

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting
June 12, 2006

Call to Order

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:045 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Cheryl Monson 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: Item 3. Attorney Conflict

A motion by Supervisor Cheryl Monson: To approve the agenda as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Audience Comment Period

None

Approval of Minutes

The following correction was made to the May 8, 2006 Town Board Meeting Minutes: correct spelling of MinnCan Pipeline. A motion by Supervisor Cheryl Monson: To approve the May 8, 2006 Town Board Meeting minutes as amended. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

The following changes were made to the May 8, 2006 Town Board Meeting continued on May 15, 2006 Minutes: Page 2, spelling of "Petter" and Supervisor Gloria Belzer's reasons for voting against motion should read: She believes the 1999 Conditional Use Permit that exists is the 1999-7 kennel permit. She also believes that to change it, there are procedures in the ordinance that were not followed by the applicant or the Town Board. The CUP would need to be amended through this process, which includes a public hearing and the notification of the change to the neighbors. Information stated in the minutes and the CUP's issued are conflicting, the CUP'S expire in 2004, which makes it ineffective after the stated date. (Sunset clause)

A motion by Supervisor Cheryl Monson: To approve the Special Town Board Meeting of May 23, 2006 as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A motion by Supervisor Gloria Belzer: To approve the Special Town Board Meeting of June 1, 2006 as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$70.07 in checking, \$148,531.30 in the savings account and \$144,053.32 in CD investments. Overall total is \$292,654.69.

Motion by Supervisor Gloria Belzer: To approve the treasurer report as presented. Motion seconded by Supervisor Cory Behrendt. The motion carried by unanimous vote.

Bills and Receipts

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

Government Training Services	Nancy Sauber Training	\$175.00
Dakota Electric	Electric Town Hall	\$71.14
Malecha Trucking	Gravel hauling 225th St W	\$4,211.84
Edward Kraemer And Sons	Limestone 225th St W	\$7,736.68
Farm Road Services	May 2006 road maintenance	\$12,968.00
ECM Publishers, Inc.	Legal ads	\$80.50
Murnane, Brandt	Legal services thru April 30, 2006	\$413.31
Culligan	Water softener rental	\$23.38
Frontier Communications	Telephone Bill	\$114.86
Pro Sweep	Sweep Hard Surface Roads	\$925.00
Mike Greco	Training May 4, 2006	\$125.00
Nancy Sauber	Training	\$50.00
Nanett Champlain	Expenses thru June 2, 2006	\$426.57
Erik Leine	Mowing May 2006	\$500.00
BeSure Inspection Services	Inspection Services thru 5/31/06	\$1,226.41
Pat Fossum	Additional hours Election & Mileage	\$33.35
Gloria Belzer	2nd Qtr 2006 Town Board Officers Pay	\$507.92
Cheryl Monson	2nd Qtr 2006 Town Board Officers Pay	\$415.57
Dan Rogers	2nd Qtr 2006 Town Board Officers Pay	\$415.57
Gary Smith	2nd Qtr 2006 Town Board Officers Pay	\$646.45
Cory Behrendt	2nd Qtr 2006 Town Board Officers Pay	\$554.10
Mike Greco	2nd Qtr 2006 Planning Commission Pay	\$369.40
Stanly Stevens	2nd Qtr 2006 Planning Commission Pay	\$295.52
Kevin Flaherty	2nd Qtr 2006 Planning Commission Pay	\$258.58
Sharon Buckley	2nd Qtr 2006 Planning Commission Pay	\$221.64
Nanett Champlain	Payroll 5/1/06 to 5/31/06	\$1,722.00
Mary Michels	Payroll 5/1/06 to 5/31/06	\$210.68
Pat Fossum	Town Hall Cleaning 5/1/06 to 5/31/06	\$60.03
PERA	Payroll 5/1/06 to 5/31/06	\$271.38
		\$35,029.88

The following receipts were deposited in May:

- **Building Permits**

Richard Patten-Zoning Permit Application	\$25.00	Mitch Malone-Building Permit 06-05-009	\$1,044.35
Harold Laursen-Zoning Permit Application	\$25.00	Richard Patten- Building permit 06-05-010	\$727.55

- **CUPs**

Terri Petter- CUP review Spirit Ranch I	\$15.00	Terri Petter- CUP review Spirit Ranch II	\$15.00
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- **Other Receipts**

Terri Petter- Dog Kennel License	\$100.00	Mount Olivet Retreat-In Lieu of taxes	\$1,350.00
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TOTAL RECEIPTS DEPOSITED IN MAY **\$3,301.90**

Supervisor Gary Smith had concerns with the Road Maintenance Bill. The bill will be paid as presented. Supervisor Gary Smith will review the bill and present discrepancies at the July Town Board Meeting.

