

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
March 9, 2009

Call to Order

Chair Jeff Otto called the meeting to order at 7:00 pm. Members present were Supervisors Cory Behrendt, Brian Budenski, Jeff Otto, Carrie Jennings and Dan Rogers. Clerk/Treasurer Nanett Sandstrom was present to record the minutes.

The meeting opened with the Pledge of Allegiance

Approval of Agenda

A motion by Supervisor Cory Behrendt: To approve the agenda as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Audience Comment Period

Carol Cooper, 26437 Galaxie Ave., Farmington addressed the Town Board on the proposed Local Water Management Plan. The Water management Plan is proposing to take mandatory conservation easements. The Local Government will take an easement, require you to plant prescribed vegetation, require you to pay for engineering and other required services to determine how much property they want to confiscate. There is no mention of compensation to the landowner. Carol doesn't feel the property owners interests are served by adopting the plan.

Chair Jeff Otto acknowledged that Lakeville Mayor Holly Dahl visited briefly with the Town Board prior to the Town Board meeting and that she attended tonight's Town Board Meeting

Approval of the Minutes

The following correction was made to the Town Board Meeting minutes of February 9, 2009: On page 5 -Correct acronym "NPDES"

A motion by Supervisor Cory Behrendt: To approve the Minutes of the Eureka Town Board February 9, 2009 as revised. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Treasurer Report

Checking Account Balance \$3,600.86. Savings Account Balance \$159,927.54. CD Account Balances \$164,091.35. Total Account Balance \$327,619.75.

A motion by Supervisor Cory Behrendt: To approve the Treasurer's Report of March 9, 2009 as presented. Motion seconded by Supervisor Dan Rogers. Role call vote was taken on the motion. Supervisor Carrie Jennings- Aye, Supervisor Brian Budenski- Aye, Supervisor Jeff Otto- Aye, Supervisor Cory Behrendt- Aye, and Supervisor Dan Rogers- Aye. Motion carried by unanimous vote of Supervisors.

Bills and Receipts

The clerk presented the following bills for payment:

MNSPECT Inc.	Inspection Services February 2008	\$1,032.78
Dakota Electric Association	Town Hall	\$110.13
Frontier Communications	Phone Service Town Hall	\$124.44
Culligan	Water Softener Town Hall	\$23.43
Dick's Sanitation	Garbage Service	\$37.58
TKDA	Eureka/ Sauber 10-26 thru 11-29-08	\$596.09
TKDA	Eureka/ Sauber 12-28 thru 1-31-09	\$523.42
TKDA	Comp Plan 10-26 thru 11-26-08	\$137.76
TKDA	Comp Plan 12-28 thru 1-31-09	\$32.53
TKDA	Brosseth 10-26 thru 11-26-08	\$1,612.65
TKDA	Brosseth 12-28 thru 1-31-09	\$9,689.12
Kelly & Lemmons	Legal Services thru February 2009	\$3,106.00
Dakota County Treasurer	2009 Annual Maint. Election Equip	\$300.00
Blue Earth Internet	2009 Annual website hosting	\$348.00
North Cannon WMO	2009 Member Dues	\$1,046.07
Graphic Designs	500 Optical scan Ballots	\$161.88
Nanett Sandstrom	Expenses 2/1/09 to 3/6/09	\$157.06
Nancy Sauber	Home Occupation Training	\$55.00
IRS	Deposit 941 April 2009	\$1,031.64
PERA	Payroll Period 3/1/09 to 3/31/09	\$327.21
Central Valley Coop	Propane tank rental	\$5.33
Otte Excavating	Road maintenance thru 2/28/09	\$3,643.00
Teresa Koentopf	Office help payroll 3/1/09 to 3/31/09	\$200.86
Nanett Sandstrom	Clerk/ Treasurer Payroll Period 3/1/09 to 3/31/09	\$1,987.23
Cory Behrendt	Supervisor Payroll 1 st Qtr 2009	\$313.99
Dan Rogers	Supervisor Payroll 1 st Qtr 2009	\$304.75
Jeff Otto	Supervisor Payroll 1 st Qtr 2009	\$406.34
Brian Budenski	Supervisor Payroll 1 st Qtr 2009	\$258.58
Carrie Jennings	Supervisor Payroll 1 st Qtr 2009	\$157.00
Kenny Miller	Planning Commission Payroll 1 st Qtr 2009	\$249.34
Sharon Buckley	Planning Commission Payroll 1 st Qtr 2009	\$443.28
Ken Olstad	Planning Commission Payroll 1 st Qtr 2009	\$369.40
Vincent Mako	Planning Commission Payroll 1 st Qtr 2009	\$249.34
ECM Publishers	Legal Ads	\$371.00
Total Bills Presented		\$29,412.23

