

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
March 10, 2008

Call to Order

Chair Dan Rogers called the meeting to order at 7:00 pm. Members present were Supervisors Cory Behrendt, Brian Budenski, Jeff Otto and Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes. Supervisor Gloria Belzer arrived at 7:05 pm.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

There were no changes to the agenda. Old Business C. was corrected to read: Interceptor/ 245th St Reconstruction

Audience Comment Period

Chair Dan Rogers opened the floor for public comment. Three calls for public comment were presented. Hearing none, the public comment portion of the meeting was closed.

Minutes

Supervisor Jeff Otto and Dan Rogers recused themselves from discussion and vote on the approval of the February 11, 2008 minutes. Neither of the Supervisors was present at the meeting.

A motion by Supervisor Cory Behrendt: To approve the Eureka Town Board Minutes of February 11, 2008 as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote of Supervisors voting.

Treasurer Report

Checking Account Balance \$3,355.56. Savings Account Balance \$199, 661.82
CD Account Balances \$156,126.91. Total Account Balance \$359,144.29.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of March 10th 2008 as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

MN Inspect	Inspection thru 2/29/08	\$900.85
Otte Excavating	Services thru 2/29/08	\$7,048.00
Dakota Electric Association	Electric Town Hall	\$141.93
Frontier Communications	Phone service Town Hall	\$124.91
Dick's Sanitation	Garbage Service November	\$36.41
Culligan	Water softener rental	\$23.38
Dakota County Treasurer Auditor	Election Machine Maintenance	\$300.00
ECM Publishers	Legal Ads	\$147.00
TKDA	consultant service	\$2,172.88

Central Valley	LP for Town Hall	\$699.47
Graphic Design	550 optical scan ballots	\$204.36
Brian Budenski	reimbursement furniture & copier	\$1,050.00
Nanett Champlain	Expenses 2/1/08 to 2/29/08	\$49.41
IRS	Deposit March 2008	\$808.04
PERA	Pay period 2/1/08 to 2/29/08	\$242.79
Cory Behrendt	Supervisor Payroll 2 nd Qtr	\$323.23
Dan Rogers	Supervisor Payroll 2 nd Qtr	\$221.64
Jeff Otto	Supervisor Payroll 2 nd Qtr	\$277.05
Brian Budenski	Supervisor Payroll 2 nd Qtr	\$277.05
Mike Greco	Planning Commission Payroll 2 nd Qtr	\$323.23
Kenny Miller	Planning Commission Payroll 2 nd Qtr	\$147.76
Sharon Buckley	Planning Commission Payroll 2 nd Qtr	\$221.64
Ken Olstad	Planning Commission Payroll 2 nd Qtr	\$295.52
Nanett Champlain	Pay Period 2/1/08 to 2/29/08	\$1,438.00
Total Bills Presented		\$17,474.55

The following receipts were deposited in February:

- **Local Permits**

ABC Permits- Permit 08-02	\$1,266.39	William Nordvick- Application fee	\$50.00
Eureka Sand & Gravel- Mining review	\$641.01	Mary Kay Holzerland- Appl. fee	\$50.00
John Storlie- Mining review	\$479.99	Wayne Hallcock- Application fee	\$50.00
Polly Johnson- Application Fee	25.00	Glory to Glory-Escrow for CUP	\$500.00
Tiller Corp-Mining review	\$150.00		

- **Other Receipts**

Dakota County-Town Road Allotment	\$14,315.87	Central Valley- Equity Redemption	\$8.60
North Cannon WMO -Chub Lake reimb.	\$5,000.00	Conroy-RASP Sign	\$12.83
Dakota County- Conservation Credit	\$1,325.96		

TOTAL RECEIPTS DEPOSITED IN FEBRUARY 2008 **\$23,875.65**

A motion by Supervisor Cory Behrendt: to approve the bills and receipts as presented. Motion seconded by Supervisor Brian Budenski. Role call vote was taken on the motion. Supervisor Cory Behrendt- Aye, Supervisor Jeff Otto- Aye, Supervisor Dan Rogers- Aye, Supervisor Brian Budenski- Aye, Supervisor Gloria Belzer- Aye. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget. A correction was made to the January Road Maintenance entry. The \$9,422.00 was for Snow Removal, not Road Maintenance.

Road Contractor Time

Tree trimming will take place next week. One permission slip still needs to be obtained. Regular road maintenance business was discussed. The area south of the parking lot and the ditch was plowed for additional parking for the annual meeting.

The Township will try to apply dust coating on Township roads before Memorial Day if it is a dry spring. The application date will depend on availability of the product.

Tear Down Policy

The Town Board reviewed the teardown policy drafted by the Planning Commission. Supervisor Gloria Belzer had contacted Scott County, she presented information she received. The Town Board decided to study the possibility of conversions.