It was noted that Murnane, Brandt credit the Township for \$198.00 for items billed on 1/23/06, 2/17/06 and 2/20/06.

It was noted that check number 4791 was missing from the Disbursement Registry. Check 4791 is a voided check.

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

Renewal of 1 year CD

The clerk checked with 5 banks as instructed at the reorganizational meeting. Castle Rock Bank is offering the best rates on 5 year CD's. The clerk informed the Town Board that a banker from Anchor Bank discussed with her the practicality of terminating the current CD's and reinvesting them into new CD's, because the interest rate has climbed, since investing in the current CD's. The township would start seeing a profit in 3 mos. The clerk was instructed to talk to Castle Rock about the current CD investments.

A motion by Supervisor Cory Behrendt: To renew the 1 year CD at the current rate for 5 years. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Ditch Mowing- Supervisor Gary Smith will contact Dale Kuchinka and ask him to start mowing the ditches.

Planning Commission, land use permits and related items

Cross Nurseries- 22953 Highview Ave Lakeville asked for a permit for a 4' x 8' x 7' high, free standing sign, with no illumination, aluminum construction, wording Cross Nurseries. The Town Board approved the sign as an accessory use, because of the nature of the structure, it was determined to be a temporary structure; approved placement of the sign is 15 feet from the road right of way.

A motion by Supervisor Cheryl Monson: To approve the Cross Nursery sign. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Supervisor Gloria Belzer asked for clarification, that from now on a sign is only going to be an accessory use and not a structure.

Chair Cory Behrendt stated that an accessory use, but we need to look at the use to see if it is a structural type sign or a use that is more of an accessory. There is a difference; there are certain signs that are more of a structure, something that is not removable. Sign that has electric, specific footings would be considered a permanent structure rather than an accessory use.

Harold Laursen- 24644 Essex Ave., Farmington (Property ID# 13-01300-010-50)
Requested a permit for a 26'x26' garage and a 4'x6' breezeway. A letter was received from Dakota County that the location of the garage is not in Shoreland.

A motion by Supervisor Cheryl Monson: To approve the permit as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Jerry & Betsy Zimmer- 21931 Flagstaff Ave. S., Farmington (Property ID 13-00200-010-75 and 13-00200-012-78) asked to cluster building rights on his property: Agreeing that no dwelling unit may be built on the SE1/4 of the SE1/4 of Section 2 in Eureka. Whereas the property owner desires to building more than one dwelling unit on the NE1/4 of the SE1/4 of Section 2 in Eureka. Mr. Zimmer provided a survey with the location of the two building lots to be located on the NE1/4 of the SE1/4 of Section 2.

Tom Berry, Dakota County Office of Planning provided a letter stating that both building sites as identified on the survey appear to be buildable, county permits are required.

Mr. Zimmer is not asking for the property split or building permit at this time. He needs to obtain a permit from the DNR to cross the Vermillion River. The DNR is asking documentation from the township of the building sites before issuing the permit.

The survey, dated 5-25-06, that Mr. Zimmer presented shows separate parcels for the driveways and the building sites. The town board asked that the parcels be combined together to form a buildable lot. As presented the lots are not buildable, per township ordinances, as shown Parcels B and C do not have road frontage. (Parcels C & D need to be combined to make one parcel and Parcels B & E need to be combined to make the second parcel) This needs to be done, before Mr. Zimmer requests the property splits.

A motion by Supervisor Cheryl Monson: To approve the cluster as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The Town Board deemed the parcel identified as Parcel B & Parcel C, on the survey provided, (dated 5-25-06) as buildable parcels, once B & E are combined into a single parcel and C & D are combined into one parcel, pending DNR permits to cross the Vermillion River and the required county permits.

Road Maintenance Contract 8:00 pm

Tim Rud was present representing Rud Construction. The Town Board reviewed the road maintenance contract with Mr. Rud. He asked for a copy of the contract, to review before signing. If the 2006 to 2008 Road Maintenance Contract is not signed by July 1, Chris Nielsen, Farm Road Services agreed to continue service until 2006 to 2008 Road Maintenance Contract is signed by Rud Construction. Concerns with response time and billing issues were discussed. Mr. Rud stated that if the Township has any reservations or is uncomfortable he is willing to accept a rebid. His response time will not be as quickly as a contractor that lives within the Township. Rud Construction has been in business for 40 years; currently they have 3 or 4 townships that they service. They have the equipment and man power to handle the Township. They have serviced New Market for 36 years.

