

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
August 13, 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. Quorum of Officers attending Planning Commission/ Board Meetings.

Old Business: H. Exotic Animal Issue.

I. Question on Belzer Bridge

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

Audience Comment Period

There were no comments from the audience.

Minutes

The following changes were made to the July 9, 2007 Town Board Meeting Minutes: spelling corrections, Page 5- Citizen Business: Storlie dewatering- the final vote was 4/ 1 should read "the motion carried by majority vote." Page 6- Item F. The traveling sprinkler was donated by Jim Sauber. Item E. should read- twelve years "ago". Page 1- Audience Comment period: The name of the citizen was added: "Butch Hansen" Page 6. H. Citizen Complaint: should read: "A bridge was placed across the Vermillion River. He determined by aerial photos that the bridge was not new and it was a walking bridge. The Belzer's have been communicating with the DNR regarding the current walking bridge and also regarding possibly another walking bridge on the property. Gloria stated the existing walking bridge will remain on the property.

A motion by Supervisor Cory Behrendt: To approve the July 9, 2007 Town Board Meeting Minutes as amended. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

The following correction was made to the April 24, 2007 Special Town Board Meeting Minutes: The meeting adorned at 9:46 pm.

A motion by Supervisor Jeff Otto: To approve the Town Board Meeting Minutes of April 24, 2007 as corrected. Motion seconded by Supervisor Gloria Belzer. Supervisor Cory Behrendt abstained from voting on the motion, he was not present at the meeting. Motion carried 4 in favor and 1 abstained vote.

The clerk handed out copies of the closed Town Board meeting of July 16, 2007. The Town Board reviewed these minutes along with the Special Town Board Meeting Minutes of July 16, 2007.

A motion by Supervisor Gloria Belzer: To approve the Special Town Board Meeting Minutes of July 16, 2007, including the Closed Meeting Minutes. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

The closed meeting minutes were collected and returned to the clerk.

A motion by Supervisor Cory Behrendt: To approve the August 9, 2007 Special Town Board Meeting minutes as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$828.46. Savings Account Balance \$228,167.64.
CD Account Balances \$152,119.08. Total Account Balance \$381,115.18.

A motion by Supervisor Cory Behrendt: To approve the Treasurers report of August 13, 2007 as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

BeSure Inspection Services	Inspection thru 7/31/07	\$1,376.83
Otte Excavating	Services thru 7/31/07	\$12,585.00
Dakota Electric Association	Electric Town Hall	\$82.39
Frontier Communications	Phone service Town Hall	\$113.89
Dick's Sanitation	Garbage Service August	\$35.63
Culligan	Water softener rental	\$23.38
ECM Publishers	Pederson and Ordinance	\$52.25
Nielsen Farms	Mowing Town Hall	\$425.00
Dustcoating	Dust control	\$5,533.50
Olson Construction	Haul & Deliver Class 5 gravel	\$21,811.71
Nanett Champlain	Expenses 7-1-07 to 7-31-07	\$137.31
Dale Kuchinka	Ditch Mowing	\$1,140.00
ALF Ambulance	1 st half 2007	\$5,952.60
Castle Rock Bank	Loan payment #6	\$26,446.19
Mike Greco	printing of Ordinances	\$104.49
Lakeville Printing	Newsletter	\$161.10
Georgie Molitor	newsletter supplies	\$20.52
PERA	Pay Period 7-1-07 to 7-31-07	\$320.33
Lewis Kirsh & Associates	Audit 2006	\$5,000.00
Severson, Sheldon, Dougherty	Legal services thru 6/30/07	\$1,024.64
IRS	Deposit 941 August 2007	692.45
Nanett Champlain	Payroll 7-1-07 to 7-31-07	\$1,925.15
Connie Anderson	Payroll 7-1-07 to 7-31-07	\$80.80
Total Bills presented		\$85,045.16

The following receipts were deposited in July:

