

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
April 15, 2010

Call to Order

Chair Brian Budenski called the meeting to order at 7:01 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Kenny Miller, Carrie Jennings and Dan Rogers. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following changes were made to the agenda:

Old Business: A. Misc Updates

1. Text Amendment Status
2. Audit
3. Wat Lao
4. Update on Country Stone

A motion by Supervisor Kenny Miller: To approve the agenda as modified. Motion seconded by Supervisor Nancy Sauber. Supervisor Nancy Sauber offered a friendly amendment to move the Windmill IUP Review after the Glory to Glory CUP Review. Supervisor Kenny Miller accepted the amendment. Motion carried by unanimous vote.

Public Comment Period

A citizen mentioned that a public hearing was held in Castle Rock Township for a Frisbee Golf Course. He was wondering if any Town Board members attended the hearing.

Eureka Town Board members were notified after the fact of the meeting. The Town Board was invited to a joint meeting with Castle Rock about Denmark Ave. issues. Discussion on this item will be later in the agenda. The citizen said that his wife had submitted a letter to Castle Rock. He gave the Town Board a copy of the letter.

A citizen commented that she had read in the paper that the County Commissioners are expected to pass the Model Joint Powers Agreement on April 20th. This agreement is between the Sheriff's Department/Dakota County and the Township for enforcement of Township Ordinances. She had a conversation with a Deputy Sherriff earlier in the week. The Deputy said that current Township Ordinances are not enforceable for noise and nuisance the way it is written; it is very vague. The citizen hopes that the noise and nuisance part of the ordinance is updated soon. It makes it difficult for the Sheriff to enforce the Ordinance.

The Township has turned the Model Joint Powers Agreement into the County. The Township is waiting for the County to approve the agreement.

A citizen thanked the Township for picking up the junk thrown in the ditch along 225th St. W. More junk has been thrown into the ditch.

Treasurer’s Report

Checking Account Balance: \$1,297.69. Savings Account Balance: \$157,524.88. CD Account Balances: \$141,859.98. Total Account Balance: \$300,682.55.

A motion by Supervisor Kenny Miller: To accept the Treasurer’s Report as presented. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

The Clerk presented Resolution 2010-02, A Resolution Adopting Township Procedures for Finances. This Resolution was drafted per a request from Castle Rock Bank. Last year’s Resolution was updated. The Clerk added electronic payments to the Minnesota State Auditor for State Surcharge. A motion by Supervisor Nancy Sauber: To adopt Resolution 2010-02 Eureka Township of Minnesota, A Resolution Adopting Township Procedures for Finances, as submitted by the Clerk. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

The Town Board reviewed the following financial reports prepared by the Clerk: Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register. It was noted that check #5873 is a Voided Check.

The following receipts were deposited in February of 2010:

- **Local Permits**

Bonfe’s Plumbing- Permit 10-01	\$110.50	Elder Jones- Permit 10-03	\$100.50
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- **Other Receipts**

Dakota County- Aggregate Tax	\$11,469.67	Jim Sauber- CD of Country Stone	\$5.00
Gloria Belzer- Copy of CD	\$5.00	Castle Rock Bank- Interest Savings	\$1,037.78
Matt Miller- RASP Sign	\$12.83	Castle Rock Bank- Interest CD	\$372.26
Dakota County- Town Road Allotment	\$16,861.37	Castle Rock Bank- Interest CD	\$410.37

TOTAL RECEIPTS AS OF MARCH 31, 2010 **\$30,385.28**

A motion by Supervisor Brian Budenski: To accept the financial statements as presented. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

The Town Board reviewed the Claims List and Net Pay Account Distribution.

