

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
September 20, 2005

Chair Connie Anderson called the Special Meeting of the Eureka Town Board to order at 7:30 p.m.

Town board members present were Connie Anderson, Dan Rogers, Gloria Belzer, Mark Malecha and Cheryl Monson. Also present: Clerk/ Treasurer Nanett Leine to record minutes.
Township attorney, Peter Tiede.

Agenda: Lakeville Annexation Issues

The Eureka Town Board held a discussion period with their attorney, Peter Tiede.

- A city can annex 60 acres of land from the township at any time upon residents request to do so.
- There is no waiting period between the takings of 60 acre annexation parcels by cities.
- If Eureka Township wants to try and keep the property in the township, the zoning would need to be changes on the property and the COMP Plan.
- The township is limited to what they can offer Hat Trick Investments since there is no MUSA line servicing the township.
- Orderly annexations can be done without the landowner's formal petition on the table.

The town board discussed some possible terms to an orderly annexation

- 5 yrs building fees/ permits at 50%, beyond 5 yrs less or more depending on desired outcome.
 - Trigger point for start of the orderly annexation.
- This discussion was tabled till later in the meeting.

City of Lakeville Officials arrived at 8:00 p.m. - Dave Olson, Community Economic Developer and Steve Melke, City Administrator.

- Hat Trick Investments have not filed a formal petition with Lakeville for annexation.
- Lakeville City Council is open to an orderly annexation. (as presented to the town board at the June 13, 2005 Town Board Meeting- *POTENTIAL TERMS OF AN ORDERLY ANNEXATION AGREEMENT FOR HAT TRICK INVESTMENTS PROPERTY IN EUREKA TOWNSHIP*)
- Hat Trick Investments have touched base with Lakeville on the possible annexation- they are still interested in annexation.
- Eureka Township Attorney, Peter Tiede suggested prohibition of any other annexation for a certain number of years. Lakeville is focusing on this piece.
- The proposed annexed area is 96 acres- Lakeville felt that 83 acres are developable after streets and ponds. 725,000 sq ft of buildings.

- Zoning of annexed area would be similar to what is currently zoned in the Air Lake Industrial Park- Warehouse and light manufacturing.
- Evaluation on construction costs would be \$35/ sq ft (Large box type buildings)

Discussion continued on possible terms to an orderly annexation.

- Eureka Township would receive 50 % of building fees- start at time of annexation for the first 5 years.
- No other annexations by the City of Lakeville until the development of the property is 80% complete.
- After 5 years Eureka Township would receive 40 % of the permit fees, until fully developed.

Another possible scenario: All “Dollars” up front. The township would receive a lump sum payment of the taxes and building permit fees- estimated on “built out” This would require a revenue source. Peter Tiede said it would be possible to get the revenue from the developer. Hat Trick Investments is the owner and developer.

- If the property is not developed in the next 5 years: The agreement would be null and void. Property would return to Eureka Township.
- Trigger point for annexation- when development is to begin.
- Limitations or type of zoning for annexed property. Zoning set at time of annexation.
- Sunset clause is reasonable. Lakeville Officials commented that they feel that Eureka Townships openness to orderly annexation. They would like to get the attorney’s together to craft an outline. A starting negotiation point is needed.

Eureka Townships Attorney, Peter Tiede will draft an outline and send to Lakeville to present to their council. Eureka Township will wait for a response from Lakeville.

Lakeville Officials left the meeting at 8:30 pm.

Attorney, Peter Tiede felt that the document to be sent to Lakeville should come from the attorney, not from the town board.

Discussion continued on possible terms to an orderly annexation.

- Sunset clause: No more annexation for 10 years and 80% of the annexed property developed. (Determination of development needs to be defined)
- Trigger for annexation
- 100% of taxes for 10 years.
- Concerns with water run-off 80% of the property will be hard surface. Run off into Vermillion River?

If the Township wants to negotiate with the landowner, now is the time to discuss the issues at hand, in conjunction with the proposal. The Township has left it open to Hat Trick Investments to approach the Town Board.

A motion by Supervisor Gloria Belzer: To adjourn. Motion seconded by Supervisor Mark Malecha.

Meeting adjourned at 9:00 p.m.