

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

Eureka Town Board Meeting  
July 10, 2006

**Call to Order**

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:03 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Cheryl Monson, Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

The following additions were made to the agenda:

New Business: Item F. Newsletter G. Letter of complaint against Country Joe Racing

Old Business: Q. Attorney Conflict Clarification.

Chair Cory Behrendt stated that the finding of facts for the text amendment request by Mr. Malecha and Mr. Thompson had been drafted and signed.

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

**Audience Comment Period**

None

**Approval of Minutes**

The clerk presented the correct treasurer report for June meeting. The report read last month was for May. The minutes presented for approval reflects the correct treasurer report.

Supervisor Gloria Belzer asked for clarification of the classifying of signs. After a brief discussion the Town Board asked that the clerk verify the written minutes from the recording of the meeting. The approval of the June 12, 2006 Town Board minutes will be held open for clarification of the last paragraph on page 3 regarding signs in the Township.

**Treasurer's Report**

Treasurer Nanett Champlain reported that as of June 30, 2006 the checking account balance is \$3,353.53, Savings account balance \$112,932.09 and CD investment balances total \$145,445.66. Overall account balances are \$261,731.28.

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

**Bills and Receipts**

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

<b>PERA</b>	PERA	\$	<b>326.83</b>
<b>Minnesota Revenue</b>	MN State Tax	\$	<b>286.60</b>
<b>Central Valley</b>	Propane contract- prepay	\$	<b>1,043.00</b>
<b>Farm Road Services</b>	June 2006 Road Maintenance	\$	<b>14,238.00</b>
<b>Dakota Electric</b>	Electric Town Hall	\$	<b>60.71</b>

<b>Frontier Communications</b>	Phone Town Hall	\$	<b>118.81</b>
<b>Culligan</b>	Water Softener rental	\$	<b>23.38</b>
<b>ECM Publishers, Inc.</b>	Legal ads- ordinance publication	\$	<b>105.00</b>
<b>Murnane, Brandt</b>	Legal Fees thru May 31, 2006	\$	<b>1,232.30</b>
<b>MAT</b>	2006 Town Government Manuals	\$	<b>80.00</b>
<b>MAT</b>	Training	\$	<b>70.00</b>
<b>Dustcoating</b>	Invoice #00006531	\$	<b>24,914.80</b>
<b>Eureka Sand &amp; Gravel</b>	Class 5 for Road Projects	\$	<b>24,598.96</b>
<b>Kraemer Mining &amp; Materials</b>	Limestone- Road Projects	\$	<b>21,912.00</b>
<b>Malecha Trucking</b>	Hauling for road Projects	\$	<b>32,089.03</b>
<b>Dakota County Treasurer</b>	2nd Qtr Septic Fees	\$	<b>40.00</b>
<b>Castle Rock Bank</b>	Town Hall Loan Payment #4	\$	<b>26,446.19</b>
<b>Dept Of Labor &amp; Industry</b>	2nd Qtr State Surcharge	\$	<b>167.54</b>
<b>Erik Leine</b>	Mowing June 2006	\$	<b>250.00</b>
<b>Nanett Champlain</b>	Expenses 6/1/06 to 7/7/06	\$	<b>445.01</b>
<b>Internal Revenue Service</b>	2nd Qtr 941	\$	<b>2,823.43</b>
<b>Nanett Champlain</b>	Payroll 6/1/06 to 6/30/06	\$	<b>2,040.16</b>
<b>Pat Fossum</b>	Town Hall Cleaning 6/1/06 to 6/30/06	\$	<b>60.03</b>
<b>Mary Michels</b>	Payroll 6/1/06 to 6/30/06	\$	<b>369.40</b>
<b>BeSure Inspection Services</b>	Inspection Services thru 6/30/06	\$	<b>777.88</b>
			<b>\$ 154,519.06</b>

The following receipts were deposited in June:

- **Building Permits**

Harold Laursen- <i>Building Permit06-06-011</i>	\$422.06	Kris Radford- <i>zoning application- pool</i>	\$25.00
Elder Jones – <i>Window Replacement</i>	\$60.00	<i>Jim Lackore- zoning application</i>	\$25.00
Margaret Madden- <i>zoning application</i>	\$50.00	<i>Highview Church- zoning application</i>	\$25.00

- **Other Receipts**

Chris Nielsen- <i>Copy of Ordinance</i>	\$25.00	Jim Lackore- <i>Non Conforming expansion</i>	\$250.00
Dave Sellner- <i>RASP Sign</i>	\$11.63	Castle Rock Bank- <i>interest on savings</i>	\$1,332.10
Don Cross- <i>Sign Permit</i>	\$25.00	Castle Rock Bank- <i>interest on CD's</i>	\$1,392.34
Don and Alice Storlie- <i>text amendment</i>	\$250.00		

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**TOTAL RECEIPTS DEPOSITED IN JUNE** **\$3,893.13**

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.

