

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
July 9, 2007

Call to Order

Chair Dan Rogers called the regular monthly meeting of Eureka Township to order at 7:00 PM. Members present were Supervisors Dan Rogers, Jeff Otto, Cory Behrendt, Gloria Belzer, Brian Budenski and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following item was added to the agenda:
Other Business D. Audit

Audience Comment Period

A citizen stated that a bridge had been put in without permits at 24335 Dodd Blvd, Lakeville, property owned by Jeff and Gloria Belzer. This item will be discussed as item H. Citizen Business.

Minutes

The clerk explained that corrections were made to the May 14, 2007 Town Board Meeting minutes. Three entries on Bills were not deleted from the previous month's list and the incorrect total for MFRA bill was entered. The total amount for the bills for the month was ten cents higher than what was previously stated.

A motion by Supervisor Gloria Belzer: To correct the bills and receipts for the May 14, 2007 Town Board Meeting. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Corrections to: Claims List For Approval, Date range 6/1/07 to 6/30/07. The MFRA invoice for \$3,477.10 was paid twice. MFRA refunded the over payment. The bills for last month were \$3,477.10 less. The correction was made on the 2nd page of Claims List. The supervisors were asked to initial corrected page. The \$500 escrow credited to Mr. Ripley was transferred to the general fund for partial payment of building permit #07-05-018 this was also noted on the claims list.

A motion by Supervisor Jeff Otto: Acknowledging the changes to the claims list. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The following corrections were made to the May 31, 2007 Special Town Board Meeting minutes: Page 1- Building Inspection B. should read: 180 "days", Page 3- F. should read renewal "fees". Page 4- D. "Brian" (misspelled).

A motion by Supervisor Gloria Belzer: To approve the Special Town Board Meeting Minutes of May 31, 2007. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

The following corrections were made to the June 11, 2007 Town Board Meeting Minutes:
 Page 1- approval of the agenda was made by Jeff "Otto", spelling corrections and punctuation changes were made to the document.

A motion by Supervisor Jeff Otto: To approve the Town Board Meeting Minutes of June 11, 2007 as corrected. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Supervisor Gloria Belzer asked that attachments to minutes be included with the minutes when they are presented to the Town Board for approval.

Treasurer Report

Checking Account Balance \$3,309.62. Savings Account Balance \$52,908.37.
 CD Account Balances \$150,858.51. Total Account Balance \$207,076.50.

The maturing CD was reinvested for 5 years at an interest rate of 4.95%.

A motion by Supervisor Jeff Otto: To approve the Treasurer Report. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

BeSure Inspection Services	Inspection thru 6/30/07	\$65.00
Otte Excavating	Services thru 6/30/07	\$9,709.50
Dakota Electric Association	Electric Town Hall	\$52.85
Frontier Communications	Phone service Town Hall	\$113.93
Dick's Sanitation	Garbage Service July	\$35.46
Culligan	Water softener rental	\$23.38
ECM Publishers	Legal Ad Eureka Sand & Gravel	\$28.50
Nielsen Farms	Mowing Town Hall/ Black dirt/ seed	\$770.00
MN Assoc. of Townships	Training-Clerk	\$35.00
Nanett Champlain	Expenses 6-1-07 to 6-30-07	\$506.85
City of Lakeville	2007 Fire Contract	\$27,880.00
Dustcoating	Dust control	\$13,475.70
Connie Anderson	Deputy- mileage	\$17.36
Internal Revenue	Deposit 941- July	\$492.54
State of Minnesota	MN Withholding 2 nd Qtr	\$289.29
Department of Labor	2 nd Qtr State Surcharge	\$516.34
United States Postal Service	On account – newsletter postage	\$175.00
PERA	Pay Period 6-1-07 to 6-30-07	\$233.38
TKDA	Eureka Sand & Gravel review	\$1,478.94
Nanett Champlain	Payroll 6-1-07 to 6-30-07	\$1,441.13
Connie Anderson	Payroll 6-1-07 to 6-30-07	\$161.61
Total Bills presented		\$57,501.76

The following receipts were deposited in June:

• **Local Permits**

Eagle Exterior- Kadlec #07-05-021	\$244.25	Midwest Roofing- Lane #07-05-20	\$126.00
Mark Pflaum- Permit #07-05-019	\$5,815.69	Controlled Air- Klauser #07-06-025	\$90.00
Mark Pflaum- Permit #07-05-019	\$92.50	Linda DeWolf- Application Fee	\$25.00
Emmick Const.- Acton #07-06-023	\$256.86	Serenity Homes- Application Fee	\$25.00

Other Receipts

Gardens of Egan-History project	\$50.00	Seigel Brill...-Copies (data practices)	\$86.90
Castle Rock Bank- Interest- Savings	\$775.06	Castle Rock Bank- Interest- CD	\$255.82
Castle Rock Bank- Interest- CD	\$362.33		
TOTAL RECEIPTS DEPOSITED IN JUNE 2007			\$8,205.41

It was noted that receipt #029843 & #029844 were not listed on the Receipt Resister. These receipts were from Castle Rock bank for the interest on the CD's. The receipts were entered as Sales of Investments rather than by receipt number. The corrections were made to the receipt ledger.

A motion by Supervisor Brian Budenski: to approve the bills and receipts as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Road Contractor Time

Discussion included the application of dust control on the roads. Last year the dust control was applied to the entire width of the road. This year the width of application was 18 feet. Less material was applied because there is residual dust control from last year. The plan is to apply additional dust control if needed. Due to the heavy truck traffic from Northern Natural Gas Pipeline, several roads in the Township have dust issues. Northern Natural Gas has agreed to pay for additional dust control on these roads. Supervisor Brian Budenski is working with Northern Natural Gas on this issue.

Ditch mowing Quotes

Two quotes were obtained for ditch mowing:

Dale Kuchinka \$30/ mile and Shamrock Lawn Service. \$45/ mile

A motion by Supervisor Cory Behrendt: To approve Dale Kuchinka's quote for ditch mowing. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Planning Commission

Possible Consent Agenda Items

Wayne and Linda Dewolf- 24501 Iceland Path, Lakeville (Property ID# 13-24660-040-08) requested a permit for a 60' x 42' pole building.

Building permit #07-07-027 was issued for \$821.21

Jeff and Rose Buchegar- 27250 Hamburg Ave, Farmington (Property ID# 07-07-028) requested an addition to their home.

Building permit #07-07-028 was issued for \$791.05

A motion by Supervisor Cory Behrendt: To approve the consent agenda items as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Other Business

Dwight and Donna Pederson

Donna Pederson, 24875 Dodd Blvd, Lakeville asked to move forward with the variance process to ensure that their property is deemed buildable.(Property ID# 13-01800-015-52) The Pedersons were asked to present the abstract of the property to the Planning Commission. The Planning Commission set a date of July 24, 2007 for the public hearing. The Pedersons waived the 60 day period.

Atina and Martin Diffley

Lot of Record Verification and Building Right Cluster Request

Martin and Atina Diffley- 25498 Highview Ave. asked for Lot of Record Verification on Property ID #13-02100-010-28. They presented a warranty Deed dated April 4, 1967. The lot of record is landlocked. Under Ordinances 3, Chapter 3, Section 2: must meet all requirements in Section 1. a. thru e., which includes: it has 33 feet of frontage on a public right of way. Ordinances on record from August 30, 1966 required 100 feet of road frontage to be buildable. If this lot of record is grandfathered a buildable lot it would have had to meet ordinances at the time of its creation.

All the building rights in the quarter/ quarter sections have been used (The NW Qtr/Qtr section was clustered. The NE, SW and SE Qtr/Qtr sections have houses on them)

Diffley's presented the Town Board with an Atlas (1994) that they believed to show a road bordering on the property, thus showing road frontage at one time.

The Diffley's were asked to present documentation of the actual creation of the lot. Martin and Atina Diffley agreed to a 60 day extension on the 60 day rule, this document was presented to the clerk.

The Diffley's are also requesting that the building right that they feel exists on this piece of property- E 29 Acres of S 60Acres of E 1/2 of NW 1/4 of Section 21, be clustered to the NE 1/4 of the SW 1/4 of Section 21.

Planning Commission update- Chair Mike Greco

Pederson's variance request was dated May 31, 2007.

