

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
June 11, 2007

Call to Order

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

The meeting opened with the Pledge of Allegiance

Approval of Agenda

The following additions were made to the agenda:

New Business: B. MAT Short Course

A motion by Supervisor Jeff Otto: To approve the agenda. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Audience Comment Period

Dave Tonsager and several other neighbors on Granite Path commented that no dust control had been placed on Granite Path. Dust control has been placed on several roads in the Township, but not on Granite Path. There is heavy traffic from Mount Olivet Retreat Center on this road.

The Township applied some dust control to heavy traveled roads at ½ the rate, early this year. It has been dry this year, so the roads are extremely dusty. Dust control is normally applied in late June. Dust control will be applied this week to the remaining roads in the Township, except for those that will still be graveled this year.

Minutes

A motion by Supervisor Cory Behrendt: to approve the Board of Canvas Minutes of March 15, 2007 as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

The following changes were made to the May 14, 2007 Town Board Minutes:

Page 2- Road **Contractor Time**- remove the word “suggested” add: “Supervisor Jeff Otto acknowledged and concurred with the suggestion by Chris Nielsen, based on favorable experience by Dakota County”

Page 4- **Lot Split/ Building Permit Approval Discussion- Second** paragraph should read: When a property owner requests a lot split at the County it takes about two weeks to process the request and a property ID. A building permit should not be issued without a tax identifier assigned by Dakota County. Upon request of the property owner, with an approval by the Township for a split, payment of taxes and proof of ownership are required, with a written letter of request. The Town Board and the Planning Commission to write a policy. This item will be discussed at the joint meeting of the Town Board and Planning commission.

Page 6- **Dick Wagaman- Cup Review** “review” not “renewal”.
“Dicks Gunsmithing (DGI)” not “C & R”

Page 7-**Building Inspector- Bob Hegner-** Second paragraph: remove “lot split documentation” add: “Property ID’s from Dakota County”

A motion by Supervisor Jeff Otto: To approve the minutes as corrected. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The following correction was made to the May 29, 2007 Special Town Board Meeting:

Call to Order- add under members present: “Supervisor Dan Rogers”

A motion by Supervisor Gloria Belzer: To approve the Special Town Board Meeting minutes of May 29, 2007. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Treasurer Report

The Clerk/ Treasurer reported a checking account balance of \$1,302.72. Savings account balance \$87,871.11. CD Balances totaling \$150,240.36. Total account balances of \$239,414.19.

The 1 year CD matures June 27, 2007.

A motion by Supervisor Cory Behrendt: To approve the Treasurer’s Report Dated June 11, 2007 with a note that the clerk will renew the expiring CD with Castle Rock Bank but to check with local banks for competitive rates. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Bills and Receipts

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

Besure Inspections	Inspection Services thru 5/31/07	\$8,942.44
Otte Excavating	Road Maintenance- May 2007	\$9,609.00
Dakota Electric	Electric Town Hall	\$64.26
Frontier Communications	Phone Service	\$113.95
Culligan	Water softener rent	\$23.38
Dick’s Sanitation	June	\$35.46
Severson, Sheldon	Legal Services thru 5/30/07	\$684.76
ECM Publishers	Legal Ads	\$185.25
MFRA	Services thru 5/30/07	\$3,755.05
Dakota County Treasurer	Truth in Taxation	\$231.36
Dust Coating Inc	Dust coating	\$8,658.30
Nielsen Farms	Mowing Town hall thru May 2007	\$450.00
S.R. Stevens	Cleanup Town hall site	\$500.00
Nanett Champlain	Expenses 5-1-07 thru 5-31-07	\$209.02
PERA	Pay period 5/1/07 – 5/31/07	\$263.37
IRS	Deposit 941 April 2007	\$883.55
Cory Behrendt	Town Board Payroll 2 nd Qtr 2007	\$277.05
Dan Rogers	Town Board Payroll 2 nd Qtr 2007	\$277.05

Jeff Otto	Town Board Payroll 2 nd Qtr 2007	\$369.40
Brian Budenski	Town Board Payroll 2 nd Qtr 2007	\$277.05
Mike Greco	Planning Commission Payroll 2 nd Qtr 2007	\$323.23
Rich Stevens	Planning Commission Payroll 2 nd Qtr 2007	\$73.88
Sharon Buckley	Planning Commission Payroll 2 nd Qtr 2007	\$221.64
Ken Olstad	Planning Commission Payroll 2 nd Qtr 2007	\$147.76
Kenny Miller	Planning Commission Payroll 2 nd Qtr 2007	\$110.82
Nanett Champlain	Payroll period 5/1/07 to 5/31/07	\$1,609.50
Total Bills presented		\$38,296.53

\$500 was transferred from the Escrow Account/ Robert Ripley to the General Fund in partial payment of Building permit 07-05-018. The Town Board approved the refund to Mr. Ripley at the May 14, 2007 Town Board Meeting.

