

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting of August 14, 2006 continued on August 16, 2006

#### **Call to Order**

Chair Cory Behrendt called the continued Eureka Town Board Meeting from August 14, 2006 to order at 7:00 pm. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

#### **Agenda**

The following two items were revisited from the August 14, 2006 Town Board Meeting: Dennis Ripley- 9460 235<sup>th</sup> St W and Letter to Town Board from Clerk/ Treasurer

#### **Dennis Ripley- 9460 235th St W Lakeville (Property ID # 13-00800-020-50)**

Robert Ripley, representing Dennis Ripley asked for reinterpretation of the findings from the August 14, 2006 Town Board Meeting. It has been established that the lot was purchased as a single lot in 1982. In 1977 Tillges had a survey drawn of property showing 10 separate parcels. Mr. Ripley stated that in 1984 minutes John Curry confirmed that there were two building rights on the property. (November 12, 1984) Ripley's built a house on one of the lots in 1986. Mr. Ripley stated that in 1994, he questioned the buildability of the property, but did not build at that time. No records were found confirming this statement. At the April 10, 2006 Town Board Meeting, based on the documents provided, the Town Board made a determination that the lot was buildable. New documentation from Dakota County Records was provided by the Planning Commission Chair at the August Planning Commission meeting, questioning the documentation of the property.

The Town Board asked Mr. Ripley to work with the county to establish that this property was purchased as two separate lot of record. The Town Board stated that Mr. Ripley could apply for a variance.

#### **Letter to Town Board from Clerk/ Treasurer**

The Town Clerk/ Treasurer presented the Town Board with a letter to be entered into record clarifying procedures used in composing and recording of the minutes of meetings. The clerk expressed concerns of the duties of the compliance official for data practices. *See attached* Compliance Official issues will be addressed at the September Town Board Meeting.

#### **Old Business**

##### **Country Joe Racing**

The Township attorney is still reviewing the file. Direction given to the attorney was to address the noise complaints, how to address noise complaints and if and how this business fits into the non conforming use ordinance.

##### **MinnCan Update**

The Township received legal notice of public hearings regarding certificate of need for the crude oil pipeline. A public hearing is scheduled for September 5, 2006 in Farmington. The clerk will

post the possibility of a quorum at this meeting. Supervisor Cory Behrendt will represent the Township at this meeting.

### **Non Conforming Use Lot Splits**

Item tabled until Round table meeting this fall.

### **Application for the verification of Non Conforming Use**

A motion by Supervisor Cory Behrendt: to adopt the verification form as amended by the Planning Commission. Planning Commission members asked that this issue be addressed at the roundtable meeting. Supervisor Cory Behrendt withdrew his motion.

The Town Board discussed the application; it will be further discussed at the round table meeting.

A motion by Supervisor Gloria Belzer: To approve the application for the Verification of Non Conforming Use and associated instructions as presented to the Town Board. Motion seconded by Supervisor Dan Rogers. Supervisor Cory Behrendt offered a friendly amendment that it be submitted along with an application of a non conforming use. The amendment was accepted. Vote was taken on the amendment and the amendment passed. Vote was taken on the motion, the motion carried by unanimous vote.

### **Town Hall Use**

The Town hall can be used during regular hours for public type meetings.

A motion by Supervisor Cory Behrendt: To table Town hall use until the next annual meeting for continued discussion. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

### **Display of Artwork in Town Hall**

The proposed contract was discussed. Supervisor Cory Behrendt will draft an administrative procedure. There will be no costs to the Township; hardware to display artwork will be donated. An exhibit coordinator will be appointed; the coordinator will select materials to be displayed. If two supervisors object to a display, it will be removed.

### **Lighting of Flags**

Supervisor Gary Smith will look into lighting of the flag poles.

### **Complaint Consensus**

Citizen complaints must be put in writing and submitted to the Town Clerk. A supervisor may submit a violation noted. A supervisor may submit the complaint in writing on behalf of a citizen. Under Data Practices the name of the complainant is withheld.

