

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting  
January 14, 2008

#### **Call to Order**

Vice Chair Jeff Otto called the regular monthly meeting of Eureka Township to order at 7:02 PM. Members present were Supervisors 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:

- Old Business:** H. North Cannon Watershed Management Plan Resolution
- I. Update Sauber Mine
- J. Pederson Resolution

A motion by Supervisor Cory Behrendt: To approve the agenda as revised. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

#### **Audience Comment Period**

Vice Chair Jeff Otto opened the floor for public comment. Three calls for public comment were presented. Hearing none, the public comment portion of the meeting was closed.

#### **Minutes**

The following corrections were made to the December 10, 2007 Town Board Meeting minutes: Page 3- Road contractor time- should read "Jason Otte". DNR Boat landing: delete-"road to" insert- "Township". Page 5- Exotic animals- delete- "force" insert- "course" A motion by Supervisor Gloria Belzer: to approve the Eureka Town Board Meeting minutes of December 10, 2007 as revised. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Special Town Board Meeting minutes of December 10, 2007 as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Closed Meeting Minutes of the Eureka Town Board of December 10, 2007 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The following correction was made to the Special Town Board Meeting Minutes of December 17, 2007: Page 2- second paragraph Cory's motion should read: "To approve the RFP for Waldron and Associates for inspection services as presented and negotiate the reduction of permit fee percentages withheld." A motion by Supervisor Cory Behrendt: To approve the Special Town Board Meeting Minutes of December 17, 2007 as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The following changes were made to the December 20, 2007 Round Table Meeting Minutes: Page 2- paragraph 6 & 7 change “Board” to “Round table members”. Last paragraph add- “Possible”. Page 3- second paragraph add: “and defensible”. A motion by Supervisor Cory Behrendt: To approve the Roundtable Meeting Minutes of the Eureka Town Board and Planning Commission of December 20, 2007 as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Special Town Board Meeting Minutes of January 10, 2008 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

**Treasurer Report**

Checking Account Balance \$2,417.65. Savings Account Balance \$250,926.53.  
 CD Account Balances \$154,818.83. Total Account Balance \$408,163.01.

A motion by Supervisor Cory Behrendt: To approve the Treasurer’s Report of January 14<sup>th</sup> 2008 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

**Bills and Receipts**

The clerk presented the following bills for payment:

<b>BeSure Inspection Services</b>	Inspection thru 12/31/07	<b>\$4,268.82</b>
<b>Dakota County Treasurer</b>	Septic Permits 4 <sup>th</sup> Qtr	<b>\$240.00</b>
<b>State of Minnesota</b>	Sales and Use tax	<b>\$9.00</b>
<b>PERA</b>	Pay period 12/1/07 to 12/31/07	<b>\$222.50</b>
<b>IRS</b>	Deposit January 2008	<b>\$414.57</b>
<b>Minnesota Department of Labor</b>	4 <sup>th</sup> Qtr State Surcharge	<b>\$240.83</b>
<b>Otte Excavating</b>	Services thru 12/31/07	<b>\$9,422.00</b>
<b>Dakota Electric Association</b>	Electric Town Hall	<b>\$98.33</b>
<b>Frontier Communications</b>	Phone service Town Hall	<b>\$123.04</b>
<b>Dick’s Sanitation</b>	Garbage Service November	<b>\$36.24</b>
<b>Culligan</b>	Water softener rental	<b>\$23.38</b>
<b>Central Valley</b>	LP for Town Hall	<b>\$445.17</b>
<b>Kelly &amp; Fawcett</b>	Legal Services thru 12/31/07	<b>\$2,067.39</b>
<b>ECM Publishers</b>	Affidavit of Candidacy	<b>\$22.50</b>
<b>MAT Agency</b>	E&O Insurance	<b>\$67.00</b>
<b>League of Minnesota Cities</b>	Building Inspector Advertisement	<b>\$260.00</b>
<b>Dakota County Assn Townships</b>	Dakota County Assn of Township Dues	<b>\$896.89</b>
<b>ALF Ambulance</b>	2 <sup>nd</sup> Half 2007	<b>\$1,854.00</b>
<b>Post Master</b>	P.O. Box 6 months	<b>\$26.00</b>
<b>Nanett Champlain</b>	Expenses 12/1/07 to 12/31/07	<b>\$526.88</b>
<b>Nanett Champlain</b>	Pay Period 12/1/07 to 12/31/07	<b>\$1,328.97</b>
<b>Total Bills Presented</b>		<b>\$22,593.51</b>