A motion by Supervisor Jeff Otto: To approve the recommended policy on teardown and rebuild of a residential building based on the language which does not include the language in red- which refers to the conversion aspects of the policy. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Deputy Sheriff Jennifer Lenarz was present to answer questions and comments.

Planning Commission, land use permits and related items

- 1. William Nordvik-** 24282 Essex Ave requested a building permit to build a new home on his property. The existing house will be torn down. He wishes to put a day light drain in his garage. The Town Board asked him to check with Dakota County Soil and Water to see if there are any regulations. A new septic system will be installed. The building inspector is waiting for a heating calculation evaluation before issuing the permit. A letter of credit of \$5,000 needs to be submitted for the tear down permit.

A motion by Supervisor Cory Behrendt: To approve the application for the new construction of a single family residential for William Nordvik as presented. Motion seconded by Supervisor Jeff Otto. A letter of credit will need to be submitted for the tear down of the old house. Motion carried by unanimous vote.

- 2. Mary Kay Holzerland-** 8685 225th St W. requested a building permit to place a manufactured home on their property. The existing house will be torn down. The septic system placement and design needs to be completed and the sight plan needs to be updated.

A motion by Supervisor Cory Behrendt: To approve the new construction for a manufactured home by Mary Kay Holzerland with the notations to complete the application, a septic design and updated site plan with those septic notations needs to be submitted. Motion seconded by Supervisor Brian Budenski. A letter of credit will need to be submitted if they decide to tear down the house after construction of the new home. Motion carried by unanimous vote.

- 3. Wayne Hallcock-** 5975 280th St W. requested a building permit to build a new home and to tear down the existing home. Greg Schmidt of Schmidt Construction in Northfield was present to represent the application. If the garage on the property is moved to another location a moving permit may be required. The preliminary septic system plan has been submitted.

A motion by Supervisor Cory Behrendt: To approve the single family residential new construction application for Wayne Hallcock as presented, pending the final septic design. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Other Planning Commission Business

CUP for Glory to Glory Christian Center

A draft resolution granting the Conditional Use Permit for Glory to Glory Christian Center titled "Resolution Granting a Conditional Use Permit for a Church and School in the Town of Eureka" was presented for the Town Boards consideration.

Supervisor Jeff Otto had concerns over the placement of the driveway. It is not part of the applicant's property. He referred to Ordinance 3, Chapter 3, Section 4. A. 1. Demonstrate that the structure has access to a public road across land owned solely by the applicant. The ordinance does not make allowances for a shared driveway. The CUP is being applied for on the entire 40 acre parcel. Once the CUP is approved the applicant will request a property split. The location of the driveway will be an issue at that point. The resolution will need to be amended upon splitting the property and the issuance of a new property ID number.

A motion by Supervisor Brian Budenski: To approve Resolution No. 66 Granting a Conditional Use Permit for a Church and a School in the Town of Eureka. Motion seconded by Supervisor Cory Behrendt. (*See attached Resolution No. 66*) A friendly amendment was offered by Supervisor Gloria Belzer to include reference to the following 15 conditions.

1. The Town Board shall review this permit annually. At this annual review, the Town Board must be provided with proof of compliance with all applicable Minnesota state reporting requirements for non-public schools for the preceding school year.
2. Use of the buildings depicted in the site plans shall at all times adhere to maximum occupancy standards as determined at the time a certificate of occupancy is issued.
3. No building on the property shall be used as a temporary or permanent residence.
4. The property shall be used for its approved purposes only between the hours of 7:00 AM and 10:00 PM Sunday through Thursday, and 7:00 AM to 11:00 PM on Fridays and Saturdays.
5. Before grading or construction may begin on the property, the property owner must obtain the following permits and/or approvals: Land Alteration Plan approval from the Vermillion River Joint Powers Organization; North Cannon River WMO Stormwater Pollution Prevention Plan (SWPPP) approval by the Town; NPDES construction permit from the MPCA; and any permits required by Dakota County for access to CSAH 9 (Dodd Boulevard) and/or the addition of turn and bypass lanes on Dodd Boulevard at the property entrance.
6. The Town Engineer shall review and determine approval of all final construction and engineering plans. Construction and engineering shall follow the site plans, elevations, landscape plan, and lighting plan submitted to the Planning Commission as of March 5, 2008, and the SWPPP to be approved by the Town Board. The Town Board may approve major changes to the plans. The Town Engineer may approve minor changes to the plans. The property owner shall reimburse the Town for any expenses incurred in plan review, consideration of changes, or supervision of construction.
7. The installation of any public infrastructure upgrades required to support the approved use, including but not limited to the installation of turn and bypass lanes on Dodd Boulevard, shall be undertaken at the sole expense of the property owner.

