

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

JUNE 8, 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, Cory Behrendt, Kenny Miller, Dan Rogers and Supervisor Carrie Jennings (who arrived at 7:25). Also present was Planning Commission liaison Lu Barfknecht and Planning Commission Chair Nancy Sauber, Township Attorney Chad Lemmons, and Mira Broyles, Township Clerk.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

Planning Commission Update:

H. Comments from Planning Commission Chair

Consent Agenda:

D. Minutes of the May 28, 2015 Special Town Board meetings

Old Business:

E. GRE Update

Motion was made by Chair Budenski, seconded by Supervisor Behrendt to approve the agenda as amended. Motion carried 4-0.

TREASURER'S REPORT

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

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers to accept the Treasurer's Report dated June 8, 2015. Motion carried 4-0.

The claims and receipt lists were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Rogers to accept the claims and distribution list. A voice vote was taken on the motion. Ayes: 4-0.

Motion was made by Chair Budenski, seconded by Supervisor Budenski to approve the balance of financials as presented. Motion carried 4-0.

Discussion was held regarding outstanding invoices. It was noted that the Commercial Building Inspector is to provide information regarding the Enright invoice.

Town Board Minutes

June 8, 2015

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Treasurer Wilson reviewed funds and made suggestions regarding the bridge fund and the Town Hall fund.

Motion was made by Supervisor Miller, seconded by Supervisor Behrendt to close the bridge fund and move \$10,000 to the Road Maintenance fund. Motion carried 4-0.

Motion was made by Supervisor Miller, seconded by Supervisor Behrendt to move balance of the Town Hall fund to General Revenue. Motion carried 4-0.

Treasurer Wilson also noted that the annual audit for 2014 would begin on July 2, 2015.

CONTRACTOR TIME

Jason and Bryce Otte of Otte Excavating discussed dust coating and other miscellaneous road issues. Supervisor Rogers discussed a new culvert to be installed at Chub Lake due to damage from a vehicle accident. Road inspections and a road tour was also discussed.

Supervisor Jennings arrived at 7:25.

BUILDING INSPECTOR UPDATE

Building Inspector Darrell Gilmer provided a brief update on ongoing inspections.

CONSENT AGENDA

Motion was made by Supervisor Miller, seconded by Supervisor Jennings , to approve the minutes of the May 11, 2015 Special Town Board meeting. Motion carried 5-0.

Amendments to the May 11, 2015 Town Board meeting were made as follows:

Page 3 under Planning Commission Update at the end of the first paragraph, the addition of "Discussion was held that the intent of recodification was to consolidate the ordinances as written without changes at this time".

Page 4 under Terri Petter – Invoice Issues – The last sentence was revised to read: "Supervisor Behrendt noted there was confusion during the application process due to the agritourism ordinance discussion and task force being created at the time".

Page 5 after the first sentence the following was added "it was pointed out that Ordinance 6.7.1.K specifies additional accessory uses are not allowed."

Page 5 after the third paragraph the following was added "it was noted that since the change did not involve a primary use, the original filed recorded document could be used should there be a need for a new EAW.

Page 6 under Complaint Follow – Up the wording "more information" was changed to "formal documentation"
Two typographical errors were also noted.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve the minutes of the May 11, 2015 Town Board meeting as amended. Motion carried 4-0. Supervisor Miller abstained from voting on the portion of the minutes pertaining to Windmill LLC.

It was noted that changes requested by the Planning Commission to the minutes of the Round Table meeting would be made and brought back to the July meeting.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski, to approve the minutes of both Special Town Board meetings of May 28, 2015. Motion carried 5-0.

DEPUTY SHERIFF REPORT

A Dakota County Deputy Sheriff discussed recent criminal activity in the area.

PLANNING COMMISSION UPDATE / ISSUES

Planning Commission liaison Lu Barfknecht reviewed discussions and actions taken at the June 1, 2015 Planning Commission meeting.