• **Local Permits**

Controlled Air- Deyoung #07-07-026	\$90.00	Ron Ley- Pool Permit	\$113.75
Linda Dewolf- Application Fee	\$25.00	Bill Adelman- Application Fee	\$25.00
Serenity Homes- Application fee	\$25.00	Mike Northrup- Application Fee	\$50.00
Crest Exteriors.- Johnson #07-07-026	\$244.25	AKN- Application Fee	\$50.00
Ron Ley- Application fee	\$25.00	Jerry Swedin- application Fee	\$25.00
Linda DeWolf- Permit #07-07-026	\$796.21	C & J Roofing- application fee	\$50.00
Serenity Homes- Permit #07-07-028	\$766.05		

• **Other Receipts**

McCombs Frank-refund dupl. pay	\$3,477.10	Eureka Sand- Newsletter ad	\$125.00
Docs Trucking Newsletter ad	\$125.00	Dakota County- Delinquent tax	\$327.38
Dakota County-1st half tax 2007	\$224,564.53	Castle Rock Bank- Interest- CD	\$337.18
Gary Smith- Newsletter ad	\$35.00	Castle Rock Bank- Interest- CD	\$354.53
South Cedar- Newsletter ad	\$35.00	Castle Rock Bank- Interest- CD	\$568.86
Chub lake Feed- Newsletter ad	\$35.00	Dwight Pederson- Variance Appl.	\$250.00

TOTAL RECEIPTS DEPOSITED IN JULY 2007 **\$232,519.84**

It was noted that receipt #029867 was not listed on the Receipt Resister. This receipt is void. A motion by Supervisor Gloria Belzer: to approve the bills and receipts as presented. Motion seconded by Supervisor Jeff Otto. Roll call vote was taken on the motion:
 Supervisor Gloria Belzer- yeah Supervisor Jeff Otto- yeah
 Supervisor Brian Budenski- yeah Supervisor Cory Behrendt- yeah
 Supervisor Dan Rogers- yeah
 Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Road Contractor Time

Supervisor Brian Budenski is working with Magellan Pipeline on dust control/ road damage due to the heavy truck traffic on Township roads during the pipeline installation.

The Road Contractor was instructed to move forward with the ditch repair on Chub Lake Road without an engineer. Supervisor Cory Behrendt will contact North Cannon WMO for details in obtaining the grant money.

The 225th St overlay project is scheduled for completion in the next three weeks.

The parking lot stops have been ordered. Delivery is expected in 3-4 weeks.

Planning Commission

Possible Consent Agenda Items

Bill Adelman- 4752 220th St W., Farmington (Property ID# 13-00100-012-02) requested a permit for a 16'x22' addition to his home. He is adding a bedroom and a bathroom.

Building permit #07-08-034 was issued for \$921.21

Mike Northrup- 6220 W 235th St W, Farmington (Property ID# 13-01100-010-50) requested a 40' x 40' addition to his pole building. An Agricultural Building Exemption form was submitted.
Zoning Compliance permit for an Ag. Structure #001001 was issued for \$50.00

Steve Wentworth- Requested a permit to construct a 65' x 64' hangar at AirLake Airport on Lot 1 of the presented building layout plan. **Building permit #07-08-033 was issued for \$1,642.39**

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

Other Business

Eureka Sand and Gravel Mine- EAW- Kirsten Pauly- 8:00 pm

The EAW was submitted in June to the Environmental Quality Board. The Town Board needs to determine if a EIS is necessary. A draft resolution was prepared and presented. The resolution stated that the Town Board of Supervisors concludes that the mining operation does not have the potential to cause significant environmental effects and that an Environmental Impact Statement is not required.

A motion by Supervisor Cory Behrendt: To adopt resolution #57 Establishing Findings and Record of Decision for Eureka Sand and Gravel, Inc. Proposed Mining Operation Eureka Township Environmental Assessment Worksheet. Motion seconded by Supervisor Brian Budenski. The motion is conditional on the interim use permitting process as outlined in Item 10 of the resolution. Motion carried by unanimous vote.

The public hearing for Eureka Sand and Gravel will be held on Wednesday, September 5, 2007 at 7:00 pm.

Chair Dan Rogers acknowledged that Commissioner Joe Harris was present. He was added to Citizen Business.