The following receipts were deposited in May:

- **Local Permits**

Brian Olson- <i>Permit 07-04-014</i>	\$211.06	Robert Ripley- <i>Permit 07-05-018</i>	\$5,390.00
SP Carpentry- <i>Wat Lao Permit- 07-05-017</i>	\$933.53	Robert Ripley- <i>From Escrow Fund</i>	\$500.00
Eagle Exteriors- <i>Application fee</i>	\$25.00	Andrea Borowicz- <i>pool permit</i>	\$138.75
Robert Emmick- <i>Application Fee</i>	\$25.00		

- **Other Permits**

Terri Petter- <i>CUP Review & Kennel lic.</i>	\$150.00	MCI- <i>CUP renewal 3 years</i>	\$45.00
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Other Receipts

Mount Olivet Retreat- <i>In Lieu of taxes</i>	\$1,400.00	Ray Swedeen- <i>Art History Fund</i>	\$100.00
C.S. Cooper Law Firm- <i>Newsletter Ad</i>	\$125.00	Gloria Belzer- <i>Art History Fund</i>	\$50.00
Laverne Pumping- <i>Newsletter Ad</i>	\$125.00	Glen Shirley- <i>Art History Fund</i>	\$25.00
		Mike Greco- <i>Art History Fund</i>	\$100.00

TOTAL RECEIPTS DEPOSITED IN MAY 2007 **\$9,343.34**

A motion by Supervisor Gloria Belzer: To approve bills and receipts from 5-01-2007 to 5-31-2007. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Budget

The clerk did prepare the budget. The budget will be reviewed at the July Town Board Meeting.

Road Contractor Time

Graveling of Township roads have started. Denmark Ave is completed. The Town Board received a letter from Russell Zellmer, Chair of Castle Rock Board thanking Eureka road maintenance supervisors for the prompt handling of the safety issue at the Denmark Ave. Road Graveling site. No signage was posted at the onset of the job. The Town Board stated that signage posting is important, it is a liability issue.

The Town Board discussed Essex Ave. There are several stretches of sandy areas. Options were discussed: Adding dust control or a thin layer of limestone, it needs a binder. The spot graveling budget could be used. Next year this road will need to be graveled.

Road Supervisor Brian Budenski will be the Township contact for dust control application.

Road Supervisor Jeff Otto received a call from Beth Eiler, 10185 250th St W. When the road contractor was pulling up the shoulder, he created a false ditch line and water run off from the road was eroding their driveway. Road Contractor Chris Nielsen will correct this issue. The ditch is ¾ full also, it will take about an hours worth of work to clean out the ditch. Material recovered will be used to fix the erosion problem.

Concrete has been dumped in the Chub Lake ravine. In the past the Town Board has approved placement of concrete in this ditch, no approval was made for additional concrete placement into the ditch. The Chub Lake project needs move forward this summer to obtain NCRWMO funding.

The Road Project on 225th St. W. was discussed. Current Road Contractor, Otte Excavating will move forward with this project.

Planning Commission

Castle Rock School Expansion 7:37 pm

Caroline Jones, Director for Prairie Creek Community School presented background information on the school. They currently have about 75 students enrolled in the school.

Lee Dilley is willing to provide additional property to the school site and will be on the Board for the Ownership of the Buildings.

Spenser Jones, Landscape Architect presented two preliminary plans for expansion. Important issues include traffic patterns for buses, teachers, parents, etc. Denmark Ave is an icy and difficult road. They asked if paving of Denmark would be a possibility.

Eureka Township and Castle Rock share Denmark Ave. Castle Rock Township would need to be contacted. The Town board suggested looking into other options for funding of blacktopping.

Prairie Creek School would like to start construction next spring. The expanded school would host 180 students, including 2 additional classrooms and a multi use room.

The County floodplain map needs to be amended. The proposed addition is not in the floodplain as shown on the map. They have been working on this issue with the county.

Orie and Samantha Sexton

Orie and Samantha Sexton, 24400 Highview Ave. requested to build a new home on their property. (Property ID#13-01600-018-26) The requested home is a 1972 sq.ft. rambler with an unfinished basement and attached garage.

