

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
June 9, 2008

Call to Order

Chair Jeff Otto called the meeting to order at 7:05 pm. Members present were Supervisors Cory Behrendt, Brian Budenski, Jeff Otto, Carrie Jennings and Dan Rogers and Clerk/Treasurer Nanett Sandstrom, to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following additions were made to the agenda:

Old Business: A. 6. Status of Friedges Complaint

Citizen Business: A. Newsletter (moved from New Business Item B.)
B. Glory to Glory

New Business: C. Citizen Complaint 235th St.

Presentation from Carrie Buss was added after Kelly Brosseth under Land Use & Zoning Issues

A motion by Supervisor Dan Rogers: To approve the agenda as modified. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Audience Comment Period

There were no comments from the audience.

Minutes

Minor typing errors were corrected and the following changes were made to the May 12, 2008 Town Board Meeting Minutes: Page 3- "\$" to dust control costs. Third paragraph from bottom add:" The Road Maintenance contract will also be put out for bid." Page 5- Under Pederson resolution second paragraph, 6th & 7th sentences should read: "Supervisor Jeff Otto recalled advice from Attorney Jim Sheldon that once the density requirement on the qtr/ qtr was broken, it no longer applies. He will get clarification on the density language in the resolution." Page 6- Last sentence should read: "Lakeville acknowledged the receipt of our response indicating our concerns and the proposal does address them satisfactorily."

A motion by Supervisor Cory Behrendt: To approve the May 12, 2008 Town Board Meeting Minutes as amended. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Special Town Board Meeting Minutes of June 4, 2008 as presented. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$3,047.45. Savings Account Balance \$158,255.54
CD Account Balances \$158,151.96 Total Account Balance \$319,454.95.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of May 12, 2008 as presented. Motion seconded by Supervisor Dan Rogers. Role call vote was taken on the motion. Supervisor Cory Behrendt- Aye, Supervisor Jeff Otto- Aye, Supervisor Dan Rogers- Aye, Supervisor Brian Budenski- Aye, Supervisor Carrie Jennings- Aye. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

Otte Excavating	Services thru 5/31/08	\$9,538.00
MN Inspect	Inspection services thru May 2008	\$718.55
TDKA	Consultant Service- COMP Plan	\$4,663.11
ECM Publishers	Legal Ads	\$278.50
Dakota Electric	Town Hall	\$59.83
Frontier Communications	Phone service Town Hall	\$123.70
Dick's Sanitation	Garbage Service June	\$40.10
Dustcoating Inc.		\$22,777.20
Dubbels Lawn Service	Mowing thru May 2008	\$400.00
Culligan	Water softener rental	\$23.38
Nanett Sandstrom	Expenses 5/1/08 to 6/9/08	\$112.42
Kelly & Lemmons	Legal Services thru 5/31/08	\$2,953.80
PERA	Pay period 5/1/08 to 5/31/08	\$162.73
IRS	Deposit June 2008	\$571.60
Nanett Champlain	Pay Period 5/1/08 to 5/31/08	\$1,035.57
Cory Behrendt	Supervisor Payroll 2 nd Qtr 2008	\$304.75
Dan Rogers	Supervisor Payroll 2 nd Qtr 2008	\$323.23
Jeff Otto	Supervisor Payroll 2 nd Qtr 2008	\$341.69
Brian Budenski	Supervisor Payroll 2 nd Qtr 2008	\$258.58
Carrie Jennings	Supervisor Payroll 2 nd Qtr 2008	\$380.00
Kenny Miller	Planning Commission Payroll 2 nd Qtr 2008	\$147.76
Sharon Buckley	Planning Commission Payroll 2 nd Qtr 2008	\$240.11
Ken Olstad	Planning Commission Payroll 2 nd Qtr 2008	\$184.70
Vincent Mako	Planning Commission Payroll 2 nd Qtr 2008	\$110.82
Total Bills Presented		\$45,750.13