Donna Pederson, 24875 Dodd Blvd, Lakeville- variance request

The Planning Commission's motion to recommend granting the variance did not pass, the vote was 2-2. The variance request came to the Board with the recommendation from the Planning Commission not to approve the variance. Supervisor Jeff Otto offered a motion and basis for granting the variance for advanced reading. *See attached document.* Supervisor Gloria Belzer also submitted additional supplementary background material. Town Board considered the variance. Dakota County Department of Transportation would allow a separate driveway for the piece of property.

A motion by Supervisor Jeff Otto: The variance request by Dwight and Donna Pederson (Owners) pertaining to the currently unused property on Dodd Blvd, Pin # 13-01800-0015-52, be approved with the conditions and provisions stated below: The section following entitled "Basis for Granting of a Variance" enumerates the rationale in support of this motion and is hereby also entered into record in direct support of the motion.

The variance request is approved with the following provisions as noted:

1. The current Township Ordinance requirement for direct driveway access to a public road (Dodd Boulevard in this case) is waived and instead access shall be via a shared use of a portion of the existing driveway serving the adjacent property at 24875 Dodd such that an additional access location on Dodd will not be created.

2. Any single- family dwelling that may be permitted on the property shall be placed in a portion of the lot where the lot width free of easements is at least 200 feet and where it will meet all other setback requirements of current Township Ordinance.
3. The time constraint provisions related to variances under current Township Ordinances be waived.

Motion seconded by Supervisor Gloria Belzer.

A citizen asked to speak against the issuance of the variance. The Town Board granted her 5 minutes to express her concerns. The question was called. The Town Board voted unanimously to call the question. Vote was taken on the motion. The motion carried with one dissenting vote.

Atina and Martin Diffley

Lot of Record Verification and Building Right Cluster Request

A motion by Supervisor Cory Behrendt: The Diffley application for the Building Right Cluster be rejected based on the following finding of facts that are listed in the Planning Commission Minutes of August 5, 2007. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Bill Diedrich- Lot of Record and Home Occupation Questions

Bill Diedrich, representative for Kim and Jim Hoeft. The Hoeft's are interested in building a home and a machine shed to store trucks on property they are purchasing on 235th St W.

MCI CUP Review- 225th St. West of Cedar Ave.

The CUP for the MCI Fiber optics regeneration Station located in the NE1/4 of the SE1/4 of Section 4, Township 113. Chair Dan Rogers opened the floor for public comment. Hearing none the public comment period was closed.

A motion by Supervisor Cory Behrendt: To review the permit for originally stated: "Williams Telecom", MCI renew for three years on the anniversary date pending the fee of \$45.00, payment of that fee. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Commissioner Joe Harris

Commissioner Joe Harris briefly addressed the Town Board. He serves as Chair of the Vermillion River Watershed Board. Eureka Township has \$18,000 in the Dakota County Road and Bridge Fund

Dakota County received a \$50,000 grant from the MET Council to be used in development of a Boiler plate COMP Plan for the Townships in Dakota County to use. The CDA has block grant funding that may be applied for to aid in the development of the Township COMP Plan.

Planning Commission update- Vice Chair Sharon Buckley

1. Sharon briefed the Town Board on the suggested Building Right Cluster Procedure.
2. Flat fee of \$125.00 flat fee for roofing permits.
3. Request approval to contract with Bill Weber for assistance with CAC Town Forum. The projected cost \$2,000 to \$3,000.
4. COMP Plan update time line.
5. CapX2020 Contact is Kenny Miller. The Planning Commission recommended passing a resolution on the project stating the townships preferences as was done with the MinnCan Project.

6. Building Inspector Contract- The Planning Commission will propose RFP language, a list of possible building inspectors and suggested publishing of RFP for wider distribution for the September Town Board Meeting.
7. Follow up on complaints- Cross Nursery Sign in Right of Way on Highview and 225th St W.- from June 5, 2006 Planning Commission Minutes.
8. Expired Permits: Projects not started after 180 days from Permit approval- Terri Petter- Building for Ag. animals and personal use. Approved January 8, 2007, expired July 6, 2007 and Jeff Tonsager- House and Ag Pole Shed- Permit approved February 12, 2007, expired August 10, 2007.
9. Ordinance Updates- requesting a Supervisor on the item addressing Agriculture, Farming, Commercial Agriculture and Commercial Horticulture.

