

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
September 8, 2008

Call to Order

Chair Jeff Otto called the meeting to order at 7:00 pm. Members present were Supervisors Cory Behrendt, Brian Budenski, Jeff Otto, Carrie Jennings, Dan Rogers and Clerk/Treasurer Nanett Sandstrom, to record the minutes. Township Attorney Trevor Oliver.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following additions were made to the agenda:

Old Business: B. Northfield Corridor
MAC Capital Improvement Plan Update

A motion by Supervisor Dan Rogers: To approve the agenda as amended. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Audience Comment Period

Dennis Ripley- 9460 235th St W- He has a new pit across the street from him. He was led to believe that this year it is a stage 1. There would be trucks going in and taking land as it is and taking it out, there would be no crushing of any kind. For the last couple of weeks crushing starts at day break (7:00 am) and doesn't end until 7:00 pm. They are not hauling out in trucks. They are loading the material into a front end loader taking it 50 feet into the old pit and running it through a crusher. In the old pit half of the berms are being missing. The trucks are only hauling out from the piles of crushed material. Mr. Ripley doesn't think that the intent of the start of the pit is anything like what they were told or what is happening now.

Supervisor Jeff Otto stated that they are not crushing the materials, they are screening the materials. Screening is a reasonable and standard part of removal of the material. It must be screened before it can be used in the project. Mr. Brosseth and Mr. Mason were asked if this was a correct statement. They assure the Board that it was. There are also some operations going on in the Storlie Pit at this time.

A Sheriff Deputy was present he did not have a presentation and the audience did not have any questions for him.

Minutes

A motion by Supervisor Cory Behrendt: To approve the Town Board Meeting Minutes of August 11, 2008 as presented. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$1,436.19. Savings Account Balance \$183,792.15

CD Account Balances \$160,211.24. Total Account Balance \$345,439.58.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of September 8, 2008 as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

Otte Excavating	Services thru 8/31/08	\$12,620.00
MNSPECT	Inspection Services thru 8/31/08	\$1,547.95
Dakota Electric	Town Hall	\$76.99
Frontier Communications	Phone service Town Hall	\$124.58
Culligan	Water softener rental	\$23.43
Dick's Sanitation	Garbage Service July	\$39.52
Dubbels Lawn Service	Mowing thru August 2008	\$200.00
TDKA	Consultant Service- COMP Plan	\$277.45
TDKA	Glory to Glory 6/29 to 7/26/08	\$27.75
TDKA	Brosseth 4/27 thru 5/31/08	\$562.26
Kelly & Lemmons	Legal Services thru 8/31/08	\$1,236.25
Anderson Lime & Rock	Gravel for roads	\$69,119.28
ECM Publishers	Legal Ad	\$31.50
Earl F. Anderson	Signs	\$215.88
Allied Engineering	Gravel testing	\$244.00
Blue Earth Internet	2008 annual hosting fee	\$348.00
IRS	Deposit September 2008	\$959.03
PERA	Pay period 8/1/08 to 8/31/08	\$290.38
Nanett Sandstrom	Expenses 8/1/08 to 9/4/08	\$193.90
Brown Technology Group	Sound System	\$7,200.00
Brian Budenski	reimbursement expense	\$183.00
Cory Behrendt	Supervisor Payroll 3rd Qtr 2008	\$267.81
Dan Rogers	Supervisor Payroll 3rd Qtr 2008	\$212.40
Jeff Otto	Supervisor Payroll 3rd Qtr 2008	\$304.75
Brian Budenski	Supervisor Payroll 3rd Qtr 2008	\$313.99
Carrie Jennings	Supervisor Payroll 3rd Qtr 2008	\$340.00
Kenny Miller	Planning Commission Payroll 3rd Qtr 2008	\$263.20
Sharon Buckley	Planning Commission Payroll 3rd Qtr 2008	\$286.28
Ken Olstad	Planning Commission Payroll 3rd Qtr 2008	\$193.93
Vincent Mako	Planning Commission Payroll 3rd Qtr 2008	\$157.00
Nanett Champlain	Pay Period 8/1/08 to 8/31/08	\$1,693.73
Connie Anderson	Pay Period 8/1/08 to 8/31/08	<u>\$323.23</u>
Total Bills Presented		\$99,877.47

The following receipts were deposited in August:

• **Local Permits**

Westguard Construction- Permit 08-20	\$100.50	David Schweich- Application Fee	\$25.00
Jerry Zimmer- Application Fee	\$50.00	Kelly Brosseth- Appl. mining	\$300.00
Modern Heating- Glory to Glory-HVAC	\$225.00	Prairie Creek- Appl. fee CUP	\$400.00
Tom Conroy- Appl. Ag permit	\$25.0	College City Remodel- Appl. Fee	\$25.00
Mike Giles- Appl. Ag permit	\$25.00	Gary Gunderson-App. Fee	\$30.00
Mary Kay Hozerland - Demo permit	\$227.64	Bischell Building- Permit 08-25	\$401.50

• **Other Receipts**

Elaine Swedin-RASP Sign	\$15.66	Leland Dilley- Split application	\$25.00
Butch Hansen- CUP Review	\$25.00	Kelly Brosseth.-Escrow- mine	\$7,500.00
Kenny Miller- RASP Sign	\$15.66	Kelly Brosseth- Split application	\$25.00
Dakota County- DNR PILT Dist.	\$1,237.34	Prairie Creek- Escrow CUP	\$500.00
Doc's Trucking- Newsletter Ad	\$125.00		

TOTAL RECEIPTS DEPOSITED IN AUGUST 2008

\$11,303.30

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented. Motion seconded by Supervisor Brian Budenski. Role call vote was taken on the motion. Supervisor Carrie Jennings- Aye, Supervisor Brian Budenski- Aye, Supervisor Jeff Otto- Aye, Supervisor Cory Behrendt- Aye and Supervisor Dan Rogers - Aye. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Surplus funds in road and bridge and dust control are being used this year.

Planning Commission, land use permits and related items

A. Permit Requests

Consent agenda Items

The following permits were presented to the Town Board as possible consent agenda items: Tom Conroy, Mike Giles, Wayne and Virginia Windschitl, Gary Estrem and Gary Gunderson.

1. **Tom Conroy**-23145 Denmark Ave., Farmington requested a permit to build a 86' x 200' pole building with a 16' x 100' lean to for hay and machinery storage. (Property ID 13-01200-010-01). An Agricultural Building Exemption Application was submitted.

Ag Permit #001007 was issued for \$25.00

2. **Mike Giles**- 23777 Cedar Ave., Farmington requested to build a 32' x 48' building to be used for raising chickens, pheasants and plants. For personal use only. An agricultural Building Exemption Application was submitted. (Property ID 13-00900-010-78)

Ag Permit #001008 was issued for \$25.00

3. **Wayne & Virginia Windschitl-** 5294 235th St W requested an addition to their home. The addition includes a second story over an existing structure and the addition of a 38' x 12' porch. (Property ID 13-01200-020-50)
4. **Gary Estrem-** 10270 250th St W. Lakeville requested a permit for a 16' x 15' screen porch and a 16' x 15' deck to his home. (Property ID 13-01900-010-27)
5. **Gary Gunderson-** 25361 Ipava Ave., Lakeville requested a permit for 48' x 32' garage. He will be demolishing an existing garage as part of the permit. (Property ID 13-01900-010-09)

A motion by Supervisor Cory Behrendt: To approve the consent items as listed on the agenda for their respective permits as presented and passed forwarded by the Planning Commission. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

B. Land & Use Zoning Issues

1. **John Storlie-** 23449 Dodd Blvd., Lakeville requested to split 6.322 acres from Parcel 13-00700-010-02. The split property contains the access to the Brosseth Pit. The gravel mining CUP stays with Parcel 13-00700-010-02.

A motion by Supervisor Cory Behrendt: To approve the lot split application for John and Mariann Storlie as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

2. **Leland Dilly-** 714 Highland Ave. W, Northfield requested to split 5.262 acres from Parcel 13-03600-010-75. The 5.262 acre parcel will be used as part of the Prairie Creek Community School expansion project.

A motion by Supervisor Jeff Otto: To approve the lot split application for Leland Dilly as presented. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

3. Kelly Brosseth

Citizen Complaint- The citizen complaint was addressed. John Storlie commented that he has had some activity in his pit over the past month. Under his CUP he is allowed to operate from 6:00 am to 7:00 pm and Saturday hours 7:00 am to 3:00 pm. There was hauling from his pit on Saturday, not from the Brosseth pit.

Kelly Brosseth commented that the only portion of the berm that was removed was the berm adjacent to the 5 acre parcel. No other berm has been removed. His pit has not operated past 5:30 pm. The only vehicle in the pit might be a foreman's vehicle. Mr. Ames commented that here is no crushing of gravel occurring, they are screening the gravel- removing sand and rock to meet MNDOT standards.