Last month Sexton's presented a lot of record verification request. The purpose was to seek approval and acknowledgement that the lot they wished to build on is a buildable lot. The approval motion that was made was based on this document and its content. The wording of the motion was made as if Town Board was dealing with a lot split rather than approving a buildable lot, as the documentation properly reflected.

To correct the record the following motion was made by Supervisor Jeff Otto: Let the record now reflect that the Board motion at the May 14, 2007 Board Meeting pertaining to the Sexton Property ID 13-01600-018-26 was intended to acknowledge that the lot was a buildable lot. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve the building permit application by Sextons as presented. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Building permit #07-06-024 was approved for \$5,974.17

Open Road Maintenance Bids- 8:00pm

The clerk received three bids for road maintenance: Shamrock Lawn Service Inc., Rud Construction Inc and Otte Excavating Inc. The bids were opened and read. The clerk then made copies of the opened bids for Town Board review. A representative was present from Shamrock Lawn Service and Otte Excavating. No representative was present from Rud Construction.

The Town Board reviewed the submitted bids

The Town board is not familiar with Shamrock Lawn Service and asked what their experience is. Their response was that they would be new to general road maintenance, he is more familiar with ditch work, tree work, sign work etc. Tree removal is per hour typical rates are between \$7.00 and \$12.00 per yard. A typical tree is 2-3 yards. They would be leasing the road grader.

A motion by Supervisor Cory Behrendt: Because of the measure of the cost, the completeness of the bid and the experience of the grading, to accept the bid of Otte Excavating for the summer contract July 1st 2007 thru June 30, 2008. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The Town Board felt that Otte Excavating winter road maintenance bid to be more complete, more individual items are at a lower rate and experience of grader operation.

A motion by Supervisor Jeff Otto: That the winter bid by Otte Excavating to be accepted for road maintenance. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Bryce Otte, Otte Excavating Inc. signed the Road Maintenance Contracts for 2007 to 2008. Certificate of Liability is on file from previous contract.

CUP Review- MCI

The clerk received a request from MCI for review of their CUP on a regenerating station located at 250th St and Cedar Ave. File #G-6083, dated July 14, 1986. The CUP Property ID # reflects property in Section 4 on 225th St, not on 250th and Cedar Ave.

A motion by Supervisor Cory Behrendt: To table discussion on the MCI CUP review until the clerk verifies the location of the property. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Dwight and Donna Pederson

Dwight and Donna Pederson- 24875 Dodd Blvd could not be present at tonight's meeting Planning Commission Chair Mike Greco presented the question to the Town Board. The Pederson's requested a variance request to make a lot that they own a buildable lot. The lot width is less than the required 250' width required by Ordinance 3, Chapter 3, Section 1, C. "The lot is 250 feet wide at the location where the home will be placed."

The Pederson's have an existing lot of record created in 1972. The lot met the 1978 requirement of 165' road frontage. Density requirements in 1978 and current ordinances are 4 homes per qtr/ qtr. Up

until 1977 there were three houses in that qtr/ qtr section. In 1997 another house was built in the qtr/ qtr section. In 2001 an additional home was added to the qtr/ qtr section bringing the density to 5 homes, exceeding the maximum density by one unit. The requested home site by the Pedersons would bring the density to 6 homes in that qtr/ qtr section.

The Pederson's submitted an application of a variance to the Planning Commission. To make this property buildable the variance request would not only need to waive the lot width at the dwelling but would also need to waive the density requirement of the ordinance to 6 dwelling per qtr/ qtr. This would be a "use" variance, which is not permitted. The Planning Commission is recommending: Rather than moving forward with the variance and public hearing to contact the Township attorney to verify if this is eligible or not for a variance request.

The Planning Commission is unsure how nonconforming lots (substandard) are dealt with. This lot met the 1978 ordinances. Is this a grandfathered lot that has a building right because it was created before the zoning ordinance or do they lose the building right because the ordinance has gotten more restrictive on lot width and density that cannot be met by the lot?

Supervisor Cory Behrendt will contact the Township attorney to determine if a lot of record that is created in 1972, before the qtr/qtr density rule, is a grandfathered lot and deemed buildable. Would the density also be grandfathered? If it is not a grandfathered lot is a variance an option.

Planning Commission Update- Chair Mike Greco

1. Ordinance Update- Planning Commission Chair Mike Greco will meet with Jim Sheldon to go over ordinance up dates.

High priority ordinance updates: Ordinance 3, Chapter 3. The Planning Commission will inform the Town Board on which Ordinance updates they will be working on, if any Board members are interested in specific issues they should let the Planning Commission know.