The gravel project totals exceeded the budgeted amount. Road Supervisor Gary Smith reported that graveling totals for Cedar Ave and 257<sup>th</sup> St were \$8,000- this section of road was to be spot

graveled; instead an overlay of 1" of gravel was applied to the road surface. Also he had not taken into consideration the cost of staking, sign postage and spreading of the gravel in the gravel budget. He also stated that it was difficult to keep track of the amount of gravel being hauled from Kraemer's pit, by Malecha Trucking.

Dust control is also over budget. This line item has been over budget for the past few years. This year's totals were less over budget than past years. This line item needs adjustment in future budgets.

## **Planning Commission, land use permits and related items**

### *Possible Consent Agenda Items*

**Highview Christiania Lutheran Church** located at 26690 Highview Ave Farmington asked for a permit for a 63' x 8' covered walkway between the church and the new building.

A motion by Supervisor Dan Rogers: To approve the permit as presented. Motion seconded by Supervisor Cheryl Monson. Supervisor Cory Behrendt abstained from the vote, due to an interest in the organization. Motion carried by unanimous vote.

**Building Permit #06-07-012 was issued for \$422.06**

### *Lot Splits*

**Madden Lot Split-** Margaret Madden requested a lot split of property owned by James & Mary R TSTEE She is requesting to split- Parcel C consisting of 3 acres from Parcel A (Property ID # 13-00600-011-50) consisting of 72.99 Acres.

A motion by Supervisor Gary Smith: To approve the Madden Trust Lot Split as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

**Margaret Madden, New Home-** Margaret Madden requested a permit for a new home to be located on the property created by the lot split. The sight address is 10278 225<sup>th</sup> St W.

A motion by Supervisor Dan Rogers: To approve the Madden home permit as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

**Building Permit #06-07-013 was issued for \$6,165.69**

**Jerry Zimmer-** 21931 Flagstaff Ave requested to split Parcel B consisting of 2 acres and Parcel C consisting of 2+ acres from Parcel A (Property ID# 13-00200-010-75) consisting of 80 acres. Both sights are buildable sights per cluster agreement on June 12, 2006.

A motion by Supervisor Gloria Belzer: To approve the lot splits as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

**Nancy Cross-** 8960 225<sup>th</sup> St W requested to split parcel B consisting of 2 acres from Parcel A (Property ID #13-00500-018-75) consisting of 76.92 Acres. The property is owned by Cross Nurseries Inc. All land owners signed the request form. The new home permitted to Cross Nurseries, building permit issued 2/13/2006 is located on the split parcel.

A motion by Cheryl Monson: To approve the lot split for Cross Nurseries as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

### *Non Conforming Use Expansion*

**Margaret and James Lackore-** (Property ID# 13-01300-010-02) 24185 Denmark Ave.

Farmington requested an addition to an accessory building on their property that contains a non

conforming business. Lackore's did register their business, JML Fabrication in 2004 under Ordinance 3, Chapter 1, Section 5.

The Town Board discussed Registered Non Conforming Uses, Grandfathered Non Conforming Use and what a Legal Non Conforming Use. The Town Board could not come to a solid conclusion.

A motion by Gloria Belzer: To move forward on obtaining an attorney opinion on page 37, 38- Non Conforming Use and Structures. That Chair Cory Behrendt contacts the attorney. Motion seconded by Supervisor Gary Smith. Vote was taken and the motion defeated.

A motion by Supervisor Gary Smith: To move forward with consideration of the application based on the information given, they have complied with our ordinance, the way it is written. Motion seconded by Supervisor Cheryl Monson. Motion carried with one dissenting vote by Gloria Belzer.

The Town Board reviewed the registration of the business received in 2004.

Discussion on Lackore's request included: if adding a building is considered expansion, if the nature and intensity of the business is not changing. The requested additional building space is for storage of equipment and material they presently own. Is the business expanding or are they altering the business by adding onto the building.

A motion by Supervisor Cheryl Monson: To accept the application and grant them a permit to put an addition on to their existing shop, as it's marked, for personal use. Motion seconded by Supervisor Dan Rogers. Vote was taken on the motion 2 in favor, three opposed, motion fails.

A motion by Supervisor Cory Behrendt: To accept the registration form as a expansion and to pursue the process in section 5 D. - the expansion process. Motion seconded by Supervisor Gloria Belzer. Vote was taken on the motion 3 in favor, two opposed, motion carried.

The Planning Commission will set a date for a public hearing.

A motion by Supervisor Cheryl Monson: Not to require an escrow account. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

### ***Escrow Funds***

Planning Commission asked that the Town Board establish a policy for a set escrow amount for permits as outlined in the ordinance that would be collected as part application process. The Town Board discussed the amount to set as escrow.

A motion by Supervisor Cory Behrendt: To set a default escrow amount at \$500, when required. Motion seconded by Supervisor Cheryl Monson. Vote was taken on the motion, 4 in favor, one opposed, motion carried.