Dwight and Donna Pederson- 24875 Dodd Blvd, Lakeville (Property ID 13-01800-015-52 & 13-01800-010-53) The Town Board received their Attorney's opinion on the request by the Pederson's split request of a buildable lot on record. *See letter dated 6/9/2006.*

A motion by Supervisor Gloria Belzer: To deny the lot split as presented. Motion seconded by Supervisor Gary Smith. Reason for denial being the Town Board received an opinion from their attorney that the lot split will change the lot of record and it would no longer be a buildable lot. Motion carried with 3 in favor and 1 opposed.

Text Amendment request for the Transfer of Building Rights

The Planning Commission held a public hearing on June 8th, 2006 on the request for a text amendment change to the zoning ordinance to transfer building rights. The Town Board Chair was presented with a letter of withdrawal of the request by Don and Alice Storlie, contact persons, the request of withdrawal was signed by all other interested parties. Chair Cory Behrendt read the letter to those present. *See attached letter dated June 12, 2006.*

A motion by Supervisor Gary Smith: To accept the withdrawal of the application. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

Chair Cory Behrendt asked that the Town Board waive the attorney fees for this request. This is a new process, the text amendment request is something that the Township is willing to look at adopting in the future and that some of the persons signing the application did not know that they were submitting an application with the obligation. Other discussion included that the ordinance process includes an escrow fund; we need to follow policies and procedures. The escrow account had not been established prior to incurring the attorney costs. The applicants had short notice that the attorney was going to be present at the public hearing and they are responsible for the attorney fees.

A motion by Supervisor Cory Behrendt: To waive the attorney fees for this application. Motion seconded by Supervisor Cheryl Monson. A vote was taken on the motion, there were 2 votes in favor and 2 votes opposing. The motion failed, due to a lack of a majority.

Planning Commission Update, Planning Commission Chair

1. **RFP-** The Town Board received the Planning Commission's recommendation for hiring of a Consulting Firm. *See attached.* The Town Board reviewed the recommendation.

A motion by Supervisor Cory Behrendt: To approve the Planning Commission to move forward with MFRA, to complete a contract agreement for the Strategic Vision as outlined in the RFP. To bring the contract agreement to the Board for approval. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

The Planning Commission has not eliminated the possibility of working with the second choice firm, which does offer more services. For this instance, planning purposes- that MFRA is more suitable for the townships situation.

2. The Planning Commission feels it is important that the Town Board set a policy for Escrow accounts. When the application is submitted, the Escrow amount is stated. This will be addressed later in the agenda.
3. The Planning Commission is keep track of clarification and or minor changes that are needed in ordinances.

4. List of permits issued- outstanding- need information from Building Inspector.
5. Policy needs set, if expiring a letter needs to be sent.
6. Proposed “Conditional Use Permit” This document would be filed with the county.
7. Check list forms have been developed for each permit for completeness of applications.

Contractor Time

Road Sign Update

Supervisor Dan Rogers directed the Road Maintenance Contractor to replace yield signs in Eureka Estates and remove brush and place sign in Rice Lake Heights. The signs are in, but have not been installed. The road contractor presented the cost of signs, there was some discussion on the type of signs to purchase, Road Supervisor Gary Smith and the Road Maintenance Contractor will work together on selecting and purchasing the signs.

A motion by Supervisor Gloria Belzer: That the road maintenance contractor move forward with replacing the stop and yield signs, corner delineations and stop and yield approach signs. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Reflecto meter

The county does not have a reflecto meter. The road supervisors will direct the Planning Commission to inspect the signs.

Heavy Hauling Signs

The county will be checking and determine if signs need to be installed along Dodd Blvd. near the gravel pit on 225th. St.

Road Graveling

Projects complete: 265th Street from Fairgreen to Denmark. 225th from Dodd to Highview, Jacquard Ave. **Projects Started:** 245th St. - dust control areas.

Hard Road Surface Quotes

The Town Board received a quote from McNamara for hard road surfacing. Eureka Estates, Rice Lake Heights and Town Hall Parking Lot. No action was taken on this matter.

Old Business

MinnCan Project Update

No update available, this item will be left on the agenda.

Friedges Landscaping Non Conforming Lot Split- revisited

Chair Cory Behrendt submitted a document summarizing how non conforming lot splits could be handled. *See attached.* Town Board members will review this document and discussion will continue at the July Town Board Meeting.

