

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

DECEMBER 14, 2015

CALL TO ORDER

Chair Brian Budenski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Brian Budenski, Kenny Miller, Dan Rogers, Carrie Jennings and Cory Behrendt. Planning Commission Chair Nancy Sauber, Planning Commission Liaison Fritz Frana, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

New Business:

F. GRE Settlement Agreement

Old Business:

Scott Miracle Gro

Motion was made by Chair Budenski, seconded by Supervisor Rogers to approve the agenda as amended. Motion carried 5-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the Treasurer's Report dated December 14, 2015. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the bills and receipt list. A roll call vote was taken. Ayes: Unanimous.

Joey Miller Invoice

Discussion was held regarding a letter received from Cooper Law Firm representing Joey Miller pertaining to invoices being sent to Mr. Miller.

The Treasurer was directed to send Mr. Miller an itemization of the invoice, waiving interest on the outstanding invoice for one month, and to review the escrow account. The issue will be addressed again at the January 2016 Town Board meeting.

Road Maintenance from Construction

Dust control costs were discussed. The Treasurer was directed to bill Mt. Olivet and Dakota County for applicable dust control costs.

Public Comment

Cody Zeman, Granada Avenue, discussed hunters shooting too close to his home adjacent to property owned by the DNR at Chub Lake. He stated there had been confrontations with the duck hunters on his property and his cat was killed and left at his driveway. He stated he felt his property is unsafe for his family. He stated he had contacted the Sherriff's Department but to no avail. It was noted that the DNR controls the property but Board members encouraged Mr. Zeman to continue to contact the Sherriff's Department.

Township Attorney Lemmons stated he would send a letter to the County Attorney's office and request the situation be investigated more closely.

Supervisor Behrendt stated there has been vandalism on his property in the area as well.

County Commissioner Mike Slavik noted he would discuss the issue with the Sherriff and report back to Supervisor Rogers.

Supervisor Jennings stated she would contact the DNR Conservation Officer.

Item moved forward from New Business.

Mike Slavik, Dakota County Commissioner, provided an update on County issues including the County Road 80 project being postponed and the replacement of a stop sign to a yield sign. He noted that the Vermillion River Watershed is discussing possible training for townships. He provided an update on the County budget.

Supervisor Jennings questioned the Dodd Boulevard reconstruction and disposal of excess soil. Commissioner Slavik stated that the County Board had discussions regarding the responsibility of disposal of soil to be that of the contractors. Supervisor Rogers noted that striping on Dodd cannot be seen when the road is wet. Butch Hansen expressed concern over standing water in ditches along Dodd since the reconstruction.

Citizen Business

Butch Hansen, 26120 Highview Avenue, discussed the following items:

- Standing water in the ditches along Dodd is not acceptable as it has been there since July
- When roads should be cleared after a snow. Supervisor Rogers stated that the road should be cleared immediately after the snow stops, following contract guidelines.

- Excess gravel in the ditch on 265th Street
- Board members negotiating land annexation and meeting with City of Lakeville. Supervisor Jennings stated that no one on the Board had been given authority to do so.
- Possible ordinance revision in regard to burning permits when there is adequate snow cover. Supervisor Rogers was asked to discuss the issue with Lakeville and Farmington Fire Marshals and determine if an amendment should be made to the Township contracts with the two cities.

Contractor Time

Bryce Otte of Otte Excavating addressed the snow plowing schedule. It was noted that the old stop sign on 240th and Holyoke should be picked up. No parking signage at Chubb Lake was discussed.

Building Inspector Update

Building Inspector Darrell Gilmer discussed on-going inspections and the Joey Miller site inspection. Discussion was held regarding MPCA permits.

Jim Sauber noted that since the soil has been on the Miller property, his property and the north end of the Miller property is flooded. Drainage and water retention changes due to the soil was discussed. Supervisor Jennings stated she will discuss the issue with Brian Watson of the Soil and Water Conservation District.

Consent Agenda

Mitch Larson, 25497 Highview Avenue, Building Permit for Farm Building. It was noted that the Planning Commission had recommended approval of the building permit.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve a building permit for a an accessory building to be used as a farm building for Mitch Larson, 25497 Highview Avenue. Motion carried unanimously.

Minutes of the November 9, 2015 Town Board Meeting.

Motion was made by Chair Budenski, seconded by Supervisor Miller to approve the minutes of the November 9, 2015 Town Board meeting as presented. Motion carried unanimously.

Planning Commission Update

Planning Commission Liaison Fritz Frana provided a summary of the December 7, 2015 Planning Commission meeting. Discussion was held regarding the possible use of the old Chub Lake feed property as a church.

Land Use Permits and Related Items

Al Ames, 24485 Cedar Avenue, Building Permit Correction. Building Inspector Gilmer discussed the application and valuation worksheet, explaining the discrepancies. Planning Commission Nancy Sauber stated the Planning Commission feels Mr. Ames should submit a new building permit application with

the updated figures and go back before the Planning Commission. Chair Budenski noted that he will ask Mr. Ames to submit a new application to be reviewed by the Planning Commission.

Chair Budenski called for a five minute break at 9:05.

