town Board Meeting. Nancy received an initial response almost immediately; she then asked for further clarification with an ok by attorney contact Jeff Otto. She received further response prior to the meeting. Nancy will forward the emails to the clerk for distribution. Noise and nuisance is fairly complicated; further discussion with the Attorney will be needed.

#### **Building Official**

The Building Official, Scott Qualle, will be attending the July Town Board Meeting at the Board's request. Board members are asked to consider what questions each may like to ask.

### **New Business**

#### **A. Fire at Adelman- 8929 280<sup>th</sup> St. W.**

The Sheriff Department issued a citation for an illegal burn at Gregg and Laura Adelman's property located at 8929 280<sup>th</sup> St. W. (Property ID 13-03200-013-75) Mr. Adelman was burning wood chips and the fire got out of control. Lakeville, Farmington and Northfield Fire Departments all attended the fire. Supervisor Carrie Jennings spoke with the Chief of the Fire Department. Eureka is under contract with the Lakeville Fire Department for fire protection. Supervisor Dan Rogers will check to see if this incident will affect the billing. The Building Official will be asked to inspect the property for compliance.

#### **B. Citizen complaint- Mining of Black Dirt**

The Clerk received a citizen complaint of black dirt being mined from the Phillippe property at Jamaica & 280<sup>th</sup> St. W. (13-03100-010-76 & 13-03100-011-52) Dump trucks have been seen leaving the property hauling black dirt.

The Building Inspector had been out to the property. The following text is from the e-mail sent by Scott Qualle on June 2, 2009: "They are operating a tree farm on the property (according to them). They have two groups of containment pens to hold different kinds of mulch and landscaping materials.

There is a fairly large dirt pile where they accept and recycle surplus "haul-out" dirt from landscapers. There is a small conveyor for filtering and loading. There is no evidence of a mining operation that I saw.

The structure on the property (formerly a dwelling), has significant water damage and mold. They indicated that it is contaminated beyond use and is unsafe.

I was not told anything that is inconsistent with my observations." *(End of Scott Qualle's observations)*

Processing of soil is not a Horticultural or an Agricultural Use. The Phillippes registered as a nonconforming business in 2004. The property was purchased by the Phillippes in 2003. The business did not exist before the purchase of the property. If the Phillippes are claiming non-conforming use, there is a non conforming use verification form that can be used to verify the use. The Building Inspector will be asked to verify the use of the shed.

**C. Citizen Complaint Vermillion Kennels-** 24315 Dodd Blvd. (Property ID# 13-01800-012-25)

The Clerk received the complaint late in the afternoon on Monday, June 8, 2009. The Town Board reviewed the complaint. The Town Board will research the issues addressed in the complaint for continued discussion at the July Town Board Meeting. Planning Commission Member Ken Olstad will be asked to measure the tree setback. Supervisor Dan Rogers will check with the Electric Company on the lighting issue. The Clerk was asked to check the website and to send a letter to Vermillion Kennels informing them of the complaint, asking them to attend the July Town Board meeting.

A complaint receipt deadline was discussed. No decision was made. There is currently no set deadline relative to preliminary discussion at a Board meeting.

**Closed Meeting Minutes**

The Town Board reviewed the Closed Meeting Minutes of May 15, 2009. They marked changes on their copies and turned them into the Town Clerk to be filed.

**Clerk/ Treasurer Presentation**

**A. Deputy helping in Office**

Deputy Clerk Connie Anderson will be helping out in the office this summer. Payroll will be kept below the threshold that would trigger PERA withholding requirements.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Carrie Jennings.

Meeting was adjourned at 12:06 a.m.