### ***Attorney Present at Public Hearings***

Planning Commission asked that the attorney be present at all public hearings. Public hearings are for public input. The Town Board did not feel that an attorney is not needed by default at all

public hearings. There may be times that an attorney may need to be present to help with developing the findings of fact.

A motion by Supervisor Cory Behrendt: That the Planning Commission pursue public hearings without an attorney being present and give them the option that if they feel one is necessary in developing their conclusion or holding a meeting that request an attorney from the Board. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

### ***Planning Commission Update***

#### **Contract with the planner**

The Planning Commission reviewed the contract and customized it to reflect the needs of the Township. The Planning Commission asked that letters be sent to the other 2 firms thanking them for their interest.

#### **Citizen Advisory Committee**

The committee will consist of 12-15 persons, holding 5-6 meetings over the next 9-12 months and 2 public open houses. The committee would be an advisory to the Planning Commission. The Planning Commission will hold interviews of applicants; recommend committee members to the Town Board, for approval at the September Town Board Meeting.

Two Planning Commission members asked for copies of the envisioning report. The cost is \$20 per copy. A motion by Supervisor Cory Behrendt: To approve the purchase of copies of the envisioning report for the two Planning Commission members. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Planning Commission member Nancy Sauber requested to attend MAT summer short course training at a cost of \$35. A motion by Supervisor Cory Behrendt: To approve training for Nancy Sauber, for Planning related training. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

### **Contractor Time**

Road Maintenance Bill June 2006- no further discussion.

Road Maintenance Contractor Chris Nielsen presented the Town Board with a sample bid advertisement, bid sheet and spec package that he felt would keep it fair for all the bidders and to avoid confusion. His attorney reviewed the contract; there are a few minor changes they would like to propose.

### **Road Maintenance Contract**

The clerk contacted Rud Construction they are not comfortable with signing the contract as written, they had concerns with the liquidated damages clause.

The Town Board discussed that before the contract is put back out for bid, the contract will need to be looked at and modified so that contractors bidding on the road maintenance contract are willing to sign the contract. Recommended changes will be taken by interested parties.

A motion by Supervisor Cory Behrendt: To instruct the Road Supervisors to rework the contract, with proposed changes to be sent to the lawyer for verification and to be presented at the August

Town Board meeting for approval and rebid. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

### **Hard Road Surface Quotes**

The Township has received one quote, the Town Board needs 2 quotes to move forward with the process. Supervisor Dan Rogers will try to obtain another quote.

### **Old Business**

#### **Eureka Estates Complaint Update**

Supervisor Gloria Belzer reported on status of the compliance of the properties in Eureka Estates that are associated with the citizen's complaint.

Patrick Hawkins, a Eureka Estates citizen that the Town Board sent a letter to about obstructions in the road right of way, has requested that a Town Board member come out and meet with him on bringing his property into compliance with Township ordinances, issues include many junk vehicles, etc and possible issues with soil and water. Supervisor Gloria Belzer and Dan Rogers will meet with Mr. Hawkins to discuss this matter.

Supervisor Gloria Belzer will compile a list to be sent to our attorney on what actions the Town Board wishes to take. The Town Board is advising that the two property owners that were previously solicited by the Township attorney will receive notice of civil action. The remaining non compliant property owners will receive a letter from our attorney, requesting the properties be brought into compliance immediately or start enforcement action per advisement of our attorney. Once the list is compiled it will be sent to the attorney for determination of what action should be taken.

#### **Krapu- Dog Kennel**

The judgment from the appeals court was not in favor of the Township. The Township must issue the Conditional Use Permit for a 50 dog kennel to Andrea and Jeffrey Krapu to be located at 24315 Dodd Blvd., Lakeville. The Town Board has 30 days from the judgment date (June 27, 2006) to make an appeal.

A motion by Supervisor Cheryl Monson: To approve the Krapu's CUP as ordered by the courts, with the recommendations of our lawyer. Hearing no second to the motion, the motion dies.

A motion by Supervisor Cory Behrendt: To schedule a Special Meeting with Attorney Peter Tiede to review the findings and appropriate way of moving forward. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The proposed date of the meeting is Tuesday July 18, 2006 at 7:00 pm. This meeting will open at 7:00 pm and then go into a closed meeting.

#### **Hansen CUP- 2<sup>nd</sup> Dwelling**

Chair Cory Behrendt opened the floor to public comment on the Charles Hansen's Conditional Use Permit for a second dwelling located at 26120 Highview Ave., Farmington.

Donna Rollins, 20425 Highview Ave, Lakeville - Mr. Hansen is here for a review of his CUP for 2<sup>nd</sup> dwelling and also for moving in a building without a permit- isn't that conflicting with the

building permit- he has also moved in a building. Is it possible to approach the gentleman about cleanup before he puts anything else on his land? Chair Corey Behrendt stated that the first issue will be addressed later in the agenda and that cleanup of the property would be a separate issue, that additional conditions cannot be placed on the CUP.