2. Round Table Follow-up- Mike Greco

- a. **Permit status reporting procedure:** A handout was presented outlining the permit status reporting procedure. Building Inspector Bob Hegner will meet with the Planning Commission to review the procedure.
- b. **New Lot Split Procedure:** A handouts were presented outlining the Lot Split procedure and a lot split approval form. Gloria Murphy, Dakota County Treasurer Auditors office reviewed the procedure and thought it looked fine.
- c. **What requires a permit:** A handout was presented to the Town Board. The items are from the State Building Codes. This will be used for reference.
- d. **Review for Complete Applications:** The zoning administrator will be responsible to make sure the application is "complete" not that it is "correct" The Zoning Administrator will be responsible for checking the shore land map and informing the applicant if they need to contact the county. A check list for each type of application was created to be used by the Zoning Administrator to evaluate each permit to see if the requirements have been met.
- e. **"Half the permit fee" clarification:** The Town Board could not answer this question at this time.
- f. **Vermillion River Watershed plan participation recommendation:** The Planning Commission recommendation is that permitting authority should remain with the Township. The Township should participate in the joint development of plans with other townships. The Vermillion

standards should be used throughout the Township. If possible Share engineer with other townships

3. **Safety on Dodd Blvd.** - Mike Greco discussed Dodd Blvd with Tom Anton, Design Engineer for Dakota County. If the township wants to pursue any safety issues on Dodd Blvd, they need to draft a letter to Dakota County, Attention: Mark Krepesvech. The letter should address Township concerns and solutions proposed. Dakota County would consider it as part of their next Capital Improvement Plan in 2008.
4. **Airlake Airport and Franco Fiorillo-** Planning Commission recommends setting up a meeting with MAC to move forward on Airlake Airport expansion issues. (hangers on the south side)
5. **Lot of Record and Clustering-** The following situation will be coming before the planning Commission at the next Town Board meeting: A property owner has a lot of record that was created prior to 1982. It is land locked, with no road frontage they wish to cluster this lot of to another piece of property they own. The property owner owns more than 80 contiguous acres, but this property lies in three different qtr/ qtr. The Town Board briefly discussed the issue and was unsure if this is possible under Township ordinances.
6. **Rain garden proposal-** Mike Greco and Supervisor Gloria Belzer met with Jim Davison, Dakota County. Jim felt that it was certainly not an inappropriate sight for a rain garden but he wasn't sure that it would necessarily bring the kind of water quality benefits that the County would pay the entire cost. There is a cost sharing program that the County would pay 50% up to \$4,000. Applications are due by July 15th. They will accept materials or labor as part of the Townships cost share. Mike will put together a proposal for the July Town Board Meeting.
7. **Mailbox proposal-** Mail boxes for Town Board and Planning Commission would run about \$580 plus installation. A less expensive alternative would be to buy a keyed lock for the file drawer. The exterior mailbox cost is \$250 plus installation. The exterior mailbox will be purchased and a lock for the file drawer. Mike will check into installation.
8. **Ordinance violation- Krapu trees-** Ken Olstad measured the location of the trees located near the Krapu's boulder/ sign. The distances range from 42 to 50 feet from the center of the road. The county right of way at this properties location is 33 feet from the centerline. The sign is out of the road right of way. Township Ordinance 3, Chapter 4, Section 1.E. No trees, shrubs or hedges shall be planted closer than 20 feet back from the street or road right of way. The trees need to be moved to 53 feet from the centerline.

Building Inspector- Bob Hegner

The building inspector had no information to present the Town Board.

Citizen Business

A. Friedges property- citizen complaint- water run off

The citizen that made the original complaint asked for an update on previous items before the Town Board. Letters have not been sent out to the landowners along 225th St informing that the Town Board is considering changing 225th St. W between Highview and Dodd Blvd to a 5 ton road. The clerk was directed to send out this letter.

The land use: One business is permitted at the location, but there are two businesses operating on the property. The business was to operate entirely inside. The property has not been cleaned up and equipment moved inside. The businesses produce potting soil, shredded wood and dyed mulch. They have changed the landscape in the back to 6-8 feet higher than the original landscape. It is an impervious surface which allows water runoff. They have placed rip rap drainage to within a foot of

the property line. The bean field on the adjoining property is being affected by the runoff, at least a ¼ acre of beans are not growing properly. They presented pictures of the beans and the gullies that have washed out in the area, the loss of top soil. There are runoff issues on both the west and the south side. There are concerns with the quality of water.

Business operations this year started in February. Hours of operation often are from 6:40 am to 6:40 to 7:00 pm. The trucks do not go inside of the building. There are often trucks sitting in the middle of the road.

