

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
February 9, 2009

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 and Dan Rogers. Clerk/Treasurer Nanett Sandstrom was present to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following additions and changes were made to the agenda:

Planning Commission, land use permits and related items

- B. Land Use and Zoning Issues** move Butch Hanson CUP Review to Item 1.
move Mining CUP's to Item 2.

New Business: add Item C. Annual Meeting Assignments

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

Audience Comment Period

No public comments were made.

Approval of the Minutes

The following correction was made to the Special Town Board Meeting minutes of January 7, 2009: On page 1 & 2-Correct acronyms VRWJPO and BWSR.

A motion by Supervisor Jeff Otto: To approve the Minutes as revised. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The following corrections were made to the January 12, 2009 Town Board Meeting Minutes:

Page 3- First paragraph under Dave Tonsager- last sentence should read "This property primarily consists of forested acreage." Page 4- First paragraph and last paragraph under Westwind Education- the sentence "Motion seconded by Supervisor Dan Rogers." needs to be deleted. (This sentence was a repeat of a second). Page 5 second to last paragraph "recluse" should be "recuse". Page 6- last 2 sentences on Storlie pit should read: "abstain" not "abstained" and "Supervisor Carrie Jennings will be asked to send the feedback received from MPCA on the issue." Charles Hansen- 2nd paragraph should read- "Jeff Otto commented to correct a reference". Second paragraph under Hanson should read: "If needed we will be using the current Township Attorney". Page 8- 2nd paragraph under Proposed Amendment Mining Ordinance should read: "for earthen berms is to be forwarded". Page 9 third paragraph, first sentence should read: "Brian Budenski to schedule a walk". 6th paragraph 1st sentence should read "the list in the November 14, 2005 minutes that reflects conditions." 3rd paragraph from end change "apposed" to "opposed".

Third sentence should read: "We are agreeing ". Page 10- Third paragraph, first sentence should read: "The other course is that they need".

A motion by Supervisor Dan Rogers: To approve the minutes as amended. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

The Town Board reviewed the minutes of the January 27, 2009 Special Town Board Meeting.

A motion by Supervisor Jeff Otto: To approve the minutes of the January 22 Special Town Board Meeting be approved as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Supervisor Cory Behrendt and Supervisor Carrie Jennings abstained from voting on the motion, they were not present at the meeting.

Treasurer Report

Checking Account Balance \$1,092.78. Savings Account Balance \$215,318.87 CD Account Balances \$164,091.35. Total Account Balance \$380,503.00.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of February 9, 2009 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 of Supervisors.

Bills and Receipts

The clerk presented the following bills for payment:

Otte Excavating	Thru 1/31/2009	\$9,604.00
Dakota Electric Association	Town Hall	\$121.85
Frontier Communications	Phone Service Town Hall	\$124.44
Culligan	Water Softener Town Hall	\$23.43
Dick's Sanitation	Garbage Service	\$37.61
TKDA	Eureka/ Sauber 11-30 thru 12-27-08	\$480.31
TKDA	Brosseth 11-30 thru 12-27-08	\$3,079.01
TKDA	Comp Plan 11-30 thru 12-27-08	\$117.26
Lakeville Printing	Newsletter	\$230.70
ECM Publishers	Legal Ads	\$91.00
City of Farmington	Fire Contract 2008	\$30,325.00
ALF Ambulance	Services 7/1/08 to 12/31/08	\$772.50
Anderson Rock & Lime	Chips/ Salt 1/9/09	\$1,075.00
Castle Rock Bank	Loan Payment #9	\$26,446.19
State of Minnesota	Sales and Use Tax	\$8.00
IRS	Deposit 941 Additional 2 nd Qtr 2008	\$58.14
IRS	Deposit 941 Additional 3rd Qtr 2008	\$52.02
IRS	Deposit 941 Additional 4th Qtr 2008	\$58.14
Nanett Sandstrom	Expenses 1/1/09 to 1/31/09	\$221.40
PERA	Pay period 1/1/09 to 1/31/09	\$251.03
IRS	Deposit 941 February 2009	\$887.29
Kelly & Lemmons	Legal Services thru January 2009	\$3,376.80
Nanett Sandstrom	Payroll 1/1/09 to 1/31/09	\$1,516.55
Teresa Koentopf	Payroll 1/1/09 to 1/31/09	\$219.33
TOTAL BILLS PRESENTED		\$79,177.00