Hearing no further public comments the public hearing portion was closed.

The Town Board discussed with Mr. Hansen where he was in the process of adding the second dwelling to the property.

Mr. Hansen stated that two Board members inspected the house on February 14, 15, 16. He had put in a request to the building official, the week of Feb 19<sup>th</sup>, 2006 to inspect the house; no one from the office came to look at the house. He has submitted the basement layout to the building inspector. The house will not be placed on a foundation until the building official has approved the plans for the basement. The house was moved onto the property Thursday July 6, 2006.

Mr. Hegner stated he was out of Town the week of February 19<sup>th</sup>. This type of inspection would not be performed by Kevin, the inspector filling in his absence, because of the nature of the inspection. Mr. Hegner was not aware until today that the house had been moved in.

Chair Cory Behrendt asked about creating of the lot and driveway. (Section 7.52 F. 1-4)

Mr. Hansen stated it was all approved prior to getting the CUP. It is not a condition of his CUP to create a separate 2 acre parcel. There are no conditions with his CUP.

Town Board member Gloria Belzer stated that section 7.52 F 1-4 must first be met to obtain a CUP for a second dwelling; this requirement would not be outlined as a condition of the CUP.

Ordinance 20 (*Ordinance that the request was applied for under*) states a parcel must have at least 250' frontage on a public road. Mr. Hansen stated he only needed 33 feet of road frontage. Supervisor Gloria Belzer asked if we are following the old or the new ordinances. Mr. Hansen stated the lot split would be applied for under the new ordinances, since he has not applied for a lot split.

The parcel shall have a separate driveway: Mr. Hansen stated a Board member had looked at the driveway and the site placement of the house. Two Board members inspected and approved the house to be moved in; he had made three attempts to have the house inspected by the building official. Mr. Hansen stated he currently has three driveways serving the property.

The Town Board reviewed the Conditions set forth in Zoning Ordinance 20 (*Old Zoning Ordinance that the CUP was issued under*)

1. Occupied by the one who owns and employed by the farm
2. Meets section 7.52 F. 1-4

Chair Cory Behrendt asked if the lot had been created per the zoning ordinance. Mr. Hansen stated that this is not a condition of his CUP he does not need to create a separate parcel.

And along with the following conditions:

1. Verification of employment status done once per year to keep the conditional use permit current.

Mr. Hansen stated that his son works for him, he lives on the farm. In lieu of paying rent he works on the farm. The Town Board asked that Mr. Hansen provide in writing confirmation of verification of employment status. *(This was submitted to the clerk- see attachment 1)*

Discussion relating to Mr. Hansen moving a dwelling into the Township without a permit will continue later in the agenda.

It was approx. 10:30 pm, the Town Board reviewed the remaining agenda items, briefly discussing which items would be addressed:                      Not addressed:

MinnCan Update	Non Conforming Lot Splits
MFRA Contract	Application for Verification of Non Conforming Use
Reinvesting of Current CD's	
Pederson Lot Modification	
Vermillion River Watershed	
Attorney bills relating to Text Amendment	
Attorney Clarification	
New Business: South Cedar Green House- New Sign without a permit	

Existing CUP Status: Supervisor Gloria Belzer briefly explained that a list had been compiled of the existing CUP's in the Township. The list will be distributed to the Town Board members for review. The Town Board needs to find out how to properly file the CUP's and decide who pays for the filing fee. This item will be taken up at a later date.

Complaint Consensus: The Town Board briefly discussed how complaints should be received and handled. Discussion included: If a complaint is received by a supervisor it should be forwarded to the clerk. All complaints need to put into writing by the complainant. There was no consensus on the proper procedure for receiving of complaints. This issue will be taken up at a later date.

Landscaping Town Hall:

Cross Nurseries and Bachman's have agreed to review and develop the landscaping plan for the Town hall. Kenny Miller has offered to bring in equipment to correct the grade around the building. It will be late July before grading can be done.

Mr. Wagaman stated that he feels the flags should be flown at the Town hall and feels the Town Board should move forward with the installation of lighting.

Displaying of Artwork in the Town Hall:

Supervisor Cory Behrendt commented that it will take a couple hundred dollars to display the artwork properly. He has prepared a sample contract for Town Board members to review for next months meeting.

#### **New Business:**

Permission for Survey of Town Hall Property- MN Pipeline

The Town Board briefly discussed if Minnesota Pipe Line Company should be allowed to survey the Town Hall property in regards to the MinnCan Pipeline Project. The Town Board members agreed that Minnesota Pipeline needs to have their permit before the Township needs to agree to working with them. The Town Board did not entertain any action on this request.



## **Old Business:**

### **MinnCan Update**

Next Meeting date is September 5, 2006 for Dakota County- the location and time has not been determined. At the August Town Board meeting the Town Board will determine Township representation for this meeting.