Wetland delineation report update

Supervisor Carrie Jennings reported that the wetland delineation report is adequate. Brian Watson recommended approval of the report, Supervisor Carrie Jennings concurred with the report.

A motion by Supervisor Carrie Jennings: To accept the wetland delineation report as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Road Contractor Time

Dust control application has been completed. Application areas were discussed. The brush in the ditch on 240th St. and Highview will be sprayed with brush killer and cut back.

Bryce spoke with his road grader operator on the spreading of gravel on 225th. He did grade nearby roads on his down time between spreading gravel. The Town Board asked for a better breakdown of gravel spreading/ road grading activities during gravel application times.

Chub Lake Road Project

Diana Regenscheid representing the DNR was present and joined the Town Board for discussion on the Chub Lake road/ boat launch discussion. The Township has decided to try to get something to hold the shoulder in place while seasonal hunting/ of launching boats takes place. They have asked the DNR if they are able to contribute in any fashion to the effort. A plan has been forwarded to the DNR for their input on the project. The project will take place this fall before October hunting season takes place. (100 foot stretch- using rip rap, filter fabric and 1 ½" minus)

Diana commented that some of the details and logistics will be important to them. They have determined that there is a revenue source (Approx. \$1,500) that can be used to help out with this project. The design parameters will be important they can't contribute to anything that might further impede lake access. It will basically be a widening of the shoulder area with rock and stabilization that will still allow access. There is a desire for assurances that there will not be renewed efforts from the Town Board to stop the access. The contribution will be an isolated incident and it is not to be looked at as compensation. The easiest access to the funds would be to purchase materials that will be used in the project, rather than to reimburse the Township for monies spent.

The culverts under the road will be located and checked to see if debris blocking the water flow can be cleared.

Jerry Zimmer- 5716 225th St W. Farmington requested a permit for a new home on **Property ID #** The Town Board received a letter from Dee Jarvis, Dakota County. The letter indicated that the shoreland permit letter in May addressed property on the north side of the river, not the south side. The county has not approved the shoreland permit on the south side. *See attached letter dated 9-08.* Mr. Zimmer showed the Town Board the original survey showing Parcel B & Parcel C. Parcel C is the location of Mr. Zimmer's permit request, this parcel lies south of the Vermillion River.

Mr. Zimmer asked what he needs to move forward with the permitting process. He has the cluster and split approval from the Township and a letter from Tom Berry, Dakota County Soil and Water Conservation District that the two sites are buildable.

Chair Jeff Otto directed Mr. Zimmer to obtain a shoreland permit from Dee Jarvis on Parcel C. The misunderstanding of the location comes from the county, not the Township.

The Town Board does not have any outstanding issues with the permit. The county issues shoreland permits, they have issues that need to be resolved. The Township needs to follow the recommendations of the county in this area.

Planning Commission Sharon Buckley commented for clarification that the house from the Township prospective is not the issue, it is the access, and it is Dakota County Shoreland, Dee Jarvis that needs to give approval of driveway access. She also alluded in the letter to fishery and other issues. Sharon Buckley commented that we do not want to be misleading, she is not sure that the access permit will be granted by the shoreland people.

Mr. Zimmer stated for the record that he reserves the right to challenge any of the shoreland's issues.

Challenges are between Mr. Zimmer and the county. It is the property owner's responsibility to obtain shoreland permits.

Supervisor Carrie Jennings commented that crossing to gain access to the house is one issue, also access to construction vehicles to the property. Mr. Zimmer stated that he has addressed this before he has been crossing the river with loaded tractor trailers for 36 years. The vehicles he crosses the river with are larger than any construction vehicles. He hasn't had a problem with crossing the river in all those years.

A motion by Supervisor Cory Behrendt: To approve the permit conditionally on the basis of satisfying whatever remaining issues that Dakota County has with the access to the property or any other related issues. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Citizen Business

A. Sauber mine

Supervisor Carrie Jennings reported that she met with Rita and John onsite and did a walk through the property to look at slopes, water drainage, thickness of soil and the ability to farm the property. She met with Kenny Miller onsite on Saturday to review the property. Kenny brought a more recent survey. He acknowledged that the seeds did not take well. It looks like the soil could be improved. The soil that it is being compared to that was restored some 10 years ago has been benefited by the addition of manure and soil amendments. Kenny is willing to tap into the funds to make it right and to contract someone else to make the corrections.