The following receipts were deposited on February 2, 2009:

- **Local Permits**

Sue Allen- Application fee	\$25.00	Rick Siri-Outhay- Wat Lao CUP review	\$15.00
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- **Other Receipts**

Dakota County Township Officers

<i>-Reimbursement Annual Meeting</i>	\$500.00	Gardenview Greenhouse- RASP Sign	\$15.56
Dan Rogers-Filing Fee	\$3.00	Costa- RASP Sign	\$15.56
Prairie Creek School- Escrow	\$6,123.41	Dan Kahl- RASP Sign	\$15.56
Siegel Brill- Copies of Documents	\$33.78	Quincy Curry- RASP Sign	\$15.56
Nancy Sauber- Filing fee	\$3.00	Dakota County- 2nd half taxes	\$9,619.30
Jasper- RASP Sign	\$15.56	Castle Rock Bank- Interest on CD	\$622.51
Larson- RASP Sign	\$15.66	Castle Rock Bank- Interest on CD	\$387.97
Ouradrick- RASP Sign	\$15.66	Castle Rock Bank- Interest on CD	\$195.40
Hanika RASP Sign	\$15.56	Deposit error- change belonging to clerk	.44
Merlin Leine- RASP Sign	\$15.56		

TOTAL RECEIPTS DEPOSITED AS OF FEBRUARY 2, 2009 **\$17,669.05**

Current Investments, Disbursements Register, Receipts Register, Statement of Receipts, and Balances, Cash Control Statement, and the Claims list were reviewed by the Town Board.

Supervisor Cory Behrendt did not have a chance to review the attorney bill, it was received today. If there are any adjustments they will be taken up at next month's meeting. It was noted that check # 5554 is a voided check. Receipt # 94972 was issued to Andrea Krapu for an application for a sign permit. This check has not been deposited.

A motion by Supervisor Cory Behrendt: to approve the Bills and Receipts as presented. Motion seconded by Supervisor Dan Rogers. 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 of Supervisors.

Budget

The Town Board reviewed the budget.

Planning Commission, land use permits and related items

A. Permit Requests

1. Randy Allen- 9320 235th St W. Lakeville (Property ID# 13-00800-023-50) submitted an application for an 80' x 40' pole building with 14' sidewalls. Use is for storage. Mr. Allen's property is in shoreland, but the proposed building site is not in designated shoreland.

A motion by Supervisor Cory Behrendt: To approve the building permit application for Randy and Sue Allen of 9320 235th St. as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

B. Land Use & Zoning Issues

1. Hansen Airstrip CUP Review

Butch Hansen, 26120 Highview Ave. Farmington and Mark Hansen, 226190 Highview Ave. Farmington (Property ID # 13-02800-010-27 &13-02800-011-25) were present for the Annual Review of their Airport CUP.

Chair Jeff Otto opened the floor to public comments. Asking three times for public comments, the public comment portion of the review was closed. The airstrip is still under construction.

A motion by Supervisor Cory Behrendt: To indicate that the review of the Hansen Airstrip CUP was completed on 2-9-09. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote. The \$25 CUP review fee was paid to the clerk.

2. Mining Reviews

a. Eureka Sand & Gravel

Kenny Miller owner and operator of Eureka Sand & Gravel, 10500 235th St. W., Lakeville was present for the 2008 Annual Review. Eureka Sand & Gravel operates a Pre-Existing Mineral Extraction Facility- Madden Pit and Windmill site which operates under an Interim Use Permit. 2009 may be the last year of operation of the Madden Pit. The Windmill site is close to being operational and the berm has been completed on the west border of the property. The Town Board received verbal complaints on site lines. These complaints have been addressed. Berm heights have been raised near the adjacent property owner's house. An infringement permit has been obtained from Northern Natural Gas to plant trees along the pipeline right of way. The screening will be completed this spring.

Chair Jeff Otto opened the floor to public comment.

Gary Smith, 4628 235th St W., Farmington commented that he had a weed problem on his side of the berm. He worked it out with Mr. Miller and everything is fine. Gary asked if less intrusive backup beepers are available yet.

Kenny Miller commented that MSHA has not approved the use of the beepers. They are still in the testing stage.