The following receipts were deposited in May:

- **Local Permits**

Stanley Ehlers- Re-roof permit	\$100.50	Standard Heating- 08-07	\$110.50
Vanguard Construction- Application fee	\$50.00	Kathleen Hohrman- Appl. fee	\$25.00
Tanya Otto- Nordvik permit 08-04	\$3,272.79	Julie Larson- Application fee	\$25.00
Kelly Brosseth- Escrow	\$7,500.00	Chris Rasmussen Ag Permit	\$50.00
Mark Malecha- plan review	\$34.63		

- **Other Receipts**

South Cedar Greenhouse-Newsletter Ad	\$35.00
Mount Olivet -In Lieu of taxes	\$1,400.00

TOTAL RECEIPTS DEPOSITED IN MAY 2008	\$12,603.42
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Supervisor Cory Behrendt commented that he received the attorney invoice today and has not had the chance to go through it completely. (Claim # 799)

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented. Motion seconded by Supervisor Jeff Otto. Role call vote was taken on the motion. Supervisor Cory Behrendt- Aye, Supervisor Jeff Otto- Aye, Supervisor Dan Rogers- Aye, Supervisor Brian Budenski- Aye, Supervisor Carrie Jennings- Aye. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Road Contractor Time

Road issues were discussed. Frost boils were grades and graveled. Two loads of gravel were applied to 245th St. due to a frost boil.

Commissioner Joe Harris was present and addressed the Board. He reported that the Metro transit tax bill failed. The bill doubling the county gravel tax passed. This amount goes to the local entities. The tax starts in 2009, payable in 2010. The County performed a safety study of Dodd Blvd. and a traffic study is being done in the Northwest quadrant in the City of Northfield, some day this could affect Cedar Ave. (30-40 years out) Commissioner Joe Harris does not see the county moving the alignment of Cedar Ave. There might be something done in the junctions (curves). This would be long range- 20 years or longer.

The Town Board encouraged Mr. Harris to weigh in on the CapX2020 issues. It would be logical to keep it on the major transportation corridors. It would be helpful if the county could help address the issues. Mr. Harris commented that the county Board has not taken a position on actual location.

Road Gravel Bids

The clerk received two road graveling bids:

Eureka Sand & Gravel, Farmington:	Class 5	\$8.80 / Ton
Anderson Rock & Lime Inc., Cannon Falls:	Class 5	\$6.82 / Ton
		Limestone \$9.03 / Ton hauled from Castle Rock Materials.

A motion by Supervisor Cory Behrendt: To award the bid for gravel and limestone delivery to Anderson Rock and Lime Inc., Cannon Falls. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Road Maintenance Contract Bids

The clerk received three bids for Road Maintenance:

Henry's Excavating, Farmington

Otte Excavating, Randolph

Kevin Casey, LLC Contracting Services, Prior Lake

Henry's Excavating bid was based on a ceiling price of off road diesel at \$4.50 per gallon and on road taxed diesel at \$5.00 per gallon. If fuel prices exceed these ceilings, a fuel surcharge will be negotiated with the Town Board of Supervisors at that time.

The clerk made copies of the three bids for the Board.

Newsletter

The Newsletter was discussed. The Town Board had been given the opportunity to review it prior to the meeting. Minor changes to the draft copy were presented. CapX2020 information and items mentioned in the Sheriff's report last month will also be included in the newsletter. Soft ball games at the Twin Churches Ball Park will be posted.

Discussion on Road Maintenance Contract Bids

Representatives for all three bids were present. Mark Henry has three road graders and two part time operators.

Mark Henry commented that if he picked rocks he would use a bobcat and a single axle truck @ \$65-\$70 per hour. The Town Board asked for a price using a backhoe and a truck.

Kevin Casey commented that a road grader would be kept in the Township, there would be no mileage charges.