### **MFRA Contract**

The Town Board had received the proposed contract from MFRA, they briefly discussed the contract. A motion by Supervisor Dan Rogers: To approve the contract as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote. Chair Cory Behrendt will sign the contract tonight.

### **Reinvesting Current CD's**

The clerk checked with Castle Rock bank. The Township would benefit from cashing out the current CD's and reinvest them under the new rates. Castle Rock Bank is offering interest rates on CD's comparable to other banks in the area. A motion by Supervisor Gloria Belzer: To keep the shortest term CD. Take the other three CD's, pay the penalty and reinvest under the new rates. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

### **Pederson Modification of Lots of Record**

The Town Board received a proposal from Pederson's attorney, R. Glenn Nord & Associates, P.A. dated June 30, 2006. *See attachment 2* Township attorney response-*See attachment 3*

A motion by Supervisor Cory Behrendt: That the Board acknowledges the action outlined in the letter from our attorney date July 5<sup>th</sup> 2006 and that we do so, on the condition that the easement is approved by the Township attorney and the easement cannot be released or altered without the Township approval. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

### **Vermillion River WMO**

The Vermillion River Watershed is going through the process of creating an ordinance. They are proposing a mandatory easement- this is in draft form. The Township wrote a letter stating that we are concerned about the taking of landowner's rights, via setbacks; especially that the process has not been public driven. *See attachment 4.*

### **Attorney bills relating to Text Amendment request**

Supervisor Cheryl Monson asked that the following motion from June 12, 2006 Town Board Meeting be reconsidered, the motion failed due to a tie vote. She re-entertained the following motion: A motion by Supervisor Cheryl Monson: To waive the attorney fees for this application. Motion seconded by Supervisor Cory Behrendt. A vote was taken on the motion, three supervisors voted in favor of the motion, two were opposed. The motion carried.

Planning Commission Chair Mike Greco made the following statement for the record: He had requested through the clerk, to the Town Board Chair to speak with the Township Attorney prior to the public hearing to introduce himself and to discuss administrative questions on how to run the

public hearing, what sort of evidence they needed to provide, finding of facts, whether the determination needed to be made that night, and what type of written support they needed to provide. He met for approximately 15 minutes. The attorney was present for the Planning Commission's benefit to follow the proper procedures.

In the future the Town Board asked that 2 members of a Board be present when communicating with the Township attorney.

#### Attorney Conflict Clarification

Supervisor Gloria Belzer asked to make a statement on record for clarification of the minutes of 6/12/2006 that "Supervisor Cheryl Monson stated that in 2000 or 2001 the Law Firm that was just hired by Eureka Township was fired by the township." Gloria would like to make a clarification regarding Attorney Robert Bauer of Severson, Sheldon, Dougherty and Molenda. Mr. Bauer was hired in 2002 as the commercial ordinance attorney, dealing with non conforming commercial business. Mr. Kuntz was the Township attorney at that time. Mr. Bauer was hired to deal with non conforming issue, due to a possible conflict of interest with the Township attorney. There is no mention in the 2002, 2003, 2004 minutes of him being fired. The last billing was 4/14/03. Gloria spoke to past Town Board members and they stated he drafted a moratorium proposal, a committee was formed and his services were no longer needed. He was not fired and it was felt he represented the Township well.

#### New Business

South Cedar Greenhouse- New Sign without a permit

The clerk received a phone call last month from Action Sign Company; they were working with South Cedar Greenhouse on their new sign. At that time the clerk informed them that a permit is needed for the sign. The sign has been installed without obtaining the required permit.

A motion by Supervisor Cory Behrendt: To instruct the clerk to send a letter regarding the sign without a permit to South Cedar Greenhouse asking that corrective action be taken. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Dale Leine- Installation of septic without a permit

Building Inspector Bob Hegner informed the clerk that he had received a call from the installer for inspection of a holding tank for Dale Leine, 24797 Highview Ave., Lakeville. He could not inspect the system because a permit had not been obtained.

A motion by Supervisor Cory Behrendt: To instruct the clerk to send a letter to Mr. Leine informing him of the permit needed for the septic. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Terri Petter- Licensed Humane Society

Terri Petter asked what a Licensed Humane Society is. Terri stated that there is no such thing as a licensed humane society in Minnesota.

Terri is referring to Section 3- Exotic Animals C. Exceptions 1. Licensed humane societies  
Chair Cory Behrendt asked that Ms. Petter to put her request for clarification of the ordinance in writing and submit it to the clerk.

Butch Hansen move in building without a permit

It was discussed that Supervisor Cheryl Monson and past Supervisor Mark Malecha were the two Township Supervisors that were asked to inspect the house prior to it being moved in. The clerk

searched the past minutes and could not find record in the minutes supporting this statement. Both Cheryl Monson and Mark Malecha were present at the meeting and stated that they had inspected the house. Mark Malecha contacted the clerk back in March and informed her that he had inspected Mr. Hansen's House.