Bills and Receipts

The Clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 3/31/2010	\$6,655.00
MNSPECT	Inspection Services March 2010	\$484.50
Dakota Electric Association	Town Hall	\$85.30
Frontier Communications	Phone Service Town Hall	\$125.74
Culligan	Water Softener Town Hall	\$23.51
Dick’s Sanitation	Garbage Service Town Hall	\$40.87
Kelly & Lemmons	Legal Services thru 3/31/2010	\$3,028.45
IRS	Deposit 941 March 2010	\$351.92
PERA	Payroll Period 3/1/2010 to 3/31/2010	\$306.08
Nanett Sandstrom	Expenses 3/1/2010 to 3/31/2010	\$159.70

Dakota County Assn.	2010 JPA Maintenance	\$1,490.94
T & C Commercial Cleaning	Clean Town Hall March	\$42.75
Victor Lundeen Company	Laser Checks & Envelopes	\$351.07
Carol Kelly	PC Recorder- 3/1/2010 to 3/31/2010	\$136.21
Nanett Sandstrom	Clerk Payroll 3/1/2010 to 3/31/2010	\$1,833.15
ECM	Legal Ads	\$42.00
Jeff Otto	Supervisor Pay thru end of term	\$203.17
Cheryl Schindeldecker	Election Judge	\$45.00
Earl Schindeldecker	Election Judge	\$75.00
Marlene Swantek	Election Judge	\$120.00
Jim Cooper	Election Judge	\$65.00
Julie Larson	Election Judge	\$145.00
Elaine Swedin	Election Judge	\$60.00
State of Minnesota	1 st Quarter Withholding	199.43
IRS	Deposit 941 April 2010	\$531.80
USPS	Bulk Mail permit renewal	<u>\$185.00</u>
Total Bills Presented		\$16,786.59

A motion by Supervisor Brian Budenski: To approve the Claims List and Net Pay Account Distribution as presented. The motion was seconded by Supervisor Dan Rogers. Roll call vote was taken on the motion: Kenny Miller- aye; Carrie Jennings- aye; Brian Budenski- aye; Nancy Sauber- aye; and Dan Rogers- aye. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Contractor Time

Bryce Otte, Road Contractor, was present to address road issues. Town Board Road Review on Saturday, April 17, 2010, was changed to 8:00 a.m.

Supervisor Nancy Sauber asked that the County be contacted and asked if they will place a “No Passing on Right” sign on Dodd Blvd. near 225th St. W. The County has a similar sign on Highview in Lakeville. People pass traffic heading south on Dodd and making a left-hand turn (to the east) by going into the right turn lane, which is illegal. This is a hazardous intersection. Dan Rogers suggested that another of these signs be placed for the traffic coming from the south. Kenny Miller said that he would follow up with the County.

Supervisor Nancy Sauber offered information from the MAT training that some townships pack the edges of the roads with a packer roller, so gravel is not scraped off with the snowplow. This is one of the road issues that will be brought up at the road review on April 17th.

There have been very few road-related complaints. One compliment was received.

Planning Commission, Land Use Permits and Related Items

A. Permits

- 1. Patrick Hawkins-** review of permit charges/double fee on a moved-in structure, moved in without permits, and addressed at court

Mr. Hawkins said that prior to moving in his structure, he had contacted Supervisor Dan Rogers and asked him if he needed a permit. Through discussion at the meeting between Mr. Rogers and Mr.

Hawkins, it was determined that Mr. Hawkins had said that he was going to move in a trailer. Dan had told him a permit is not needed if the trailer is on wheels. Dan also stated that what was actually moved in was not a “trailer”. It was clarified through discussion that the moved-in structure in question is a manufactured home, and Mr. Hawkins’ intent was and is to use it for storage. Mr. Hawkins agreed that it is a “moved-in structure”. Mr. Hawkins stated that he had already paid a doubled move-in permit fee. It was clarified with Mr. Hawkins that the move-in fee that he said he had already paid and that was doubled was \$150 at the time, and not the reduced \$50 move-in fee. Patrick stated that he thought the moved-in structure fee of \$250 was ridiculous and out of line, but later said that he was willing to pay it, but was opposed having to pay the doubling of the building permit fee, which is a penalty fee. He stated he just want to resolve the issue.