Chair Jeff Otto called for additional public comments three times. Hearing no additional public comment, the public portion of the meeting was closed.

Supervisor Carrie Jennings will check on obtaining copies of required reports from various agencies.

The total amount of material removed in 2008 was 119,045.86 cubic yards. The Annual Review Fee of \$714.275 was received by the clerk.

A motion by Supervisor Cory Behrendt: To recognize the review for Eureka Sand & Gravel as being completed on 2/9/2009. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

b. Storlie Pit

Don Storlie was present to represent the Storlie Gravel Pit located at 23449 Dodd Blvd, Lakeville.

Before the annual review of the Pit took place Supervisor Carrie Jennings asked to speak on the alleged CUP violations from last month's meeting, since she was not able to make the meeting due to the weather. She asked if the primer was applied elsewhere in the pit or elsewhere all together. If the spec sheets received were for the primer and paint. Did the sanding take place in the pit?

Carrie asked for their NPDES & SDS Permit Numbers. She asked if the permit explicitly states he

has permission to use paints, primers, solvents and if he has a plan for accidental release of those. Supervisor Carrie Jennings stated that she has further questions about the NPDES and SDS Permit. Chair Jeff Otto asked that the questions be put into writing, so that Mr. Storlie has the opportunity to answer these.

In response to Carrie Jennings's questions Mr. Storlie stated that the priming and sandblasting took place at a different location in the pit. The piece of equipment did not have lead based paint prior to sandblasting. It had been removed and repainted prior to this time. The spec sheets were for both the primer and the paint. Mr. Storlie provided the permit number requested. The DNR water permit is pending. In response to Supervisor Carrie Jennings question on whether his permits allows for the use of paints, etc. Don Storlie commented that he will turn the information over to this attorney for review.

At the January Town Board Meeting, the Town Board determined that there were no ordinance regulation violations on the Storlie Pit CUP.

Supervisor Carrie Jennings entered into the minutes the following information from the MPCA document titled "ATTACHMENT FOR CONSTRUCTION SAND & GRAVEL, ROCK QUARRYING AND HOT MIX ASPHALT PRODUCTION FACILITIES" (ON PAGE 5 of 8) "S8. List below all chemical additives that are used or proposed to be used at the facility. This must include all process reagents, flocculants, biocides, wastewater treatment chemical additives, chlorine or other disinfectants, detergents, cleaning products, chemical dust suppressants, freeze conditioning agents, etc." There is a table listed below to be filled in for Product Name, How often added, Where used, Average rate of use (weight or volume/year) the text then continues "**Attach** information on chemical composition, aquatic toxicity, human health, and environmental fate for each proposed chemical additive (**attach** Material Safety Data Sheets and complete product label for each additive)."

All mining operations should complete and submit the attachment to the NPDES & SDS Permit. A copy of these documents should be kept on file.

Gerald Duffy asked if the Town Board is talking about an industrial permit or a permit of Sand & Gravel. They are two different permits.

Supervisor Carrie Jennings stated it is the "ATTACHMENT FOR CONSTRUCTION SAND & GRAVEL, ROCK QUARRYING AND HOT MIX ASPHALT PRODUCTION FACILITIES" NPDES and State Disposal System Permit.

Township Attorney Patrick Kelly commented that the Supervisor is correct. It is required by all operations, but the enforcement agency is the State Agency. It is part of the CUP review process, but the enforcement agency is the PCA. The Township can not get involved in PCA enforcement issues, it is a separate jurisdiction. Mr. Storlie is present for purposes of review of his mining operation.

Chair Jeff Otto opened the floor to public comment. He called for public comments three times. Hearing no public comments, the public portion of the meeting was closed.

The total amount of material removed in 2008 was 15,724 cubic yards. The Review Fee of \$94.34 for Pre- Existing Mineral Extraction Facilities was submitted to the clerk.

A motion by Supervisor Cory Behrendt: To indicate that the review of the mining for the Storlie Pit has been completed, also indicating that there was resolution of the recent

complaint. Motion seconded by Supervisor Dan Rogers. Motion carried with one abstaining vote.

c. Barton Sand & Gravel/ Tiller Corporation

Annual Review of Pre-Existing Mineral Extraction Facility for Barton Sand & Gravel Facility located at 10005 235th St W. Lakeville. No representatives were present from the Tiller Corporation. The clerk received the 2008 Annual Review information via e-mail. The stated enclosed check in the amount of \$150.00 has not been received. No gravel had been mined in 2008.