Looking at the basic contracting, the primary item or use is road grading. Casey Contracting road grading bid is considerably higher at \$120/ hour. Otte Excavating bid \$88/ hour and Henry's Excavating bid \$83/ hour for summer maintenance. Winter bids were also higher.

The Town Board has never done a fuel surcharge. It adds a significant element of uncertainty. Mark Henry's bid stated that the fuel surcharge is negotiable. Currently Mark Henry has an agreement with Castle Rock Township for a fuel surcharge.

Jeff Otto commented that the Otte bid for Road Grader is higher than Mark Henry's bid, but at least it is a firm number. The other elements of the bid are lower. The bid package does not allow for a variable bid.

A motion by Supervisor Jeff Otto: To award the Road Maintenance Bid to Otte Excavating. Motion seconded by Supervisor Brian Budenski. Vote was taken on the motion, motion carried with one dissenting vote.

Planning Commission, land use permits and related items

Permit Requests

1. **Rollo and Kathy Hohrman**- 27030 Fairgreen Ave., Northfield requested a permit to build a 50' x 80' pole building with 16' walls for Ag use. (Property ID# 13-03500-010-02). An Ag Exemption form has been completed.

A motion by Supervisor Cory Behrendt: To approve the permit for Rollo and Kathleen Hohrman for new construction of an Ag pole shed as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote. **Ag Permit #001003 was issued for \$25.00.**

Julie Larson- 24510 Highview Ave., Lakeville requested a permit to build a 14' x 16' addition to her home and a 9' x 25' deck. (Property ID# 13-01600-012-50)

A motion by Supervisor Cory Behrendt: To approve the permit for Julie Larson as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Chris Rasmussen- 6805 247th St W., Farmington requested a permit to build a 70' x 144' pole building with 14' walls for Ag use. (Property ID# 13-01500-010-750) An Ag Exemption form has been completed. Chris Rasmussen has a survey of the property showing he owns 11.9 acres. The county records 10.25 acres. Mr. Rasmussen has been in contact with the county to get the tax record corrected. Currently Mr. Rasmussen's property is taxes residential. He commented that he has been producing hay about 5 years ago and has not pursued an Ag tax status.

The Township Ordinance defines a farm as 10 or more contiguous acres. It does not reference that the land needs to be tillable or 1 acre separated for residential structure.

A motion by Supervisor Jeff Otto: To approve the permit application for Mr. Rasmussen. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote. **Ag permit #001004 was issued for \$25.00.**

Land Use & Zoning Issues

Jerry Zimmer- Mr. Zimmer was not present. The Town Board had concerns with the proposed building site that this lot split will create.

A motion by Supervisor Jeff Otto: Given know additional questions that exist on the property and that Mr. Zimmer is not here to represent if he wishes to pursue the lot split as it is currently presented. Jeff moved that it be tabled until next month. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Kelly Brosseth- Interim Use Permit- mining- request for a special meeting.

The Planning Commission scheduled a public hearing for Mr. Brosseth request on Tuesday, June 24, 2008 at 7:00 pm. Mr. Brosseth asked the Town Board to schedule a Special Meeting on Thursday, June 26, 2008 at 8:00 pm to consider his application. Mr. Brosseth is aware that he will be charged for the special meeting. The Town Board agreed to hold the special meeting on the time and date requested. If the Planning Commission fails to make a recommendation on June 24th the date of the meeting may need to be changed. Proper posting procedures would need to be followed.

Sherri Buss spoke on Environmental Review in regards to mining operations. This application is mining of 5 acres. To require an EAW, the lowest level of review, the proposed mine would need to consist of 40 acres horizontal and 10 feet deep. The Town Board has the option of requesting a discretionary review if there are potential impacts to the environment. An EAW is a brief form of a review. It determines if you need an EIS.

Citizen Business

B. Glory to Glory Christian Center

The Township received correspondence from the Vermillion River Watershed on the Glory to Glory site on their Land Alteration Plan. *See attached memo dated May 23, 2008.*

The Landscape Agreement requested by the Town Board was presented.