Supervisor Nancy Sauber read portions of the Ordinances and various parts of the Township website information on building permits. These portions illustrate that it is clear that a building permit, as well as a move-in permit, is required for a moved-in structure, and these permits are to be obtained before moving in said structure. It is also clear from the portions read that, if an applicant has any questions, he should call the Town Clerk. There are instructions and application forms on the website that can be downloaded, or, it states, hard copies of the same can be requested of the Clerk. The requirement of permits for buildings that are “temporary” or movable, as well as for those attached to the ground, is also addressed. In addition, it is clearly stated that it is the applicant’s responsibility to follow all appropriate Ordinances that apply to his request. Nancy Sauber stated that, while it may be unfortunate if Mr. Hawkins were told that he did not need a permit, it is still his responsibility to follow all that the Township requires and that it is easily determined by looking at the website, calling the Clerk, or asking the Planning Commission at its meeting under the “Land Use and Zoning Issues” portion of its agenda, which is there for just that purpose. It is Mr. Hawkins’ responsibility as landowner and applicant. This is an applicant responsibility issue and an Ordinance issue, and she believes the Ordinance language is what should be followed.

The Building Code, which was adopted by the Township, says that if work is started without a permit, then a penalty fee shall be imposed and it shall be 100% of the permit fee. The Township Ordinances themselves also state that the original building permit fee shall be doubled if work is started without a permit. It is the applicant’s responsibility to obtain all applicable permits.

This situation first came to the Township’s attention due to a complaint that was filed against the property in 2007. Mr. Hawkins was in attendance at a Planning Commission meeting later in 2007 when there was discussion of what permits were required and what conditions would need to be met to allow the structure. These conditions included, among other things, anchoring and skirting the structure, as well as capping off all plumbing, as it was not to be inhabited. The Town Board approved the conditions and the permits at its next meeting. The permit was not picked up or paid for. The Township then sent Mr. Hawkins a follow-up letter on January 15, 2008, with the permit fee amount and conditions; another similar letter was sent again from the Building Official on April 1, 2009.

Mr. Hawkins commented that he never received any letters. He stated that he was never informed that a permit was ready to be picked up. The reply from the Board and the Building Official was that he knew there was a permit required, and it was his responsibility as the applicant to pick up and pay for that permit.

Mr. Hawkins said that Bob Hegner, (still the Building Inspector around the time of the move-in itself) had done an inspection, and that he had paid Mr. Hegner directly for the inspection. Nancy

Sauber said the inspection fee is separate from a permit fee or a penalty fee. The inspection was actually supposed to be performed before the building came into the Township. When Scott Qualle was later hired as Building Official, this matter was handed off to him to follow up on, as the matter was yet unresolved. Mr. Qualle stated that it was agreed at court in the fall of 2009 that, if Mr. Hawkins paid for his permit fees and met the five required conditions, the Township would drop the charges against him.

Mr. Hawkins has had two and one-half years to complete the five conditions that were approved by the Board in 2007. He has still not paid for the permit, nor has he yet completed any of the conditions. The Board agreed that Mr. Hawkins needs to work with the Building Inspector to make sure all five of the conditions have been met, and he needs to pay the fees owed. The Clerk was asked to make another copy of the five conditions, which was given to Mr. Hawkins at this meeting. Copies of the letters sent were also given to him.

It was proposed by Nancy Sauber and agreed to by the Board that the money that Mr. Hawkins said that he had already paid as a penalty (\$150) should be applied to the amount the Board agreed that he owes as a penalty (\$250), which would leave \$100 still remaining of the penalty portion of what is owed. He also still owes the \$250 moved-in structure fee that is listed as a flat fee in the Building Code Fee Schedule that has been adopted by the Township. This would mean that the amount owed for the permit fee and the remaining penalty fee would total \$350. The Board agreed that this was fair and reasonable.