8. Before any use approved herein may commence operation on the property, all applicable permits and approvals shall be obtained, and copies of same provided to the Town Clerk.
9. Before any use approved herein may commence operation on the property, the property owner shall have the individual sewage treatment system plan reviewed by the Dakota County Water Resources Office to ensure the size of the system is appropriate for the proposed uses and projected capacities. The applicant shall also install a water flow metering system to monitor water usage on the site.
10. Outdoor lighting must be turned off one (1) hour after closing except for approved security lighting.
11. Church or school buses, vans, and trucks shall be stored in buildings and shall not be parked in surface parking lots except temporarily for the purposes of loading or unloading.
12. No gambling or use of liquor shall be permitted on the premises at any time.
13. Any proposed additions, modifications or alterations to the property following the commencement of approved use operations shall be presented to the Town Board. If formal modification of these approved conditions will be required, the property owner shall submit an application in accordance with Town Ordinances in effect at the time of application.
14. The applicant shall be allowed one (1) internally lighted monument sign from among the designs shown on Exhibit 14(b), not to exceed the dimensions indicated on said Exhibit. The sign shall be located on the property as shown on the site plan submitted to the Planning Commission as of March 5, 2008. No moving, flashing, changing, or scrolling text or images shall be permitted.
15. The approved landscape plan (L1 last revisions dated 3/4/08) shall be subject to monitoring by Town staff to ensure compliance and maintenance. Minor modifications to these plans shall be subject to approval by the Town Engineer, and major modifications shall require Town Board approval.

Supervisor Brian Budenski and Supervisor Jeff Otto accepted the friendly amendment.

The following additions were made to the resolution. "The approved landscape plan (L1 last revisions dated 3/4/08)" "Motion made by Supervisor Brian Budenski to approve the foregoing Resolution." Vote was taken on the motion, the motion carried by unanimous vote.

Citizen Business

A. Temporary Accessory Use- Windmill Mine

Kenny Miller, owner of Windmill Mine was approached by Hinkle's and McCoy they are installing the oil pipeline. They are looking for a location to spot their office for the summer. Mr. Miller's sight would be behind a locked gate and provide a secure storage area. This sight would not be for storage of pipe. There would be 30-45 trucks in and out of the property daily. This will increase the traffic on 235th Street. Equipment would be moved onto the property as soon as possible. The trucks and equipment would be parked along the berm on the east side. Mr. Miller had contacted the neighbor, Mr. Jensen. His only concern was seeing the trucks. Mr. Miller would raise the berm to address this concern.

The Town Board does not find that the proposed use would be in conflict with the current use of the property. Supervisor Brian Budenski will contact the building inspector to check if permits are

necessary. Mr. Miller will be held accountable for any issues that might come up on the temporary use of his property.

A motion by Supervisor Jeff Otto: To authorize the building inspector to proceed to work with Hinkle and McCoy to make the determination to what extent Eureka Township needs to issue permits to allow them to establish their field office at 5100 235th St W. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The Town Board took a 5 minutes recess.

Other Business

A. Hansen Airstrip CUP Review

Chair Dan Rogers opened the floor for public comments. He called three times for public comment. Hearing none the comment period was closed. The conditions of the CUP were reviewed. Supervisor Gloria Belzer had a question on condition 8. This condition is in regards to subdivision of the property. In 2005 the property was subdivided into three different property IDs. Gloria questioned whether the split affected the condition. Supervisor Cory Behrendt requested this condition. His intent was to prevent splits that would result in a platted subdivision of the property that could result in sales to different property owners, such as Sky Harbor.

The CUP review was completed. Mr. Hansen paid the \$15.00 review fee to the clerk.

B. Planning Commission Update

Planning Commissioner Sharon Buckley presented the Planning Commission report. The Planning Commission recommended that the Township establish a policy for buildings built without a permit and a policy for engaging professional services.

Supervisor Cory Behrendt will draft a policy for Planning Commissions use of professional services.

Mark Buffington- building built without a permit. Dakota County Assessors office contacted the clerk about a building placed on Mr. Buffington's property and questioned whether a permit had been pulled. No permit had been applied for through the Township. The clerk contacted the Building Inspector. He contacted Mr. Buffington. Mr. Buffington in turn sent a letter to the Township questioning the authority of the Township in issuing permits. Supervisor Cory Behrendt will direct the attorney to send Mr. Buffington a letter affirming that the Township has authority and established Building Codes.

The Planning Commission presented the handout for the Annual Meeting.

The Planning Commission asked to setup a Special Meeting with Oliver Trevor and Patrick Kelly for an Ordinance Meeting on March 17, 2008 at 7:00 pm.

The Town Board agreed that the attorney should be present at the meeting.

