

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**JULY 13, 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 and Dan Rogers. Supervisors Carrie Jennings and Cory Behrendt were absent. Planning Commission liaison Fritz Frana, Planning Commission Chair Nancy Sauber, Township Attorney Chad Lemmons and Clerk Mira Broyles were also present. See attached list for others in attendance.

**APPROVAL OF THE AGENDA**

Additions to the agenda under New Business were made as follows:

H. Storm Warning Siren Study

I. Finish grade Around Storage Building

Motion was made by Chair Budenski, seconded by Supervisor Miller to approve the agenda as amended. Motion carried 3-0.

**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 Rogers, to accept the Treasurer's Report dated July 13, 2015. Motion carried 3-0.

The claims and receipt lists and outstanding invoices were reviewed. Treasurer Wilson noted an additional invoice was received from Otte's for mowing. The Board directed her to add the invoice to next month's invoices.

Motion was made by Supervisor Miller, seconded by Chair Budenski to accept the claims and distribution list. A voice vote was taken on the motion. Ayes: 3-0.

Discussion was held regarding extra charges by Otte Excavating for grading of the roads being used for the bypass of Dodd Boulevard which is under construction. It was noted that Dakota County will be billed for those extra charges. The Treasurer was directed to total the extra charges for review next month.

Motion was made by Chair Budenski, seconded by Supervisor Rogers to approve the balance of the financials. Motion carried 3-0.

Outstanding invoices were discussed. Supervisor Miller stated he would contact Building Inspector Saber regarding the Enright invoice.

Treasurer Wilson noted that she took out the two funds that were discussed at the last meeting. She gave an update on the audit which was conducted on July 2. She noted the auditors will be preparing a written report. She was directed to inquire about levy increase restrictions to be included in the auditor report.

#### **DEPUTY SHERIFF REPORT**

Deputy Schmitt encouraged everyone to keep cars locked and also encouraged residents to call 911 if they notice anyone speeding on Township roads.

#### **PUBLIC COMMENT**

Robert Ripley stated he would like to discuss the conditions of the Kelly Aggregates Interim Use Permit. Chair Budenski asked Mr. Ripley to wait until that item was discussed indicating the Planning Commission liaison would be addressing the conditions.

Doug Houser requested that Supervisor Miller recuse himself from voting on the Kelly Aggregates issue.

#### **CONTRACTOR TIME**

Jason Otte of Otte Excavating discussed the culvert on Jacquard Avenue that was replaced and the culvert to be installed at Chub Lake. Chair Budenski addressed trees that need to be removed due to storm damage. Distribution of lime rock and mowing of ditches was also discussed.

#### **BUILDING INSPECTOR UPDATE**

Building Inspector Darrell Gilmer provided an update on ongoing inspections.

#### **CONSENT AGENDA**

Motion was made by Supervisor Miller, seconded by Supervisor Rogers, to approve the minutes of the May 14, 2015 Round Table Meeting. Motion carried 2-0. Chair Budenski abstained.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve the minutes of the June 8, 2015 Town Board meeting. Motion carried 3-0.

Motion as made by Chair Budenski, seconded by Supervisor Rogers, to approve the minutes of the July 1, 2015 Special Town Board meeting. Motion carried 2-0. Supervisor Miller recused himself from this item.

#### **PLANNING COMMISSION UPDATE**

Planning Commission liaison Fritz Frana reviewed discussions and actions taken at the July 6 and July 9, 2015 Planning Commission meetings. Discussion was held regarding a sump pump discharge ordinance review by TDKA, as well as allowing TDKA to review the Comp Plan Amendment. The Board directed the Planning Commission Chair to contact TDKA in regard to the cost of these two issues. The Commission was directed to proceed with the review of the Comp Plan and hold open houses.

Nancy Sauber, Chair of the Planning Commission, stated the Commission is recommending sign permits be reviewed by Planning Commission and Town Board rather than being an over the counter permit. She noted that fees for sign permits need to be reviewed as well.

Mr. Frana stated that it is the recommendation of the Commission that a solar energy study be conducted by TKDA. The Board directed the Commission to get an estimate of cost for the study.

It was noted that the Township website needs to be updated in regard to some outdated documents and information. Chair Budenski stated this issue will be discussed at the August meeting when Supervisor Behrendt is present.

Other items discussed by Mr. Frana and Ms. Sauber included Commission members requesting individual email addresses; feedback to citizens for questions raised at public hearings that are not answered could be addressed in a newsletter Q and A; transfer of building rights application changes; lot split application revision, and the fee for a variance should be reduced from \$600.

### **PLANNING COMMISSION – LAND USE, PERMITS AND RELATED ITEMS**

Living Waters Church, 22222 Dodd Blvd. – Building Permit. Jeff Mooers and Scott Peterson, representing Living Waters Church, requested that a variance for a 2 foot setback discrepancy be waived due to the fact the building was out of compliance with the setback when the church purchased the property. After discussion regarding the need for the variance application process, Mr. Mooers stated the church will not add the vestibule as planned, as they are not willing to go through the variance application process at this time. They stated new plans without the vestibule will be submitted.

Motion made by Chair Budenski, seconded by Supervisor Miller, to approve a building permit for Living Waters Church, 22222 Dodd Boulevard, as presented with exception of the vestibule on the condition the revised plans be submitted at the August Planning Commission meeting. Motion carried 3-0.

Evan Dee, 27075 Galaxie Avenue – Lot Split Application. Mr. Dee was not present at the meeting.

Motion was made by Supervisor Miller, seconded by Supervisor Rogers, to deny the lot split and building permit for Evan Dee, 27075 Galaxie Avenue. Motion carried 3-0

Dave Smith, 6675 245<sup>th</sup> St. W. – Building Permit. It was noted that the Planning Commission recommended approval of a building permit for Mr. Smith on the condition he apply for a variance to be considered at the August Town Board meeting.

Motion made by Chair Budenski, seconded by Supervisor Miller to approve a building permit for Dave Smith for a new single family residential home to be constructed at 6675 245<sup>th</sup> Street West with the condition that he apply for a variance to be considered at the August Town Board meeting, with a portion of the \$600 fee being reimbursed at a later date. Motion carried 3-0.

Chair Budenski called for a ten minute recess at 9:05 PM.  
The meeting was reconvened at 9:15 PM.

Kelly Aggregates – Amendment to Interim Use Permit for Dry Batch Ready Mix Plant. Supervisor Miller recused himself from this item. Kelly Brosseth was present. It was noted that the Planning Commission recommended approval of the Interim Use Permit amendment subject to eight conditions.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve an amendment to Kelly Aggregates, Inc. Interim Use Permit to allow, as an accessory use, operation of a dry batch ready-mix concrete plant subject to the eight conditions listed below. Approval is also subject the applicant and Town Board agreeing to an amendment to the development agreement which will include, but not be limited to, siting of proposed plant, nature of materials to be imported and storage of said imported materials.

1. The concrete plant can be located no less than 1,800 feet from any dwelling.
2. The concrete plan can be located no less than 200 feet from any property lines.
3. Hours of operation are Monday – Friday from 7:00 a.m. to 5:30 p.m. with no Saturday operation.
4. Recycled bituminous dust-free surface on the area traveling to and from the mine, the turnaround and area in front of the facility.
5. Any spills or release relative to the dry batch ready-mix plant need to be reported to the MPCA, the Township and property owners within 1,000 feet, consistent with MPCA regulations.
6. The height of the structure shall not exceed the height of the berm and/or screening east of Dodd to Highview, and no portion of the plant shall be visible to houses on 235<sup>th</sup> Street, east of Dodd.
7. No truck hauling to and from mine of Eureka Township gravel roads except for sites within the Township.
8. Subject to the applicant and the Township executing an amended development agreement.

Motion carried 2-0.

Annar and Candyse Karlsen, 10420 235<sup>th</sup> Street West – Reconsideration of a lot line setback variance. Candyse Karlsen discussed a variance request to build a pole building that was denied in 2012. Dee McDaniels, Dakota County, contacted the Township requesting the variance request be reconsidered. It was explained to Ms. Karlsen that she would need to reapply for a variance.

Motion made by Chair Budenski, seconded by Supervisor Rogers, to clarify that there is no application filed at this time dealing with said property and the previous variance was denied in 2012. Motion carried 3-0.

Gravel Quote. There were no quotes received.

Sign Permit – Permit Process. It was noted that the Planning Commission recommended the sign permit applications and process be reviewed. It was decided to discuss this at the August Town Board meeting when the full Board is present.

Sump Pump Discharge Ordinance This item was discussed earlier in the meeting.

Solar Energy Moratorium Ordinance. The Planning Commission was directed to address the ordinance at their August meeting.

Solar Energy Farms Study. The Chair of the Planning Commission was directed to contact TDKA in regard to a study regarding solar energy farms.

DNR Signage at Chub Lake Landing on Hamburg Avenue. – It was noted that the DNR had requested permission to install an aquatic invasive species sign at the Chub Lake landing on Hamburg Avenue.

Motion made by Supervisor Miller, seconded by Supervisor Rogers to allow the DNR to install a sign regarding aquatic invasive species at the Chub Lake landing on Hamburg Avenue. Motion carried 3-0.

Storm Warning Siren Study. Supervisor Rogers discussed the need for research into a storm warning siren for areas of the Township that are not reached by Lakeville and Farmington sirens. Board members agreed the need for research into additional warning sirens was warranted. Supervisor Rogers volunteered to do the research.

Finish Grade for Storage Building. – Chair Budenski stated he would contact the Ottes regarding grading around the new storage building.

Newsletter. Jody Arman-Jones discussed the July edition of the Township newsletter.

**Citizen Business**

Allen Novacek expressed his opinion regarding the temporary removal of Public Comment from Town Board agendas.

Motion made by Chair Budenski, seconded by Supervisor Miller, to adjourn the meeting at 10:05 PM.

Respectfully submitted:

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Mira Broyles, Clerk