

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

SEPTEMBER 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 liaison Fritz Frana, Planning Commission Chair Nancy Sauber, 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:

Old Business:

C. Storm Warning Siren and Costs

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

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller to accept the claims and distribution list. A roll call vote was taken. Ayes: 5-0.

Motion was made by Chair Budenski, seconded by Supervisor Rogers to approve the balance of the financials. Motion carried 5-0.

Escrow accounts were reviewed. The cost for the Attorney's attendance at meetings and hearings was clarified. Discussion was held regarding increasing the fee amount for special meetings. Treasurer Wilson was directed to revise escrow numbers for Eureka Sand and Gravel for review next month.

Discussion was held regarding the Kelly Aggregate escrow account and the FEMA refund was also discussed.

Enright Invoice. The outstanding invoice for the Enright building permit was discussed. It was determined that clarification from Building Inspector Staber is needed in regard to payment of the plan review fee. A check submitted by Mr. Enright that has not been cashed was also discussed and it was determined that the check needs to be returned to Mr. Enright along with a new invoice. Supervisor Miller and Treasurer Wilson were directed to review the file, contact Inspector Staber and report back at the October Board meeting.

Public Comment

Derrick Meyers, representing All Energy Solar, Inc. questioned the permitting process for solar energy. It was noted that this issue will be discussed under Old Business.

Cody Zeman, 27435 Grenada, expressed concern over illegal shooting taking place at the State Wildlife parking lot. Discussion was also held regarding illegal parking at the site. Supervisor Jennings stated she would contact DNR officers and Supervisor Rogers indicated he would contact the Dakota County Sherriff's Department.

Contractor Time

Jason Otte of Otte Excavating discussed gravel distribution, dust coating and ditch cutting.

Introduction of New Airlake Airport Manager. Michael Wilson, MAC, introduced himself as the new Airlake Airport Manager. A brief discussion was held regarding future runway extensions. Mr. Wilson offered his contact information as Mike.wilson@mspmac.org , phone number 763-537-2058.

Building Inspector Update

Building Inspector Darrell Gilmer discussed calls he has received regarding holding tanks at Airlake Airport hangars. He provided an update on new home construction, decks, and additions, and also discussed new radon detection regulations.

Consent Agenda

- A. Minutes of the August 10, 2015 Town Board Meeting
- B. Minutes of the August 27, 2015 Special Town Board Meeting
- C. Brian Storlie, 24310 Cedar Avenue, Lot Split Application
- D. Election Equipment Training for Clerk and Deputy Clerk

Item E was pulled for discussion and replacement of an amended resolution.

- E. Resolution – Deadline for Town Board Agenda Item Submittals

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to approve the Consent Agenda as amended. Motion carried unanimously.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to adopt Resolution 2015-12 pertaining to the deadline for Town Board agenda item submittals. Motion carried unanimously.

Planning Commission Update

Fritz Frana provided a summary of the September 8, 2015 Planning Commission meeting. Planning Commission Chair Nancy Sauber discussed an updated map from Dakota County GIS and noted that lot splits need to be added to the map. She also discussed the pending sump pump ordinance, and a road review to be conducted by the Planning Commission and Otte Excavating. The Clerk was directed to send out a Doodle Poll to the Planning Commission regarding availability for Saturdays in October. The need to rent a van was also discussed as well as the requirement to post the road tour as a special Planning Commission meeting.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to approve rental fees not to exceed \$300 for a van, fee for the road contractor and authorization for the Planning Commission to conduct a road review in October. Motion carried unanimously.

Land Use Permits and Related Items

Al Ames, 24485 Cedar Avenue – Building Permit. Discussion was held regarding the building permit application for a home addition. It was noted that the Planning Commission had recommended approval.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve a building permit for Al Ames, 24485 to construct a 1,288 square foot home addition. Motion carried unanimously.

Jerry Wageman, 24835 Dodd Boulevard – Building Permit. Discussion was held regarding a building permit for new home construction. The issue of the permit being granted to someone other than the property owner was discussed. Attorney Glen Nord, representing Mr. Wageman discussed fee owner and equity ownership. Township Attorney Lemmons noted that verification of a purchase agreement for the property would be sufficient.