Chair Jeff Otto opened the floor to public comment. He called for public comments three times. Hearing no public comments, the public portion of the meeting was closed.

Supervisor Carrie Jennings noted that the Tiller Corporation had responded to a drainage issue between their property and the Sauber property. They reversed the flow of drainage from their property onto the Sauber property.

A motion by Supervisor Cory Behrendt: To indicate the mine review of Barton Sand & Gravel has been completed 2/9/09. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Citizen Business

A. Sauber Pit Reclamation

Ron Quanbeck, Township engineer from TKDA was asked to come forward and present information to the Town Board. Ron had received the February 3, 2009 letter from Mr. Miller's legal council. This letter was somewhat a counter proposal. All parties present came forward to discuss this item with the Town Board: Kenny Miller, owner and operator of Eureka Sand and Gravel, Gerald Duffy, attorney representing Eureka Sand & Gravel, Kirsten Pauly, Sunde Engineering, Larry Harris, attorney representing the Sauber Family Trust, John Sauber representing his family and Township Attorney Patrick Kelly.

Mr. Duffy summarized his letter. It basically outlines what they are able and willing to do. They will go back in the spring to regrade the northeast portion of the property. Sedimentation basins are best management practices.

Kirsten Pauly commented that for sedimentation ponds, a minimum depth of 4 feet is ideal to allow enough time for sedimentation to occur. Sedimentation ponds can be above or below grade. Material can be added to raise the sedimentation pond above the water level, if this approach is desired.

The Sauber family agrees that since the property was not mined out according to plans the water needs to drain to the south and will compromise by adding a National Urban Runoff Policy (NURP) Pond. One requirement of the NURP is a 4 foot deep sedimentation pond. The outlet would need to be raised, if the bottom is raised. The family would like to review the drawing of the proposed pond, and give approval before it is constructed.

There are basically 4 issues: Regrading the bottom, so it drains adequately, the pond, organic content of the soil, and revegetation of the site.

The family had one additional issue: There are some areas of significant erosion and some large non-organic material (rocks) on the slopes that they would like to see eliminated. Mr. Duffy commented that they are willing to go in and correct this issue. It takes 2-3 years to stabilize the soil with ground cover.

John Sauber commented that the base of the pit needs to be raised up a good foot to create a slope, to prevent standing water. Material would need to be moved around or brought in to accomplish this.

John Sauber commented that the Sauber family is asking the Township to resolve this issue and take a position what is going to be done. They are not particularly interested in trying to work things out with Mr. Miller.

The goal is to achieve the right slopes with the right soil depth with the right soil type and the right plantings.

Mr. Duffy commented that in the spring they will plow, fix the areas that need fixed and seed it with MNDOT specs. They will also pick rocks. They are not willing to raise the base of the pit a foot and to place 3" of organic topsoil on it. The Township's second letter did not require it to be raised by a foot.

Item #1 Regrading in the Northeast Corner: Mr. Duffy commented that his February 3rd letter states that in the spring they will regrade the Northeastern portion of the site, taking care of the low spots, making sure the flow is in the direction of the Tiller property. Materials from the Madden site can be brought over to accomplish this. Sauber's are ok with bringing in material as long as the material is adequate and creates the slopes.

Chair Jeff Otto offered up the idea of calling a separate working meeting. The attorneys discussed and agreed to hire an independent mediator (possibly Bruce Melkerson) at their cost to discuss the 5 issues. They only agreed to the mediation as long as the Township Attorney, Engineer and a Town Board member was present.

One reason a mining permit is issued is for groundwater protection. Preexisting mining permits do not have requirements like Level 1 to Level 3 Permits. The original permit issued said that there would be no intrusion to groundwater.

A motion by Supervisor Cory Behrendt: To approve sending this issue to mediation with all parties represented including the Township. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Participation should include the Township Engineer, at least one but no more than two Township Supervisors and the Township attorney. Motion carried by unanimous vote.

The mediation will take place at the Town Hall. Mr. Duffy will setup the meeting. The target for completion of mediation is the April Town Board Meeting.

Mr. Harrison stated for the record that they are aware that there may be a need for Mr. Miller to go onto the property. He has no right to enter the property, because the lease has been terminated. They ask that Mr. Miller obtain permission before entering the property.

