

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
December 10, 2007

Call to Order

Chair Dan Rogers called the regular monthly meeting of Eureka Township to order at 7:20 PM. Members present were Supervisors Dan Rogers, Jeff Otto, Cory Behrendt, Gloria Belzer, Brian Budenski and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following item was added to the agenda:

Old Business: F. Misc. Updates

A motion by Supervisor Jeff Otto: To approve the agenda as modified. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Audience Comment Period

Chair Dan Rogers opened the floor for public comment. Tim Bremicker, Department of Natural Resources was present to speak to the Town Board on the Chub Lake Boat landing issue. The clerk neglected to place him on the agenda. The clerk had scheduled his presentation at 7:30 pm. This item was added to the agenda.

Minutes

A motion by Supervisor Cory Behrendt: to approve the Eureka Town Board Meeting minutes of November 13, 2007 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Special Town Board Meeting minutes of November 13, 2007 as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Jeff Otto: To approve the Closed Meeting Minutes of the Eureka Town Board of November 13, 2007. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the Roundtable Meeting Minutes of the Town Board and Planning Commission of November 26, 2007. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$2,935.42. Savings Account Balance \$66,541.64.
CD Account Balances \$154,113.78. Total Account Balance \$223,590.84.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of December 10th 2007 as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

BeSure Inspection Services	Inspection thru 11/30/07	\$1,294.40
BeSure Inspection Services	Outstanding Plan Review thru 11/30/07	\$6,508.43
Otte Excavating	Services thru 11/30/07	\$7,871.00
Dakota Electric Association	Electric Town Hall	\$73.56
Frontier Communications	Phone service Town Hall	\$126.04
Dick's Sanitation	Garbage Service November	\$38.35
Culligan	Water softener rental	\$23.38
Nanett Champlain	Expenses 11/1/07 to 11/30/07	\$36.50
Toms Locks	Install cabinet locks & keys	\$86.30
Mike Greco	Reimbursement for copies	\$91.38
PERA	Pay Period 11/1/07 to 11/30/07	\$200.56
IRS	Deposit 941- December 2007	\$874.90
State of Minnesota	4 th Qtr Withholding	\$208.04
Anderson Lime & Rock	Class 5- Hamburg Ave	\$2,554.22
Kelly & Fawcett	Legal Services thru 11/30/07	\$942.18
Cory Behrendt	Supervisor Payroll 4 th Qtr 2007	\$277.05
Dan Rogers	Supervisor Payroll 4 th Qtr 2007	\$221.64
Jeff Otto	Supervisor Payroll 4 th Qtr 2007	\$277.05
Brian Budenski	Supervisor Payroll 4 th Qtr 2007	\$230.87
Mike Greco	Planning Commission Payroll 4 th Qtr 2007	\$692.62
Kenny Miller	Planning Commission Payroll 4 th Qtr 2007	\$332.46
Sharon Buckley	Planning Commission Payroll 4 th Qtr 2007	\$443.28
Ken Olstad	Planning Commission Payroll 4 th Qtr 2007	\$480.22
Nanett Champlain	Pay Period 11/1/07 to 11/30/07	\$1,256.88
Total Bills Presented		\$25,141.31

The following receipts were deposited in November:

• **Local Permits**

Eureka Sand & Gravel- Move building	\$50.00	Hessian Plumbing Permit 07-11-048	\$60.00
Eureka Sand & Gravel- Move building	\$557.75	Mikes Plumbing Permit 07-11-049	\$60.00
Don Pflaum- Application Fee	\$50.00	Pyramid Enterpr. Permit 07-11-050	\$126.00
Tom Allstate Contracting-re roof	\$126.00	Encompass Insp. Permit 07-11-041	\$269.25
William Nordvik- Permit 07-09--040	\$459.26		

• **Other Receipts**

Mount Olivet--in Lieu of taxes	\$1,400.00	Ackerman Furniture-Newsletter ad	\$125.00
Swedin Chiropractic- Newsletter ad	\$125.00	IRS-Refund penalty	\$308.95

TOTAL RECEIPTS DEPOSITED IN NOVEMBER 2007 **\$3,717.21**

It was noted that check #5196 is a voided check and there is no Claim #683.

A motion by Supervisor Jeff Otto: to approve the bills and receipts with the acknowledgment that claim number 683 is void and does not correlate with any missing information and that the records have a notation for Board purposes. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote of Supervisors.

Budget

The Town Board reviewed the budget.

DNR- Boat Landing at Chub Lake

Tim Bremicker, Regional Wildlife Mgr and Diana Regenscheid, Area Wildlife Supervisor- South Metro spoke to the Town Board on the boat landing at Chub Lake. The DNR is interested in working with the Township to improve the boat access point on Chub Lake. They are looking for a clear understanding of the issues and concerns of the Township.

Township concerns include vehicles and trailers blocking the road while launching boats and damage to edges of the roadway in launching. It is important that the Township maintain open access of the road at all times for Emergency vehicle traffic. Supervisor Jeff Otto will be the Township contact person.

Road Contractor Time

Chub Lake Ditch & Project

Jason Otte was present representing Otte Excavating. Snow removal concerns were addressed. Removal of the first snowfall created wash boarding of Township roads. This has been taken care of. A front blade has been added to the grader.

The road contractor will move forward with brush and tree removal along Township roads as outlined in the Planning Commission Ditch Cleaning and Brush Removal Project Recommendations for 2008-2009. *See attached chart.* The high priority items will be completed first. The citizen consent form must be filled out and signed by the property owner before brush and or trees are removed. The brush and trees that are to be removed are not in the road right of ways. They impact safety by obscuring sightlines or shading the road, causing icing in the winter.

Planning Commission

Calvin Pflaum- 5780 225th St W., Farmington requested a permit for a Two Story Home 38'x 90' with attached garage. The home will be located at xxx 225th St W. Farmington (Property ID# 13-00100-020-50). The building site is not in Shoreland.

A motion by Supervisor Cory Behrendt: To approve the residential building permit as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Building Inspector- Bob Hegner

The Town Board will did not renew the current Building Inspectors contract. Bob Hegner states he will not be attending Town Board meetings. He will turn in reports to Nancy Sauber. By the first of the year he will turn over all the folders. When an inspection is complete he will turn it into the clerk on the next business day.

Mr. Hegner asked for clarification of not being "efficient". The Town Board defined not being "efficient" as poor tracking of permits, response, completeness of files and complete record of inspections.

Other Business

A. Planning Commission Update- Chair Mike Greco

1. Road Recommendations

2. Capital improvement recommendations

Sound/ video system- Purchase sound equipment to the Town hall vs. renting a system when needed.

US Mailbox- for about \$250 the Township could purchase a secure US Mailbox that is bolted to the ground. A free standing drop box is also available.

3. Building Inspector

Three RFP's were received. The Planning Commission recommended interviewing all three. Commissioners Nancy Sauber and Ken Olstad will represent the Planning Commission in the interview process.

4. CapX2020

The Planning Commission recommended that Eureka file to become a formal party to the project.

5. Ordinance update roundtable

The Town Board scheduled a Roundtable Meeting with the Planning Commission for Thursday, December 20, 2007 at 7:00 pm.

B. Eureka Sand and Gravel Reclamation- Sauber Property

Kenny Miller commented that the project is complete, except for the seeding, which will be done prior to April 15th. He stated an onsite meeting took place with Sauber's, their attorney Mr. Harris, Kenny Miller and his attorney Mr. Duffy. Mr. Miller was directed to finish the grading of the topsoil, to dig the retention pond and to complete the berm with materials on hand.

Supervisor Cory Behrendt reported that the Township attorney, Mr. Kelly has been in contact with Mr. Miller's attorney Mr. Duffy. Mr. Kelly is waiting for affirmative action that a resolution of the reclamation agreement has been accepted by the Sauber family.

C. Town Hall Rental Agreement

The final draft of the Town Hall rental agreement was presented to the Town Board. The Board reviewed the draft.

A motion by Supervisor Cory Behrendt: To approve the Town Hall Rental Agreement as presented for implementation on January 1, 2008. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

D. Building Inspector RFP/ Contract

RFP's were received from Waldron & Assoc., Municipal Inspections Inc. and Jeffrey Thill

The Town Board reviewed the submitted RFP's. The Town Board will interview all three candidates on Monday, December 17, 2007 starting at 6:30 pm. Following the interviews the Town Board will discuss and possibly choose a new building inspector.

Supervisor Brian Budenski will contact the candidates and setup interview times.

A motion by Supervisor Cory Behrendt: To bring Windmill Mine financial guaranty to the table. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Windmill Mine Financial Guaranty

Kenny Miller presented the Town Board with an Irrevocable Letter of Credit dated December 10, 2007.

The letter of credit will be replaced by a Bond. The Bonding process will take time. Mr. Miller hopes to have the bond in place for the review in February.

A motion by Supervisor Cory Behrendt: To move the CapX2020 to the table.

CapX2020- what extent should the Township be involved

Supervisor Jeff Otto and Eureka citizen Bev Topp presented information on CapX2020 project. It important to be involved during the certificate need process. A written document was presented to the Town Board.

If you are designated an intervening party, you have more rights. An independent task force is being formed. Expert advice will be needed and it will cost money. Written comments must be submitted to the Department of Commerce by January 14, 2008.

A motion by Supervisor Jeff Otto: That Eureka authorize an expenditure up to \$500 if needed by the CapX2020 taskforce to help defray professional advice in making a determination to what extent we may wish to participate further in the CapX2020 review process as an intervening party. Chair Dan Rogers called three times for a second on the motion. Hearing no second the motion failed.

CapX2020 discussion will be placed on Special Town Board Meeting, Thursday December 20, 2007 following Ordinance discussion.

E. Planning Consultant

The Planning Commission unanimously recommended hiring TDKA as the Planning Consultant firm for help with the Comp Plan update. *See attached recommendation.*

The Town Board discussed two of the candidates, TDKA and Biko Associates.

A motion by Supervisor Cory Behrendt: To accept the proposal from TDKA for the comprehensive Planning process. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote. Supervisor Cory Behrendt and Mike Greco will work together on the contract. Mike Greco will contact the firms and let them know of the Town Board's decision.

F. Census Program

The Met Council has sent a follow up letter asking the Township to participate in reviewing the Census 2010 Master Address files. The Town Board felt that by reviewing the address file, that an accurate data base list would not be created. This expense would not be beneficial to the Township.

Old Business

A. Exotic Animals- Terri Petter

The Township attorney has spoken to Ms. Petter's attorney, Mr. Duffy. The next course of action: To have a representative, provided by the attorney, inventory the animals on the property. This representative would make a list of what conforms and does not conform to the Township ordinance. The attorney would prefer to have an agreement to inspect the property. If there is no agreement they would go through the process to obtain an administrative warrant to enter the property.

A motion by Supervisor Brian Budenski: To have Supervisor Cory Behrendt ask Mr. Kelly to inventory the exotic animals on Terri Petter's property. 10132 235th St W., Lakeville. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

B. Windmill Financial Guaranty

Previously addressed

C. CUP's filed with County

All active CUP's have been taken to the Dakota County Records Office for recording.

D. Mailbox

Supervisor Dan Rogers will contact the postal service on preferred location of the mailbox. He will also contact Honey Doers on installation of the drop box.

E. Pederson Resolution update

The information is at the attorney's office.

G. Misc. Updates

- The Township has not received a letter from Brian Watson on the placement of Hawkins trailer. Supervisor Gloria Belzer will follow up on this item.
- Reimbursement from CRWMO for Chub Lake Project- The bill was presented to the board at their November meeting. The Township has not received payment.
- Supervisor Jeff Otto contact Sheriff Dept on weight restriction signs on 225th St. Jeff reported that a copy of the resolution was sent to the Sheriff, which was forwarded to their officers.
- Meeting December 12, 2007 at Castle Rock Town Hall. An informative meeting on the comprehensive update: to incorporate Vermillion River Watershed issues and for Townships that have both the North Cannon and Vermillion watersheds- to work out common language.
- Inspector fees- a possible escrow for plan review fees. There are several outstanding permits that have never been picked up and paid for. The clerk was instructed to send letters to applicants that have submitted applications for building permits that have not paid for their permits. Supervisor Cory Behrendt will review the letter.

Clerk/ Treasurer Presentation

A. Renew Dell computer contract- expires 12/20/2007

A motion by Supervisor Cory Behrendt: To approve the two year extension on the Dell system. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

The Township was awarded \$122.00 for parking lot improvements and \$40 for a table on the HAVA grant. The clerk signed the contract.

The clerk submitted a list of outstanding septic permits, Bob Hegner needs to present as-builts for these permits.

Andrea Krapu paid for her dog kennel license on December 10, 2007. She is planning on being open for business before Christmas.

The Republican Party has requested use of the Town hall for the precinct caucus on Tuesday, February 5, 2008. By State Statute 202A.192 a charge for the use of the facilities may be imposed in amount that does not exceed the lowest amount charged to any public or private group. The clerk will send a Town hall rental agreement.

A motion by Supervisor Gloria Belzer: to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 11:05 pm.