C. Lawn Mowing- Town Hall

The clerk received 3 quotes for Lawn Mowing: Longridge Lawn Service L.L.C. - \$93.50 plus tax, Dubbels Lawn Service- \$100.00 and North Country Landscapes- \$120.00. Representative from Dubbels Lawn Service were present and addressed the Town Board. The Town Board asked for a price for fertilizing. The lawn would be mowed on an as needed basis. Certificate of Liability Insurance was provided.

A motion by Supervisor Cory Behrendt: To accept the bid from Dubbels Lawn Service for lawn maintenance and associated activities for the 2008 summer season. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

D. City of Lakeville Comprehensive Plan Update

The City of Lakeville Comprehensive Plan Update was provided to Town Board members prior to the meeting. The Town Board did not feel that the Township had any issues with the amendment. Chair Dan Rogers signed off on the amendment.

E. Citizen Complaint 235th St. W.

The complaint was submitted to the clerk today. The Town Board briefly reviewed the complaint. A letter will be sent to the property owners referencing the complaint and asking for a response. Supervisor Jeff Otto will send out letters addressing the citizen's complaint submitted on March 9, 2008 for properties identified as 6035 & 6220 235th St W. Farmington.

A citizen commented that she had contacted Brian Watson, Dakota County Soil and Water with concerns that Doc's Trucking is parking trucks in the wetland area. The trucks have been moved.

Old Business

A. CapX2020 Project

Supervisor Jeff Otto presented a brief update on the CapX2020 Project. He attended the March 6, 2008 meeting of the Route Working Group. The group is attempting to identify sensitive areas that would inhibit the routing of the project.

Supervisor Jeff Otto and Supervisor Cory Behrendt will draft a resolution similar to the MinnCan resolution defining the Town Board's position.

B. Annexation- Hat Trick Properties

Township attorneys have not scheduled a meeting with the Regan's.

C. Interceptor/ 245th St. W.

The Town Board discussed the reconstruction of 24th St. The Met Council commented that blacktopping is not in the current plan, but indicated that it might not be too late to request blacktopping. The Town Board will pursue the blacktopping of 245th St.

D. Misc. Updates

The Town Board reviewed outstanding issues. The following items had activity:
Fredrikson & Bryon, P.A. - Minnesota Pipe Line Company vs. Oren A. Larson, *et al.* Patrick Kelly is working on this. The pipeline will be going through the right of way. The attorney feels that there may be some compensation to the Township.

The clerk sent out letters to permit applicants which never paid the plan review fees on their building permits. It has been more than the 30 days allotted for response. Hawkins has not completed the permitting process for their trailer. Supervisor Cory Behrendt will work with the clerk on sending another letter. This letter will be sent certified mail. Supervisor Cory Behrendt will talk to Patrick Kelly to see if he can obtain a form letter talking about legal rights including taxation assessments.

The letter as outlined in the February meeting was sent to Bob Hegner. It has not been 30 days, the time allotted for response.

Clerk send dollar amount of outstanding permits to Cory
Clerk E-mail MAT attorney about documents not going to townships
Clerk to make a list of outstanding septic as-builts.

Krapu has an as-built record for the installation of the septic system. The Township has not received a copy from Mr. Hegner. Supervisor Brian Budenski wanted to set the record straight on the visit to the Krapu property. Brian did not arrange the meeting. Butch Hansen called both Brian and Jeff and talked to them. He told them that Trevor Oliver was stopping at Krapu's to look at the property and he was going to Krapu's also. Brian called Jeff and told him that Trevor was on the way to the Krapu's. In light of the situation they decided they should both go to Krapu's. Trevor Oliver instigated the meeting and should not have gone to the property for an inspection. What went on at this inspection was not what the Town Board had agreed upon.

The Town Board discussed the visit and the compliance of the kennel operation. Jeff Otto commented that some of the changes that were made to the kennel, he felt are substantial improvements to what were required in the CUP. These changes may have been approved by the Building Inspector. The Krapu's should have been given the opportunity to present the improvements as a revision to the CUP.

Andrea Krapu commented that she is willing to amend the CUP if necessary.

The Town Board will review Trevor Oliver's letter, discussion will take place at the next Town Board meeting.

E. Annual Meeting Presentation

Supervisor Cory Behrendt presented an outline of the annual meeting presentation. The Town Board discussed the presentation, the tentative agenda and the levy proposal.

The handout from Bev Topp titled "The Citizens Energy Task Force Update 3/10/2008" will be available to citizens at the Annual Meeting.

Clerk/ Treasurer Presentation

The Clerk received an e-mail from Diana Regenscheid this evening on the boat access on Chub Lake Road. The clerk will refer her to the Planning Commission for a presentation.

A motion by Supervisor Gloria Belzer: to adjourn. Motion seconded by Supervisor Cory Behrendt.

Meeting adjourned at 11:46 pm.