Supervisor Carrie Jennings and Supervisor Cory Behrendt will represent the Township. If Cory is unable to attend then Supervisor Jeff Otto will attend.

The Town Board took a 5 minute break.

Road Contractor

Jason Otte was present to represent Otte Excavating. The Road Contractor needed to purchase additional salt & sand than what was purchased from Anderson Rock & Lime. They ran short of material. This purchase was billed separately.

Abandoned cars or cars parked on a Township road for an extended period of time was discussed. If the Road Contractor notices any such vehicles, they should contact the clerk and an official notice will be sent to the Sheriff asking them to check on these vehicles.

The trimming of brush on 240th St and Highview Ave was discussed. The option of spraying this brush was previously discussed. The contractors have not sprayed it because of its location- wetland area. An option to spraying would be treating the stumps with a chemical. It will be trimmed back the same as last year.

B. Follow up on Citizen Complaint- Vermillion Kennels

Andrea and Jeff Krapu were present to represent their response letter. *See attached letter dated 1-26-09 "Re: Alleged violations Vermillion Kennels"*

1. Signs: On January 29, 2009 Andrea Krapu submitted an application for the sign to the clerk along with the response letter. The sign is a 20 square foot oval sign mounted on the building. The sign was placed on the building to identify the kennel building from the other pole building on the property.

It was determined that the sign does need a permit. It is reasonable and appropriate to have the sign on the building. The sign was erected prior to obtaining the permit, the fee amount was doubled.

A motion by Supervisor Jeff Otto: To approve the sign permit as presented with the notation that it is an after the fact permit and requires a double fee. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Krapu's paid the additional \$25 fee to the clerk.

The 12" x12" lit "OPEN" sign inside window of the kennel building was discussed. Attorney Oliver Trevor commented that the general rule is all signs require a permit. It does not fall under the list of exempt signs. This type of sign is allowed with a permit. The sign is located inside, but it is intended to be viewed from the outside. The ordinance allows a lit sign as a conditional use.

Andrea and Jeff Krapu agreed to take the lit sign out of the window and replace it with a non lit sign.

2. Pet Grooming: Vermillion Kennel's website does not state that the grooming is performed offsite. The Krapu's agreed to change the website advertising to state that grooming is offsite. Bathing and clipping of nails is done onsite to maintain a dog's healthy condition.

3. Retail Sales: They have 8 Kong filled toys that are owned by the Kennel, these are sanitized and reused. They are not sold to the customer.

4. **Unreasonable Barking of Dogs:** They have had nine Dakota County Officers stop in after receiving a dog barking complaint. The Officers have never issued a citation.

5. **Boarding horses:** Krapu's own three horses, they are kept on the property.

Butch Hansen asked for clarification of which signs require a sign permit. There are a lot of signs advertising items for sale. (Hay, corn, etc.)

There is no minimum size of a sign that excludes it from the requirement of obtaining a sign permit.

Gloria Belzer asked can a dog kennel or a business have as many signs as they want, as long as they come in and apply for it, and have a permit up to so many square feet. Does a conditional use permit allow them to have several signs, even if the conditions do not state that they can have any signs?

Trevor's response was yes, the limitation is the combined size of 200 square feet, whether it is a conditional use permit or not. Unless there is a condition stating no signs are allowed.

Gloria Belzer stated for the record that the "OPEN" sign has been on at night. Many times it has flashed O-P-E-N. Gloria Belzer expressed concerns over happening going on at Vermillion Kennels. Township Attorney Trevor Oliver interrupted and commented that the Town Board has considered and acted on the complaint. If there are new complaints, they need to be dealt with at another meeting. We have gone past the point of public information and are re-discussing a complaint that is done. It is not fair. The Krapu's were told that it is done and have left. Further concerns need to be discussed and interpreted. It should be directed to the Board and passed onto the attorney, then brought back to the table for discussion with the owners present.

C. Fridge/ Country Stone

The feedback from the Township Attorney was received late Friday. There are some issues that need to be discussed with the complainants before moving forward. The feedback was sent to the complainants today. They have been asked to meet with the 2 Supervisors working on this issue. A meeting was set for Wednesday, February 18th at 1:00pm. The feedback was not made public at this time. The outcome of this meeting will determine the next step taken.