A motion by Supervisor Kenny Miller: To reconcile this issue with Mr. Hawkins, he would be provided with the list of the five conditions that need to be completed. He needs to pay the \$350.00 for his permit. This item will be on next month's agenda for follow-up. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

C. Planning Commission Member Candidate Interviews 8:00 pm

There were two applicants for the open Planning Commission position, Jason Curry and Lucretia Barfknecht. The Town Board interviewed both candidates. The Town Board voted by ballot. Lucretia Barfknecht was appointed as the new Planning Commission member. She was given an Ordinance Book and keys to the Town Hall. Her term will start on May 1, 2010, with her first meeting on May 3, 2010.

Jason Curry was encouraged to apply to be on the Industrial/ Commercial Task Force and to apply again if he remains interested in serving on the Commission.

B. Planning Commission Update

The new deadline for applications for the Commercial/Industrial Taskforce is May 25, 2010. Taskforce members will be interviewed at the June 7, 2010, Planning Commission Meeting.

The Planning Commission discussed Carol Kelly's performance. They are satisfied with her work.

The Planning Commission is currently researching allowing pipe-framed structures in the Township. They are also discussing plan review and permit fees. Building Inspector Scott Qualle will be at their June Meeting to discuss these fees.

Septic Compliance/Comp Plan- Cheryl Groves will make a presentation on this later in the meeting.

Special Meeting on April 19th on Ordinance updates, to include clustering language, swimming pools, nuisances and dog kennels. A Public Hearing has been scheduled for May 17, 2010, for Ordinance changes.

D. Land Use & Zoning Issues

1. CUP Reviews

a. Mark Nelson- Airstrip

The Town Board reviewed Mr. Nelson's Airstrip CUP. The floor was opened for public comments. Hearing no comments, the comment period was closed.

A motion by Supervisor Dan Rogers: The Town Board reviewed Mr. Nelson's Airstrip CUP, and found that the airstrip has had no complaints. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

b. Terri Petter- Spirit Ranch I & Spirit Ranch II

The Town Board reviewed Terri Petter's CUPs for Spirit Ranch I & Spirit Ranch II. A public dog kennel is located on Spirit Ranch I. The floor was opened for public comment. Gloria Belzer is a neighbor to Ms. Petter and commented that she has no complaints. She does not hear any barking of dogs from Ms. Petter's property and feels Ms. Petter is a good neighbor. Hearing no further comments, the comment period was closed.

A motion by Supervisor Carrie Jennings: The Town Board reviewed the CUPs for Spirit Ranch I & II and has found no problems. Supervisor Nancy Sauber amended the motion to say there was a positive comment from the audience. Supervisor Carrie Jennings accepted the amendment. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote. The review fee and the kennel license fee were paid to the Clerk.

c. Glory to Glory Christian Center

Russ Matthys represented Glory To Glory.

Dan Peterson, a Boy Scout from the church who is working on an Eagle Scout project, was also present. He explained his project to the Town Board. They will be planting trees and spreading topsoil and grass seed. They will remove brush from around the perimeter of the property and will be cleaning woodchips and debris left from the winter from the parking lot. They will also be sanding and sealing the playground equipment and replacing the tire swing. They will be setting up a party tent to inspect it for tears, holes and missing pieces.

The Town Board reviewed the CUP for Glory to Glory. The floor was opened for public comment. Hearing none, the public comment period was closed.

Glory to Glory currently has a temporary occupancy permit. A fire alarm system needs to be installed to bring the building up to code. When the application was presented to the Building Inspector department, they were told that the classrooms would be used solely for Sunday School. In this scenario, fire alarms are not required. The classrooms are actually being used for education occupancy. The occupancy threshold for the classrooms is 50 students. The entire facility is required to be alarmed to help protect the health and safety of the students present. This issue was noted in September and brought back up in January. The Building Inspector placed an April 15th deadline to bring the building up to code.

The Town Board agreed that the Fire alarm issue is not part of the CUP review.