The following receipts were deposited in March 2009:

- **Local Permits**

Eureka Sand & Gravel- Mining Review	\$714.28	Prairie Creek School- Permit 08-54	\$13,063.29
John Storle- Mining Review	\$94.34	Butch Hansen- Airstrip CUP review	\$25.00
Tiller Corp- Mining Review	\$150.00	Andrea Krapu- Sign Permit	\$25.00
Westwind Education- CUP review	\$25.00		

- **Other Receipts**

Dakota County-Conservation Credit	\$1,195.86	Martha Schultz- RASP Sign	\$15.56
Robert Glass- RASP Sign	\$15.56	Dakota County- Town Road Allot.	\$15,669.76
Mike Greco- RASP Sign	\$15.56		

TOTAL RECEIPTS DEPOSITED AS OF MARCH 2, 2009

\$31,009.21

Current Investments, Disbursements Register, Receipts Register, Statement of Receipts, and Balances, Cash Control Statement, and the Claims list were reviewed by the Town Board.

Supervisor Cory Behrendt did not have a chance to review the attorney bill. If there are any discrepancies they will be addressed at next month's Board Meeting. It was noted that Receipt # 94976 did not show on the Receipt ledger, it was for .44, and was deposited on 2/2/09.

A motion by Supervisor Carrie Jennings: to approve the Bills and Receipts as presented. Motion seconded by Supervisor Dan Rogers. Role call vote was taken on the motion. Supervisor Carrie Jennings- Aye, Supervisor Brian Budenski- Aye, Supervisor Jeff Otto- Aye, Supervisor Cory Behrendt- Aye, and Supervisor Dan Rogers- Aye. Motion carried by unanimous vote of Supervisors.

Budget

The Town Board reviewed the budget.

Road Contractor

Jason & Bryce Otte were present to address the Town Board. 2 Freezers were removed from the ditch on Highview Ave.

2 bridge deflectors are missing at the end of 225th St. A culvert on Highview Ave. should have markers added also. These will be installed once the frost comes out.

Chair Jeff Otto expressed concerns over the Road Grader giving the right of way to citizens on the Chub Lake causeway. It is dangerous for a piece of heavy equipment to drive on the shoulder of the causeway. Right of way must be given to the road grader, except emergency vehicles.

Lawn Mowing Quotes

Three business submitted quotes for mowing of the Town Hall property.

1. Longridge Lawn Services
2. Dubbels Lawn Service,
3. North Country Landscapes

Representatives were present from Longridge and Dubbels Lawn Services.

Lisa Dubbels from Dubbels Lawn Services told the Town Board that Fall and Spring cleanup is included in the bid. A quote for fertilizer application would be based on a soil sample and what type of fertilizer is applied. They will power broom along the roadway and add wood chips as needed. The \$100 charge per mowing includes tax.

No representative was present to represent North Country Landscapes. The Clerk was asked to send them a letter, asking for fertilizer quotes.

Trevor Garske from Longridge Lawn Services explained his fertilizer application bid. In the spring a herbicide is spread. Chem Lawn would apply liquid fertilizer services. The lawn service bid is an as needed basis. Spring clean up and fall Clean up is \$125.00 each. Tax needs to be added to the lawn service and fertilizer bids for Longridge.

