

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
March 12, 2007

Call to Order

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:00 PM. Members present were Supervisors Cory Behrendt, Gloria Belzer, Dan Rogers, Cheryl Monson, Gary Smith and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

Added:

Other Planning Commission Items:

D. Orié and Samantha Sexton- Buildable Lot Question

A motion by Supervisor Dan Rogers: To approve the agenda as amended. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Audience Comment Period

Minutes

The January 8, 2007 Town Board Meeting Minutes were approved at the February 12, 2007 Town Board Meeting, pending review of the tape recording, on added content. The clerk listened to the tape recording of the January 8, 2007 Town Board Meeting to verify content added to the minutes. Upon review of the tape the comments were not accurate. The clerk presented the Town Board with a comments made by Supervisor Cheryl Monson at the January 8, 2007 Town Board Meeting. The following statements were made by Supervisor Cheryl Monson: "Supervisor Cheryl Monson commented that we are basically issuing a permit for a glorified barn fumes go up in the top of barns all the time. She would definitely want to see something across the steps for safety reasons. As far as bathrooms she has been in barns with bathrooms and the doors are kept shut." "Supervisor Cheryl Monson stated" So basically this is just a gloried barn like I originally said." "Cheryl Monson stated "we are an Ag community, it doesn't matter if she has horses, cows, pigs, she can change her mind on the animal she wants at any time she is not going to be stuck with putting horses in here." "It's an animal unit"

Supervisor Cheryl Monson accepted the additional comments as written and asked that they are included in the minutes.

A motion by Supervisor Cory Behrendt: To reapprove the January 8, 2007 minutes as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The following changes were made to the February 12, 2007 Town Board Meeting Minutes. Page 5- Mine review: Add: Larry Harris. Page 8- Terri Petter building permit: Add: Ms. Kingsbury stated that Ms. Petter would not object to submitting two sets of the building plans.

Page 12: Farmington and Lakeville Amendment to Comp Plan: Should read: The Town Board agreed that the proposed Comprehensive plan would not impact the Township.

A motion by Supervisor Gary Smith: To approve the February 12, 2007 Town Board Minutes as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Treasurer Report

Tabled till later in the agenda, copies of the report had not been distributed to the Town Board.

Bills and Receipts

Clerk/Treasurer Nanett Champlain presented the following bills for payment:

Besure Inspections	Inspection Services thru 2/28/07	\$6,852.57
Otte Excavating	Road Maintenance- 2/28/07	\$5,120.00
Dakota Electric	Electric Town Hall	\$116.92
Frontier Communications	Phone Service	\$112.01
Culligan	Water softener rent	\$23.38
Dick's Sanitation	December	\$34.96
Severson, Sheldon	Legal Services thru 1/31/07	\$1,008.45
MFRA	Consultant services thru 2/28/07	\$8,572.40
ECM Publishers	Legal ads	\$156.75
Graphic Design	550 optical scan ballots	\$162.84
Dakota County Treasurer	Sand and Salt	\$576.00
North Cannon WMO	Dues 2007	41,071.13
Lakeville Trophy House	History Project	\$1,700.00
Nanett Champlain	Expenses thru 3/9/07	\$129.68
PERA	Payroll Period 1/1/07-2/28/07	\$226.25
Internal revenue Service	Deposit 941 March 2007	\$909.59
State of Minnesota	MN Withholding 1 st Qtr	\$275.18
Cory Behrendt	Township Officer pay 1 st Qtr 2007	\$277.05
Cheryl Monson	Township Officer pay 1 st Qtr 2007	\$230.87
Dan Rogers	Township Officer pay 1 st Qtr 2007	\$184.70
Gary Smith	Township Officer pay 1 st Qtr 2007	\$277.05
Mike Greco	Planning Commission pay 1 st Qtr 2007	\$355.55
Rich Stevens	Planning Commission pay 1 st Qtr 2007	\$193.93
Kevin Flaherty	Planning Commission pay 1 st Qtr 2007	\$64.64
Sharon Buckley	Planning Commission pay 1 st Qtr 2007	\$184.70
Nanett Champlain	Payroll 2/1/07 to 2/28/07	\$1,401.11
Pat Fossum	Cleaning of Town Hall February 2007	\$64.64
Total Bills presented		\$30,282.35

The following receipts were deposited in February:

- **Local Permits**

Jeff Tonsager- <i>Application fee</i>	\$50.00	Melhouse- <i>Build Permit 07-02-008</i>	\$187.46
Bob Knutson- <i>Application fee</i>	\$50.00	Bob Knutson- <i>Build Permit- 07-02-004</i>	\$6,090.69
Gerald Robertson- <i>Permit- 07-02-007</i>	\$356.25	Jeff Tonsager- <i>Permit- 07-02-007</i>	\$3,409.59
Melhouse- <i>Application fee</i>	\$25.00	Don Thompson- <i>Plumbing Permit</i>	\$60.00
South Cedar- <i>Sign Permit</i>	\$585.31		

- **CUP Review**

Eureka Sand and Gravel- <i>mining review</i>	\$904.26	Mark Hansen- <i>airstrip review</i>	\$25.00
		John Storlie- <i>mining review</i>	\$253.54

Other Receipts

Cash- <i>History Fund</i>	\$7.05	Dakota County- <i>Town Road Allotment</i>	\$13,867.34
Ty Raleigh- <i>Copy request</i>	\$3.60	RASP Signs – <i>4 signs</i>	\$57.40
Kristin Kingsbury- <i>Copy request</i>	\$5.40	Dakota County- <i>Conservation Credit</i>	\$1,219.56

TOTAL RECEIPTS DEPOSITED IN FEBRUARY 2007 **\$27,157.45**

It was noted that check #4994 and 4995 are voided checks.

The History committee only asked for funds, equal to the balance in the History Fund to make a payment to the Trophy House (\$1,700.00). The Invoice was for \$2,369.41. The balance of the claim will be paid upon receipt of additional funds into the account.

A motion by Supervisor Cheryl Monson: To approve bills and receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Budget

The Town Board asked that the History Fund be moved to the Escrow Section of the Budget.

The Town Board asked for a break down of Miscellaneous expenses: January- \$2,585 cleaning up Town hall site. February- \$635 to seal wells at old Town hall and \$465.56 for RASP Signs.

Road Contractor Time

Road conditions were discussed. Intersections are getting rough. They will be graded as necessary. Culverts will be checked for blockage.

Sheriff Deputy Visit

Deputy Charlotte Rayl stopped in to address any issues concerning Eureka Township citizens. Jerry Swedin commented on ATV use on 235th St and illegal burning in his neighborhood. Citizens also expressed concerns over recent break ins.

Planning Commission

Possible Consent Agenda Items

Melhouse- building permit request

Natalie Melhouse, 9812 250th St W requested a permit to add an enclosed porch to a deck that was granted a permit (#07-02-008), by the clerk on February 9, 2007. The enclosed porch is 16'x17'.

Building permit #07-02-009 was issued for \$4,306.86

Jeff Tonsager- Ag pole building

Jeff Tonsager, 6005 245th St W., Farmington requested a permit to build a 60' x 100' pole building at the February 12, 2007. This permit was approved by the Town Board. Mr. Tonsager is now asking for Ag Exemption on the pole building.

Zoning Compliance permit #000998 was issued

A motion by Supervisor Gloria Belzer: To approve the Natalie Melhouse's enclosed porch consent item and the Jeff Tonsager's, Ag pole shed. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

Jerry and Elaine Swedin- lot cluster

Jerry and Elaine Swedin- 8800 235th St W are requesting to cluster from the SE1/4 of the NW1/4 of Section 32, Township 113, Range 20, Dakota County, Minnesota to the NE1/4 of the SW1/4 of Section 32, Township 113, Range 20, Dakota County, Minnesota

A motion by Supervisor Dan Rogers: To approve the cluster as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Ripley Ordinance/ COMP Plan Update

The public hearing for the COMP Plan amendment was held on March 5, 2007 for the residential area for Ripley's lot in question.

The Planning Commission is proposing a modification to the ordinance that would allow the lot and properties in a similar situation to be buildable.

A motion by Supervisor Cheryl Monson: To move forward with a public hearing with the changes in the definitions for a "Lot of Record", Buildable Lots, Platting of Land, Clustering and Lot/ Parcel Splits. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Ordinance Update

Attorney Jim Sheldon has reviewed most of the proposed ordinance changes. Once the review is completed the comments and suggestions will be forwarded to the Planning Commission for review. A public hearing will be set for public comments.

