

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
July 18, 2005

Town board members present were Connie Anderson, Dan Rogers and Cheryl Monson, Clerk/
Treasurer Nanett Leine to record minutes and township attorney, Peter Tiede.

Agenda: To reconsider and possibly take action on the Board's prior decisions regarding the application by Jeffrey and Andrea Krapu for a Conditional Use Permit, Dog Kennel License and a Building Permit during the July 11, 2005 Town Board Meeting.

Chair Connie Anderson called the Special Meeting of the Eureka Town Board to order at 7:02 p.m. Supervisor Connie Anderson explained the agenda and informed the public that it was an open meeting, to hear the discussions of the town board and no public comment would be accepted.

Chair Connie opened the floor for board discussion.

Supervisor Dan Rogers read a statement he had prepared. *See Attached.*

Supervisor Dan Rogers read the proposed Resolution:

WHEREAS, The Township has been involved in litigation with Jeffrey and Andrea Krapu (Krapu's) regarding their request for a conditional use permit (CUP) for a dog kennel.

WHEREAS, The District Court of the County of Dakota ruled against the Township, and in favor of the Krapu's, ordering issuance of the CUP.

WHEREAS, The Town Board determined to appeal, and has filed its appeal, and a motion to stay enforcement of the District Court's Order until such time as the appeal can be heard.

WHEREAS, The Township's attorneys had advised not to take action on the Krapu matter pending further court rulings.

WHEREAS, Despite the pending appeal and pending motion to stay enforcement, the attorneys for the Krapu's attended the Town Board meeting, at which it was demanded the CUP be issued.

WHEREAS, Supervisor Rogers of the Town Board, concerned that the language of the order, which had not at that point been stayed by ruling of the court, required immediate action, voted to approve the CUP at the meeting on July 11, 2005, and the CUP was approved by one vote.

WHEREAS, Supervisor Rogers believes he made a mistake in his understanding of the law when it was demanded that action be taken, and wishes another vote on the issue.

WHEREAS, The Town Board is advised by its attorneys that it should not take action on the CUP until final rulings have been issued by the Courts.

WHEREAS, No CUP or other permit has actually been issued to Krapu's, and therefore none can be, or is being taken away.

WHEREAS, As no permit has issued, no action can have been taken in reliance on a permit.

WHEREAS, Town Board members have observed the Krapu property where the dog kennel is proposed to go, and confirmed that no building activity has been undertaken thereon in regards to the proposed dog kennel.

NOW THEREFORE,

The Town Board of Eureka Township hereby finds:

The resolution concerning the CUP, kennel license and building permit for Krapu's that were the subject of the Town Board resolution of July 11, 2005, were passed due to one Supervisor's vote based on an error of interpretation of the law. The Town Board does not want the permits issued unless a final court determination requires it.

THE TOWN BOARD THEREFORE,

Reverses its motions on July 11, 2005 granting the CUP, dog kennel license and building permit to the Krapu's. Those requests are denied at this time, due to the fact that the appeal and the motion to stay enforcement are pending. The Town Clerk is instructed to issue no permits to the Krapu's.

Determines and states that it will comply with the final decisions of the Courts, but wishes to exercise its appeal rights, and finds that this action may be necessary to protect those rights.

Supervisor Dan Rogers made a motion to adopt the resolution as read. The motion was seconded by Supervisor Connie Anderson. There was a brief discussion, a vote was taken, 2 yeas, 1 nay. The motion carried.

A motion by Supervisor Dan Rogers: To adjourn. Motion seconded by Supervisor Cheryl Monson.

Meeting adjourned at 7:15 pm.