Motion was made by Supervisor Miller, seconded by Supervisor Jennings, to approve a building permit for a new home at 24835 Dodd Boulevard subject to proof of a purchase agreement and assignment. Motion carried unanimously.

Old Business

Solar Energy Interim Ordinance. Discussion was held regarding the proposed moratorium on commercial solar energy farms. It was clarified that the moratorium is for commercial use only.

Derrick Myers, All Energy Solar, Inc. discussed the distinction of commercial vs residential. He stated that according to industry standards (Dakota Electric), anything larger than 40 kilowatts is considered commercial. He stated that a large roof mounted system would be about 10 kilowatts. Karla Schrader,

24698 Cedar Avenue, stated that she will be requesting a 7.2 kilowatt solar system, which would be about 400 square feet.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to approve personal residential solar systems up to 8 kilowatts of production to conform with Dakota Electric standards.

Discussion was held regarding Dakota Electric standards which would be described in an interconnection agreement. Liability coverage was also discussed.

Attorney Lemmons discussed proposed language for an amended ordinance that would include a limit on generating capacity and the limit of one solar energy system per tax parcel.

Supervisor Jennings withdrew the previous motion.

Motion was made by Supervisor Jennings, seconded by Supervisor Budenski, to amend Ordinance No. 2015-02 to include the following under Section 5.01 - *A Solar Energy System whose generating capacity does not exceed eight kilowatts and is designed for residential use. Each residential structure shall be limited to one solar energy systems whose collective generating capacity shall not exceed eight kilovolts.* Motion carried unanimously.

Mr. Myers and Ms. Schrader were informed they would need to apply for a conditional use permit to install solar panels on Ms. Schrader's property.

Discussion was held regarding the numbering of a previous resolution.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to clarify that the resolution adopted previously regarding the deadline for agenda item submittal be referenced as Resolution 2015-13. Motion carried unanimously.

Newsletter. Jody Arman-Jones discussed the upcoming newsletter.

Jerome Phillipe, 27798 Jamaica Avenue – Building permit for new home construction. Mark Ceminsky, representing the applicant discussed the building permit application. Discussion was held regarding the need for review of the property by Brian Watson, Dakota County.

Motion was made by Chair Budenski, seconded by Supervisor Miller, to approve a building permit for Jerome Phillipe for new home construction at 9725 280th Street West. Motion carried unanimously.

Chair Budenski called for a five minute recess at 9:40 p.m.

The meeting was reconvened at 9:45 p.m.

Mahoney Complaint Follow-Up. It was determined that a public hearing regarding the Mahoney complaint would be held on October 13, 2015 at 6:30 p.m. The Township Attorney was directed to provide the necessary posting notice information to the Town Clerk.

Storm Warning Siren and Costs – Supervisor Rogers discussed possible locations for warning sirens, the approximate cost for the sirens and installation would be \$20,000. It was determined that this item should be addressed at the 2016 annual meeting.

NEW BUSINESS

Township Road Right of Way Weed Contract Supervisor Rogers discussed a product used to spray for weeds on the Township right of ways with a cost estimate of \$2,500, \$680 per mile. He stated he will get a formal bid.

Professional Services BY TDKA

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to authorize professional services by TDK for the 2040 Comprehensive Plan Update as recommended by the Planning Commission. Motion passed unanimously.

Release of Permit Bond for Tiller Corporation

Motion was made by Chair Budenski, seconded by Supervisor Jennings to approve the release of a surety bond for Tiller Corporation in the amount of \$66,000 and acceptance of a replacement bond in the amount of \$66,000 from Minnesota Dirt Works, Inc. Motion carried unanimously.

Supervisor Behrendt recused himself for next item.

Request to Extend Chub Lake Road No Parking. Cory Behrendt requested the Chub Lake Road no parking be extended beyond his property on 7861 272nd Street West.

Supervisor Jennings left the meeting at 10:15.

Motion was made by Supervisor Budenski, seconded by Supervisor Miller, to authorize the Township road contractor to install four new signs and posts as noted on map submitted by Cory Behrendt dated September 2015. Motion carried 3-0.

Adjournment

Motion was made by Supervisor Budenski, seconded by Supervisor Miller, to adjourn the meeting at 10:20 p.m. Motion carried 3-0.

Respectfully submitted:

Mira Broyles, Clerk