### **Letter from Brian Watson- Zimmer Property**

The clerk received a letter dated August 1, 2006 from Brian Watson, Dakota County Soil and Water addressing complaints that Zimmers were altering wetlands. Noncompliance to State wetland laws were not an issue at that time. On August 16, 2006 the clerk received a copy of an email from Brian Watson and Pat Lynch indicating that proper permit procedures have not been followed by Zimmers. The clerk was instructed to send a letter to Zimmers addressing concerns with the wetland alterations and permits required.

## **New Business**

### **Terri Petter- request of Ordinance clarification**

Terri Petter asked the Town Board to clarify “Licensed Humane Society”. She was referring to Ordinance 3, Chapter 7, Section 3. Exotic Animals. C. Exceptions: The following shall be exempt from these regulations under the conditions noted: 1. Licensed humane societies  
Minnesota does not have “Licensed humane societies”. State Statutes 346 outlines the procedures for obtaining licenses for exotic animals in Minnesota. Terri Petter should call the State of Minnesota if she wants clarification of what the State recognizes as a licensed humane society. To license an operation that would function like a humane society, including stray animals, those types of things. There are several State statutes and licensing procedure that need to be complied with. Supervisor Gloria Belzer contacted Keith Streff, Director of Investigations Division of animal humane society in Golden Valley for clarification of requirements for the keeping of exotic animals and humane societies.

### **City of Farmington- Amendment to Comprehensive Plan**

The requested amendment was available for Town Board review prior to the Town Board meeting. The applicant is Newland Communities- Fairhill, generally located on the west trunk Highway 3 and north of Mystic Meadows development. Supervisor Cory Behrendt signed the response that the Comprehensive plan amendment is not anticipated to impact this jurisdiction. No comments on the application will be forthcoming.

### **Resolution No. 49 Adopting Record Retention Schedule**

A motion by Supervisor Cory Behrendt: To adopt Resolution No. 49 Adopting Record Retention Schedule. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

### **Resolution No. 50 Allowing transfer of Funds**

A motion by Supervisor Cory Behrendt: To adopt Resolution No. 50 Allowing transfer of funds. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

### **Resolution No. 51 Allowing Electronic Filing and Payment of Claims**

A motion by Supervisor Cory Behrendt: Resolution No. 51 Allowing Electronic Filing and Payment of Claims. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

### **2007 Final Levy Certification**

The clerk presented the Township Final Levy Certification Form. The proposed budget for 2007 and the 2006 Annual Meeting Minutes were presented to verify the approved levy amount. The approved levy for 2007 is \$449,622. The Levy Certificate is due to the County by September 15, 2006. A motion by Supervisor Cory Behrendt: To approve the 2007 Final Levy Certification For submission. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

### **Bulk Mailing Permit**

Georgie Molitor presented information on bulk mailing. There is a \$100 one time fee.  
A motion by Supervisor Cory Behrendt: To approve the clerk and Georgie Molitor to proceed with obtaining a bulk mailing permit and attend any necessary training. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

### **Ordinance 8: Penalties**

Supervisor Gloria Belzer asked that this item be placed on the agenda. She wanted to remind the Board of Ordinance 7 and Payment of Fees and Enforcement Penalties. The Township can recoup costs associated with enforcement of ordinances. A recap of violations of ordinances will be published in the November Newsletter.

### **Wat Lao Celebration September 23 & 24, 2006**

The Town Board determined that a license is required for this outdoor assembly. The clerk will inform Wat Lao representative Rick Siri-Outhay that a license is needed, along with bonding. An alternate to a license would be a variance.

### **Clerk/Treasurer Presentation**

All material listed are available for review from the Town clerk. Synagro asked if they need to inform the Board of fields that lime is being applied. The Town Board does not require them to do so.

### **MAT Update**

Supervisor Gloria Belzer presented an update on MAT staffing. Troy Gilchrest has moved into private practice, Kent Sulem and Dan Greenwich are the attorney contacts. Supervisor Gloria Belzer distributed information on culverts from Troy Gilchrest, MAT.

### **Planning Commission Inspection Forms**

Supervisor Gloria Belzer suggested that a form be developed to report inspections. Supervisor Cory Behrendt asked Planning Commission secretary, Sharon Buckley to have the Planning Commission develop an inspection form.

A motion by Supervisor Dan Rogers: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting adjourned at 10:02 pm.