The following receipts were deposited in December:

- **Local Permits**

<b>Sauber Plumbing- Winker- septic</b>	<b>\$280.00</b>	<b>Don Pflaum-permit 07-12-050</b>	<b>\$5,917.45</b>
<b>Controlled Air- Twite 07-07-042</b>	<b>\$90.00</b>	<b>Dick Wagaman- CUP three year review</b>	<b>\$45.00</b>
<b>Krapu- Kennel License</b>	<b>\$100.00</b>		

- **Other Receipts**

<b>Dakota County-2<sup>nd</sup> half taxes 2007</b>	<b>\$192,000.00</b>	<b>Castle Rock Bank- Interest CD</b>	<b>\$336.92</b>
<b>Dakota County-Delinquent tax</b>	<b>\$1112.93</b>	<b>Castle Rock Bank- Interest CD</b>	<b>\$368.13</b>
<b>West Wind Education- Legal CUP</b>	<b>\$391.25</b>	<b>Castle Rock Bank- Interest Savings</b>	<b>\$1,121.09</b>
<b>Minnesota Dept Finance-MV Credit</b>	<b>\$8,327.17</b>		

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**TOTAL RECEIPTS DEPOSITED IN DECEMBER 2007** **\$210,089.94**

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented with the note that the attorney fee item is still open. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote of Supervisors present.

**Budget**

The Town Board reviewed the budget.

**Road Contractor Time**

**Tree and Brush Removal**

The road contractor is in the process of obtaining permission for removal of trees and brush near and in the road right of way. Copies of the permission forms signed were given to the Town Clerk.

**Road Counts**

Road counts were discussed. The Town Board asked the road contractor for road count data from previous years. Road counts will be taken this spring.

A motion by Supervisor Cory Behrendt: To appoint Supervisor Brian Budenski to be the additional check signer for the month in light of the Chair's absence. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

**Deputy Sheriff**

A Deputy Sheriff addressed the Town Board on current Township issues. He asked that citizens keep their eyes open for suspicious activities. There have been several burglaries in the area. Mail theft is another major problem.

Truck traffic on 225<sup>th</sup> St. was discussed. The Sheriff's Department is aware of the weight restrictions on the section of road in question.

**Planning Commission**

**A. Lynn Koch-** 23787 Dodd Blvd, Lakeville presented the Town Board with a request to place her property into the Agriculture Preserve Program. Property ID# 13-00700-020-78 consisting of 70.72 acres and Property ID# 13-00700-010-80 consisting of 40.64 acres.

A motion by Supervisor Cory Behrendt: To approve the Ag. Preserve Application by Lynn Koch as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

## **B. Friedges Complaint**

The complainants were present do discuss the complaint. There is additional expansion of property use. Loader beeping and banging of tailgates continue. There are several stacks of palletted materials outside. When the building was requested all activity and storage of materials were to be inside. The processing of soil was to be seasonal, but has continued into January. Shredding of wood is a new process since the building was erected. The complainant is not concerned with the type of activities that are taking place on the property as long as they take place inside the building as stated on the building permit application in 2005.

The Town Board agreed that the in view of the current activities taking place on the property it is very apparent that the type of business and the intensity of the business on the property has increased. The agreed that the business needs to be returned to the level of operation in 2004. (Ariel photos of operating years are available) The Board felt this date reflects the typical operation on the property. When the permitted building was granted in 2005 all activities, equipment and storage were to take place within the building.