Kenny apologized. He assumed that his attorney had presented the plans to all the interested parties. He presented a final plan dated 6/24/08. It shows the existing pond and a pond on adjoining property. The ponds are at different elevations, so flow will not run into one pond to the other. The plans show all the slopes. The slopes on the berms are steeper the other slopes on the property, but are within what is outlined in the ordinance.

A copy of the reclamation plan dated 6/24/08 will be sent to Sauber's attorney. Once they have agreed to the survey, TKDA will be asked to move forward with confirming the reclamation. The agreement to the survey is between Saubers and Mr. Miller, not the Town Board.

Other Business

A. Planning Commission Update

1. The Planning Commission held the public hearing on August 19th for the Draft Comprehensive Plan and the Rural Collaborative Local Water Plan. The Planning Commission did not finalize the draft Comprehensive Plan. They have scheduled a Special Meeting on September 10th for that specific agenda item. They need more study on the Rural Collaborative Local Water Plan, Planning Commission members will attend the Association Township Officers Meeting September 30th, this item is on their agenda

2. A public hearing has been scheduled for September 15th to consider the application of the CUP for Prairie Creek Community School. TKDA should review the plans and be asked to be present at the public hearing.
3. Updates to permit application forms- Waldron & Associates are willing to update the forms.
4. Dakota County Street Naming and Addressing system- nothing needs to be done now. It is on the agenda of the Township Association Meeting. The Planning Commission is recommending pursuing that the County continue doing this for us.
5. The Brosseth application has provided fencing information. The information has been sent to TKDA for the EAW process.

B. Second Soils Compliance Inspector.

A motion by Supervisor Cory Behrendt: To appoint Darrel Gilmer as the Township's Second Soil Compliance Inspector. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Old Business

C. Attorney Updates

1. **Prairie Creek School-** Michael Veola- Board Member of Prairie Creek Schools, Caroline Jones- Director of the School, Spencer Jones- Landscape Architect and Bruce Lundgreen- Academy Consultants were present.

The Development agreement was signed by the Town Board Chair.

A motion by Supervisor Brian Budenski: To approve Resolution #70 Accepting Donation of Land from Independent School District #659. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote. The resolution was signed by the Chair and attested to by the clerk.

Resolution #71 Authorizing Transfer of Donated Land to Prairie Creek Community School. This resolution allows for the chair and clerk to sign the quick claim deed.

A motion by Supervisor Carrie Jennings: To approve the resolution as presented. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote. The resolution was signed by the Chair and attested to by the clerk.

The application for a Conditional Use Permit has been presented to the Planning Commission. A public hearing has been set for Monday, September 15, 2008 at 7:00 pm.

Prairie Creek School is asking the Township to provide Conduit Financing for their expansion project. The Township issues the bond, because they have the authority to do so. All the responsibility/ risk is transferred by agreement prepared by bond counsel, it becomes more like conventional financing. The Township has the ability to issue up to 10 million dollars in tax free bonds for educational, long term care or housing projects. The debt is issued at a much better rate. Any expenses incurred by the Township to be educated or proceed will be born by Prairie Creek School.

A motion by Supervisor Jeff Otto: That we contact bond agent and arrange for an educational meeting to get background and understanding of conduit financing. Motion seconded by Supervisor Carrie Jennings.

Discussion followed: Supervisor Cory Behrendt expressed concerns about starting the bonding process in our Township. We are an Ag. Township we have never bonded. We are starting precedence that future entities will be coming in, perhaps looking for bonding, making the Township more attractive for these types of things, because we are now offering bonding. It is being done for an entity that largely doesn't serve out Township. He understands the benefits. It is taking the Township into a different arena.

This is strictly a policy decision. There is no legal force to make the Township issue bonds. Conduit financing can only be done with non profit groups. By doing one, is not establishing a policy, each would be decided on its own merit. We might look differently at a new use. We know what this looks like, how it operates. It's easier to access the impact. It's not new. Bond Counsel is a service, contracting laws and procedures do not need to be followed. One supervisor can be given the responsibility to engage in bond counsel. Vote was taken on the motion. 4 supervisors voted in favor of the motion, one opposed. The motion carried.

A Special Meeting was set for Thursday, September 18, 2008 at 7:00 pm to meet with a bonding specialist. Optional date: September 22, 2008.