Butch Hansen commented that a letter had not been sent to Friedges about lot splits and nonconforming use, and that the Town Board has discussed Friedges lot split for three months and have not informed Friedges of the discussion. The clerk checked the records and a letter was sent on 4/27/2006. The Town Board is focusing on Non Conforming Use Lot Split- not Friedges Landscaping in particular. Next month the item will be titled “Non Conforming Lot Split”

Application for verification of Non Conforming Use

An application had been drafted and reviewed by the Planning Commission. The Planning Commission recommended some changes to the document, the changes were outlined in May 1, 2006 Planning Commission minutes. The Town Board asked that the revised form be drafted and presented to the Town Board next month.

Garbage Pickup Service at Town Hall

Lakeville Sanitation Service had the best price. 96 Gallon trash container for \$15.00- every two weeks and Recycling container \$15.00 every two weeks.

A motion by Supervisor Gloria Belzer: To obtain garbage service from Lakeville Sanitation for a 96 gallon trash container pick up every other week for \$15.00 and 96 gallon recycling container pick up every other week for \$15.00. Motion seconded by Supervisor Cheryl Monson.

Friendly amendment by Supervisor Cory Behrendt: If shredded paper is not recyclable then a recycling bin service will not be purchased. If monthly garbage service is available, pursue that avenue also. The friendly amendment was accepted by Supervisor Gloria Belzer. Vote was taken on the amendment and it passed. Vote was taken on the motion and it passed.

Text Amendment Request- Ken Malecha & Clyde Thompson

The Eureka Planning Commission held a Public Hearing on May 16, 2006 on the request to amend the township Zoning Ordinance 3, Chapter 2, Section 1.B. To add as a conditional use:

”Recreational areas as defined in Ordinance 1, Chapter 4.” At the June 5, 2006 Planning Commission the Planning Commission voted unanimously to recommend denying the request for a text amendment to the zoning ordinance allowing recreational areas. (*See attached*).

The town board reviewed the Planning Commission recommendation and findings. The Town Board discussed the proposed amendment change. Supervisor Gloria Belzer read from a statement she had prepared after reviewing the planning commission’s recommendation: *See attached*

A motion by Supervisor Gloria Belzer: To follow the recommendation of the Planning Commission, to deny the request for an amendment to Zoning Ordinance 3, Chapter 2, Section 1.B. allowing recreational areas as definition in Ordinance 1 as a conditional use in the Township.

Motion seconded by Supervisor Gary Smith. Motion carried with 3 in favor and one opposing vote. Supervisor Cheryl Monson opposed the vote; recreational uses are defined in our ordinances and are something that needs to be considered.

A motion by Supervisor Cory Behrendt: That the findings include Planning Commission list and Supervisor Gloria Belzer’s statement. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

A letter of the decision and finding will be sent to the applicants, Ken Malecha and Clyde Thompson.

North Cannon River WMO Resolution Adoption

At the May 23, Special Town Board Meeting the Town Board made final approval of the ordinance changes.

A motion by Supervisor Gary Smith: To adopt Resolution No. 46 a Resolution adopting Ordinance No. 9. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To adopt Resolution 47 Resolution Amending and Restating Ordinance No. 7: Fees in relationship to the North Cannon River WMO Ordinance. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Eureka Estates Complaint- Update

Supervisor Gloria Belzer created a journal of properties associated with complaints including dates of complaint, letters sent and received, compliance, etc. Supervisor Gloria Belzer will present a list of properties that are not in compliance at the July Town Board meeting.

Past CUP Recordings

Supervisor Gloria Belzer reported that a list of CUP holders will be presented at the July Town Board meeting. The attorney will then need to be contacted on what is needed to record the existing CUPs.

Audio Recordings

Supervisor Gloria Belzer reported on the cost of audio recording equipment for the Town hall. She made contact with persons that are willing to come out to the town hall, when we are closer to purchasing a system to advise on the type of system needed. Cost is between \$3,000 and \$6,000.

Escrow Funds

Escrow fund amounts need to be stated on the application. The Town Board requested that the Planning Commission recommend an established Escrow amount and also a policy of when and who decides if an attorney needs to be present at public hearings and or meetings.

New Business

Amendments for Farmington to sign off on

The Township received 7 amendments to Farmington's zoning and Comprehensive plan. Chair Cory Behrendt read the titles of each amendment. The amendments were available for Board review prior to the Town Board meeting. Chair Cory Behrendt signed off on the amendments acknowledging that Eureka Township does not have any comments to the proposed amendments.

North Dakota County Chamber of Commerce- Meeting June 22, 2006

Town Board supervisors were invited to attend this meeting.