Citizen Business

B. Friedges Property Citizen Complaint

Supervisor Brian Budenski met with John Friedges and discussed citizen concerns. Friedges have started making improvements on the property as requested. Supervisor Brian Budenski will continue to work with Mr. Friedges in solving issues.

Resolution No. 58

“Resolution To Implement Township Road Weight Restrictions”. The Town Board reviewed the prepared resolution. A motion by Supervisor Jeff Otto: To approve Resolution No. 58 with the corrections noted. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

C. Storlie Pit- Dewatering

Mr. Storlie does not want to move forward at this time with the dewatering permit.

D. Citizen Complaint- Eureka Estates

Supervisor Brian Budenski talked to property owners at 8674 240th St W. The trailer in question is being used as a storage shed. It will remain on the wheels. No skirting will be placed around the trailer. Discussion on this item was tabled to allow the Town Board to research.

E. Jerry Swedin- request for refund for Ag Permit in 1997

Jerry Swedin 8800 235th St W asked for a refund for an Ag. Pole shed that he built in 1997. In 2003 the Town Board issued refunds for Agriculture Building Permits. Agriculture Building permits were determined to be at \$50.00. Jerry Swedin received a permit for an Ag. pole building on 4/14/1997 at a cost of \$120.00. The refunded amount owed to Mr. Swedin is \$70.00.

A motion by Supervisor Cory Behrendt: To approve the refund to Jerry Swedin for an Ag. building permit in association with the 2003 effort. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

G. Proposing a Resolution for CAPX2020- Bev Topp

Bev Topp submitted a letter to the Town Board, *see attached letter dated August 2007*. Bev is asking the Town Board to consider a resolution of interest. It was suggested that the Dakota Township Officers Association help to sponsor a public forum.

F. Planning Commission Business Discussion

Expired permits: The clerk was directed to draft a letter to be sent to the holders of the expired permits. The permit holder will have 30 days to respond to the letter. If the permit holder intends

to proceed, they need to request an extension of the permit in writing to the building inspector for an extension of an additional 180 days. If no response is received within 30 days of the date on the letter, the permit will have expired.

Re-roofing permit fee: Inspection \$50, Township retainment \$50, Application Fee \$25.00, State Surcharge \$1.00, Total Fee \$126.00.

A motion by Supervisor Cory Behrendt: The Township acknowledges and accepts a flat fee for re-roofing of \$126.00. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote. Roofing permits will follow the established permitting process.

Building Right Cluster Procedure: Attorney question- can the procedure be written as an administration procedure or does it need to be part of the ordinance to be in effect. Item tabled until the September Town Board Meeting.

Contract with Bill Weber: The Town Board discussed contracting Bill Weber to assist with the CAC Town Forum. A motion by Supervisor Cory Behrendt: To approve the expenditure of \$2,200 for the engagement of Bill Weber to prepare for and to attend the September 11, 2007 meeting and to participate in the Open House/ Town Forum. Motion seconded by Supervisor Gloria Belzer. The motion carried with one dissenting vote.

A motion by Supervisor Cory Behrendt: To direct the Planning Commission to make preparations to have the final report from the CAC for presentation by the end of October. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

CAPX2020 Project: Supervisor Gloria Belzer will be the Town Board contact person.

Building Inspector: Informational piece- follow up next meeting

Cross Nursery Sign: Supervisor Dan Rogers will contact Mr. Cross.

Ordinance Adoption: The Planning Commission held the public hearing on the proposed Ordinance changes on August 8, 2007. The proposed ordinance was presented to the Town Board for approval.

The following changes and corrections were made to the Ordinances:

Ordinance 2, Chapter 3, Section 6. H. - the paragraph should read: "The Chairperson or Vice-Chairperson of the Planning Commission shall follow the established policy of the Town Board in requesting a Township Attorney or other Town employee to be present at any Planning Commission meeting to assist in the performance of the Commission's duties."

Ordinance 3, Chapter 2, Section 1. A. - change "secure" to "securing".

Ordinance 3, Chapter 14, Section 14. A. - First 5 items should end in a period, not semi-colons- to be consistent with the rest of the ordinance. The word "and" should be deleted at the end of item 5.