2. **Friedges-** The attorney letter was delayed in sending to add more information. It was sent to Mr. Duffy. Mr. Duffy is not handling Friedges Holding. The letter and supporting documents have been forwarded to Friedges and his current counsel. We are waiting for a response. The Township attorney is comfortable that the Township has a decent record from 2001 and forward. Another way to approach this is through the non conforming issue. There is a possibility on taking this and holding a public hearing on the use. You are only non-conforming with grandfathering rights. You had to be conforming to have expansion rights. If a hearing is held, it would help to build a record. The Township can make a decision on the use if it conformed to the ordinance or it not a legal use. The attorney letter offered the possibility of a hearing on Friedges Holdings Use.

Supervisor Jeff Otto reiterated that he is not interested in pursuing a class action against all businesses that fall into this category. He is interested in looking into this particular business because of concerns about its operation, its impact to the neighborhood, to find a solution. The delay in sending out the letter was because he thought that he might have additional documents offered to him that should be included in the record. With further review no documents were added and the letter was sent out.

3. **Terri Petter-** Terri Petter and Dan Storlie were present and were invited to speak with the Town Board. Terri Petter asked that it be noted in the minutes that the July Town Board minutes refer to the kennel and CUP. This issue is not related to CUP or Kennel. Ms. Petter stated she does not have an attorney representing her on this issue. She will personally address this issue. She will not pay for Township expenses incurred in settling this issue.

Township Attorney Trevor Oliver commented that last time Ms. Petter was before the Board, she was represented by counsel, so by ethnical rules the letter was sent to her counsel. He is not supposed to contact other people's clients.

At the last Town Board meeting the Township decided it needed additional information, including a safety plan, and a further explanation of commercial uses and inventory. The viable exception under the zoning code is the use of these types of animals under agricultural products. They do not qualify as livestock. There were a large number of animals on the inventory for taxidermy.

Dan Storlie stated this is a fur farm, they are pelts. They go to an auction and are sold to make garments. They are not stuffed or mounted, this is taxidermy.

Terri Petter stated that she is USDA permitted. They are a federal regulated agency. To obtain the permits she has to have emergency procedures. She commented that the Township ordinances do not state that she needs to provide the emergency plan or have one in place. Terri Petter argued that other agricultural producers do not need an emergency plan, why do fur farms/exotic animal producers need an emergency plan?

The townships concerned with public health and welfare. Part of the concern is to understand the details of the plan. The Township is only asking to see a copy of the emergency plan provided to the USDA.

Terri Petter shared with the Town Board her emergency procedure for loose animals. All of her animals are bottle fed and hand raised. They are use to humans. If one gets out, you walk over and pick them up. Second they have a net procedure, they use nets to catch them. They have fox tongs that you can catch them with. If this doesn't work, Terri has a conceal and carry permit. Dan Storlie is an avid hunter and has guns readily available. If they can't be caught by those ways they would be shot on sight. She carries all the time. If an act of God should happen at night, they have night vision. The animals would be shot immediately before they get off the property. They also have spotlights. Dan Storlie stated that before they would be able to leave the property, they would be dead. Terri Petter stated that she has an exotic animal policy. The ordinances do not state under fur farm how many animals are allowed. The Ag Ordinance or fur farm ordinance does not state how many animals are allowed on ten acres of land. They follow all of the World Federation Fur Farming guidelines. The Ordinances do not say she cannot grow, that she has to grow or how fast.

Township attorney Trevor Oliver clarified that fur farming is not agricultural. The Township has exotic animal ordinance. The exotic animal's ordinance prohibits most animals on the list provided by Ms. Petter as companion animals or other purposes. The agricultural exemption is to produce furs. Then you look at the fur farming regulations to determine which animals are used for furs. The discussion in April was not entirely clear; taxidermy came up, how are these animals are being used, what is the purpose of these animals. If they are being used for fur product, for pelts and there are records to show it, along with actual pelts, is it for exhibition, or trading of live animals. The DNR defines fur bearing animals. Skunks, porcupine, woodchucks and do not fall under any reasonable product of fur bearing animals. Trevor is passing on what the legislature has done, what is in the statute. What is a fur bearing animal, governed by fur farming as it is set up by the DNR and what isn't.