A motion by Supervisor Cory Behrendt: that if we are unable to complete the variance request for the Pederson's within the 60 day that we file for a 60 day extension while we further research details of the application. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

1. Ordinance Updates- Round 1 updates: A copy of proposed ordinance update, reviewed by Jim Sheldon have been presented to the Town Board. These ordinance changes are ready for public hearing. Round 2 updates: The Town Board was presented with an outline of Round 2 updates. The Planning Commission is prioritizing updates; a Special Meeting has been scheduled for July 12, 2007.
2. The Town Board received response from Township Attorney Jim Sheldon on Building Clusters and Lot splits. He felt that these should be done by resolution. The Planning Commission will develop standard language for the resolution. Also public hearing should be held for all building right clusters. The Planning Commission feels that the public hearing should be held

at a regular Planning Commission meeting to keep costs down for the property owner. A timeline will be determined for building cluster right requests.

3. Met Council Planning grant application. The deadline is August 4, 2007, up to \$15,000 is available.
4. The Planning Commission asked for clarification of "Half of permit fee" to renew a building permit.

Citizen Business

A. Friedges Property Citizen Complaint

Brian Budenski, Dan Rogers and Mike Isensee, Dakota County Soil and Water inspected the Friedges property. They reviewed the photos of the run off, erosion, and extended use of the property. Supervisor Brian Budenski is working with Dakota County Soil and Water. No permits have been applied for.

Road weight restriction on 225th St. W. – A detailed resolution will be drafted for the August Town Board Meeting.

Storage of equipment inside of building- The building is full of processing equipment. They never intended to bring trucks or storing equipment inside of the building.

B. Storlie Pit- Dewatering

Supervisor Gloria Belzer handed out a recap of dewatering progress since the January Meeting. John Storlie has a list from the DNR on what needs to be done. Bill Weber, MFRA looked at the Ordinance proposal, he thought it was reasonable, he suggested one change. *See attached letter.*

Chair Mike Greco stated concerns that the Planning Commission had on the proposed language. These concerns are outlined in the Planning Commission minutes.

Supervisor Gloria Belzer asked if the request was part of the zoning ordinance. She referred to the letter from the Township attorney; where he refers to the current zoning ordinance on mining. If it is part of the zoning ordinance, then there is a procedure to follow to change the text of the zoning ordinance.

A motion by Supervisor Dan Rogers: That Supervisor Cory Behrendt and Supervisor Dan Rogers and two Planning Commission members will draft an ordinance update on dewatering and to check with the attorney if he truly meant zoning. The motion seconded by Supervisor Gloria Belzer. Four supervisors voted in favor, one was opposed. Motion carried by unanimous vote. Supervisor Cory Behrendt voted against the motion, he did not feel that the attorney needed to be contacted, but he agreed with the procedure.

C. Windmill Gravel Mine Permit

The permit application is out for review. Once the review process is complete it will be determined if an EIS is required. If it satisfies the requirements a public hearing must be set within 30 days by the Planning Commission.

Questions on the EAW end EIS should be addressed to the clerk, the questions will be forwarded to Kenny Miller, Windmill Gravel for response.

D. Citizen Complaint- Eureka Estates

The brush and weeds blocking the sightline at the railroad crossing on 240th St between Highview and Cedar Ave was removed by the railroad on July 3, 2007.

There is a mobile home/ trailer located at 8674 240th St., Lakeville. Supervisor Brian Budenski will check with the property owner, to see what his intentions are.

The dumpster mentioned in the letter has been removed.

The clerk will send a response to the complainant on what action has been taken.

F. John Strunk- landscaping

Cross Nursery and Bachmans donated trees. Eureka Sand and Gravel delivered rock purchased from Kraemer and Sons. John Strunk will take care of the bill for the rock. Tom Molitor offered to donate a traveling sprinkler and Gloria Belzer will donate garden hose.

E. Citizen Complaint- 8875 225th St W

The clerk received a complaint on May 14, 2007, stating that the old home on 8875 225th St W should have been removed 12 years as indicated in the Township minutes.

The clerk researched the minutes of March 13, 1995. Ms. G. Sauber had inquired about building rights on the property. There was never any action on any building permits on that request at that location. The house did not need to be torn down, because no building permit has been issued for the property.

The clerk was asked to draft a response to the complainant.

G. Newsletter

Publishing of the newsletter was discussed.

A motion by Supervisor Cory Behrendt: To appoint Jody Armen Jones as the new editor for the quarterly newsletter. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

H. Citizen Complaint- Installation of Bridge at 24335 Dodd Blvd

(Verbal complaint at beginning of meeting)

Gloria Belzer, property owner addressed this issue. The bridge is a walking bridge crossing the Vermillion River. The bridge with a culvert was originally installed by Mr. Reddick. The Belzer's updated the walking bridge some years later. Recently the Belzer's placed rock on the banks.

Brian Watson, Dakota County Soil and water received a complaint that a bridge had been placed on the Vermillion River. He inspected the bridge. He determined by aerial photos that the bridge was not new, that it is a walking bridge and may remain on the property. The Belzer's are currently working with the DNR to place another walking bridge on the property.

Planning Commission Update Discussion

Round 1 Ordinance Updates

A motion by Supervisor Cory Behrendt: To approve the Planning Commission to proceed with the Round 1 updates public hearing. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Round 2 Ordinance Updates

The Town Board discussed with moving forward with Round 2 Ordinance updates. The Planning commission will move forward with prioritizing updates and set meetings they feel necessary.

Met Council grant application

Supervisor Cory Behrendt will work with Mike Greco on completing the grant application.

Half of the permit fee

The fee is ½ of the permit fee. Not the application fee.

Waver Document

The MAT attorney will be contacted for advice on drafting a waiver document.

Other Business

A. Town Hall Rental agreement

The final draft of the Town hall rental agreement was presented to the Town Board.

A motion by Supervisor Cory Behrendt: To take the tentative rental agreement and to submit it to the attorney for review. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

B. AirLake- Jeff Otto

Supervisor Jeff Otto presented a draft for Town Board consideration of input to provide on the Metropolitan Airport Commission Comprehensive Plan for AirLake Airport. The time for input concludes July 10, 2007.

A motion by Supervisor Cory Behrendt: To approve the submission of the draft letter from the Township to the MAC. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

C. Schedule a closed meeting “Hansen vs. Eureka”

A special closed meeting was scheduled for Monday, July 16, 2007 at 6:00 pm.

D. Audit

The Township audit was completed by Lewis and Kirsh. The audit report was presented to the Town Board for review.

Old Business

A. Rain Garden Proposal

The proposed rain garden site does not qualify for the grant. There is a smaller grant (Under \$500) that can be applied for at any time. Item tabled.

B. Attorney Engagement Policy

Table until August

C. Township Attorney

Supervisor Jeff Otto presented a proposal for the selection of a new Township attorney. A special meeting date will be set to interview attorney candidates.

A motion by Supervisor Jeff Otto: That the proposal for the formation of the research committee consisting of Supervisor Jeff Otto, Supervisor Cory Behrendt and Planning Commission Chair

Mike Greco be authorized to proceed with the initial phase of the attorney selection process as outlined. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

D. Policy for handling citizen complaints on the agenda

Supervisor Cory Behrendt handed out a policy for review for the August meeting.

E. Vermillion River Watershed Local Plan

Supervisor Gloria Belzer spoke with Marybeth Block. Ten townships have agreed to participate, possibly two more.

F. Weed Complaint- Conroy Denmark Ave.

The Conroy's had until July 10th to bring the property into compliance. Supervisor Brian Budenski will follow up on the complaint status.

G. Recording of CUP's

Letters were sent to 6 of the property owners identified as holding CUP's on their property. The exact location of the Zender Christmas Tree farm could not be determined, a letter was not sent. At this time two property owners have responded. Char's Beauty Salon asked that the CUP be recorded. Karen Osterman's CUP is not active, the new owners of the property and asked that it be rescinded and not recorded. A second letter will be sent to those property owners who have not responded.

The clerk will research and compile CUP information on all active CUP's for filing with the Dakota County Recorders Office. The information will be presented to the Town Board for review before sending it to the property owners.

H. Mailbox Installation

A motion by Supervisor Cory Behrendt: To approve the spending of \$300 on mailbox installation. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

New Business

A. Solicitation Permitting

A citizen asked that the Town Board consider solicitation language to the ordinance. The Planning commission will consider language to the ordinance.

Clerk/ Treasurer Presentation

Dakota County Soil and Water in conjunction with the Vermillion River Watershed offered a \$100 discount for supervisors attending the Volume Control Stormwater Meeting.

A motion by Supervisor Cory Behrendt: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting adjourned at 11:44 pm