Other Business

A. Planning Commission Update

1. The Public Hearing for the Kelly Aggregate application will be held Tuesday February 9, 2009. The Planning Commission has not received a letter from the Vermillion River Water Joint Powers Organization (VRWJPO) from the Land Alteration Plan (LAP) meeting. The letter will be sent by e-mail tomorrow. The VRWJPO will not be issuing a permit. The Township will be the permitting authority.
2. **Ordinance Revisions:** Dakota County Uniform Street Naming and Addressing System (USNAS) and Road Hauling needs to go to public hearing before they are adopted as ordinances. The first draft of the Road Haul Ordinance was not what the sub committee had expected. The Road Haul Ordinance will be revised and a new version will be sent to the Planning Commission for review.
3. **Home Occupations: A Growing Concern workshop:** Is being offered on March 5, 2009 in Little Falls. It might be useful to have someone attend this workshop. The cost is \$55.

A motion by Supervisor Jeff Otto: To authorize expenditure for the \$55 registration fee and vehicle expenses for one person from either Planning Commission or the Town Board to attend, giving the Planning Commission the first opportunity for the March 5th training class. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

4. **Documentation deficiencies from past Building Official:** Nancy Sauber compiled a list of items missing from the files turned over to the clerk from the past Building Official, Bob Hegner. The clerk was asked to forward this to the Township Attorney.

B. Proposed Amendment Mining Ordinance

The Planning Commission held a public hearing on the amendment on February 2, 2009. The Planning Commission forwarded the proposed Amendment Mining Ordinance to the Town Board for approval. The Town Board discussed the text of the Ordinance. The slope was changed back to the original language of “minimum” rather than “no steeper than”

A motion by Supervisor Jeff Otto: To adopt Ordinance 2009-1 as modified minimum slope. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

The text in the Ordinance will be changed. Documentation and a signed copy of Ordinance 2009-1 will be kept on file.

C., D., and Old Business C. Comp Plan, Rural Collaborative Plan and North Cannon WMO

The water chapter to the Comp Plan needs to be written. It will be a summary of the Rural Collaborative Plan. The Comp Plan Committee will be called together to work on the water chapter. Supervisor Carrie Jennings will replace Supervisor Cory Behrendt as liaison for the Town Board on the Comp Plan Committee. Carrie will extract language from the Water Plan to create the Township Water Management Plan.

The Rural Collaborative Plan was not adopted at tonight’s meeting. Supervisor Carrie Jennings will check to see if the Plan can be adopted at the next Town Board Meeting. The deadline for adoption is February 23, 2009 which is prior to the March Meeting. A tentative date was set for a Special Town Board Meeting for Thursday, February 19, 2009.

Supervisor Carrie Jennings attended the NCRWMO meeting. All rural Townships involved were confused to what Dean Johnson was providing. They thought it was taking care of their water plan. At the NCRWMO meeting it was noted that Eureka Township has not paid their invoice to the NCRWMO. The clerk has not received the invoice. She will follow up on the missing statement.

The NCRWMO is contemplating adopting a buffer ordinance like the VRWJPO. The NCRWMO is going to host a meeting explaining buffers and cost sharing alternatives for building buffers. The meeting will probably held in March.

Old Business

A. Misc. Updates

CapX2020

Supervisor Carrie Jennings attended the Public Utilities Hearing. She testified that their needs to be citizen involvement in the discussion of alternative routes. A Citizen’s Advisory Task Force will be formed for the portion of the route that includes Eureka Township. (Lake Marion to Hampton

Advisory Task Force) Deadline for application is Friday, February 25, 2009. The proposed routing was discussed. Supervisor Carrie Jennings is planning on being part of the Task Force.

B. Dakota County Uniform Street Naming and Addressing System (USNAS)

A motion by Supervisor Cory Behrendt: To direct the Planning Commission to schedule a public hearing for the Street Naming Ordinance at their earliest convenience. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

C. North Cannon WMO- previously addressed

D. Commercial Industrial Study

Supervisor Cory Behrendt made changes to the draft from feedback received. He will send the revised version out by email. If there are no significant changes are made by the end of February, it will be mailed out to the list. If significant changes are made, it will be placed on the March Town Board agenda.