Attorney Conflict

Supervisor Cheryl Monson stated that in 2000 or 2001 the Law Firm that was just hired by Eureka Township was fired by the township. The Attorney was Bob Bauer. She felt that this was a major conflict, because he is part of that group. Supervisor Gloria Belzer stated that he was hired for a specific situation, and does not believe that he was fired, the situation dissolved. The Law Firm did not feel that they had any conflict of interest in representing the Township; they did state that they had represented the Township in this one incident. Supervisor Cheryl Monson was asked to research her statement to confirm the accusation.

Other Business

Attorney Present at Public Hearings

Planning Commission will advise the Town Board on this issue.

No cell phone use in the Town hall

Supervisor Gary Smith asked that signs be placed in the Town hall, asking that cell phones need to be turned off in the Town hall. Chair Cory Behrendt will make an announcement at the beginning of the meeting to silence cell phones and to take calls outside of the meeting room.

Annual Meeting Agenda Items

Town Hall Use

Supervisor Cory Behrendt and Supervisor Cheryl Monson will work on a contract for Town Hall use.

Blacktopping Town Hall Parking Lot

The Township has a quote for \$37,000 to blacktop the parking lot. Blacktopping the parking lot will be considered when working on Eureka Estates and Rice Lake Heights projects.

History on Town Hall/ plaques

Ray Swedeen asked for Town Board approval to work with the Planning Commission on putting together a proposal for plaque honoring past Supervisors, Planning Commission and others that should be honored for their support. He would also like to put together some history of the Township to be displayed in the Town hall. The Town Board consented to this request and asked Mr. Swedeen to proceed.

Landscaping Town Hall

The clerk will contact persons that have showed interest in donating and working with the landscaping of the Town hall and move forward with the landscaping of the town hall. The Town Board would like to see the landscaping plan.

Lighting of flag poles

Butch Hansen felt that the Township should look into solar lighting. He will check on solar lighting and conventional lighting and installation costs.

Newsletter- advertising

Carolyn Papke presented information on placing advertising in the newsletter to help cover costs associated with the newsletter. The proposed space for ads would be 12 ads, with the minimum of 8 ads to make advertising feasible. 8 yearly ads and 4 quarterly ads will be offered. Double space ads would be available. Ads will be made available to Eureka Township business first, then the surrounding community. The cost of advertising will be \$35.00 per space for a quarterly ad and \$125 for a yearly ad.

A motion by Supervisor Cheryl Monson: To move forward with advertising in the newsletter without excluding any businesses. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Carolyn will advertise the availability of ads in the July newsletter as well as solicit ads for the July newsletter.

Art work in town hall

Carolyn Papke presented guidelines for displaying artwork in the Town hall. She reported that the cost of cork strips to display art work is \$29.39 each for 8' lengths. Chart hooks are \$1.69 each. Supervisor Cory Behrendt will put together a tentative policy and waiver for art work display.

Town Hall Sign

Chris Nielsen has mounted the lettering on the sign to be placed on the town hall; he would like to add the established date of the Township to the sign and lighting.

A motion by Supervisor Cory Behrendt: To approve Chris Nielsen to install the signage on the Town hall, costs not to exceed \$200.00. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Clerk/ Treasurer Presentation

Doug Mosley- 7385 255th St will be doing some wetland excavating; it has been approved by Dakota County.

We received a public hearing notice from City of Lakeville that Aircraft Resource Center is expanding. Notice is in the Town Board packets.

The Township received a prepay offer for LP from Central Valley Coop. Last year the Township used 541 gallons of propane. The current price as of April 15th is \$1.49 for prepay.

A motion by Supervisor Cheryl Monson: To prepay 700 gallons of LP from Central Valley Coop. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

A party inquired about acquiring the handicap ramp from the old Town hall. The Town Board will wait to see if Dakota City acquires the building before removing any part of it.

The clerk received a verbal complaint that property owned by Robert Rose of Myer's Florida has not been mowed this year. The AT & T site across from the Town hall is not being maintained either. The clerk will contact AT & T about the mowing. If a written complaint is received on the other property a letter will be sent to the property owner.

Supervisor Gary Smith received a verbal complaint about trees obstructing the view at 240th and Hamburg Ave. This is a safety issue; we need to obtain permission in writing from the owner of the property to remove the trees obstructing the view.

Discussion on how to proceed with complaints will continue at the July Town Board meeting.
(Complaint Consensus)

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Cory Behrendt. Motion carried by unanimous vote.

Meeting adjourned at 11:32 pm.