

**2010 Eureka Township Annual Meeting Minutes  
March 9, 2010  
Eureka Town Hall**

**Call to Order**

Township Clerk Nanett Sandstrom called the March 9, 2010 Eureka Township Annual Meeting to order at 8:15 p.m.

The meeting opened with the Pledge of Allegiance.

**Election of Moderator**

The Clerk called for nominations for moderator. Cory Behrendt was nominated as moderator.

A motion by Carrie Jennings: To elect Cory Behrendt as moderator. Motion seconded by Jody Arman-Jones. The motion carried. Cory Behrendt was elected as moderator.

**Approval of Minutes**

Copies of the 2009 Annual Meeting Minutes were available for public review. A motion by Butch Hansen: To waive the reading of last year's minutes. Motion seconded by Jeff Otto. Motion carried by unanimous vote.

Butch Hansen moved to approve the Annual Meeting minutes as presented. The motion was seconded by Brian Budenski. Motion carried by unanimous vote.

**Treasurer Report**

A motion by Mark Malecha: To waive the reading of all the checks written and received, to read just a synopsis. The motion was seconded by Dan Rogers. Motion carried by unanimous vote.

Complete ledgers of Bills and Receipts were available for review.

Clerk Nanett Sandstrom presented the Treasurer's Report.

Checking Account Balance as of December 31, 2009	\$417.98
Savings Account Balance	\$260,192.11
CD Balances	<u>\$140,220.45</u>
<b>Total Account Balances are</b>	<b>\$400,617.06</b>
Outstanding checks	\$213.48
<b>Ledger Balance</b>	<b>\$400,617.06</b>

The Town Hall Loan Balance is \$233,816.36. The pay off date is August 20, 2014.

**Account Balances**

Consultant Account	\$40,247.50	Kelly Aggregate Eng	\$4,000.00
Escrow Fund	\$2,740.84	Bridge Fund	\$10,000.00
General Fund	\$208,118.64	Road & Bridge	\$55,389.62
Hard road Surface	\$56,839.64	Town Hall Fund	<u>\$23,076.32</u>

**Total of All Funds****\$400,412.56**

Total Bills paid in 2009 were \$599,991.48. Total Receipts were \$595,927.52.

A motion by Andre Stouvenal: To approve the Treasurer's Report as presented. The motion was seconded by Linda Otto. Motion carried by unanimous vote.

**Business*****General Overview***

Town Board Chair Jeff Otto introduced Planning Commission Chair Vince Mako.

***Planning Commission Report***

Vince Mako summarized Planning Commission happenings in 2009. They have been working on the Comprehensive Plan and Ordinance Updates. Currently there is a proposal for a text amendment to the Mining Ordinance. The Commercial Industrial study was set aside in 2009 because of the economy. Recently the Town Board has decided to move forward with the study. Taskforce members are being sought. Those interested should submit applications.

A summary of building permits for 2009 was presented.

***Town Board Report***

Supervisor Jeff Otto presented a general over view of 2009.

***Roads***

The Township has been more aggressive with dust control over the past few years. Studies show that dust control applications extend the life of the gravel. It is a binder the holds the gravel together. This reduces gravel application and grading of roads.

The rebuild of the 225<sup>th</sup> St. Vermillion River Crossing took place in 2009.

Road projects for consideration in 2010 are 240<sup>th</sup> St., Ipava Ave and the south portion of Denmark Ave. There are several culverts that are in need of repair.

Paved apron project was put on hold. The Town Board decided it is not a critical project. Paved aprons currently exist. At some point the Town Board would like to extend the length of the aprons to improve safety and wear and tear on the roadway. (100 to 120 feet)

The County Capital Improvement Program in 2013 targets the paving of Dodd Blvd.

The Met Council is looking at the realignment of Cedar Ave. it would affect 225<sup>th</sup> St. W. This could happen as early as 2014. A second project is the placement of additional hangars. They have agreed to pave 225<sup>th</sup> Street to Cedar Ave as part of the project. (Approx. 1 mile)

Another future realignment project is the south part of Galaxie Ave. where it connects to 280<sup>th</sup> Street.

***Commercial/ Industrial Study***

Jeff explained pros and cons of allowing Commercial/ Industrial in the Township. The Planner Firm has been selected. The project will be done in phases. If the results of the first phase are not

favorable, they will not move into the second phase. As part the agreement with Hat Trick and the annexation of their property into Lakeville, Hat Trick agreed to give the Township money for a Commercial/ Industrial Study. Some of the funds were provided up front, some once the study is progressing. This money will help fund the study.

#### *Attorney Services*

Country Stone Issue- The two parties could not come to an agreement, a lawsuit followed. A CD with the testimony is available for \$5.00. The two parties have attempted to settle outside of court. Recently the Township has reopened negotiations for a settlement agreement.

Butch Hansen expressed his point of view on the Township entering into the lawsuit with Country Stone and pending litigations. He questioned the Legal Non Conforming status of the business.

Jeff explained that the business is not Legal Non Conforming. The method chose, to in effect “blanket amnesty” the Township did not have the authority to do. The argument: “The language in the Ordinance says it.” This is a legal point of argument. The Town has asked for the Judge’s opinion on the language of the current Ordinance. There is an expansion that occurred without a permit.

Moderator Cory Behrendt asked that Jeff be allowed to move forward with his presentation and that open discussion continue later in the agenda.

#### *Vermillion River Watershed Joint Powers Organization Water Management Ordinance*

The Township chose not to adopt the Ordinance. It does not mean that the rules do not apply. It means that the County or JPO will need to apply and enforce the Ordinance themselves. The Township delegated some of the responsibilities to the Dakota County Soil and Water. The Township is working with the County and JPO to establish a dual arrangement on permitting.