Orie and Samantha Sexton- Buildable lot question

Sextons would like to purchase 5 acres located in Eureka Township owned by Gary Petrash. (Property ID#13-01600-018-26) This property was surveyed in 1978; this survey was not recorded in the Dakota County Recorders Office. The property ID on the property was created in 1985. The Town Board asked for documentation supporting the presented information.

Planning Commission Update- Chair Mike Greco

Building Inspector: outstanding permits

The Planning Commission is asking that two Planning Commission members and two Town Board members meet with Bob Hegner to discuss the record keeping procedures.

Planner/ Strategic Envisioning Process- The planner met with the Planning Commission on the Town Forum. There has been good citizen attendance and feedback. It is important that the process keeps moving forward.

The Planning Commission has written permitting process for mechanical and installation repairs/ remodels. This was presented to the Town Board for review.

MinnCan Update- A citizen is promoting a letter writing campaign to try and get the state to adopt "Buy the Farm Pipeline Act"- it gives the property owner the option to require the pipeline company to

purchase their entire property rather than just an easement. Copies of the proposal are available for citizens to sign.

Annual Meeting presentation- An outline of items that the Planning Commission will present at the Annual Town Meeting was presented to the Town Board.

Planning Commission member Sharon Buckley is requesting to attend a Government Services Workshop called "Getting the most out of your Comprehensive Plan". April 18th- this is a full day workshop at a cost of \$125.00.

Great River Energy

Representatives from Great River Energy spoke to the Town Board on proposals for CAPX2020 (Capacity expansion by 2020) It is a series of proposed transmission lines by electric companies throughout Minnesota. It could potentially affect Dakota County and Eureka Township. They are proposing a wide corridor (12 miles wide) so that all possible affected persons will be involved from the start. Information is available on the Public Utilities Commission website: puc.state.mn.us

Old Business

G. Plumbing Permit in Question

A citizen is requesting a refund of their plumbing permit, because there was no inspection by the building inspector. Building Inspector Bob Hegner stated the installer or citizen needs to call for an inspection, for an inspection to be performed.

Bob Hegner presented the Town Board with documentation showing the state plumbing code, requiring inspection on the installation of appliances. (Water heaters, furnaces, etc.)

Town Boards discussion on Planning Commission List (Presented by Mike Greco)

Building Inspector- outstanding permits

Building Inspector Bob Hegner turned over files of completed Building permits to the Town Clerk. He does not turn over a file until the permitting process is complete.

The Planning Commission was asking for a list: when projects were started, when the initial inspection takes place, if the permit is extended beyond the initial 160 days, when the project is complete. The Township had received information on completed permits, but still does not have information on permits that are in process at this point.

Strategic Planner

The Town Board felt that a meeting should be set with the planner to review the process to make sure they are on track and following the RFP prepared by the Township. Supervisor Cory Behrendt will work with the Planning Commission to meet with the planner before the March 20th meeting.

Permitting Policy

The Town Board tabled the review of the proposed permitting policy until after the Planning Commission has a discussion with the building inspector on what requires a permit.

Planning Commission Training

A motion by Supervisor Dan Rogers: To allow Planning Commission Member Sharon Buckley to attend the GTS workshop "Getting the Most out of your Comprehensive Plan" April 18th at the cost of \$125. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Follow up items from previous months

Supervisor Cory Behrendt received the Planner Agreement. It is signed and will be given to the clerk tonight. The lot split and cluster agreements have been sent to the attorney. A form for an Applicant to sign, giving someone else permission to represent them- needs to be sent to the attorney for review.

Old Business continued

Storlie Pit- dewatering permit

Mr. Storlie needs to present language for adoption. This has not been presented to the Town Board at this time.

South Cedar Greenhouse

The Township attorney was contacted on the retainment of the escrow fees associated with expenses incurred in obtaining the building permit fees for the CUP issued for the sign permit. The attorney felt that the costs incurred were part of taking care of business, not the permitting process. The escrow fee has been returned to South Cedar Green house.

Charles "Butch" Hansen vs. Eureka Township

No update

MinnCan Update

The permitting process is completed and they have been issued their permit.

Country Joe Racing

The Township attorney sent a letter to Country Joe Racing addressing the use of the 3rd Ag building. There was Town Board discussion on who had authorized the letter. If a letter is going to be sent the Town Board needs to be aware that it is being sent. When sending such a letter the Town Board better be prepared to back up the letter.

