

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**April 10, 2017**

**CALL TO ORDER**

Chair Barfkneht called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Lu Barfknecht, Dan Rogers, Carrie Jennings, Butch Hansen, and Donovan Palmquist. Planning Commission members Nancy Sauber and Ralph Fredlund, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

**APPROVAL OF THE AGENDA**

Additions to the agenda were made as follows:

Land Use and Permits:

C. Erlin and Gloria Anderson Building Right

Old Business

C. Airport

D. Planning Commission Meeting Dates

Other Business

Move item A under contractor time

- A. Update on Dakota County Meeting
- B. PC Agenda
- C. Board requested letters

Move New Business ahead of Old Business

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the agenda as amended. Motion carried 5-0.

**TREASURER'S REPORT**

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to accept the Treasurer's Report dated April 10, 2017. Roll call vote was taken. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

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Discussion was held regarding collection of damages to the Chub Lake culvert. Supervisor Hansen noted the responsible person's contact information on the police report indicated a Faribault address. Attorney Lemmons stated the Faribault address will be pursued.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings to add discussion under Old Business as item E. Motion carried 5-0.

Treasurer Wilson stated she had talked with a Dakota County representative regarding the outstanding invoice for road grading bills. Copies of the Township's actual road maintenance bills was requested.

Motion made by Supervisor Jennings, seconded by Supervisor Palmquist to approve the claims and receipt lists. Roll call vote was taken. Motion carried 5-0.

### **Public Comment**

None

### **Contractor Update**

Bryce Otte discussed ongoing road maintenance and garbage pickup. Supervisor Rogers discussed a bill from Frontier for repair of a telephone box damaged by road maintenance equipment on 225<sup>th</sup> Street.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers to forward the Frontier bill for damage to a telephone box on 225<sup>th</sup> Street to Otte's Excavating to submit to their insurance company for review. Motion carried 5-0.

### **Building Inspector Update**

Darrel Gilmer, Building Inspector, discussed ongoing inspections. It was noted that Supervisor Hansen and Mr. Gilmer had inspected the Mahoney property and a report was given on the current status of the clean-up. It was noted that a list of items on the property was to be submitted. Discussion was held regarding the ordinance that was being violated. Nancy Sauber stated it is a violation to have junk stored on the property. Supervisor Hansen noted that the items would not necessarily be considered junk. Supervisor Palmquist stated photographs indicating the difference in the site from 2010 until now would be helpful. Inspector Gilmer was directed to provide the latest pictures and review will continue at the next Town Board meeting.

Dakota County Matt Lohman was present to discuss activity in the community. He noted a workshop would be held regarding fraudulent phone calls. He also discussed the theft of copper wire and tubing from irrigation systems. Mark Ceminsky noted that 235<sup>th</sup> Street is being used for drag racing once again.

### **Consent Agenda**

#### Town Board Minutes

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to approve the minutes of the March 13, 2017 Town Board minutes as presented and the March 16, 2017 Board of Canvass Minutes as presented. Motion carried 5-0.

## **Planning Commission Update**

Planning Commissioner Fredlund provided a summary of the April 3, 2017 Planning Commission meeting.

### **LAND USE PERMITS**

#### **Jerome Phillippe, 27798 Jamaica Avenue – Building Permit for a Single Family Home**

It was noted that the Planning Commission had recommended approval of the application subject to clarification of the PIN and a \$5,000 escrow for the demolition of the existing structure. Jeremiah Cihak, contractor, and Jerome Phillippe were present. It was noted that the correct PIN had been provided. A demolition permit was obtained and the house has been demolished. Jeff Otto discussed the lot split and building right transfer procedure.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to approve a building permit for Jerome Phillippe, 27798 Jamaica Avenue, PIN 130310052011, to construct a single family home. Motion carried 5-0.

#### **Hagen Homestead LLC (Jeff Otto), 25580 Dodd Boulevard – Lot Split Approval Application**

It was noted that the Planning Commission had recommended approval of the lot split application.

Motion was made by Supervisor Hansen, seconded by Supervisor Palmquist, to approve a lot split for Hagen Homestead LLC, 25580 Dodd Boulevard. Motion carried 5-0.

#### **Anderson Building Right Clarification**

Supervisor Hansen discussed the question as to whether a building right existed on property owned by Erland and Gloria Andersons. Jeff Otto explained grandfather rights.

Motion made by Supervisor Hansen, seconded by Supervisor Jennings, to recognize, that according to the boundaries indicated in C.S.A.H. Highway 84 and 17 easement documents (attached), the property is entitled for a grandfathered building right provided that a pre-1982 lot of record is presented. Motion carried 5-0.

## **NEW BUSINESS**

#### **Dan Ames, Vermillion Aggregates – Violation Notification**

Mr. Ames was present and discussion was held regarding the ordinance violation of storage of material owned by Scotts Miracle Gro on the mining pit property. It was noted that Ordinance 6, Chapter 13, Section 6 indicates removal of the material would have to take place within five working days. Mr. Ames stated he would need an extension of hours of operation so the material could be removed within that time frame.

Alex Allen, Scotts Miracle Gro, discussed the time it would take to remove the 3,000 pallets of material stored on the Vermillion Aggregates site.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to determine that a violation of Ordinance 6, Chapter 13, Section 6 has occurred on the Vermillion River Aggregates mining site and the material must be removed within five working days of April 11, 2017 to remedy the violation. Motion carried 4-1. Supervisor Hansen voted nay.

David and Amy Tonsager, 25700 Granite Path, Reenrolling Application for Agricultural Preserve

Mr. Tonsager was present.

Motion as made by Supervisor Jennings, seconded by Chair Barfknecht, to approve the reenrolling application for Agriculture Preserve for David and Amy Tonsager, 25700 Granite Path, PIN 13-02100-75-011 and 13-02100-75-012. Motion carried 5-0.

Pat Mason, Kelly Aggregates – Request for Temporary Extension of Hours of Operation

Mr. Mason gave an overview of the request for intermittent nighttime operation hours of 7:00 PM to 7:00 AM, April 2017 through July 2017, to accommodate the MNDOT Nine Mile Creek Bridge Replacement Project between Bren Road and 7<sup>th</sup> Street in Hopkins. He also discussed preventative measures regarding noise and lighting. Supervisor Jennings suggested that Kelly Aggregates notify the area residents of the project.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to approve a request for a temporary extension of hours of operation for Kelly Aggregates, to accommodate MNDOT Project SP 2772-113-TH 169, April 2017 through July, 2017, hours of 7:00 PM – 7:00 AM pursuant to Ordinance 6, Chapter 7, Section 1, Paragraph A-2. Motion carried 5-0.

Motion made by Supervisor Jennings, seconded by Chair Barfknecht, to direct the Clerk to send a letter to area residents informing them of the above action and the Township complaint policy, should they have concerns. Motion carried 4-1. Supervisor Hansen voted nay.

Appointment of Planning Commission Members

Applicants Randy Wood, Julie Larson, Allen Novacek, Mark Ceminsky, and Bill Funk were interviewed for available Planning Commission positions.

Vote by ballot was taken.

Randy Wood was appointed to a one year term.  
Julie Larson and Bill Funk were each appointed to three year terms.

Authorize Request for Quotes/Bids

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to authorize the publication of request for sealed bids for road maintenance. Motion carried 5-0.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to authorize the publication of request for quotes for dust control. Motion carried 5-0.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to accept the quote for street sweeping from Terpstra Snowplowing, Inc. for street sweeping of Town Hall, Jersey Court, Eureka Estates and Bill Goad Bridge in the amount of \$1,325. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to authorize the publication of request for sealed bids for gravel. Motion carried 5-0.

Motion was made by Supervisor Hansen, seconded by Supervisor Barfknecht, to authorize the publication of request for quotes for chip coating and striping the Town Hall parking lot. Motion carried 5-0.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to authorize the publication of request for quotes for Town Hall grounds maintenance. Motion carried 5-0.

#### Security Cameras

Supervisors Rogers discussed the possibility of installing security cameras on Town Hall grounds.

Motion by Supervisor Hansen, seconded by Chair Barfknecht, to direct the Clerk to get quotes for a security system for Town Hall to be discussed at the May Town Board meeting. Motion carried 5-0.

#### Office Equipment

The need for new desk chairs for the office was discussed, as well as a new Cisco router.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to authorize the Clerk and Deputy Clerk to purchase two chairs not to exceed \$500. Motion carried 5-0.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to authorize the IT provider to replace the Cisco router up to a cost of \$300. Motion carried 5-0.

#### Set Date for Round Table Meeting with Planning Commission

The Round Table meeting for the Town Board and Planning Commission was scheduled for May 10, 2017 at 7:00 PM.

#### **OLD BUSINESS**

##### Sibley Aggregates – Continuation of Annual Review (and introduction of new operators)

Terry Overn, and Marvin Preusser, OMG Midwest, Inc. were present to discuss their recently acquired operation of Sibley Aggregates. The possibility of an open house to meet area residents was discussed.

Gary Smith, 235<sup>th</sup> Street requested that weeds on mine property adjacent to his property be treated.

##### Follow-up on Complaint – 24565

Chair Barfknecht recused herself for this item. Vice Chair Jennings took over the meeting.

It was noted that a letter had been received from Tim Steinhoff, 24565 Iceland Path, dated March 30, 2017, objecting to direction made by the Town Board on February 14, 2016 in regard to the fence on his property.

Lu Barfknecht provided background on the issue.

Mark Ceminsky, questioned state regulations in regard to fences.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to direct the Township Attorney to draft a letter to Mr. Steinhoff regarding Township ordinance and state regulations in regard to fences and note that the Township intends to enforce the ordinance. Motion carried 4-0. Supervisor Hansen voted nay.

## **Other Business**

### Airlake Airport

Supervisor Jennings addressed a Star Tribune article regarding the annexation of Airlake Airport property by Lakeville. She stated that ongoing discussions are being held with the City of Lakeville in regard to a joint powers agreement for sewer and water services.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, requesting direction by the Town Board to meet with the City of Lakeville, along with a Planning Commission member or former member and a citizen (Cory Behrendt) regarding the joint powers agreement.

Supervisor Hansen stated he would like to attend the meeting with Lakeville. Discussion was held and it was determined that a special meeting notice would be posted for the date, to be determined, with Lakeville, to avoid a violation of the open meeting law should more than two Board members be in attendance.

Vote was taken on the motion. Motion carried 4-0 Supervisor Hansen abstained.

### Planning Commission Meeting Date – Monday, July 3<sup>rd</sup>

It was noted that the Planning Commission meeting in July would be held on Monday, July 3<sup>rd</sup>.

### Chub Lake Culvert Damage

Supervisor Hansen discussed the cost to the Township for pursuing the cost of damage to the Chub Lake culvert. He noted that the attorney's fee were \$1500 in addition to the cost of repairs to the culvert, and, that would more than likely damages would not be collected.

Motion was made by Supervisor Hansen, seconded by Supervisor Palmquist, to cease pursuing the collection of damages for the Chub Lake culvert. Motion failed 1-4 (All voted nay except for Supervisor Hansen)

Supervisor Jennings reviewed upcoming road overlay projects as discussed at a recent Minnesota Association of Township meeting.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to adjourn the meeting at 11:30 PM. Motion carried 5-0.

Respectfully submitted:

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Mira Broyles, Clerk

DRAFT