Mr. Hansen stated that he did everything the previous Board had told him to do, before he moved the house onto the property. He understood that the house was part of the CUP, that the cost of the inspection to move it into the Township was covered under the CUP fee. He has no objection in paying the \$150 permit fee to move the house into the Township. He filled out the application and has paid the clerk the \$150 fee.

The Town Board's consensus is that moving the building is not part of the CUP process, that a permit to move the house into the Township needs to be obtained and the Building Inspector needs to inspect the house.

Before a building permit can be obtained for placement of the second dwelling, the conditions set forth in Zoning Ordinance 20, section 7.52 F. 1-4 need to be met. Mr. Hansen needs to create a separate conveyed parcel, at least 2 acres, with 250 foot road frontage, and a separate conveyed driveway. Mr. Hansen needs to obtain a survey for the lot split request. The lot split request must be presented to the Planning Commission, for approval by the Town Board and then be recorded with Dakota County before a building permit can be obtained.

#### Newsletter

The Town Board had received the draft of the July Township Newsletter for final approval at tonight's meeting. Editor Carolyn Papke presented a few changes. Carolyn informed the Town board that she has sold 8 advertisement spaces totaling \$550, 3 ads were for annual placements and 5 ads for quarterly placement.

#### Citizen complaint- Country Joe Racing

The Town Board received a letter of complaint from a citizen against Country Joe Racing. Noise from the sight has continued. *See attachment 5*

The Township attorney, Supervisor Gloria Belzer and past Supervisor Connie Anderson had met with James Yarosh, Country Joe Racing Attorney, and Country Joe Racings representative Dick Melius on February 4, 2006. Country Joe's attorney was to make a written response to the Township on measures they were going to take on noise abatement, etc. Township attorney Peter Tiede sent a follow up letter on March, 2006 to Mr. Yarosh. To this date a response has not been received. According to newspaper articles the third building is being used as part of the racing business.

A motion by Supervisor Cheryl Monson: That Chair Cory Behrendt meets with or contact the Township lawyer to get the Country Joe Racing team noise problem resolved. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

#### **Other Business**

Supervisor Gary Smith and Planning Commission Sharon Buckley are meeting with the Planning consultant to drive around the Township.

**Clerk/ Treasurer Presentation**

The clerk treasurer asked for clarification of training pay per meeting. Training sessions are paid at \$100.

The clerk received a call from the State Auditors Office asking for clarification of the 2005 audit. Information was not presented correctly by the Abdo, Eick and Meyers, the Township audit firm. The clerk explained that she needed to spend several hours compiling correct information to be submitted to the State Auditors Office. She received a call back, that the information she provided satisfied and corrected the audit information. This year the Township will be audited by the State Auditors Office. The clerk suggested that the following year that the Township look into finding a different firm to perform the audit.

The Township received a citizen complaint that the dust control applied to the road in front of his home discolored their blacktop driveway. He is requesting that the Township does not apply dust coating in front of his house.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting adjourned at 12:02 am.

7-10-06

Charles  
I Butch Hanson hereby swear  
that my son Craig is a farm  
hand and lives on my farm.  
maintaining fences, putting up harvesting  
hay feeding livestock and other  
farm activities.

Charles Hanson

**R. GLENN NORD & ASSOCIATES, P.A.**

ATTORNEY AT LAW  
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Facsimile (952) 469-4940  
rgnord@juno.com

**VIA FACSIMILE AND U.S. MAIL**

June 30, 2006

James Sheldon, Esq.  
✓ Severson, Sheldon, Dougherty  
& Molenda, PA  
7300 West 147<sup>th</sup> Street  
Apple Valley, MN 55124

COPY

Gary Fuchs, Esq.  
3400 Federal Drive, Suite 250  
Eagan, MN 55122

Re: Dwight & Donna Pederson - Duane & Karen Marek  
Modifications to a Lot of Record - Eureka Township  
Your File Number: 6172-25096  
Our File Number: 18703

Dear Mr. Sheldon and Mr. Fuchs:

This letter is intended to set forth what we discussed yesterday concerning the sale of a five (5) acre parcel owned by Dwight E. Pederson and Donna M. Pederson, husband and wife, and to be purchased by Duane J. Marek and Karen F. Marek, husband and wife.

Enclosed herewith is a survey prepared by Probe Engineering Company, Inc. that shows the five (5) acre parcel that is attempting to be sold [it is labeled as "EXISTING DESCRIPTION (Northerly Parcel)"]. In this letter this parcel will be referred to as the "Marek Property".

The Pedersons own the five (5) acre parcel (hereinafter "Pederson Property") lying immediately south of the Marek Property. The Pederson property is marked with dashed lines on the survey but is not described in words.

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June 30, 2006

The goal of the parties is to have the Pedersons convey the Marek Property to the Mareks and to retain an easement over a portion of the same (hereinafter "Easement Area") for lawn, barn and related uses. The easement area is approximately .80 acres and is needed because the Pederson home as presently laid out utilizes the easement area as a part of its "grounds". The specific details of the easement would be agreed to by the Pedersons and the Mareks in a written document. The Easement Area is labelled on the survey as the "Remnant Description".