A motion by Supervisor Cory Behrendt: To accept the landscape agreement as presented by Gloria to Glory Christian Center. Dean and Cheryl Engelman will execute the agreement and forward a signed copy to the clerk.

Other Business

A. Planning Commission Update

B. Rural Community Planning Public Hearing

The Township received notice from Resource Strategies Corporation for a June public hearing for the Collaborative Comprehensive Plan and the Collaborative Local Water Plan. Eureka Townships Joint public hearing date is Wednesday, June 11th at 5:60 pm at the Castle Rock Town Hall.

Old Business

A. Attorney Updates

1. Terri Petter

No update

2. Buffington

The pending law suit against the Township was sent to Berkley Insurance. Attorney Paul Reuvers was assigned to represent the Township.

3. Interceptor 245th St.

There are no plans to blacktop 245th St W. The road will be rebuilt to County Road Standards.

4. Prairie Creek School

The Township has received attorney bills relating to Prairie Creek School's request. The attorney has not forwarded the estimated costs to the Township.

5. Krapu CUP

The Town Board is waiting for the resolution from the attorney.

6. Status Friedges complaint

Attorney Oliver Trevor offered an alternate approach, to file a complaint for an injunctive relief on the property. This would start building a case for the record. All activity that exists that is illegal would be removed. This approach doesn't put the Township at risk for a counter suit.

Georgie Molitor commented that the business is operating 24/7.

Supervisor Carrie Jennings will contact MPCA and Dakota County on the septic issue.

The Town Board was in favor of moving forward with the injunction.

A motion by Supervisor Jeff Otto: That the attorney move forward as presented in his memo. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

B. Jacobson Resolution

No update

C. Pederson Resolution

No update

D. Citizen Complaint 235th St W (May 13, 2008)

Supervisor Jeff Otto has been in contact with Mr. Northrup to discuss the complaint. Mr. Northrup will be sending the Town Board a written reply. His 30 day response period is June 12th.

Supervisor Brian Budenski reported that Hoeft is constructing an addition to his pole building without a permit. The building inspector has been in contact with Mr. Hoeft. They have picked up a permit application from the Clerk.

E. Chub Lake Road

Supervisor Jeff Otto has sent a letter to Diana Regenscheid. He has not received a response.

F. NNG Pipeline 225th St. W

Supervisor Jeff Otto contacted MAT Attorney Dan Greensweig. *See attached email.*

New Business

A. Comp Plan Amendment- Lakeville

The Town Board reviewed the proposed amendment to Lakeville's Comprehensive plan. They had no comments or concerns.

C. Citizen Complaint- Windmill mine

Spenser Jensen, the neighbor that lives east of the Windmill property has concerns over the berm to the west. Currently the berm is approximately 20 feet high. It needs to be at least 30 feet high to shield the view from his property. Kenny Miller, owner and operator of the mine was present. He fully intends on raising the height of the berm, once the ground stabilizes. With all the rainfall this spring the ground is very soft and unstable. Supervisor Brian Budenski has been onsite and been working with Mr. Miller on the complaint. Supervisor Brian Budenski will contact Mr. Jensen and let him know that the complaint was addressed at the Town Board meeting.

D. Wetlands Bank- Fredrickson Property

Supervisor Carrie Jennings, Township wetlands contact, was asked to meet on the wetlands banking on the Fredrickson property.

E. Sound system Update

Supervisor Brian Budenski is in the process of acquiring the new sound system for the Town hall. There will be 6 mikes, 5 for the Town Board and one for the audience. Estimated cost is \$7,200. The system should be working for the July Town Board Meeting. The rack will be on wheels. There will be 4 speakers in the ceiling.

Clerk/ Treasurer Presentation

The clerk received information on UMore Park Update.

A motion by Supervisor Brian Budenski: to adjourn. Motion seconded by Supervisor Cory Behrendt.

Meeting adjourned at 10:53 pm.