Reconvened at 9:10

Shelly Kidd, Jared and Katie Stuart, Inquiry- Simon Property. Discussion held regarding the potential use of the Roy Simon property to hold 150 animals for immediate reshipment. Attorney Lemmons stated he did not consider the proposed use of the property as a feed lot but rather a stock yard which would not be allowed under the Township ordinance. He noted a feed lot would be a permitted use, but not the transshipment of animals.

Motion was made by Supervisor Miller, seconded by Chair Budenski, to accept the analysis of the Township Attorney that the proposed use of the Roy Simon property would not be a permitted use. Motion carried unanimously.

OLD BUSINESS

Planning Commission Vacancy. Randy Wood, 23775 Essex Avenue, expressed his interest in the vacancy on the Planning Commission.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to appoint Randy Wood to the Planning Commission for a term lasting through April, 2017. Motion carried 4-1. Supervisor Miller opposed.

Scotts Miracle Gro. Supervisor Jennings stated she wanted to ensure there is no ongoing conversation, by any Board member, with Scotts Miracle Gro in regard to expansion on their property. Chair Budenski stated the owners of Scotts approached him about buying additional property. Township Attorney Lemmons noted that is not unusual for residents to contact a Planning Commission member or Town Board member to discuss possible plans and inquire about potential approval. He further noted that one Board or Commission member cannot commit that Commission or Board to approval of anything. Supervisor Jennings stated that Scotts cannot expand the use of the property per the settlement agreement with Country Stone.

Supervisor Jennings also wanted to ensure that Board members have not met with the City of Lakeville in regard to annexations of any sort. Supervisor Rogers indicated that he and Supervisor Budenski had met with airport personnel in regard to runway expansion but had not met with the City of Lakeville.

Tim and Patty Steinhoff, 24565 Iceland Path. Mr. Steinhoff discussed the construction of a fence on their property that he has recently been directed to remove by the Township. He stated he felt he was being harassed, as it is not feasible for a fence to be 30 feet from the property line. He went on to explain that he had contacted the Township Clerk before he began construction of the fence and had been told that both the Building Inspector and Supervisor Miller had been consulted and the construction of the fence on the property line was permissible. The Clerk confirmed that she had provided that information to Mr. Steinhoff.

The Board indicated that an ordinance amendment regarding fences was currently being worked on by the Planning Commission.

Motion was made by Supervisor Miller, seconded by Chair Budenski to delay any action pertaining to the fence located on the Steinhoff property, 24565 Iceland Path, until the latter of either the April, 2016 Town Board meeting or the revision of the fence ordinance, noting that the fence will need to comply with the revised ordinance. Motion carried unanimously.

New Complaints.

A complaint pertaining to the fence issue at 24565 Iceland Path was discussed and it was determined the issue had been resolved with the above action.

A complaint pertaining to several non-compliant fences within the Township was discussed. The Clerk was directed to send a letter to the complainant explaining that the Board recognizes a conflict within the current ordinance and is working to rectify the matter through an ordinance amendment.

A complaint pertaining to a fence at 10132 235th Street was discussed. It was determined that the matter had been addressed in the past and is a civil matter. The Clerk was directed to write a letter to the complainant stating that the Township has no jurisdiction over the matter.

Joint Powers Agreement

A Joint Powers Agreement between Eureka Township and the County of Dakota for enforcement of local ordinances was reviewed. The Clerk was directed to forward a copy of the agreement to the Minnesota Association of Townships Insurance Trust for review of item number 10 pertaining to liability.

Motion was by Chair Budenski, seconded by Supervisor Jennings, to approve the Joint Powers Agreement Between Eureka Township and the County of Dakota for Enforcement of Local Ordinances subject to review of item number 10 regarding liability by the Minnesota Association of Townships Insurance Trust. Motion carried unanimously.

GRE Settlement

Attorney Lemmons summarized a settlement agreement with Great River Energy that was reviewed by the Town Board in a closed session. He stated the agreement is to settle for the balance of the GRE escrow account plus a payment of \$9,000 for a total of \$23,159.20.

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller to accept the terms of the settlement agreement with Great River Energy and authorize the Chair and Clerk to sign the document. Motion carried unanimously.

Newsletter

The upcoming edition of the Township newsletter was discussed.

Clerk Update

The Clerk reviewed assignments given to the Township Attorney, the Building Official, Treasurer and the Clerk as follows:

- Attorney: Draft information regarding text amendments; write letter to Carol Cooper, attorney for Joey Miller in regard to outstanding invoice
- Building Official: None
- Treasurer: Create an itemized invoice for Joey Miller to be sent along with a letter from Township Attorney; send an invoice to Dakota County for dust control.
- Clerk: Send letters in regard to complaints that were reviewed; forward Joint Powers Agreement with Dakota County to MAT Insurance Trust for review.

Supervisor Jennings stated she would do the following:

- Invite DNR Conservation Officer to come to January Town Board meeting to discuss the Cody Zeman issue
- Contact Don Berger, PCA, in regard to NPDES Permit for Miller property
- Email Travis Thiel and Brain Watson, and Georgie Molitor regarding drainage changes in the area of the Miller property, Living Waters Church, and the Sauber property

Supervisor Rogers stated he would follow up with the Lakeville and Farmington Fire Departments regarding burning permits and possible contract or ordinance changes.

Adjournment

Motion was made by Supervisory Jennings, seconded by Supervisor Rogers to adjourn the meeting at 10:30 p.m. Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk