

A motion by Supervisor Brian Budenski: To approve the building permit for Julie Larson 8297 250th St. W. Farmington. Motion seconded by Supervisor Nancy Sauber. Motion carried by unanimous vote.

Approval of Minutes

Miscellaneous grammar, spelling and punctuations were noted and corrected. The following corrections were made to the July 13, 2009, Town Board Meeting Minutes: Page 5- Under John Ackerman- the following was added after the third sentence: "The survey was adjusted, since presented last month, to preserve the lot as buildable." Page 6- second paragraph- before second sentence, add: "Supervisor Nancy Sauber commented that" Page 6- under plumbing permits- reword the sentence to read: "MN State Building Code requires a permit when work is being done on the plumbing, when the plumbing work is stand alone and not part of a building permit." Page 7- at the end of the last sentence, add: "Trevor stated." Page 8- end of second to last paragraph, add: "as well." Page 9 under Brosseth Escrow- end of last sentence first paragraph should read: "questions about the bill from TKDA." Page 10- under Rural Collaborative Plan update- add to the first sentence: This "agenda item"... Add to the beginning of the third sentence: "Chair Jeff Otto offered that"

A motion by Supervisor Brian Budenski: To approve the June 13, 2009, Town Board Meeting Minutes as amended. Motion seconded by Supervisor Nancy Sauber. Supervisor Carrie Jennings abstained from voting because she was not present at the meeting. Motion carried by unanimous vote.

Miscellaneous grammar, spelling and punctuations were noted and corrected. The following corrections were made to the Special Town Board Meeting of June 18, 2009, continued on July 14, 2009: Page 2- 2nd paragraph- add a period after "6 points" At the beginning of the next sentence take out "as well as" and add: "They had also reviewed" later in same sentence after Country Stone- take out "and" and add: ", as well as" Paragraph 5- take out first "we" add: "Township", take out second "we" add: "the parties". Next paragraph- second to last sentence remove the word "the". Page 3- 4th paragraph, sentence starting with "To agree would... add: such "an" expansion... Add the following sentence to the end of the paragraph: "There is also the issue of the forklift that places and removes the pallets in the storage areas with the backup beeper noise, so it is not a passive use of the area."

A motion by Supervisor Nancy Sauber: To approve the minutes of the Special Town Board Meeting of June 18, 2009, continued on July 14, 2009, as amended. Motion seconded by Supervisor Dan Rogers. Supervisor Carrie Jennings abstained from voting because she was not present at the meeting. Motion carried by unanimous vote.

Treasurer's Report

Checking Account Balance: \$18,576.91. Savings Account Balance: \$194,122.37. CD Account Balances: \$137,812.56. The value of the CD that matured on 7/17/09 is \$30,208.15. Total Account Balance: \$380,719.99.

The bank closed for the day before the Clerk called to check current CD rates, so current rates were not presented. The Clerk reported that balances in the General Fund and Road and Bridge Fund are low. Operating transfers will need to be made from other Funds to cover bills. Second half of 2009 taxes are deposited into the Savings Account in December. At that time transfers will be returned to the proper Funds.

A motion by Supervisor Jeff Otto: To approve the Treasurer Report as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

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

A motion by Supervisor Jeff Otto: To accept the Receipts Register, the Statement of Receipts, Disbursements and Balances, the Cash Control Statement, the Disbursement Register as presented. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 7/31/09	\$11,130.00
Otte Excavating	225 th St. Project	\$19,631.60
MNSPECT Inc.	Inspection Services July 2009	\$1,281.14
Dakota Electric Association	Town Hall	\$73.04
Frontier Communications	Phone Service Town Hall	\$125.04
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$40.19
TKDA	Sauber 5-31-09 thru 6-27-09	\$34.31
TKDA	Brosseth 5-31-09 thru 6-27-09	\$192.72
Kelly & Lemmons	Legal Services thru July 31, 2009	\$6,914.11
IRS	Deposit 941 August 2009	\$716.04
PERA	Payroll Period 7/1/09 to 7/31/09	\$357.00
Nanett Sandstrom	Expenses 7-1-09 to 7-31-09	\$95.00
Georgie Molitor	Newsletter seals	\$17.12
Jeff Otto	Country Stone Mailing	\$34.42
Eureka Sand & Gravel	225 th St Road repair gravel	\$9,493.93
Lakeville Printing	Newsletter	\$251.50
Dubbles Lawn Service	Mowing Town Hall- July	\$300.00
MAT Agency	Hansen Claim	\$259.65
Pierson Reporting	Friedges Lawsuit	\$534.00
Castle Rock Materials	Gravel	\$14,869.31
Dale Kuchinka	Ditch mowing June 2009	\$1,240.00
Castle Rock Bank	R.O.W. Ordinance	\$391.62
Castle Rock Township	Loan Payment #10	\$26,446.19
Nanett Sandstrom	Clerk Payroll 7/1/09 to 7/31/09	\$2,082.21
Connie Anderson	Deputy Clerk payroll 7/1/09 to 7/31/09	\$357.85
Total Bills Presented		\$97,302.38

The following receipts were received July of 2009:

• **Local Permits**

Roger Garret- Application Fee	\$25.00	Hayes- Plumbing permit	\$75.50
Donovan Palmquist- Application Fee	\$50.00	Lee Jones – Retreat Center Reroof	\$839.87
Susan Hayes- Permit 09-15	\$1,065.59	Julie Larson- Application Fee	\$25.00
Metro Fire– Prairie Creek	\$2,914.43		
Telecom- Utility Permit	\$25.00	Dakota Electric- Application Fee	\$25.00
Garret- Permit 09-30	\$201.27	Dakota Electric- Application Fee	\$25.00

• **Other Receipts**

Dakota County- 1st Half Taxes	\$244,449.39	Dakota County- Delinquent Tax	\$824.08
C.S. Cooper- Newsletter Ad	\$125.00	Castle Rock- Interest CD	\$195.88
Glory to Glory-Escrow balance	\$821.25	Castle Rock- Interest CD	\$632.12
Laverne Pumping- Newsletter Ad	\$125.00	Castle Rock- Interest CD	\$393.96
Eureka Sand & Gravel- Newsletter Ad	\$125.00	Gloria Belzer- CD	\$5.00

TOTAL RECEIPTS DEPOSITED AS OF JULY 31, 2009 **\$252,968.34**

A motion by Supervisor Jeff Otto: To accept the Claims List and the Net Pay Account 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 Town Board Supervisors.

Budget

The Town Board reviewed and discussed the budget.

Contractor Time

225th St. Road Project

The 225th St. road project is completed.

265th St. Guard Rails

The attorney feedback essentially said the Township should be guided by MNDOT requirements and advice from the County.

Supervisor Dan Rogers contacted Mr. Anton from Dakota County. He basically said that it is up to the Township. The estimate from the County is approximately the same as the estimate already received.

The east side of the bridge has a more dangerous approach; the embankment is steeper for a longer distance and is higher. Vehicles are traveling at a higher speed as they approach the bridge. From the west, vehicles are just turning onto the road and would be approaching the bridge at a lower speed. Dan Rogers will speak with Mr. Anton for a more definite recommendation. A road count on the bridge use will be taken.

Dust Coating

A second application of Dust coating will be added to more heavily-traveled roadways. The newly repaired area on 225th St. will receive an application. The remaining budget allows the application of approximately 12,000 gallons. One of the Road Contractors will ride with the applicator.

Reclamation on 240th St. (recreating the ditches and seeding)

The estimated cost to establish the ditches to meet the current ditch and seeding is estimated at \$400.00 per side. Supervisor Dan Rogers was in contact with Mike from the Met Council. The costs of the repairs will be covered from payback from Hentges.

Trees in Ditches

There are several areas in the Township that weed trees (swamp willows) in the ditches are becoming a problem. Options for controlling these trees were discussed. Supervisor Carrie Jennings will check with the Vermillion Watershed as to what can be applied to kill the trees.

Signs

Some of the new signs have been received; others should arrive this week. They will be installed once all of them are received. A stop sign on 245th St. and Dodd is obstructed. The Road Contractor was asked to remove the brush that is obstructing the sign.

Citizen Business

A. Sauber Mine Reclamation

Rita Poppitz and Attorney Larry Harris, representatives for Sauber Trust, were present and addressed the Town Board. Mr. Harris commented that the position of the trust is that they believe they can get the matter settled through the mediation process if soil testing is done. They believe that it is necessary to sample about four areas surrounding the area that is mined out and a couple samples at the bottom. The biggest disagreement between the operator and the property owner is the nature and quality of topsoil in the pit and how it compares to the surrounding areas. Testing estimates are around \$4,000. Mr. Harris asked if the Township is willing to participate in the cost.

Supervisor Carrie Jennings asked what specific testing is being asked for. She suggested contacting an Agronomist at the Ag Extension at the University of MN for soil testing.

Supervisor Nancy Sauber read from the condition of the end use plan. If this is a condition of the permit, what does a permit mean, if the Township does not enforce the conditions of the permit? The Township costs to enforce the permit shall be paid for by the permit holder, as stated by Attorney Oliver. The reclamation was to be completed within three months.

Supervisor Carrie Jennings suggested hiring a Soil Consultant to take soil samples.

Chair Jeff Otto will follow up with the attorney, with specific references being asked about, to get better clarification on the Township authority and obligations.

Kenny Miller, operator of Eureka Sand and Gravel, was present. He was asked if he wanted to make a statement. He declined to make a statement at that time, but reserved the right to make a statement later in the meeting.

B. Krapu/ Vermillion Kennels Complaint

Andi Krapu submitted a letter dated July 28, 2009, listing an accounting of changes that have been made at Vermillion Kennels in reference to the complaint addressed at the July Town Board meeting.

See attached letter dated July 28, 2009, from Jeff and Andi Krapu. The Town Board accepted the letter.

Town Board members agreed that the issue with the light at the end of the driveway has been adequately addressed. Light does not shine on the roadway or on adjacent property. Dakota Electric asked the Town Board to send them a letter stating that it is satisfactory.

C. Zimmer Technical Evaluation Panel (TEP) Board Approval

Supervisor Carrie Jennings attended the TEP review of the Zimmer property. Carrie has reviewed the report, thought it is good, but she flagged a few items. A culvert will be installed at an angle for minimal impact to allow the Vermillion River to flow through. The house is in an area that is not wetland, so there are no issues with wetland replacement.

A motion by Supervisor Carrie Jennings: To approve the Wetland Delineation Report on the Zimmer property. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The Town Board took a short recess.

Kenny Miller, owner/ operator of Eureka Sand and Gravel, briefly addressed the Town Board on the Sauber Mine Reclamation issue. Kenny Miller commented that the original permit was issued as a Conditional Use Permit in 1999. He asked the Board to look at the original permit. Who is the permit holder? Kenny Miller stated that the Sauber Trust is the permit holder. Permits are issued to the property owner.

Other Business

A. Planning Commission Update

Planning Commission Vice Chair Ken Olstad updated the Town Board on Planning Commission business.

The Planning Commission interviewed Carol Kelly as a possible candidate for writing Planning Commission minutes. There is one, possibly two, other candidates to interview.

The Planning Commission is interested in setting up a roundtable meeting with the Town Board to clear the air, set expectations, and to discuss a variety of things.

At the last Planning Commission meeting Town Board Chair Jeff Otto updated the Planning Commission on happenings. The Planning Commission felt this was helpful and suggested that this be part of their regular agenda.

B. Township Financial Audit

The Clerk received the Audit report for 2008 from Lewis, Kisch & Associates. The audit was distributed to the Town Board prior to the meeting for its review. The auditing firm found no problems or issues. The standard comment was made in the report that Eureka, like many townships in the State, does not have more than one person involved in financial aspects, so internal control of checks and balances is not in place. Therefore, an outside audit is done.

The Financial Statements with Audit Report is available for review from the Clerk.

A motion by Supervisor Nancy Sauber: That Town Board accept and approve the audit and to provide the return acknowledgement to the audit firm. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Chair Jeff Otto and Vice Chair Brian Budenski signed the Eureka Township acknowledgement of receipt of Financial Statement, certifying the proper records were provided to the Audit Firm and the Town Board is not aware of any violations as well.

C. Building Permit, Mechanical & Plumbing Permit Application Forms

The Town Board has not received confirmation from the Township Attorney on the signature language on the application forms. The Town Board reviewed the documents and made changes they deemed necessary. The revised applications will be reviewed at the September Town Board Meeting.

D. DNR Permit to clean and maintain culverts and bridge crossings

The Township was issued a permit by the DNR in 1998 to clean and maintain culverts and bridge crossings. (Permit #1998-0674) This permit expired in 2002. Janell Miersch, South Metro Area Hydrologist for the DNR, sent the Town Board an email explaining that the permit could be renewed if

the Town Board made such a request. Supervisor Dan Rogers will contact Janell about renewing the permit.

E. CEEF Liaison for Eureka Township

Amy Nielsen expressed interest in becoming a liaison for the CEEF (Castle Rock, Empire, Eureka and Farmington). The Clerk contacted Maribeth Vanderbeck, CEEF website contact. The Township currently does not have a representative.

A motion by Supervisor Dan Rogers: To appoint Amy Nielsen as the CEEF representative for Eureka Township. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

F. MinnCan Road Right of Way Permits/ sign off

Bonnie Jensen, MinnCan representative, had contacted the Clerk to have the Township sign off on the bond for the road right-of-way project in the Township. The Clerk forwarded the request to Road Supervisor Brian Budenski. Brian has made contact with Bonnie, but the sign-off paperwork has not been received. This item will be moved to the September Town Board agenda.

G. North Cannon River Watershed Management Organization (NCRWMO)

Supervisor Carrie Jennings reported on the NCRWMO meeting. The NCRWMO decided not to adopt buffer language at this time. Wetland rules are changing in the next month. They will continue to enforce what is already in the Statute. They will provide the Township with accurate maps of the wetlands. A new watershed plan is mandated in 2013.

G. 2. Wetland Training Update

Supervisor Carrie Jennings reported on the Wetland Training session. They went through the Wetland Conservation Act and revised the rules relating to the Wetland Conservation Act for the State. It reflects a new emphasis on the watershed approach.

H. MAT Training Update

Nancy Sauber reported on MAT Training, sign reflectivity, recording of minutes, and speed limits. Wild parsnips may be added to the list of noxious weeds. The Board was given copies of "Bills That Are Law Table 2009" from the training.

I. Vermillion River Watershed Joint Powers Organization (VRWJPO) Letter Re: Permitting

Chair Jeff Otto received a letter from VRWJPO on permitting. *See attached letter dated July 1, 2009, from Mark Zabel, Administrator for the Vermillion Watershed.* Jeff feels this approach favors the Township. It is a practical and reasonable approach. The VRWJPO does not have the desire and is not equipped to take over permitting. Basically, the core of the permitting process would remain with the Township. The JPO has identified two triggers that would route it in parallel to the JPO. The JPO would report to the Township based on its technical interpretation of its regulations in its Ordinance. The JPO would come back with a list of requirements that would be part of the permit issued by the Township. The JPO is asking for 60 days for turnaround of a permit. The JPO would be the technical review board.

Procedures for handling and processing lot splits and the 60-day rule were briefly discussed.

Chair Otto will draft a response letter and get direction from the Township Attorney on moving forward with an agreement.

J. Country Stone Update

The Country Stone attorneys have taken additional depositions. The court date is August 26th and possibly also August 27th. The two parties are coordinating on a witness list. They will try to focus on the core issues. The attorney will set up a session with witnesses prior to the trial date to give instruction.

K. Roundtable Meetings

The Town Board agreed that a roundtable meeting should be set up with the Planning Commission. They felt that the Clerk should also be in attendance. The agenda items will include: Communication between the two Boards and discussion on Industrial/ Commercial study if there is time. Tentative dates and times were sent out for the meeting.

L. Industrial/ Commercial Planner

The Town Board briefly discussed choosing an Industrial/ Commercial Planner. The Town Board decided not to make a selection at this time. Letters will be sent to the firms that applied for the position.

Old Business

A. Windmill Complaint- follow-up

Supervisor Nancy Sauber had questions on the Windmill Interim Use permit. She could not find a copy of the NPDES permit. These permits should be on file.

Kenny Miller, owner/ operator, commented that the permit numbers were given to Township at the annual review. They should be on file with the Clerk. Copies of the permits are forwarded to the post office mailing address (City of Farmington) by the issuing authorities, not the local permitting authority. (Eureka Township)

Nancy asked about vegetative berms. Is there a set time frame for vegetating berms?

Kenny commented that the stable berm has been vegetated with grasses. There are weeds. The noxious weeds have been sprayed. Stable berms are mowed. (North and west berms) The berm to the east is a living berm. Soil is still being added to the east berm as they strip the mine and soil is brought into the site. There are no plans to mow this berm at this time. Once the east berm is stabilized, it will look much different. There is a hole in the east and west berm, so that water drains back onto the Windmill property. The procedures outlined in the Interim Use Permit have been followed.

Nancy had a question on the berm in the Kelly Aggregate pit that lies south of the pit. It does not appear to be vegetated yet. When should this requirement of vegetating of the berm take place? Is the berm still being added to? Supervisor Carrie Jennings will contact Kelly Aggregate and Ames Construction on this issue.

B. Misc. Updates

1. Noise and Nuisance enforcement report

Supervisor Nancy Sauber received further feedback from the County Attorney's Office on noise and nuisance enforcement. The Township has a Noise and Nuisance Ordinance. The Sheriff can enforce it if there is an agreement in place between the Township and the County Board. If there is such an agreement and there is a complaint, the Sheriff could issue a citation. It would then be turned over to the Township to follow up on. *See document from Karen Shaffer of Dakota County Attorney's Office dated July 28, 2009.* Nancy will attempt to speak with Commissioner Joe Harris about further questions on this issue.

2. Attorney Questions

Supervisor Nancy Sauber asked for further clarification on the recovery of outstanding permit and plan review fees and attorney costs in recovering the fees.

Hansen Restrictive Covenant- Is the Restrictive Covenant in place? Has the permit fee been paid and the inspections filed with the Clerk? The Clerk reported that Mr. Hansen turned in a Certificate of Occupancy. When asked if he had inspection reports, the reply was no. No permit fees have been received.

3. Building Inspector Questions

No update at this time.

4. Resource Strategies Letter

The Dakota County Association of Township Officers has received a grant from the Dakota County Community Development Agency to prepare model ordinances for communities. Dean Johnson was asking for input from the various communities to determine what consensus there may be on collaborative ordinances on which to focus. Last month, the Board had decided it was not interested in participating. At this meeting, the question was asked about the Township receiving its share if it chose not to participate. Presumably, the Township would receive a copy of whatever ordinance work was done. The Board has decided that it is not interested in ordinance work that would involve further costs beyond the grant money. A District meeting is scheduled for August 27th. Supervisor Nancy Sauber will attend the meeting and report back to the Town Board at the September Town Board Meeting.

5. Minnesota Energy Bond

The bond was released in November 2008. MN Energy never cashed the check. Recently the clerk attempted to contact MN Energy, but has not received a call back. Last week Supervisor Brian Budenski, weed inspector, was contacted by a citizen expressing concerns about weeds in the ditch on 225th St. where Minnesota Energy installed the pipeline. Supervisor Brian Budenski asked the Clerk to stop payment on the check. He is attempting to contact MN Energy to have them seed the ditch. If they do not respond, the \$500 escrow will be used to reseed the ditch.

6. Firing Range on Metropolitan Airport Commission (MAC) Land

Supervisor Dan Rogers visited the current firing range. Dan met with a gentleman from DC Management Systems, which cleans up firing range sites. The site has never been cleaned up. As long as the range is an active site, they are not required to do anything. As soon as it is deemed an inactive site, they are required to clean it up by Federal Law. Dan contacted MAC and advised them of the Federal Law requirements.

New Business

A. Town Hall Repair

The Township Insurance Company (Minnesota Association Township agency) will cover the damage that recently occurred. Currently the Township is waiting for estimates. The MAT Insurance Company will seek recovery of costs from the perpetrator's Insurance Company.

B. Dakota County Land Sale

The Clerk was contacted by Mary Kennedy of Dakota County that a parcel of land in Eureka Township will be auctioned off in October. The Township could acquire the land for use as a park or other public use. The parcel is off of 235th St and Highview Ave. (Parcel ID 13-00800-040-50). The parcel is 2.1 acres and is landlocked. Supervisor Carrie Jennings will contact Mary and get more information.

C. City of Farmington Dialog invitation

The Farmington City Planner, Lee Smick, contacted Chair Jeff Otto to see if the Town Board was interested in having informal dialog with a Town Board and a Planning Commission member. Jeff volunteered to go to the first meeting. Planning Commission member Vince Mako will also attend.

D. Safety Concern & Policy

The Board discussed the public conduct policy. The attorney will be consulted about some possible changes.

E. Census Bureau Report

The Township has been asked by the Census Bureau to identify any locations within the Township where individuals may be staying such as under a bridge or in a thickly-wooded area. Town Board members have no knowledge of such persons living in the Township.

Clerk/ Treasurer Presentation

New office equipment

The Clerk has been having problems with the laptop and the scanner. They both need to be replaced.

A motion by Supervisor Brian Budenski: To spend up to \$2,000 on a laptop and a scanner for the Township office. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Supervisor Jeff Otto will research and purchase the equipment.

District 4 Meeting

The meeting will be Thursday, August 27, 2009, in Farmington at St. Michael's Catholic Church at 7:30 p.m.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Jeff Otto.

Meeting was adjourned at 12:44 a.m.