Planning Commission Chair Nancy Sauber initiated discussion on the following:

- Proposed timeline for the Comprehensive Plan update
- Ag building permit process, including fees, and updating of the fee schedule and application form to include inspection fee
- Building transfer right applications being reviewed by Township Attorney and an escrow being taken from applicants
- Draft minutes being placed on the Township website
- Planning Commission request to attend training on comprehensive planning
- Living Waters conditional use permit amendment request

Motion was made by Supervisor Jennings, seconded by Supervisor Miller, to require agricultural building permit applications to go before the Planning Commission and Town Board for approval. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Miller to approve the Planning Commission's attendance at training for comprehensive planning. Motion carried 5-0.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to direct Clerk to post draft meeting minutes to the website when completed. Motion carried 5-0.

Supervisor Jennings discussed the Water Resources Management Ordinance, noting that clarification is needed in regard to the differences in the Vermillion River and North Cannon Watershed ordinances. She volunteered to review the two ordinances and make a recommendation at the next meeting.

Discussion was held regarding an inquiry made about solar garden permitting. Attorney Lemmons recommended that a moratorium be placed on solar energy farms to allow time for research into how the Township wants to handle such requests.

Motion was made by Supervisor Miller, seconded by Supervisor Jennings, to adopt Resolution #2015-09 placing a six month moratorium on solar energy farms to allow research regarding conditions to be applied within a conditional use permit, adopted pursuant to applicable MN Statutes. Motion carried 5-0.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to direct the Planning Commission to research surrounding townships in regard to solar energy farming. Motion carried 5-0.

The Clerk was directed to contact the individual who made the initial request for information regarding solar garden permitting.

New Business – Conditional Use Permit Review for Wat Lao of Minnesota *(Moved forward on agenda)*

A representative of Wat Lao of Minnesota was present and noted there had been no changes to their conditional use permit. It was also noted that no complaints had been filed. It was acknowledged that a review of the conditional use permit had been conducted.

Land Use Permits – Jeffrey and Rose Bucheger, 27250 Hamburg Avenue and James and Shirley Niemeyer, 27125 Hamburg Avenue Lot Split Application *(moved forward on the agenda).*

The lot split applications for Jeffrey and Rose Bucheger and James and Shirley Niemeyer were discussed. It was noted that the Planning Commission had reviewed the applications and recommended approval.

Motion was made by Behrendt, seconded by Supervisor Miller, to approve lot split applications for property ID Numbers 130330001125 and 130330001225 for Jeffrey and Rose Bucheger, 27250 Hamburg Avenue, and James and Shirley Niemeyer, 27125 Hamburg Avenue. Motion carried 5-0.

LAND USE PERMITS AND RELATED ITEMS

Living Waters Church, 22222 Dodd Boulevard – Request to remove Condition G from CUP. Representatives of Living Waters Church discussed the conditions of the conditional use permit and requested that condition G *“The Town Engineer shall review and determine approval of all final construction and engineering plans. Construction “engineering shall follow the site plans, elevation, landscape plan and lighting plan submitted to the Planning Commission as of March 27, 2014 and the SWPPP to be approved by the Town Board. The Town Board may approve major changes to the plans. The Town Engineer may approve minor changes to the plans. The property owner shall reimburse the Town for any expenses incurred in plan review, consideration of changes or supervision of construction.”* Supervisor Jennings explained that this item had been reviewed by the Planning Commission and it was believed that item G was added inadvertently when the permit format was copied from the Glory to Glory Church permit.

Discussion was held regarding the need for a special hearing for review of the conditional use permit to eliminate the possibility of issues arising in the future due to non-compliance. Former Planning Commission Chair Butch Hansen suggested to simply state that the current request does not require the stormwater protection plan as outlined in condition G, and by leaving the condition in place, it could be enforced in the future should another building be added to the site.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to adopt Resolution #2015-10 declaring that condition G of the Conditional Use Permit for Living Waters Church does not apply because there is no construction and engineering going outside the existing structures therefore a stormwater protection plan does not need to be enacted at this time, but may be needed in the future. Said resolution shall be attached to the Conditional Use Permit. Motion carried 5-0.

Direction was given to the Clerk to attach the resolution to the conditional use permit for Living Waters Church.

Chair Budenski called for a ten minute recess at 9:25 p.m.
The meeting reconvened at 9:35 p.m.

Supervisor Behrendt and Attorney Lemmons addressed a concern brought up by Mark Ceminsky regarding the maintenance contractor billing in excess of \$100,000 for the 2014 -15 contract year.

County Commissioner Mike Slavik provided an update on 2015 and 2016 road construction projects. Dust coating of the roads and Vermillion River Watershed maintenance enforcement were also discussed.

Kelly Aggregate – Interim Use Permit Amendment. Supervisor Miller recused himself from this item. Kelly Brosseth requested clarification on the motion made at the May 11, 2015 Town Board meeting in regard to his request for an amendment to his interim use permit. Lu Barfknecht, Planning Commission liaison and Supervisor Jennings, who was Town Board liaison at the June 1, 2015 Planning Commission meeting, noted that the Planning Commission had requested clarification of the motion prior to moving forward with Mr. Brosseth’s application and public hearing.

Supervisor Behrendt noted that the motion had been revised and clarified during the review of the May 11, 2015 minutes. Direction was given to the Planning Commission to move forward with consideration of Mr. Brosseth’s request for an amendment to his interim use permit and hold a public hearing.

Discussion was held regarding the 60 day rule in regard to both Mr. Brosseth’s application and that of Windmill, LLC. It was agreed that Mr. Brosseth’s documentation was submitted on May 14, 2015.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski to notify Kenny Miller, Windmill, LLC, and Kelly Brosseth, Kelly Aggregates that the Town Board anticipates the processing of their pending applications to take an additional 60 days (pursuant to Minnesota statutes). Motion carried 4-0. (Supervisor Miller was recused from this item).

NEW BUSINESS

Township Road Maintenance Bid Opening. The one bid received for Township road maintenance was opened. The bid from Otte Excavating was reviewed.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to accept the bid from Otte Excavating for road maintenance beginning July 1, 2015 through June 30, 2016. Motion carried 5-0.

Township Newsletter. Jodi Arman Jones discussed items for the next edition of the Township newsletter to be completed in July.

Ordinance Enforcement.

Motion was made by Supervisor Miller, seconded by Supervisor Jennings, to reopen the minutes of the May 28, 2015 Special Town Board meeting for review. Due to the meeting being a closed meeting, detailed information was deleted from the minutes and the Clerk was directed to amend the formal minutes. Motion carried 5-0.

Motion was made by Chair Budenski, seconded by Supervisor Miller to adopt Resolution #2015 – 11 directing the Township Attorney to take action in regard to initiating necessary steps to comply with the relief requested by Ralph A. Fredlund and William A. Fund, Dakota County District Court file No. 19HA-CV-13-3878.

Motion carried 5-0.

Township Furniture. Discussion was held regarding furniture that had been stored in the storage container that had been sold. The need for additional tables in Town Hall was discussed.

OLD BUSINESS

Previous Complaint Follow-Up. The Clerk was directed to mail and email Gary Smith the complaint report regarding property at 5100 235th Street. Supervisor Behrendt noted that formal documentation had been submitted regarding the complaint he had been tasked with investigating.

IT Update. Supervisor Behrendt provided an update on the new email address which had been implemented.

GRE Update. Attorney Lemmons discussed the status of the claim against GRE.

OTHER BUSINESS

Road Tour. Supervisor Behrendt stated he would forward a spreadsheet regarding the roads to the other Town Board members.

ADJOURNMENT

Motion was made by Supervisor Jennings, seconded by Supervisor Miller to adjourn the meeting at 11:05 p.m.

Respectfully submitted,

Mira Broyles
Township Clerk