The use of the Ag building was discussed at the October 10, 2006 Town Board Meeting. At that time the attorney was directed to prepare a letter on use of the Ag building. This letter was to be reviewed by the Town Board before being sent. This process was not followed.

Friedges Property

This will be removed from agenda. The Town Board has not received any response back.

Annual Meeting Presentation- Town Board

Chair Cory Behrendt presented the Town Board with a list of Annual Meeting presentation items. He will prepare a citizen information sheet covering most of the items on the list.

Clerk/ Treasurer- full time position or benefits- The Town Board chose not to discuss this item.

Attorney Engagement Policy, Data Practices Policy, Citizen Input Policy

A motion by Supervisor Gloria Belzer: That Eureka Township adopts the Data Practices Policy, the Attorney Engagement Policy, and the Policy on Citizen Input and Conduct at Township meetings and that they should be reviewed at reorganizational meeting. Motion seconded by Supervisor Dan Rogers. Supervisor Cheryl Monson entertained a friendly amendment to vote on each policy separately. There was no second on the friendly amendment. The friendly amendment died, due to the lack of a second. Vote was taken on the motion. The motion carried with two dissenting votes.

Cross Sign

The Township has not received any response back from Mr. Cross.

Town Hall Use

Supervisor Gloria Belzer presented a recap on past meeting discussion on the use of the Town hall by citizens. Use of the Town hall will be discussed at the Annual Meeting.

Special Meetings

Supervisor Gloria Belzer presented the Town Board with a MAT Document on Special Meetings. The Board can only discuss and act on those items that were included in the notice provided for the meeting. The agenda can be constructed straight from the notice.

North Cannon Cost Share Project

The Township received a letter from the North Cannon WMO. (dated 2/9/07) The watershed is requesting that Eureka Township complete the project and invoice the WMO for cost sharing funds before December 31, 2007 or the Township will lose the grant. This project is scheduled for this spring.

New Business

Approval- Supervisor Attendance at Spring Short Course

A motion by Supervisor Cheryl Monson: To approve any supervisor to wishes to attend training at the Spring Short Course. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Vermillion River Watershed Joint Powers Organization Meeting March 7, 2007

Supervisor Gloria Belzer reported on the meeting. The Township can implement and do its own permitting or the Township can give the permitting process up to the Vermillion Watershed. The Township is entitled to 10 free hours of consulting from Barr Engineering to assist with the water management plan.

A motion by Supervisor Cory Behrendt: To allow Supervisor Gloria Belzer to work with Barr Engineering to establish a contact to engage their services and to report back at the next meeting for further action and next steps. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

MNDOT Grade Crossing Safety Program

The clerk presented a letter received from MNDOT. This item was tabled for the April Town Board Meeting. Supervisor Dan Rogers will identify projects.

Elko/ New Market Interceptor Project TEP Meeting

The clerk received an e-mail from the City of Lakeville on a proposed meeting at the City Hall. Supervisor Dan Rogers and Supervisor Cheryl Monson will attend this meeting.

Kenny Miller- Gravel Pit Permit

Kenny Miller, Windmill LLC purchased property on 235th St W. Farmington. (PIN #13-01-01200-011-50) Mr. Miller was present to inform the Town Board that he will be applying for a mining permit on a portion of the property. Sunde Engineering is preparing the paperwork for the EAW process. The permit will be presented to the Planning Commission at their April Meeting. The Township needs to engage an engineer firm to review the permit.

A motion by Supervisor Cory Behrendt: To ask the Planning Commission to prepare a list of possible engineers for review of the pending permit application, being proposed to the Board with their recommendation. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Clerk/ Treasurer Presentation

Census Bureau- 2010 Census LUCA

The Township received a letter from the U.S. Census Bureau to participate in the census local update of addresses. The Township needs to determine if they wish to participate. Additional information will be sent in July.

Cleaning of the Town Hall

The person hired to clean the Town hall has resigned. The clerk was directed by the Town Board to post the position and prepare a list of possible candidates.

Re Organizational Meeting

The clerk will set up the meeting date for the re organizational meeting of the Town Board after the election of the new officers. The tentative date is March 27, 2007.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$333.35 in checking, \$118,959.71 in the savings account and \$148,411.75 in CD investments. Overall total of accounts are \$267,704.81.

Motion by Supervisor Cheryl Monson: To approve the March 2007 treasurer report. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.