The complainants commented that the largest impact on the neighbors since the construction of the building is the constant banging of tailgates and backup beeping noise.

Supervisor Gloria Belzer and Supervisor Brian Budenski will compile information to be sent to the attorney.

## **Other Business**

### **A. Wat Lao- CUP Review**

Rick Siri-Outhay was present to represent Wat Lao of Minnesota on their CUP review. He presented the dates of their religious gatherings for 2008: Saturday, April 12, 2008 and June 21 & 22, 2008.

This year an open pavilion was added to the property. The CUP conditions were reviewed. No changes to activities on the property are anticipated.

Vice Chair Jeff Otto called three times for public comment, hearing none he closed the public comment portion of the meeting.

A motion by Supervisor Cory Behrendt: To recognize that Wat Lao has come before the Town Board on January 14, 2008 to review the Conditional Use Permit. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote. The review fee of \$15.00 was paid to the clerk.

### **B. Planning Commission Update- Chair Mike Greco**

#### **1. Comprehensive Planning Committee**

The Planning Commission proposed that the committee would consist of 2 Town Board Members- Cory Behrendt and Jeff Otto, the existing Planning Commission Members- Nancy Sauber, Ken Olstad, Kenny Miller, Sharon Buckley and Mike Greco and Jim Sauber- previous Chair of the Strategic Vision Citizen Advisory Committee and any new Planning Commission members that ma be appointed in May.

A motion by Supervisor Jeff Otto: To appoint the recommended candidates based on the Planning Commission recommendations for the makeup of the Comprehensive Planning Committee as

presented. Motion seconded by Supervisor Brian Budenski. A friendly amendment was offered by Supervisor Cory Behrendt: To include the appointment of new Planning Commission members that may be appointed. Supervisor Jeff Otto accepted the friendly amendment. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To appoint Supervisor Cory Behrendt and Supervisor Jeff Otto to be the Liaisons to TDKA to manage the overall process. (Financial status & over all management of the process) Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

**2. Status of Bill Weber- Planning Consultant on an as needed basis**

Bill Weber questioned his relationship with the Township since he was not chosen to help with the comprehensive plan update.

The Town Board has not lost confidence in Bill Weber, they felt that the firm hired to help with the Comprehensive Plan was better suited for the task and hopes that they will be able to call upon him in the future on Planning issues.

**3. Building Inspector**

The planning Commission requested that the Building Inspector attend the February Planning Commission meeting.

The building inspector will be asked to attend the February Planning Commission Meeting.

**4. Expired or expiring permits**

1. Orie and Samantha Sexton- issued in June 2007.

2. Jeff Tonsager-the building inspector extended the permit, it will expire on February 12, 2008.

The new building inspector will be contacted for direction on how to handle these two permits. The Town Board will work with the new inspector to come to a resolution on the two open permits with Mr. Hegner.

**C. Krapu Dog Kennel**

An email communication was received from Jeff and Andrea Krapu in response to the complaint received against the Kennel operation. Supervisor Jeff Otto read the email and it was entered into record.

The complainant's letter was also entered into record. The complainant does not feel that all the conditions of the conditional use permit had been met prior to the business opening.

The Town Board reviewed the conditions of the conditional use permit and discussed the possible violations.

The building inspector has issued the certificate of occupancy for the building. No as-built for the septic system has been received.

The Town Board does not feel that it is qualified to inspect the property for compliance to building requirements. The Township Attorney will be contacted on how to move forward on the complaint. If the attorney feels an inspection of the property is to be done, the current building inspector would be asked to make the inspection of the building. If the attorney recommends that Town Board members make an inspection Supervisor Jeff Otto and Supervisor Brian Budenski will inspect the property.

#### **D. Charging the Public for Government Data**

Attorney Patrick Kelly sent the Township a document on charging the public for government data. Supervisor Cory Behrendt will review the document and incorporate it into the current Township policy and bring the document back to the Town Board for approval.