The citizen expressed frustrations with the Town Board that no action has been taken in the past 60 days by the Town Board. This is no longer an irritation- ascetics and value of property. It is affecting their livelihood (income).

Supervisor Dan Rogers and Supervisor Brian Budenski will be visiting the property on Friday June 15, 2007. As part of the visit the number and type of businesses operating on the property will be investigated. Brian Watson, Dakota County Soil and Water will be contacted if the situation warrants. The information collected from the visit will be sent to the Township attorney.

B. Storlie Pit- dewatering

The Town Board is waiting and expecting a new proposal from an engineering firm this week for ordinance changes. John Storlie has talked to Pat Lynch, DNR he is going to mail an agenda of what steps need to be taken. Mr. Storlie has also been in contact with Brian Watson, Dakota County Soil and Water and discussed this issue. Once the engineering proposal has been received a copy will be forwarded to Mr. Storlie for review.

C. Windmill Gravel Mine Permit

The Town Board received a letter from Sundae Engineering that everything is on track for permit approval. The process is moving forward- currently the request will be posted and published. A public hearing will be scheduled by the Planning Commission in about 30 days.

D. Landscaping Town Hall- John Strunk

John Strunk discussed landscaping plans for the Town hall. Supervisor Dan Rogers and Supervisor Gloria Belzer will be Board liaison on the landscaping project.

Old Business

A. Attorney Engagement policy and Township attorney

The Town Board discussed the attorney engagement policy. Supervisor Cory Behrendt will modify the agreement to add a deputy attorney contact. The newly drafted policy will be considered at the July Town Board Meeting.

B. Township Attorney

The three Attorneys on the short list of possible attorney candidates from last year will be contacted. Research for a few additional possible attorneys will be added to this list. Supervisor Jeff Otto will coordinate efforts, working with Supervisor Cory Behrendt and a Planning Commission member to compile a list and setup preliminary interviews with candidates. The Township needs an attorney familiar with Ordinance enforcement.

C. Policy for handling citizen complaints on agenda

Supervisor Cory Behrendt is in the process of drafting the policy. It should be completed for the July Town Board Meeting.

D. Vermillion River Watershed Local Plan

The Township received an email dated June 11, 2007 from VRWJPO. Supervisor Gloria Belzer talked to Dean Johnson, Barr Engineering. If the Township cost shares with other Township the cost would be between \$3,000- \$5,000 dollars, depending on the number of townships. If the Township develops a plan, on their own, through Barr Engineering the cost would be around \$20,000. The Township will receive up to \$2,000 from VRWJPO to assist with costs after the local water management plan has been adopted.

A motion by Supervisor Jeff Otto: To proceed with a process to create our own ordinance that jointly addresses both the Vermillion Watershed and the North Cannon Watershed requirements, so that we may have a common ordinance; that Eureka works with other townships to the degree that others are willing to participate, to do this effort jointly to save costs; and further that we work with other Township to coordinate in the selection and retention of a common engineering firm to benefit all participating townships. Supervisor Jeff Otto accepted a friendly amendment that it needs to incorporate reference to the fact that we are developing a plan which will reflect the appropriate requirements of the Vermillion River Watershed Joint Powers Organization plan that is mandated by State Law, that the Township needs to follow. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Supervisor Jeff Otto will contact Marybeth Block, VRWJPO and notify her of the Town Boards decision. Supervisor Gloria Belzer will contact Dean Johnson, Barr Engineering.

New Business

A. Weed Complaint- Conroy Denmark Ave.

The Township received a letter from a citizen asking the Township to send a letter to Conroy's to spray and destroy the thistles on their property.

Supervisor Brian Budenski is the weed inspector, he will inspect the property, and if applicable a letter will be sent to Conroy's for eradication of the thistles.

B. MAT Summer Short Course

A handout was distributed to Board members on dates of the MAT Summer Short Course training.

C. Road Ditch Mowing Quotes

The Road Supervisors will acquire quotes for ditch mowing, the 7' swath for the July Town Board Meeting.

Clerk/ Treasurer Presentation

Township recycling day- Dakota County- The clerk received a letter from Dakota County asking if the Township might be interested in hosting a Township recycling day in 2008. The next newsletter will be asking for a volunteer to head a recycling day in the Township. This information will be forwarded to that individual.

Planning Commission Report Follow-up

The Clerk was directed to send Krapu's a letter asking them to move the trees back per Township ordinance.

A motion by Supervisor Cory Behrendt: To adjourn. Motion seconded by Supervisor Jeff Otto.

Meeting adjourned at 11:25 pm