The Pedersons and the Mareks request Eureka Township approval as concerns the sale of the five (5) acre parcel, the retention of the easement and confirmation by the Township that the Township will grant a residential building permit for the Marek Property at a future date.

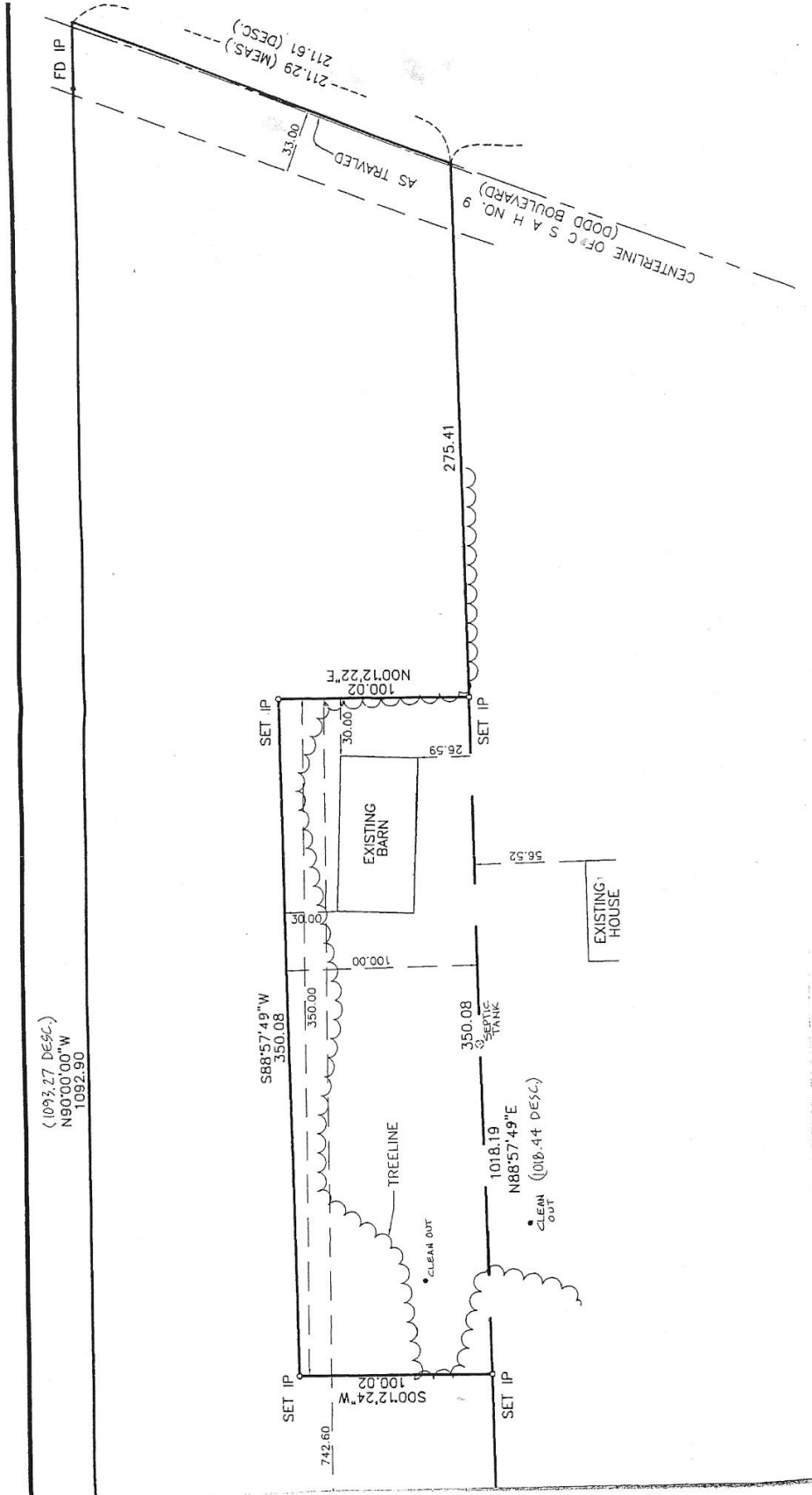
You have indicated that the Town Board would consider this request but that it should be made clear that the easement would continue to benefit the Pederson Property in the future unless the Town Board and the Pedersons gave their approval to terminate the same at which point the Mareks (or the then owners of the Marek Property) would be restored to the usage of the same as normal fee owners free and clear of the easement.

This letter shall confirm that the Pedersons and the Mareks are willing to abide by the provisions set forth in this letter. It is the parties' understanding that you will bring this matter before the Town Board for consideration, and, hopefully, approval, at its July 10, 2006 meeting.