#### **E. Audit**

The clerk received an engagement letter from Lewis Kirsh and Associates for the 2007 audit. The audit cost will be between \$5,000 and \$6,000. A motion by Supervisor Cory Behrendt: To approve the proposal from the accounting firm from the previous year to complete the audit for the 2007 year. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

#### **F. Annual Meeting Presentation**

The Town Board discussed the annual meeting presentation. Supervisor Jeff Otto will put together a presentation on roads. Planning Commission will be asked to make a ten minute presentation. Supervisor Cory Behrendt will update the charts from last year.

A motion by Supervisor Cory Behrendt: To approve up to \$500 to gain an opinion on the proper approach or method to paving of Township roads and related issues. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Supervisor Jeff Otto will contact a consultant.

#### **G. City of Lakeville Water Resources Management Plan**

The Township received a copy of the City of Lakeville Water Resources Management Plan. The comment period is open until March 20, 2008.

Supervisor Dan Rogers will be asked to review the plan and bring comments back to the Town Board.

#### **Old Business**

##### **A. Exotic Animals- Terri Petter**

The following update was received last week: Mr. Duffy noted that has not been able to have a full discussion with Ms. Petter to request to look at the property but will step up to the request the first part of the next week.

##### **B. Misc. Updates**

Hawkins trailer permit- The permit has not been picked up. The clerk will send Hawkins a letter, including the building inspector's comments. The Hawkins will be given 30 days to respond.

Mailbox installation- The mailbox has not been installed. Honey Doers have been contacted to install it.

Sauber Mine- Mr. Kelly feels that things are moving along and that the two parties have come to an agreement.

Windmill Mine Financial Guarantee and bond will be added to the February agenda.

##### **C. Township Role Regarding CapX2020**

Information about the citizens group was received. The group will be addressed as "The Citizens Energy Taskforce" Their initial meeting was January 3, 2008. A copy of the January Meeting minutes and copy of their comments that were presented to the Department of Commerce Environmental Review Proceeding was presented to the Town board.

**D. Precinct Caucus at Town Hall 2/5/2008**

The Republican Party asked that the \$25.00 fee be waived, because no other Township charges for Town Hall use. They also asked that the \$200 deposit be waived, they carry Liability Insurance.

The Town Board did not feel that the \$25.00 fee for use of the building should be waived or the deposit fee.

**H. LGA- Vote to dissolve**

The LGA sent the Town Board a ballot to officially dissolve the LGA.

A motion by Supervisor Cory Behrendt: To sign the ballot to dissolve the LGA. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote. Vice Chair Jeff Otto signed the ballot.

**I. EAID Grant- purchase voting machine table**

A motion by Supervisor Cory Behrendt: To approve the clerk to purchase a voting machine table as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

**J. Annexation- Hat Trick Properties**

The City of Lakeville presented an orderly annexation request for Hat Trick Properties. The Town Board met with Lakeville a few years back on the possible annexation of this property. Supervisor Cory Behrendt will send background information and the current letter to Attorney Patrick Kelly.

**K. North Cannon Watershed Management Plan Resolution**

Dean Johnson, Resource Strategies sent the Township a Resolution to adopt the 2003 NCRWMO Watershed Management Plan.

On June 12, 2006 the Town Board approved Resolution No. 46- Adopting Ordinance 9, Cannon River Watershed Management Ordinance for Establishing Erosion Control.

A copy of Resolution No. 46 will be sent to Dean Johnson to see if it fulfills the requirements. If the resolution needs to be adopted, it will be placed on the February 11, 2008 Town Board Meeting agenda.

**L. Update Sauber Mine**

Previously addressed.

**M. Pederson Resolution**

The attorney is reviewing the file and asked for more documents.

**New Business**

**Newsletter**

The draft of the newsletter was reviewed and discussed.

**Clerk/ Treasurer Presentation**

Deputy Clerk/ Treasurer Connie Anderson's notary commission is expiring.

A motion by Supervisor Cory Behrendt: To approve compensate the deputy clerk for renewal of the notary Commission. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

A motion by Supervisor Gloria Belzer: to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 10:54 pm.