A motion by Supervisor Nancy Sauber: That the Town Board has conducted a review of the CUP for Glory to Glory Church and School and have accepted the review. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

Discussion continued on the building code issue. Russ Matthys commented that he is in the process of obtaining bids. The plans will be forwarded to MNSPECT within the next month.

The Town Board felt that, in the interim, battery-powered smoke alarms should be installed. Scott Qualle will put together a plan for installation and send it out by next week. The Town Board suggested placing a weather radio in the building. The Town Board asked that the plans for the permanent fire alarm system be sent to MNSPECT by May 10th and that the alarm system be installed by June 30th. The Town Board asked that Glory to Glory notify them when the temporary alarm system has been installed.

At 9:18 p.m. the Town Board took a short recess.

E. Other Business

Building Inspector, Scott Qualle

Legislature Updates

Scott informed the Town Board on legislature updates. The Township can require contractors to complete exterior work on a new building within a specific time period, as long as it is not less than 180 days from issuance of the permit.

MN State Surcharge

The Surcharge on all fixed-fee permits has been increased to \$5.00. This increase is for one year. July 1, 2010, to June 30, 2011.

What do I need a permit for?

Scott suggested changes to the “What I Need Permits For” section on the website. The Building Official should be the one contacted to find out whether a permit is required as he has been engaged by the Town Board as the person responsible for the proper issuance of all permits. See attached handout from MNSPECT on “*What things do I need to get a Building Permit for?*”

Lead Paint

Scott informed the Town Board of new requirements dealing with lead paint. The “Small Entity Compliance Guide to Renovate Right EPA’s Lead-Based Paint Renovation, Repair, and Painting Program” was given to the Clerk as reference material.

Request for guest house on property

Eureka Township Ordinance 3, Chapter 4, Section 1, C. No basement, garage, tent, travel trailer, or accessory building (except if specifically permitted by the Township of Eureka Ordinances in effect at the time of the passage of this Ordinance) shall be at any time used as a dwelling. The basement portion of a finished home may be used for normal eating and sleeping purposes, provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

Township zoning does not permit any other dwelling other than the primary, single-family house.

Ag Building Question

Dan and Char Adelman, 237xx Hamburg Ave., had requested a permit for an Ag building in September 2009. The Town Board granted a permit for an Ag Building. The building being constructed is two stories, with living quarters on the upper floor. Scott Qualle was asked to make an inspection of the building.

Buffington

Mr. Buffington had submitted a building permit application. MNSPECT reviewed the application and issued a permit. He has not paid for or picked up his permit. Supervisor Nancy Sauber will follow up with this item with the Township Attorney.

Other Business

A. Mowing Quotes

Two quotes were received for mowing of the Town Hall property.

Greg Holmes of G&L Lawn Services, LLC, Farmington, and Jeff Prose of Proservice Lawn & Landscape, LLC, Lakeville, were those submitting the quotes.

A motion by Chair Brian Budenski: To accept the lower bid, by Proservice Lawn & Landscape, LLC for this coming summer's lawn service work. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

D. Newsletter

Jody Arman-Jones, editor of Eureka News, was present to discuss the Newsletter. Lakeville Printing has changed names and moved out of town. Jody presented quotes from 3 different printers.

A motion by Supervisor Carrie Jennings: To use Goldmine Dezin for the Eureka Newsletter. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

The Town Board reviewed the drafted newsletter. Discussion on content followed.

E. Septic Report/COMP Plan

Planning Commission Cheryl Groves presented research on septic compliance for the Comp Plan. The Township needs a policy and procedure for the non-pump activity. Cheryl will take this information back to the Planning Commission for placement in the Comp Plan.

The Clerk has requested the Non-Activity Records from Dakota County. This information has not been received. It will be placed on the May Town Board agenda.

Land Use and Zoning Issues- continued

Windmill Mine CUP Review

Supervisor Kenny Miller, owner/operator of Windmill Mine, stepped down from his position as a Board member for discussion of this item.

