

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Special Eureka Townboard Meeting

February 23, 2004

Chair Don Pflaum called the Special Meeting of the Eureka Town board to order at 7:05 pm.

Town board members present were Don Pflaum, Kenny Miller, Mark Malecha, Dan Rogers and Connie Anderson. Clerk/ Treasurer Nanett Leine recorded the minutes.

Eureka Township Attorney, Louise Toscano Seeba was also present.

Agenda: Ag. Preserve application  
Hansen Airstrip- Conditional Use Permit  
Town Hall "Land Gift"

*Ag. Preserve application*

Applicant was not present, no action taken.

*Hansen Airstrip- Conditional Use Permit*

Supervisor Don Pflaum called for a motion to receive and file the public hearing minutes and all correspondences to the town board related to this conditional use permit, including citizens concerns and Mark and Butch Hansen's statement to the board.

A Motion by Supervisor Mark Malecha: That all correspondence that has gone to the clerk are received and filed. The motion was seconded by Supervisor Kenny Miller.  
Motion Carried.

The Conditional Use Permit application was a generic form used for business applicants. It was overlooked that the following statement was on the form "*I hereby certify and acknowledge that the applicant of this permit may use and operate this business on the land owned by me.*" The town board asked the attorney if this wording could be changed, she advised that it could, with permission from the applicants. Butch and Mark Hansen both agreed to a correction of the application.

A Motion by Supervisor Mark Malecha: To amend the application form, to remove the word "business" and replace with "private airstrip" with Butch and Mark Hansen initializing the change. The motion was seconded by Supervisor Connie Anderson.  
Motion Carried by unanimous vote.

The change was made to the form and Mark and Butch Hansen initialed the application form.

Attorney, Louise Toscano Seeba reviewed, with the town board, the options to the “airstrip application” as outlined in the letter, to the Town Board, dated February 9, 2004. She had prepared “Findings of facts”. She asked the town board to review the findings of facts. The board reviewed the findings of facts and made minor changes to names and addresses. The question came up whether the Hansen’s were applying for a “personal use” or “private use” airport. These words were used interchangeably at the public hearing and in the planning commission recommendation. The two words have different meanings. A personal use airport is to be used by the owners of the land only. A private airstrip- other airplanes can land with the owner’s permission.

A Motion by Supervisor Mark Malecha: To approve the conditional use permit with restrictions to be discussed at a later time. The motion was seconded by Supervisor Kenny Miller.

A friendly amendment by Supervisor Don Pflaum: To “consider” rather than “approve”.

The friendly amendment was accepted by Supervisor Mark Malecha and Supervisor Kenny Miller. Vote was taken on the amendment the amendment passed by unanimous vote. The Motion was voted on and passed by unanimous vote.

The Town board considered the Conditional Use Permit with the following restrictions:

1. No crop dusting/ transfer station or operations.
2. Private use only, no commercial operations or training.
  - Licensing rules were discussed.
  - NW x SE runway is the main use runway.
3. FAA Application & MN State Airport License.
4. No flight instruction at this location.
5. No airplanes stored on the property that are not owned by current residents.
6. Apply and abide by the recommendations of the Dakota County Soil and Water Conservation District. (*See attachment, exhibit 2*)  
Including but not limited to:
  - Minnesota Wetland Conservation Act
  - National Pollutant Discharge Elimination System permit.
7. Limit the size of aircraft- 8,000 lbs. gross weight
8. In the event of a subdivision of these properties, the CUP would need to be reapplied for.
9. Remain a grass surface.
10. Limit the number of operations to 720 per year.
  - An operation consists of one takeoff or one landing or one low approach.
11. All based aircraft must be hangered.
12. Subject to annual review. The yearly fee based on the current fee schedule.
13. No excessive take off and landings for example no “touch and goes”
14. The permit holder must comply with all federal, state, regional, county, local laws, regulations and Town Ordinances regarding fuel storage.

The town board asked Louise to rearrange the above conditions, so that Condition 6 was first followed by Condition 2 and 3. These three conditions must be met first.

Supervisor Mark Malecha: Moved to approve the CUP with the conditions discussed tonight. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote of the town board.

There was discussion on whether an Environmental assessment worksheet (EAW) was needed for the project. It is not mandatory, board's discretion.

Attorney, Louise Toscano Seeba presented the town board with the final draft of the Findings of Facts and the Conditions of the CUP. The document was reviewed and signed by the Chair and attested and notarized by the Town Clerk.

*Town Hall "Land Gift"*

The Larson family has agreed to paying the 2004 taxes of \$587.27 that is due, so the warranty of deed can be recorded.

A Motion by Supervisor Kenny Miller: to adjourn. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

Meeting adjourned at 10.20 pm.