

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
November 9, 2009

Call to Order

Chair Jeff Otto called the meeting to order at 7:02 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Jeff Otto, Dan Rogers and Carrie Jennings. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following changes were made to the agenda:

Met Council Business was moved up before Contractor Time.

Minutes Approval was moved to after Other Business

Other Business: D. Plastic Storage Structure Complaint

E. Eureka Estates Parking Complaint

Old Business: A. Misc Updates 7. VRWJPO

8. Other

A motion by Supervisor Nancy Sauber: To approve the agenda as revised. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Public Comment Period

Georgie Molitor expressed concerns with water flowing from a large black pipe that originates in Lakeville. The water flows into the ditch, flows under the road and eventually into the public waterway for the Vermillion River. She does not know where the water is coming from and does not want a repeat of last year's events.

Brian Budenski commented that Cross Nursery gave the Met Council permission to discharge into their ditch.

Met Council Representative Mike Weber commented that the water is coming from the Elko/ New Market Interceptor construction site. They have a discharge permit that allows for 484 million gallons of discharge per year.

Supervisor Carrie Jennings will check with Janell Miersch of the DNR on the permits.

Treasurer's Report

Checking Account Balance: \$864.88. Savings Account Balance: \$83,078.48. CD Account Balances: \$139,439.17. Total Account Balance: \$223,382.53.

The Town Board reviewed the Claims List for Approval and the Net Pay Account Distribution. It was noted that the Killmer Electric bill breakdown is \$900 for repair to the flag pole lighting (to be reimbursed by the Insurance Co.) and \$820 for the doorbell change out and the timer for the parking lot lights.

A motion by Supervisor Dan Rogers: To approve the Claims List and Net Pay Account Distribution as presented. The motion was seconded by Supervisor Brian Budenski. Roll call vote was taken on the motion. Carrie Jennings- aye, Brian Budenski- aye, Jeff Otto-aye, Nancy Sauber- aye and Dan Rogers- aye. The motion carried by unanimous vote.

Current Investments, Cash Control Statement, Statement of Receipts and Balances, Disbursements Register, Receipts Register were reviewed by the Town Board. It was noted that the disbursement for straightening of the flag poles should also be recovered by insurance.

A motion by Supervisor Dan Rogers: To accept the Balance of the Financial Reports. Motion seconded by Supervisor Jeff Otto. Supervisor Nancy Sauber mentioned that there was a small charge on the attorney bill for general information, and the Township should not have been charged for the document. Supervisor Jeff Otto will check into this portion of the bill. Vote was taken on the motion. The motion carried by unanimous vote.

Bills and Receipts

The Clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 10/31/09	\$7,870.00
MNSPECT Inc.	Inspection Services October 2009	325.50
Dakota Electric Association	Town Hall	\$88.72
Frontier Communications	Phone Service Town Hall	\$125.95
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$40.27
Kelly & Lemmons	Legal Services thru August 30, 2009	\$1,990.25
IRS	Deposit 941 October 2009	\$650.13
PERA	Payroll Period 10/1/09 to 10/31/09	\$354.13
Nanett Sandstrom	Expenses 10/1/09 to 10/31/09	\$113.97
Earl F. Anderson	Signs	\$286.56
TKDA	Brosseth 8/30/09 to 9/26/09	\$316.13
TKDA	General/ Misc. 8/30/09 to 9/26/09	\$221.68
MAT Agency	Insurance 11/1/09 to 11/1/2010	\$2,959.00
ECM Publishers	Legal Ad	\$35.00
Lakeville Printing	Newsletter	\$251.50
Killmer Electric	Misc electric work Town Hall	\$1720.00
MAT Agency	Work Comp 1/1/2010 to 1/1/2011	\$272.00
Nanett Sandstrom	Clerk Payroll 10/1/09 to 10/31/09	<u>\$2067.09</u>
Total Bills Presented		\$19,711.39

The following receipts were received October of 2009:

- **Local Permits**

Elder Jones- Permit 09-43	\$100.50		
Keith Club- Permit 09-44	\$100.50	Francie Madden- Split Application	\$25.00
Barb Bachman- Permit 09-45	\$100.50	A&R Heating- Permit 09-46	\$65.50
		Met Council- Application Fee Variance	\$400.00

- **Other Receipts**

Swedin Chiropractic- Newsletter Ad	\$125.00	State of MN- Market Value	\$3,330.68
Larry Frahm- Newsletter Ad	\$35.00	Castle Rock Bank- Interest CD	\$199.37
Mount Olivet- Dustcoating	\$231.20	Castle Rock Bank- Interest CD	\$647.52
Met Council- Escrow- Variance Application	\$500.00		

TOTAL RECEIPTS AS OF OCTOBER 31, 2009 **\$5,860.77**

Budget

The Town Board reviewed the budget. No comments were made.

Met Council Items

Mike Weber, the Onsite Project Manager for the Elko/ New Market Interceptor Project, was present. The Town Board briefly discussed the construction project. He presented the Town Board with the project schedule. He invited the Town Board and citizens of the Township to stop by at the construction trailer to discuss any concerns. (NE corner of 235th St. & Dodd) The Township will be placed on the mailing list. Dodd Blvd. will be closed for a couple of days in May or June for an open cut crossing.

The ditch repair work on 240th St. & Dodd Blvd. has been completed.

Deputy Sheriff Representative

Deputy Vickersland stopped in to address Town Board and citizen questions.

Met Council Items Continued

James Roth, Engineering Project Manager for the Met Council, and Thomas Melody of Bonestroo, designers for the lift station project, were present to represent the applications.

Variance Application – Documents before the Board included: The Land Use and Zoning Application requesting the Variance, Draft Variance and a Draft Resolution for the Variance. The public hearing on the request was held last Monday, November 2, 2009.

Draft Variance Document- A few changes/ corrections were made to the proposed variance document as follows: Page 1, Item 2. Driveway will be located 135+ feet from the intersection; Page 3, Findings of Facts, Item 1- add “is” after “proposed use”; Item 3 was rewritten to read “The driveway is a reasonable use of the property that doesn’t meet the 300-foot separation rule. Allowing...;” Item 4. Change “is” to “are;” Item 5. remove “that” and replace with “on which”; On page 2 under Conditions “shall” was added after the word “property”, street was capitalized and “West” was added.

Draft Resolution 2009-09. The changes on the Variance Document were incorporated into the Resolution. Both documents contain the same language.

The Variance request was forwarded by the Planning Commission for approval. A motion by Supervisor Dan Rogers: To adopt Resolution 2009-09, A Resolution Granting a Variance for the Placement of the Driveway at the Sanitary Sewer Lift Station in the Town of Eureka. The motion was seconded by Supervisor Jeff Otto. The motion carried by unanimous vote of Supervisors. (5-0)

Conditional Use Permit- Documents include: The Land Use and Zoning Application requesting the CUP, draft CUP and a draft Resolution for the CUP. The public hearing from the request was held last

Monday, November 2, 2009. Input from the public hearing has been incorporated into the conditions of the permit. The Planning Commission recommended approval of the CUP.

The following changes were made to the draft CUP document: Condition 4. Add “shall” after “Landscaping”; 5. Add “shall” after “property”, Capitalize “Street”, add “West”.

The landscaping/ screening must be maintained, including the shrubs as identified on the site plan drawings. The temporary driveway was discussed. It will remain a driveway to be used by the Met Council to access the cleanout structure/ manhole. (Clean out once or twice a year) This driveway will not be used to access the lift station site.

The following changes were made to the draft Resolution: Page 2- Item 6. Remove words “few, if any” replace with “no” and the last sentence was deleted; Items 3 and 7. “Grant” was changed to “granting;” In the conditions, Item 4. Add “shall be” after “Landscape”; Item 5. Add “shall be” after “property”, capitalize “Street”, add “West;” Top of page, Item 4. Add “is” after the word “use”.

A motion by Supervisor Jeff Otto: To adopt Resolution 2009-10, A Resolution Granting a Conditional Use Permit for a Sanitary Sewer Lift Station in the Town of Eureka. The motion was seconded by Supervisor Dan Rogers. Vote was taken on the motion. Supervisor Brian Budenski cast a dissenting vote. Brian commented that he wished that he had been on the Town Board many years ago when it was decided that this should come through our Township. The sewer line should have been directed through Scott County. The Motion carried by a vote of 4-1.

Building Permit Application

The Planning Commission recommended approval of the building permit for the lift station.

A motion by Supervisor Dan Rogers: To approve the Building Permit Application for the Metropolitan Council pumping station on 235th St. W. and Dodd Blvd., as recommended by the Planning Commission. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

Contractor Time

The road contractors were present to address road issues.

The ditches have not been restored at Highview and 225th St. (Northern Natural Gas) or on 225th St. near Calvin Pflaum’s property (MN Energy). The Clerk was directed to send written notice for response within 5 days of receipt. If no response is received, Escrow funds will be used to complete the restorations.

Brush/ Tree Removal

Tree and brush removal along Township roads was discussed. If Planning Commission recommends brush removal this fall, the road contractor will proceed with brush cutting under the direction of the Road Supervisors.

Planning Commission, Land Use Permits and Related Items

A. Land Use & Zoning Issues

1. Carol Nassif- 26535 Galaxie Ave., Farmington, Property ID 13-0270-011-37.

Carol submitted an application for a Private Kennel Operator’s License for the keeping of her own dogs. The building to be used for the kennel is an existing building that is grandfathered as a kennel in the Township.

It was noted that there is one dwelling that exists just within the 500-foot range, due to an addition that was constructed by the other party. "See the Planning Commission minutes of November 2, 2009, for background and justification for approval." was added to the application and initialed by Carol.

Disposal of dog waste was discussed. Most of the waste will be composted along with horse manure and wood shavings. Some of the waste will be liquefied and washed into the septic that is currently located at the site.

A motion by Supervisor Dan Rogers: To approve the application for a Private Kennel Operator's License as amended. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

2. Madden Trust- Lot Split

Francie Madden and Mary Madden Kopp, Trustee, were present to represent the application. Chair Jeff Otto presented some information on the buildability of the current property and the proposed splits. Currently there are 2 building rights on the Madden property. One in the NW1/4 of the NW1/4 of Section 7 and one on the 16-acre piece in the SE1/4 of the SW1/4 of Section 6. The 16-acre piece has a grandfathered building right. It was created in 1918. To preserve the grandfathered housing right, the boundary of that property cannot be changed. Jeff suggested that the Maddens take a look at possibly changing some of the proposed property lines so that grandfathered rights are not lost.

Francie and Mary decided to wait on the property split at this time. The application was tabled. They were asked to present any changes to the application to the Planning Commission. If the application will not be completed within the 60-day period (by December meetings), they were asked to submit a waiver of the 60-day Rule in writing.

Other Business

A. Planning Commission Update

The road review was postponed. It will be on Saturday, November 14th, at 8:00 a.m. The Planning Commission will make brush/ ditch cleaning recommendations from the road review. Poison ivy in Township ditches was discussed. This is a noxious weed and the Township is required to control it. Chemicals should be applied in the spring of the year to control it.

Disposal of dog waste was discussed. Supervisor Carrie Jennings will contact the septic inspector to find out if standard septic systems can handle dog waste. There are also concerns with composting of the waste and possible water runoff. Vermillion Kennels, a public kennel, agreed to the double-bagging of waste and disposal in the garbage. Township Ordinances do not have the means of adding conditions to private dog kennels.

The Planning Commission will be working on the Ordinance changes.

At 9:35 p.m. the Town Board took a short recess. The meeting resumed at 9:44 p.m.

B. Street Naming Joint Powers Agreement

The Planning Commission recommended that the Town Board adopt the Street Naming Powers Agreement.

A motion by Supervisor Dan Rogers: To approve the Joint Powers Agreement between the County of Dakota and Eureka Township for Technical Assistance in Street Naming and Address Assignments. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

C. Fritz Complaint

The Clerk sent a letter to Dan Fritz on October 24th. It was delivered by the postal service on November 2nd. The letter asked for a response in writing by the November 9th Town Board Meeting. No response was received. The Clerk was asked to forward the information on the complaint to the Building Inspector for an inspection of the property.

D. Plastic Storage Structure Complaint- Roberts Property

This item was first addressed last fall. The Clerk sent a certified letter in March. It was returned by the post office. The Building Inspector was notified in April to follow up on the complaint. No follow-up has occurred. The Clerk was asked to forward the information to the Building Inspector once again, asking him to leave notice of noncompliance with the Ordinances.

E. Eureka Estates Parking Complaint

The Clerk received a phone message complaint about a property owner who is parking large vehicles on the roads in Eureka Estates. At times, the roadway has been impassable for emergency vehicles because of the on-street parking. The citizen was asking what Township Ordinances are for parking on the streets.

Supervisor Dan Rogers will review the Ordinance. He will drive by and check the area. He will contact the Sheriff Department if necessary.

Minutes Approval

The following corrections were made to the October 13, 2009, Town Board Meeting minutes: Page 6, under 5. Zimmer- change "was" to "were" after "new home;" Page 4, second paragraph from the bottom- the last sentence was deleted.

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board Minutes of October 13, 2009, as amended. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

Old Business

A. Misc Updates

1. Sauber Mine- Billings

The Clerk provided the Town Board with the total amount spent by the Township on the Sauber Mine Reclamation issue to date. The Township Attorney has not yet drafted the letter to be sent to Saubers. Supervisor Jeff Otto will follow up on this issue.

2. Clustering forms

The Town Board is waiting for feedback from the Attorney.

3. Information Sharing Policy

Supervisor Nancy Sauber presented a draft Information Policy. Content of the policy was briefly discussed. She asked that members of the Board review the draft for next month's meeting. The

Professional Policy was brought up. It is not posted on the website. The Clerk will check on the status of the policy.

4. Phillippe Bros.

The letter drafted by the Attorney last month had not been sent out. The Clerk was asked to update the letter and send it to Phillippe.

5. Zimmer

Supervisor Carrie Jennings is waiting for an update on the proceedings from the entities involved.

6. Hawkins

No update from the Attorney. Supervisor Jeff Otto will check with the Attorney.

7. VRWJPO

Supervisor Jeff Otto and Supervisor Carrie Jennings are working with the VRWJPO on the Joint Powers Agreement. The Township passed a resolution in 1994 on lot splits. A Resolution is not the appropriate way to handle lot splits. It should be in the Ordinances.

8. Other

- a. **Butch Hansen-** Supervisor Jeff Otto will check with the Attorney on the letter to Butch Hansen.
- b. **Asbuilts-** The Attorney was to check on these.
- c. **Kelly Aggregate-** The berm has been mulched. The sign is still a temporary structure. The interceptor line construction is taking place near the site. There have not been any more noise complaints received.
- d. **Building Permit Form-** The following addition was proposed to the Building Permit Form: on the second page in the Pools & Deck box add: "Rebuilds in case of a fire"
The signature line was discussed. Contractors often apply for over-the-counter permits. There is no place for a contractor's signature on the permit form. In these cases the Contractor should sign on the line marked property owner.
- e. **Newsletter-** Under Planning Commission messages it talks about ag buildings. Information provided is incorrect in the newsletter. A clarification will be written for the next newsletter.
- f. **North Cannon River Watershed Management Organizational-** Meeting scheduled for November 18, 2009, at 7:00 p.m. at the Greenvale Town Hall.
- g. **Environmental Impact Statement Meetings for CAPX-** November 12th in Lakeville & 13th in Lonsdale. 1-4 p.m. and 4-8 p.m.
- h. **Continuation of Friedges Trial-** November 17th. A quorum of Supervisors will not be present at the trial. It will not be posted as a Special Meeting.

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

Meeting was adjourned at 10:45 a.m.