Primary Attorney Contact, Nancy Sauber, has discussed this matter with Trevor Oliver, Township Attorney. The following items are being discussed at this time as the Ordinance charges the Town Board with checking these things at the annual review, as well as the amount of material excavated, etc.

It has been discovered that there is no Development Agreement on file, although it is required by the Ordinance. This was an oversight when the permit was issued. Kenny stated that he thought that the reclamation plan was the Development Agreement. A Development Agreement will be drawn up.

The tree line/berm issue mentioned at the March Town Board meeting could be addressed in the Development Agreement when it is written. It could also be handled through means of an IUP amendment with a public hearing. The Township Attorney has advised that it must be handled formally, in any case.

The mining area is supposed to be enclosed with a fence, according to the Ordinances. The Ordinance language could be interpreted as that the fencing goes around the entire property that the mining IUP applies to, or it could be considered to be enclosing the entire operational area as spoken of in the Ordinances. This operational area cannot be more than twenty-five acres at any one time and includes staging, processing, excavating, and stockpiling. In the former instance, the fence would include that operational area and would be placed once. In the latter, the fencing would have to move as the different phases are moved into. The Board expressed the thought that perhaps that choice could be left to the individual operator, as each would accomplish what the Ordinance asks. The fence on the east side of the Windmill property needs to be placed on the property line, according to one of the conditions. The rest of the fence could come closer around the operational mining area. Currently, the staging area is at the front of the property. Nancy Sauber said that, if the fence is moved to the south as the mining progresses, either the staging area has to have its own fence or it has to move with the rest of the operation. Kenny Miller said that he thought perhaps he would move the whole operation as he mines. At this point, the required fence has not been erected. Kenny will start fencing the area.

Paving of the access road was discussed at the public hearing. It was not set as a separate condition of the permit, but it might be decided that it was a “properly understood” part of the application itself, resulting from the discussion at the public hearing. The Board in 2007 approved the IUP subject to the Conditions in Exhibit A and in the original application dated March 12, 2007. Supervisor Nancy Sauber will review the public hearing tape to see what was said at the hearing.

An IUP condition stated that Kenny must use quieter beepers if they are approved. Kenny commented that the Mine Safety and Health Administration (MSHA) has not approved the new backup beepers yet.

It was brought up that the Brosseth Mine has not been fenced. They will be contacted and asked to fence the property.

Other Business- continued

B. Dust Control Quotes

Quotes were received from Ferrell Gas and Dustcoating.

A motion by Supervisor Carrie Jennings: To use Dustcoating, Inc. for dust coating at .698/ gallon of calcium chloride. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

C. Street Sweeping Quotes

A motion by Supervisor Carrie Jennings: To approve up to \$1,000 for sweeping by Pro Sweep. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

F. VRWJPO comments due on April 26

Supervisor Carrie Jennings has reviewed the plan. She will submit comments by the April deadline. Supervisor Nancy Sauber is planning on attending the last of the VRWJPO workshops for the corridor plan.

G. Two letters from Castle Rock on Denmark Ave. Maintenance

The Clerk received a letter from Castle Rock Township asking that Supervisors from Eureka Township meet with Castle Rock Supervisors about Denmark Ave. road maintenance issues. Road Supervisors Kenny Miller and Dan Rogers will represent the Eureka Town Board at this meeting.

A Castle Rock property owner is requesting to place a Frisbee Golf Course in Castle Rock Township. If this is approved, there will be additional road maintenance on Denmark Ave. Eureka Township is responsible for road maintenance on this portion of Denmark. Supervisors Brian Budenski and Dan Rogers will attend the public hearing being held in Castle Rock on April 26th.