Very truly yours,



R. Glenn Nord  
RGN:mcc  
Enclosure:





**SEVERSON, SHELDON,  
DOUGHERTY & MOLEND, P.A.**

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JAMES F. SHELDON  
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July 5, 2006

Cory Behrendt, Chair  
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Eureka Township Board  
Attn: Nanett Leine-Clerk/Treasurer  
P.O. Box 576  
Lakeville, Minnesota 55044  
Via U.S. mail and e-mail –  
[eurekatn@frontiernet.net](mailto:eurekatn@frontiernet.net)

Re: Request by Pedersons and Mareks for Modification to Lots of Record, Eureka Township  
Our File No. 6172-25096

Dear Chair, Township Supervisors and Clerk:

Attached is a letter from the attorney for Pedersons requesting that the Township consider acknowledging the transfer of an existing lot of record with the transferring property owner retaining an easement of .8 acres over the transferred lot. We addressed a similar issue in our letter of June 9, 2006, saying that subdividing a lot of record from 5 acres would create a non-conforming lot.

However, the current proposal is to have the transferring lot owner retain an easement of .8 acres over the transferred lot. Both lots then would remain at five acres, but the transferring property owner would retain rights in .8 acres of the transferred property. When contacted by the Pederson's attorney, we advised him that if he sent a letter outlining the proposal we would forward it to the Board for its review.

INDIVIDUAL ATTORNEYS ALSO LICENSED IN IOWA, WISCONSIN, SOUTH DAKOTA AND MISSOURI  
‡QUALIFIED NEUTRAL UNDER RULE 114 OF THE MINNESOTA GENERAL RULES OF PRACTICE

\*MSBA BOARD CERTIFIED REAL PROPERTY SPECIALIST 

*Eureka Township Board  
July 5, 2006  
Page 2*

The property owners' concern is that the Town Board may be unwilling to issue a building permit on the parcel which is subject to the easement. The property owners have asked that the Town Board acknowledge the transaction.

If the Board considers acknowledging such an action, we would advise the Board to only do so upon condition that the easement be approved by the Township's attorney and that the easement could not be released or altered without the Township's approval.

Based on the foregoing, we feel it is appropriate that the Township consider the applicants' request, subject to the Township's attorneys reviewing and approving the easement which would not allow the easement to be altered or released without the Township's approval. The Township should also require that the easement be recorded.

If you have any questions, please feel free to be in contact with me.

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



June 26th, 2006

Vermillion River Watershed Joint Powers Board  
14955 Galaxie Avenue  
Apple Valley, MN 55124  
c/o Water Resources Office

**Eureka Township  
P.O. Box 576  
Lakeville, MN 55044  
952-469-3736  
Eurekatn@frontiernet.net**

In regards to: Written comments on the VERMILLION RIVER WATERSHED JOINT POWERS ORGANIZATION DRAFT STANDARDS

Dear VRWJPO,

Please consider the following comments in regards to the proposed Vermillion River Watershed Joint Powers Organization Draft Standards and associated process. Eureka Township requests that the following concerns be noted and addressed before any adoption of these standards is considered.

The Township recognizes that the VRWJPO has the power to accomplish its statutory purpose – to protect, preserve and manage surface and groundwater systems within the VRWJPO, and the Township maintains its responsibility for control and determination of appropriate land use within the Township. Therefore, there is significant concern as to the buffer standards being proposed, the impact to our citizens whom own property within the delineated waterways and “forceful” removal of control from property owners and the Township as the Local Government Unit.

Although the VRWJPO has acted within the proper posting and public input process, similar processes such as the North Cannon Watershed have provided copies, written communication directly to the Township Board and ample time to prepare feedback. It is our understanding, based on our April 2006 board update with VRWJPO staff that the VRWJPO would work closely with the Township on adopting these standards. The Township is requesting 30-60 days to prepare a thorough review, work with citizens and provide feedback to the proposed standards. We do not feel the current process has afforded the Township adequate notification and time to respond, based on the proposed impact to our Township.

The Township also requests that citizens effected by any type of corridor program or buffer type requirements that would cause change of use to taxed properties, be notified in writing and afforded an appropriate amount of time to provide feedback.

The Township and its citizens share concern over the environmental stability of the Vermillion Watershed and want to work closely with the VRWJPO to achieve those goals. We look forward to working through this process together.

Sincerely,

Cory Behrendt  
Chair Eureka Township Board



Gloria,

I am writing to you as the remaining Board member who met w/ Miller concerning noise.

We are still hearing very loud engines + multiple pneumatic wrenches. When I drive by, it is clear they are still doing pit stop drills outside on the pavement. At these times, the bldg. doors are usually open, too.

I will say that, at least at the times I've been home, there have been fewer incidents, but they show no sign of stopping outside pit stop drills. This is very noisy + disruptive.

I do not know what was discussed at your meeting. Know that we firmly believe they are an illegal business and should not be disrupting their neighbors in this agricultural district.

Thank you, 