E. Road Haul Ordinance - previously addressed

New Business

A. Township Elections

1. Appoint Election Judges

The clerk presented the following persons as election judges: Cheryl Schindeldecker, Earl Schindeldecker, Mike Greco, Jody Armen Jones, Pat Fossum, Cindy Hanson, Marlene Swantek and Jim Cooper. A motion by Supervisor Cory Behrendt: To appoint the election judges as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

2. Set Board of Canvas

A motion by Supervisor Cory Behrendt: To set the Board of Canvas meeting for Thursday, March 12, 2009 at 7:00 pm. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote. A motion by Supervisor Jeff Otto: To revise the Board of Canvas Meeting time on March 12th from 7 pm to 8 pm. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

B. Set Employee Review Date

Tentative employee review date was set for Wednesday, March 4, 2009 at 7:00 pm. The clerk will be asked to come at 7:30 pm and Teresa at 8:00 pm.

Supervisor Dan Rogers will check on employment policies.

C. Annual Meeting Assignments

The Annual Meeting presentation by Town Board members was discussed. Supervisor Jeff Otto will update the presentation from last year to reflect this year's activity.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Dan Rogers.

Meeting adjourned at 11:28 pm.

Attachment Town Board
Meeting 2/19/09

Received
Eureka Township

1/29/09 11:17am
Janet Sandstrom
Clerk

1-26-09

To: Eureka Town Board Supervisor's
Re: Alleged violations Vermillion Kennels

1. The sign on the North side of our facility was erected (10 months ago) to identify our Facility.
Condition # 10 states that the current pole barn will not be used for Kennel business. Clients were entering the pole building by mistake until we identified which building was the Kennel. This sign cannot be read while driving down Dodd Blvd.

The lighted open sign on the North side of our Facility is in fact INSIDE our building. It is NOT flashing and does not reflect on our pole building to the North.

2. There are NO retail pet grooming services at Vermillion Kennels. We use an off-site grooming service for clients who request grooming services. The advertising ads for our Facility will be changed to reflect grooming is done off-site. All bathing and nail clipping done at Vermillion Kennels is a function of maintaining the dog in healthy condition while staying at our Facility. Refer to condition #3 of our CUP. It is understood that this does not prohibit holder from maintaining the dogs being boarded on the property.
3. Vermillion Kennels has NEVER had any retail sale of pet Products. The Kong filled toy is simply used by the dog being boarded filled with dog food. Typically it is offered to the dog that is a known barker. We of course have our own dog food in case our clients forget theirs or they are gone longer than expected.

4. Regarding unreasonable barking of dogs; we have had nine Dakota County Officers to our Facility and have NEVER had a citation.
5. We do not board horses.

A final note; we would like to extend an invitation to Jeff Otto and Brian Budenski to visit our Facility during regular business hours without an appointment to observe any of the above mentioned alleged complaints.

Sincerely,
Jeff & Andi Krapu
Vermilion Kennels

Eureka Township



Building Permit Application

Note: Completed application must be submitted to the Eureka Town Clerk by noon on the Thursday 10 days prior to the Planning Commission meeting.

OFFICE USE ONLY

Permit No.

Site Address 24315 Dodd Blvd	Property ID No. (PIN) 13-01800-012-05
Contact Person	Daytime Phone 212-277-0486

PROPERTY OWNER			
Name Jeff + Andy Krappu	Daytime Phone same		
Address	City	State	Zip

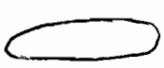
CONTRACTOR			
Name	License No.		
Address	City	State	Zip
Contact Person	Office Phone	Cell Phone	

TYPE OF WORK (CHECK ONE ONLY)			
<input type="checkbox"/> New construction	<input type="checkbox"/> Alteration/remodel	<input type="checkbox"/> Convert/change use	<input type="checkbox"/> Permit renewal
<input type="checkbox"/> Addition/expansion	<input type="checkbox"/> Repair/replacement	<input type="checkbox"/> Moving a building	<input type="checkbox"/> Other _____