Old Business

A. Misc. Updates

1. Text Amendment Statue

Town Board and Planning Commission members toured an asphalt batch plant in St. Paul and a concrete plant in Northfield. Township Attorney, Patrick Kelly, also attended the tour of the asphalt plant. Supervisor Kenny Miller offered to write minutes for the concrete plant tour. The Town Board discussed visiting a portable type plant. Supervisor Carrie Jennings will contact Jill Trescott, Acting Supervisor, Groundwater Protection, Dakota County Water Resources Department and ask her to attend the next Town Board meeting for discussion on the proposed text amendment change.

2. Wat Lao

Wat Lao is waiting for a written opinion from the Township Attorney on what the Town Board agreed to; that is, that they do not need to make the changes to the parcel at this time. Supervisor Nancy Sauber will check with the Attorney to see if a restrictive covenant needs to be drafted and what the cost would be. There was discussion on who will pay the cost for drafting the covenant.

2. Audit

Larson Allen, the firm performing the Township audit, was at the Town Hall on Tuesday and Thursday. They asked that Town Board members initial time cards and that a Town Board member be designated to look at checks and receipts on a quarterly basis to see that they match what is being reported at Town Board Meetings. This would put in place a practice of better internal controls.

3. Country Stone

Supervisor Brian Budenski informed the Town Board that there is a tentative agreement. When the details of the agreement have been drafted, the Town Board will meet in a closed session to discuss the details of the agreement.

4. Hansen Restrictive Covenant

The Clerk has not received proof of filing of the Restrictive Covenant by Mr. Hansen. He has not provided a copy of the cancelled check showing payment to Mr. Hegner.

The Clerk was instructed to file the Restrictive Covenant with Dakota County Recorder's Office. The Township will pay the \$42 filing fee. The Clerk was asked to send a certified letter to Mr. Hansen about the cancelled check and to allow 15 days for response.

5. Charles Roberts, Plastic pipe structure at 26110 Ipava Ave.

Mr. Roberts has not turned in the application or plans for the plastic pipe structure as he told the Town Board he would do in February. The Clerk was asked to send a follow-up letter to Mr. Roberts.

6. Sauber Letter- payment of expenses occurred in mining reclamation dispute

The Attorney has not drafted the letter. He will be asked to make this letter a priority.

7. Storlie Mine- additional amount owed for mine review 2008.

The Clerk has not received any response or payment from the letter sent to Mr. Storlie on the amount owed. The Town Board asked that a certified letter be sent.

8. TKDA Contract

Since the Township has designated TKDA as their Consultant and Engineering Firm, they do not need to use RFPs for specific projects. The Township only needs to obtain a contract for the specific project.

9. Training/ Special Meetings

Dakota County Township Officers Meeting

Supervisors Nancy Sauber, Dan Rogers and Kenny Miller attended the Dakota County Township Officers meeting in March.

MAT Spring Short Course

Supervisors Dan Rogers and Nancy Sauber attended the MAT Spring Short Course trainings.

Any reports on these meetings/trainings will be given at the May Town Board Meeting.

10. Illegal dumping of garbage in Township road right of ways

There is a lot of garbage being tossed in the Township, and it is costing the Township a lot of money. The Road Contractor suggested that the Township put out a bounty. Signs could be placed along the roadway that dumping of garbage is illegal. Put a fine on it. If you observe someone dumping and it leads to prosecution, they receive a reward. Chair Brian Budenski will check with the Attorney if such a program can be put into place.

Minutes Approval

A. Eureka Town Board Meeting Minutes March 8, 2010

The following corrections were made to the March 8, 2010, Minutes: Minor typing errors and punctuation were corrected. Page 7, under TKDA contract- add "for Commercial/Industrial Study".

A motion by Supervisor Nancy Sauber: To approve the minutes of the Eureka Town Board Meeting of March 8, 2010, as amended. The motion was seconded by Supervisor Carrie Jennings. Supervisor Kenny Miller abstained, since he was not on the Board yet at that meeting. The motion carried by unanimous vote of Supervisors voting.

B. Board of Canvas Minutes March 11, 2010

The following corrections were made to the March 11, 2010, Minutes: Minor typing errors and punctuation were corrected.