#### *Ordinance Updates*

The attorney is being consulted and helping with the Ordinance updates. Language is being corrected and updated to meet and include current Township policies.

#### *CapX2020*

The proposed power line must connect through the Lake Marion Station (242<sup>nd</sup> St. & Pillsbury Ave). The preferred route is through the Township following 245<sup>th</sup> St. to Dodd, along Dodd to 240<sup>th</sup> St., along 240<sup>th</sup> St. to Cedar, then cross country to Denmark Ave.

Jeff expressed appreciation for the efforts and assistance of the Town Clerk Nanett Sandstrom. It has been an interesting and challenging experience being on the Town Board. The Town Board worked together well. There is a mix of interest with constructive dialog.

#### **New/ Other Business**

##### ***Truck Traffic on 235<sup>th</sup> Street***

Comments were made that since the 5 ton signs have been placed on 225<sup>th</sup> Street, trucks are using 235<sup>th</sup> St. W. 235<sup>th</sup> Street is the same road condition, but there are more houses. He suggested placing 6 ton signs on 235<sup>th</sup> Street. Emergency vehicles and farm vehicles are exempt from the restrictions.

### ***Non Conforming Use Permit***

Citizens were concerned that the Township is trying to overturn the Non Conforming Ordinance and force the Non Conforming Businesses out of the Township. They asked Town Board members to express their intentions on the issue.

Supervisor Brian Budenski commented that the Town Board is not going after Non Conforming Businesses. They are going after Country Stone. They did not pick out Country Stone and then to go after 28 other businesses. They are not going to open it up. They are all registered and it how they are going to leave it.

Jeff Otto commented the goal is not to strip away the protection. The goal is to have better clarity and legal protection, so we don't get into a Country Stone type situation in the future. In the past three years there have been no comments, hints or discussion to go after all the Non Conforming businesses as a blanket. Most businesses do not have any complaints against them. They are compatible with the neighborhood. There is no reason, need or desire to spend resources to move these people out.

Board members Carrie Jennings and Nancy Sauber commented that they agree with Brian and Jeff's statements.

Butch Hansen made further comments that the Town Board hired the attorney to squash the Non Conforming Ordinance. If the Judge rules that the Ordinance can no longer be enforced or exist, they are back to square one.

Comments were made during the meeting that the Annual Meeting is the only time that citizens can voice their opinion or concerns.

It was explained that at all Town Board Meetings there is a time set aside at the beginning of the agenda for citizen comments. Citizens are welcome and encouraged to speak with Supervisors anytime they have concerns. They may ask to be placed on the agenda for specific issues at Town Board Meetings.

A citizen asked if it isn't counterproductive to take a business that currently exists in the Township to court when they are studying the possibility of allowing Commercial/ Industrial Use in the Township.

Jeff Otto explained the defendant in the litigation is not all Non Conforming it is one business. If the Township is going to have Zoning Ordinance responsibility in this Township, that means we have to stand behind the Ordinances. It is done for everyone's benefit, personal rights and property rights, when you take it away from someone else. We are talking with the attorney on ways to provide a better path to protect existing Non Conforming Businesses.

A motion by Cory Behrendt: To table Other Business and bring to the table the Levy item #11. The motion was seconded. The motion carried by unanimous vote.

### **Set Levy for 2011**

The clerk presented the proposed levy to the citizens. The proposed levy totaled \$480,000. There is no proposed increase over last year's levy. Discussion on the levy proposal followed.

A citizen suggested the possibility of paying off the Town hall loan. The Town Hall loan percentage rate is 4.75%. CD Investments range between 4.95% and 5.35 %.

Comments included discussion on the Professional Services Escrow. At a previous Annual Meeting a motion was made to escrow \$25,000 per year into the fund. The proposed budget reduced the amount to be placed in the fund in 2011 to \$15,000.

A motion by Gene Dietz: To remove the \$15,000 from the budget proposal for Professional Services and to approve a levy of \$465,000 for 2011. Motion seconded by Laura Adelman. The motion carried by unanimous vote

### **The Floor was open for continued discussion on New/ Other Business**

Citizen discussion on township issues continued.

A motion by Gary Smith: To announce the results of the annual township election. The motion was seconded by Nancy Sauber. The motion carried by unanimous vote.

### **Report of Annual Election**

There were a total of 132 voters at the Annual Election. Supervisor Position #5- Kenny Miller received 70 votes. Supervisor Position #5- Christopher Prose received 56 votes. There were 6 write in votes. Kenny Miller was elected as Supervisor #5. These are unofficial results until the Board of Canvass scheduled for Thursday, March 11, 2010 at 7:00 pm at the Eureka Town Hall.

### **The Floor was open for continued discussion on New/ Other Business**

Citizen discussion on township issues continued.

Citizens expressed concerns with costs to the Township for services such as, fire, ambulance and Sheriff and or Township attorney attendance at meetings

There is a cost to the Township for every fire call, including false alarms. The Township is no longer charged for ambulance calls. The Township is not charged for the Sheriff to be in attendance at meetings. The Township Attorney cost per meeting is \$250 per meeting. They are not present at all meetings. Occasionally attorney attendance is required for agenda items that are covered by Escrows.

### **Time and Place for next year's annual Meeting**

A motion by Kenny Miller to set the Annual Meeting on Tuesday, March 8, 2011 at 8:15 pm, at the Eureka Town Hall. Motion seconded by Nancy Sauber. Motion carried by unanimous vote.

### **Call for Adjournment of the Annual Meeting**

A motion by Mike Greco: To adjourn. Motion seconded by Ken Olstad.

The meeting was adjourned at 10: 32 p.m.

