

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

Special Town Board Meeting  
April 28, 2009

Town Board members present were Brian Budenski, Jeff Otto, Dan Rogers and Nancy Sauber.  
Planning Commission members present: Sharon Buckley and Kenny Miller  
Clerk/ Treasurer Nanett Sandstrom was present to record the minutes.  
Others present included Northern Natural Gas representative Roger Tomberlin.

**Call to Order**

Chair Jeff Otto called the Special Meeting of the Eureka Town Board to order at 6:32 pm.

The meeting opened with the Pledge of Allegiance.

**Agenda**

Northern Natural Gas Conditional Use Permit and Building Permit Application

The Town Board reviewed the Conditional Use Permit Application. The following additional documents were presented to the Town Board: A Conditional Use Permit, drafted by the Township Attorney and a Resolution, drafted by Town Board Chair Jeff Otto.

**The Town Board reviewed the Draft of the Conditional Use Permit.**

The Conditional Use Permit included the Findings of Fact.

The Town Board discussed the conditions. The permit will be reviewed every three years. This is consistent with other utility permits that have been issued in the past. The second condition was specifically mentioned in the Shoreland letter from Dakota County. A third condition was added: Outside lighting on other than an emergency basis will need approval by the Town Board.

In response to the Planning Commission's request for wording pertaining to the existing facility being nonconforming to current setbacks the following paragraph was included (Findings of Fact Item 2.): "The existing use of the property is for gas line metering and regulation facilities, first established and continuously used since 1959. The applicant has sought conditional use approval for the entire facility instead of seeking approval for the expansion as a nonconforming use. By recommending approval, the Commission intends to confirm the status of the entire facility as a lawful and approved conditional use under Town Ordinances".

It was noted that 1969 was mentioned in the application. It was corrected to 1959 at the Planning Commission Meeting. It was determined that 1959 is the correct date.

The Clerk updated the Conditional Use Permit to reflect the third condition.

**The Town Board reviewed the Draft of the Resolution to grant the Conditional Use Permit.**

The resolution includes the Legal Description and the Finding of Facts and the Conditions. The third Finding of Fact needs to be entered into the draft revision. The Resolution acknowledges that the Dakota County Water Resources Office approved a Shoreland Building Permit. It acknowledges the hearing and the Board review of the Finding of Facts.

A motion by Supervisor Jeff Otto: To adopt Resolution No. 2009-06: A Resolution Granting a Conditional Use Permit for a Gasline Metering and Regulating Facility in the Town of Eureka. Motion seconded by Supervisor Dan Rogers. A friendly amendment was offered by Supervisor Brian Budenski to mention the change made to the documents. Supervisor Jeff Otto accepted the amendment: To adopt Resolution No. 2009-06 with the amendment to add the third condition that was also added to the Conditional Use Permit. Supervisor Dan Rogers accepted the amended motion. Motion carried by unanimous vote.

Chair Jeff Otto signed the Conditional Use Permit and Clerk Nanett Sandstrom attested to the signature. The applicant submitted a check for \$46.00 to the clerk made out to Dakota County Recorder's Office for the recording of the Conditional Use Permit.

**Building Permit Application**

A correction was made to the application. The application stated the type of work was an addition/expansion. It is actually "new construction". Roger Tomberlin initialed and dated the change to the application. It was noted that all the setbacks for the new building are in compliance with the current Ordinance.

**Approvals and Permits Required:**

CUP Obtained April 28, 2009

Shoreland Approval April 15, 2009

A motion by Supervisor Dan Rogers: To approve the Building Permit Application for Northern Natural Gas as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Brian Budenski: To adjourn. The motion was seconded by Supervisor Nancy Sauber.

Meeting adjourned at 7:04 pm.