A motion by Supervisor Nancy Sauber: To approve the Board of Canvas Minutes of March 11, 2010, as corrected. The motion was seconded by Supervisor Carrie Jennings. Supervisor Kenny Miller abstained, since he was not present at the meeting. The motion carried by unanimous vote of Supervisors voting.

C. Special Joint Meeting of March 23, 2010-Asphalt Plant Tour

One punctuation correction was made.

A motion by Supervisor Nancy Sauber: To approve the Special Joint Meeting Minutes of March 23, 2010, as amended. The motion was seconded by Supervisor Carrie Jennings. Supervisor Brian Budenski abstained from voting as he was not at the meeting. Supervisor Kenny Miller was a Planning Commission at the time of the meeting, so he also abstained from voting on the motion. The motion carried by unanimous vote of officers voting.

D. Reorganizational Meeting Minutes of April 6, 2010

The following corrections were made to the April 6, 2010, Minutes: Minor typing errors and punctuation were corrected. Page 2- I. between Supervisor Kenny Miller motion and withdrawal of his motion add: "There was discussion."

Page 3- J add: "Firm" to heading.

Page 6- Y. second and third sentence should read: "He needs to make it perfectly clear that it is only his opinion, that he is only one member of the Town Board."

A motion by Supervisor Nancy Sauber: To approve the Eureka Reorganizational Meeting Minutes of April 6, 2010, as amended. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

New Business

A. Citizen Complaint- corner of 235th and Dodd Blvd

The Town Board received a written complaint from a citizen. The complaint included changing 235th St. to a 5 ton road. Junk being dropped off on the property. The new driveway, vehicles do not stop when exiting the pit and dead weeds and gopher mounds on the berms.

The Town Board discussed the complaint.

Garbage- The garbage thrown along the road and ditch or the edge of the property is a township wide problem. The TV in question is on Kelly Brosseth's property. He will be contacted and asked to remove the TV from the property.

Exiting the pit- Kenny Miller will contact the County and ask them to install a stop sign at the exit of the pit.

Berms- The Ordinance states they must maintain reasonable appearance of the berm. The Township could require them to burn or mow the berm. The Brosseth Mine berm looks ok. It was thought the berm in question is the berm on the Storlie Pit. Supervisor Kenny Miller is the weed supervisor; he will talk to Mr. Storlie.

5-ton road- Other businesses are located on and use 235th Street. By changing the road to 5 tons, it would inhibit their business.

The Clerk was asked to forward the minutes of this meeting to the complainant.

Additional Claims and Net Pay Distribution and updated Treasurer Report for March

The Clerk forgot to present Officer Payroll at the March 8, 2010, Town Board Meeting. To keep on track with Quarterly payroll as outlined in the Reorganizational Meeting Minutes, payroll checks were written and issued. The Net Pay Distribution for the Officer Payroll was presented to the Town Board for approval. Additional claims approved at the March Meeting were also presented. Checks were written for MAT Spring Short Course training for Supervisor Dan Rogers and Supervisor Nancy Sauber. An updated Treasurer's Report was presented showing the additional claims and Net Payroll.

A motion by Supervisor Nancy Sauber: To ratify the amended Treasurer Report for March 8, 2010, which shows the additional Claims and Payroll distributed. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

B. Dakota County FNAP Building Rights Verification

The Clerk received a request from Dakota County for Verification of Parcel Building Rights for the Farmland and Natural Areas Program. The two property owners involved are Harmer and Wayne and Candace Hallcock. Harmers have 6 pieces of property and Hallcocks have 3 pieces of property. The Clerk presented the Town Board with a map outlining building eligibilities for each of the properties in question. *See attached site maps of the Hallcock and Harmer property.* A copy of the documents will be sent to the County for their records.

Clerk/ Treasurer Presentation

A motion by Supervisor Nancy Sauber: To adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting was adjourned at 12:13 a.m. The motion carried by unanimous vote.