TYPE OF STRUCTURE(S) (CHECK ALL THAT APPLY—IF STRUCTURES ARE ON SEPARATE PARCELS, USE A SEPARATE FORM)	
<input type="checkbox"/> Single-family residential total sq. ft. _____ rambler two-story split-entry multi-level Basement? Y / N Finished? Y / N	<input type="checkbox"/> Residential garage sq. ft. _____ walls _____ attached or unattached
<input type="checkbox"/> Manufactured home sq. ft. _____	<input type="checkbox"/> Aircraft hangar sq. ft. _____ walls _____
<input type="checkbox"/> Farm building sq. ft. _____ walls _____	<input type="checkbox"/> Private dog kennel sq. ft. _____
<input type="checkbox"/> Accessory bldg sq. ft. _____ walls _____	<input type="checkbox"/> Church or religious building sq. ft. _____
<input type="checkbox"/> Private stable sq. ft. _____ walls _____	<input type="checkbox"/> Private kennel sq. ft. _____ walls _____
<input type="checkbox"/> Deck sq. ft. _____	<input type="checkbox"/> Government building or facility sq. ft. _____
<input type="checkbox"/> Pool depth _____ gallons _____ fence ht. _____	<input type="checkbox"/> Public utility structure sq. ft. _____
<input type="checkbox"/> Driveway, approach, or parking lot material _____ sq. ft. _____ culvert size _____ nearest driveway on same side of road: _____ ft nearest intersection: _____ ft.	<input type="checkbox"/> Communication tower height _____ <input type="checkbox"/> Wind turbine height _____
<input type="checkbox"/> Septic system	<input checked="" type="checkbox"/> Sign sq. ft. _____ height _____ type of illumination _____ <input type="checkbox"/> Other:

PROJECT DETAILS		
Start date	Estimated completion date	Estimated value (excluding land)

Foundation sq ft _____ + Accessory bldg sq ft _____ + Driveway sq ft _____ = Total project sq ft _____

Specific description of project or work to be completed (number and attach additional sheets if necessary)
 Building mounted Vermilion Kennels  Total 20 square feet
 Foam board board

I hereby certify that the information provided in this application is true, correct, and complete. I also acknowledge that the work described herein will be in conformance with the ordinances of the Township of Eureka and with the Minnesota Building Codes; that I understand this is not a permit but only an application for a permit; that I understand work is not to start until all required permits have been obtained; and that the work will be in accordance with the approved plan in the case of all work that requires review and approval of plans.

A KRAPPA OWNER 1-29-09
 Signature Title Date

DO NOT WRITE BELOW THIS LINE

Date rcvd: 1/29/09 Rcvd by: MS 60-Day Extension until: _____
 Is there an existing conditional use permit (CUP) or interim use permit for uses on this property? Yes No
 Has a nonconforming registration form been filed for this property? Yes No

INSPECTIONS REQUIRED (CHECK ALL THAT APPLY)

<input type="checkbox"/> Building completed:	<input type="checkbox"/> Setbacks completed:
<input type="checkbox"/> Plumbing completed:	<input type="checkbox"/> Driveway/approach completed:
<input type="checkbox"/> HVAC completed:	<input type="checkbox"/> Septic completed:
<input type="checkbox"/> Fireplace completed:	<input type="checkbox"/> _____ completed:

APPROVALS AND PERMITS REQUIRED (CHECK ALL THAT APPLY)

<input type="checkbox"/> Lot split approval obtained:	<input type="checkbox"/> Interim use permit obtained:
<input type="checkbox"/> Bldg right cluster obtained:	<input type="checkbox"/> Shoreland permit obtained:
<input type="checkbox"/> Variance obtained:	<input type="checkbox"/> NCW SWM permit obtained:
<input type="checkbox"/> CUP obtained:	<input type="checkbox"/> VRW SWM permit obtained:
<input type="checkbox"/> Ag exemption obtained:	<input type="checkbox"/> _____ obtained:

<input checked="" type="checkbox"/> Zoning Administrator	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete	<u>Janette Sandstrom</u> Zoning administrator signature	<u>1/29/09</u> Date
<input type="checkbox"/> Zoning Administrator	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____ Zoning administrator signature	_____ Date
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____ Planning commission chair signature	_____ Date
<input checked="" type="checkbox"/> Town Board	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<u>[Signature]</u> Town board chair signature	<u>2/2/09</u> Date

FEES

Application fee \$ <u>25.00</u> Paid <u>1/29/09</u> <u>#9083</u>	Double Permit fee \$ <u>25.00</u> Paid <u>2/9/09</u> <u>94980</u> Receipt #
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note = double fee due to after-fact permit