The Town Board deferred the decision on the Lawn Service until the April Town Board Meeting.

Street Sweeping- One quote was received. Quotes will be obtained from street sweeping services.

Dakota County Deputy Sheriff – Jim Gabriel stopped in and introduced himself. Town Board and citizen concerns were addressed.

Planning Commission, land use permits and related items

A. Permit Requests- none

B. Land Use & Zoning Issues

1. Kelly Aggregate IUP Application

The public hearing was held on February 10, 2009. On February 17, 2009 the Planning Commission held a Special Meeting to review the input of the hearing. The Finds of Fact and Recommendation was developed as an outcome to this special meeting. A copy of the permit from Dakota County for the application for access onto Dodd Blvd was provided. On March 2, 2009 the Town Board received correspondence for their attorney: Review of Proposed Findings of Fact and Draft Permit Conditions Kelly Aggregate/ Ames Construction Level III Mining Interim Use Permit. *See attached documents.*

A motion by Supervisor Carrie Jennings: To accept and approve the revised groundwater monitoring plan. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

The Common Reclamation Plan Agreement signed on March 9, 2009 by John Storlie and Kelly Brosseth was presented along with 2 maps showing Exhibit A and Exhibit B

A motion by Supervisor Brian Budenski: To approve Resolution # 2009-2 A RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN AGGREGATE EXTRACTION AND PROCESSING OPERATION IN THE TOWN OF EUREKA. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The Development Agreement drafted by Township Trevor Oliver was reviewed. Ames construction commented that they would prefer a Reclamation Bond over a Letter of Credit. Page 7, Item 21. Finance- "Bond" was added.

A motion by Supervisor Cory Behrendt: To approve the Development Agreement with all parties involved dated 3-9-09 with the modification to the Section under Financing adding "bond". Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Other Business

A. Building Inspector

Scott Qualle was present to represent MNSPECT. The Agreement and Contract for Inspection Services was reviewed. The proposed contract is for 2 years of service. It was agreed that 6. The Cost to Municipality for Services. Item A. The Building Official shall be paid 65% of the residential building permit, and 65% of residential plan review fee for services. Item B. The Building Official shall be paid 75% of the commercial building permit and 85% of the commercial plan review fee. Item E. The Building Official shall receive 65% of all penalty fees and 100% of all re-inspection fees.

A motion by Supervisor Brian Budenski: To approve the Agreement and Contract for Inspection Services with MNSPECT made today the 9th of March 2009 for 2 years- 2009 through December 31, 2010. Motion seconded by Supervisor Dan Rogers. Supervisor Jeff Otto offered a friendly amendment: With the one adjustment in Section 6. E. To change 75% to 65%. Supervisor Brian Budenski and Supervisor Dan Rogers accepted the amendment. Motion carried by unanimous vote.

The contract change was initialized by Building Official Scott Qualle, Chair Jeff Otto and Clerk Nanett Sandstrom

Scott Qualle spoke with the Department of Labor and Industry Plumbing and Engineering Unit. They are not comfortable in granting MNSPECT permission to do Township or County work, because they can't isolate addresses. (Part B of the contract. This will not be activated until they have permission from the State.)

B. Planning Commission Update

Planning Commission Sharon Buckley reported that the Planning Commission is continuing to work on Ordinance updates. They are working on updating their policy and procedure manual.

Road Ordinance- The Road Ordinance being developed jointly with Castle Rock Township is ready for Planning Commission review, then public hearing. The Township Attorney will be asked to review the draft ordinance once completed.

At 8:40 pm a break was taken. The meeting resumed at 8:51 pm

Old Business

A. Misc. Updates

1. Fridge/ Country Stone

Since the last board meeting Supervisor Jeff Otto and Supervisor Brian Budenski met with Jim Sauber and Georgie Molitor and identified some additional items over and above the list created by the attorney related to conditions identifying the status of the operation in 2005. The next step is to coordinate a meeting with Mr. Bjustrom of Country Stone.