In the following four locations: (**Ordinance 3, Chapter 4, Section 13, Item 6.**), (**Ordinance 3, Chapter 4, Section 14, Item 6.**), (**Ordinance 3, Chapter 4, Section 15, Item 5.**), (**Ordinance 6, Chapter 5, Section 1. A.**) change "authorized representative" wording to "legally authorized representative"

Other Business

A. Town Hall Rental Agreement

Supervisor Gloria Belzer presented additional information presented on rental agreement policy. Cost of locks to the file drawer was presented.

B. Caller ID on Township phone

A motion by Supervisor Cory Behrendt: To approve the expenditure of adding caller ID to the existing phone service. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

C. Flags

The flags have been mended several times. The flags need to be replaced. The original U.S. flag was purchased for \$116.00 and the Minnesota Flag for \$77.00. The Town Board asked the clerk to check with other public entities on where they purchase their flags.

D. Quorum of Officers attending Planning Commission/ Board Meetings.

Table for September Town Board Meeting

Old Business

A. Sauber mine

The Town Board reviewed the most recent complaint dated August 9, 2007. Supervisor Dan Rogers stated it had been about one and a half months since he had been contacted by Ms. Poppitz. He did not receive a returned call. In the last conversation with Ms. Poppitz he explained the actual procedure is the agreement on the plan, between the land owner and the mine operator.

Discussion included: Both sides have consistently said that they are talking, but month by month goes by. The Town Board has not seen any legal documents that they have agreed to. The drainage to the pond on the Tiller property was the main concern. It appeared that it had been taken care of.

Supervisor Dan Rogers stated that he has spoken to Rita since May 7, but it has been quiet awhile. Dan will contact Rita Poppitz.

B. Township Attorney

The Town Board held a Special Meeting on August 9, 2007 to interview Township Attorney candidates. Additional information was presented.

A motion by Supervisor Jeff Otto: On the basis of the response to our proposals and interviews at the Special Meeting, to retain the firm of Kelly & Fawcett, with lead attorney being Patrick Kelly as Township attorney of Eureka Township. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

C. Attorney Engagement Policy

Tabled until the September Town Board Meeting

D. Policy for handling citizen complaints on the agenda

Table until the September Town Board Meeting

E. Vermillion River Watershed Local Plan

Supervisor Gloria Belzer will do a follow up

F. Mailbox Installation

The cost of installing the mailbox is \$540.00, a stud needs to be removed and a header needs to be added.

A motion by Supervisor Gloria Belzer: That the Township allocate \$540.00 to complete the installation of the mailbox out front. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

G. Recording of CUP's

Requirements for recording of the CUP's was presented to the Town Board.

H. Exotic Animals

Table until the September Town Board Meeting

I. Follow up Belzer Footbridge

Supervisor Jeff Otto checked on the permitting status on the foot bridge being replaced on the Belzer property. On July 17th Jeff talked to Pat Lynch, DNR he and Brian Watson inspected the property and reviewed a 1991 aerial photo showing the original walking bridge. Mr. Belzer has filled out a permit application and paid the permit fee. The DNR had no permit on record for the original structure. On July 11 the permit application was distributed to various agencies and is being processed.

Resolution to Adopt Ordinances

A motion by Supervisor Cory Behrendt: To adopt resolution #59 as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

New Business

A. Resolution- Grant for HAVA- Help America Vote Act

There is grant money available for handicap accessibility. Items that might qualify for grant money is painting of handicap lines in the parking lot and a table for the handicap voting equipment.

A motion by Supervisor Cory Behrendt: To approve Resolution #56 Authorizing the Township to apply for a grant from the Office of the Secretary of State of Minnesota for Federal Funds pursuant to Title II, Section 261 of the Help America Vote Act. . Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

B. Resolution No. 59- Local Board Powers to be Reinstated

Table until the September Town Board Meeting.

The contact person for Dakota County Roads in the Pederson request is Donald McConnell.

Clerk/ Treasurer Presentation

Outstanding leadership of the year award- Dakota Electric
District 4 Meeting 8-23-2007
2010 Local Census

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

Meeting adjourned at 11:44 pm.