Terri Petter and Dan Storlie commented that the DNR defines fur bearing under their hunting ordinances. Skunks, porcupine, woodchucks and coyotes are nuisance animals and can be hunted at any time, they are not considered fur animals, they are not protected. They are nuisance animals. They are still fur bearing. The other animals are protected fur bearing animals. Coyotes have a trapping season for their furs. Toronto fur auction sells skunk, porcupine, woodchucks and coyote pelts. Dan Storlie states that they pelted 1500 fox last year. The DNR doesn't care about ranch foxes. They only care about grey and red fox. They are not a wild fox. Ranch foxes are strictly for pelts. The Minnesota Department of Ag has a record of all pelts sold. They license the fur farm. They are not interested in the number of live animals. Terri sends a report to the Minnesota Department of Ag. at the end of the year showing the

amount of pelts sold, including coyote, woodchuck, skunk and porcupine. The DNR is responsible for the site tags for when protected are pelted. The tags verify that the animals have come from a fur farm, not from the wild. Skunks are also called civet cats.

In conclusion Trevor commented in the last ordinance update the Township adopted a prohibition of keeping exotic animals. Commercial Agriculture is a permitted use, the production of livestock products, which includes fur products. After meeting with Ms Petter and having further discussion does the Town Board find that the possession of these animals fall under Commercial Agriculture and thus a permitted use or does the Town Board not find this an agricultural operation and the possession of these animals prohibited. The Town Board needs to make a decision. If the operation is determined to be Ag production, the grandfathering of exotic animals is a moot point. If it is not Ag. Production, then the number of animals would be limited to what would be grandfathered.

Terri Petter asked how that they could prove that they are grandfathered. They have had exotic animals for years. 99% of the animals are used for fur. An animal that dies of natural causes, the fur is not usable. It is put to another use.

The Town Board agreed after further discussion with Ms. Petter and Dan Storlie that the operation is commercial agriculture, that there is truly a market for the furs produced, that it is agriculture production, fur bearing. Safety precaution detail has been presented. The operation is licensed by three agencies at the state and federal level. Communication has not been ideal and difficult in the past. Tonight discussion was productive and very helpful in the Town Board to understand the operations of the business.

To move forward the Town Board needs to look at its ordinances to define what the Township wants to allow through the ordinance product. The ordinance does not apply exotic to a possible Ag situation.

Other Business- Item B. Second Soil Compliance Inspector- revisited

Supervisor Cory Behrendt asked the Township attorney if the 2nd soils compliance inspector can be appointed or does the Town Board need to put out a RFP, following contracting laws obtaining his services. The services are in frequent and intermittent Attorney Trevor Oliver told the Town Board that the Town Board can appoint the inspector. He is providing a service. The contracting law applies to bids.

B. Misc. Updates

1. Northrup Complaint

Supervisor Brian Budenski and Supervisor Dan Rogers have not met with Mr. Northrup. Mr. Northrup has agreed to meet, but has been out of Town.

3. Northfield Corridor Study

Supervisor Jeff Otto sent comments on the study. His comments included: The Township respectively submits that this inclusion is inappropriate and inadequately justified at this time in the uncertainty of the timeline in the study. The straightening of the highway will save less than a minute of trip time. They would disrupt three properties substantially.

4. MAC Capital Improvement Plan Update

The capital improvement plan has been published. It includes the development proceeding in 2010. The project plan includes the paving of 225th St. from the development to Cedar Ave.

5. Windmill Gravel Pit

Supervisor Brian Budenski reported that Kenny Miller has completed the construction of the berm along the property owner's property. It will be seeded this fall. No further complaints have been made by the property owner.

C. CapX2020 Resolution

The resolution was recommended by the Planning Commission. It is written encouraging the inclusion of the County Hwy 70 corridor as an optional route.

A motion by Supervisor Cory Behrendt: To approve Resolution No. 72. A resolution with regards to CapX2020 Routing as presented by Supervisor Jeff Otto. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Supervisor Jeff Otto is also submitting testimony related to a technical report that was published by an international committee of scientists on electric magnetic and long term impacts. It will be submitted as an individual, with his title as supervisor.

Supervisor Carrie Jennings will contact TKDA with information on Prairie Creek School. TKDA will be present at the public hearing.

D. Minnesota Energy ROW permit

Minnesota energy submitted document to the clerks showing details on the pipe placement. There will be three crossings of township roads. A permit application will be required for each road crossing and \$500 escrow for each crossing.

Clerk/ Treasurer Presentation

Dakota County Officers Meeting is scheduled for Thursday, September 30, 2008 at 7:00 pm. The meeting will be posted that a possible quorum of the Town Board and Planning Commission may be present at this meeting.

Brosseth Escrow account will be finalized and the remaining escrow be returned to the applicant.

A motion by Supervisor Cory Behrendt: to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 11:06 pm.