2. Comp Plan- Water Plan

The Comprehensive Plan Committee will be called back together to look at draft of a Water Plan for the Comp Plan. The Rural Collaborative Plan will be condensed into a much smaller document. A tentative date of Tuesday, March 24, 2009 was set as a meeting date. A public hearing will be held on the draft Water Plan once completed.

3. Rural Collaborative Plan

Supervisor Carrie Jennings and Supervisor Cory Behrendt worked on creating a version of the Rural Collaborative Plan that the Town Board is comfortable with adopting. The Township's draft version of the plan will be sent to VRWJPO for their review. The Township feels the document created meets the VRWJPO requirements, but is specific to Eureka Township.

Collaborative Water Resources Management Ordinance

The Water Management Ordinance must be adopted by April 25, 2009. Dean Johnson, Resource Strategies Corporation scheduled a joint public hearing on March 19, 2009 on the plan for all communities involved. Planning Commission members will attend this joint public hearing. Eureka Township will hold a separate public hearing for the Water Resources Management Ordinance at a later scheduled date. Supervisor Carrie Jennings will contact Mark Zabel, Administrator for the Vermillion River Watershed to inform him of the Town Boards intentions.

North Cannon River WMO

The NCRWMO is holding an Informational Meeting to look at buffer strips in the Vermillion Water Plan. The NCRWMO is considering adopting the buffer language from the VRWJPO plan. The meeting is scheduled for March 18, 2009 at 7:00 pm at Sciota Town Hall.

4. Commercial/ Industrial Study

The Request for Qualifications has been sent out. We have received some questions back. We are providing feedback to the questions. We are looking for formal responses by the end of the month.

5. CapX2020

The Review Judge recommended to the PUC to approving all three segments. The route is a separate permitting process. The citizen's routing committee has not met. Supervisor Carrie Jennings is the official Township person on the Lake Marion to Hampton line portion of the route.

6. Butch Hansen 2nd Dwelling update

The agreement that will be signed is the agreement discussed in the closed session. The current Township attorney condensed the agreement with reasonable language that meets what was discussed. The document/ restrictive covenant will replace the conditional use permit. The document will be recorded against the land. Two copies of the document were signed by all parties. The Township attorney will prepare documents for filing.

7. Dakota County Uniform Street Naming and Addressing System (USNAS)

The Planning Commission held a public hearing on the proposed USNAS Ordinance. The Planning Commission presented a modified draft Ordinance to include address changes.

The ordinance will be incorporated in the Township Ordinances under Ordinance 4, Chapter 2, Section 22. Street Naming and Addressing System.

A motion by Supervisor Cory Behrendt: To adopt Ordinance 2009-3 An Ordinance Establishing a Street Naming and Addressing System as presented with the additional notation as follows: Ordinance 4, Chapter 2, Section 22. Street Naming and Addressing System. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Annual Meeting

The format of the annual meeting presentation was reviewed and discussed.

Clerk/ Treasurer Presentation

The Town Board was not interested in participating in the Group Life Plan

The Planning Commission Openings will be published in the Newspaper March 20, 2009.

A motion by Supervisor Cory Behrendt: To appoint Supervisor Jeff Otto and Supervisor Brian Budenski to review the situation prior to the 10:00 am opening of the polls to review any weather situation that might cause rescheduling of the election and annual meeting. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The reference to the letter that the Clerk is sending to North Country Landscapes- Their bid is only for weekly seasonal basis. The clerk will ask will ask if they also do as needed basis.

Road Gravel and Road Maintenance bid opening will be moved up to the May Town Board Meeting. Publishing notice will go out per State Statute.

A motion by Supervisor Cory Behrendt: To adjourn. Motion seconded by Supervisor Carrie Jennings.

Meeting adjourned at 10:40 pm.