

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**January 9, 2017**

**CALL TO ORDER**

Vice Chair Behrendt called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were, Dan Rogers, Cory Behrendt and Lu Barfknecht. Supervisor Carrie Jennings arrived at 7:40. Supervisor Brian Budenski resigned effective this date and was not present. Planning Commission members Randy Wood and Ralph Fredlund, 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:

Planning Commission Update:

B. Recodification

Old Business:

B. Airlake Sewer and Water Services

Other Business:

A. Supervisor Vacancy

Motion was made by Supervisor Rogers, seconded by Supervisor Barfknecht, 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 Supervisor Rogers, seconded by Supervisor Barfknecht, to accept the Treasurer's Report dated January 9, 2017. Motion carried 3-0.

The claims and receipt lists and outstanding invoices were reviewed.

Supervisor Barfknecht questioned Attorney Lemmons regarding charges on December 9 and 29, 2016. Mr. Lemmons stated he will review the invoice and report back to the Board.

Discussion was held regarding the status of collection for damage to the culvert at Chub Lake.

The budget was discussed.

**Public Comment**

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Charles Hansen, 26120 Highview Avenue, inquired about the amended judgement for Eureka Township versus Teresa Lynn Petter, et al, dated December 22, 2016, as it pertains to all property owners regarding retail sales except for horticultural products actually produced on the specific property. He noted that currently many businesses within the Township sell products that are not actually produced on their property. Attorney Lemmons explained that the Town Board would need to determine exactly what is allowed for horticulture operations. Mr. Hansen asked that the Board provide clarification on this issue.

Dakota County Sherriff Deputy provided an update on criminal activity in the Township, noting mail theft continues.

Jeff Otto, 25580 Dodd Boulevard, discussed the recent joint Town Board and Planning Commission meeting where the Boundary Study regarding the sewer and water / annexation issue for Airlake Airport was reviewed. He commended everyone that was involved and stated it was unfortunate that more residents had not attended the meeting.

### **Contractor Update**

Jason and Bryce Otte discussed ongoing road maintenance / snow and ice removal. The Board requested that the costs for road maintenance be reviewed.

### **Building Inspector Update**

Building Inspector Darrel Gilmer discussed on-going projects and inspections. He discussed the permitting process for in-ground swimming pools. The Planning Commission was directed to clarify the process.

### **Consent Agenda**

#### Minutes of the December 12, 2016 Town Board Meeting

Supervisor Barfknecht asked that additional information be added to the minutes regarding the discussion on the fence at 24565 Iceland Path (page 3). Review of the minutes was tabled until the February Town Board meeting.

### **Planning Commission Update**

Planning Commissioner Randy Wood provided a summary of the January 3, Planning Commission meeting.

Discussion was held regarding a proposed ordinance replacing Ordinance 3, Chapter 4, Section 7(c) regarding the size of accessory buildings. The issue was continued to Other Business.

It was noted that the recodification of the Township Ordinances should be completed at the February meeting.

### **LAND USE PERMITS**

Dave Sellner, 24535 Iberia Avenue, Building Permit application for a lean-to. It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to approve a building permit for a lean-to for Dave Sellner, 24535 Iberia Avenue, PID 132466010030. Motion carried 4-0.

Jeffrey and Linda Otto, 25580 Dodd Boulevard, Building Permit application for an accessory building. It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a building permit for Jeffrey and Linda Otto to construct an accessory building at 25580 Dodd Boulevard, ID 13-1900-50-020. Motion carried 4-0.

Greg and Laura Adelman, 8925 280th Street West, Building Permit application for an accessory building. It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve a building permit for an accessory building for Greg and Laura Adelman, 8925 280<sup>th</sup> Street West, PID 13-03200-75-013. Motion carried 4-0.

Joey Miller, 22260 Dodd Boulevard, Building Permit Application for an accessory building and driveway approach. It was noted that the Planning Commission had recommended approval of the application.

Supervisor Jennings questioned the primary use of the property. Attorney Lemmons explained the use of the building has to be an accessory to the primary use of the property which is residential. Discussion was held regarding setbacks from the wetland and the use of the proposed building.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Rogers, to approve a building permit to construct an accessory building and driveway approach for Joey Miller, 22260 Dodd Boulevard, PID 13-00600-01-010. Motion carried 3-1. Supervisor Jennings voted nay.

## **OLD BUSINESS**

### VRWJPO Permitting and Enforcement Authority

Discussion was held regarding returning the permitting and enforcement of the Vermillion River Watershed ordinance to the Joint Powers Organization. Attorney Lemmons discussed the ordinance in regard to the issuance of variances. Supervisor Jennings stated she would attend the January 16, 2017 meeting of the VRWJPO and clarify the variance issue at that time.

Attorney Lemmons suggested an amendment to the draft resolution returning authority back to the VRWJPO indicating the resolution would not be effective until such time that the VRWJPO agrees to accept the transfer of authority.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to adopt Resolution No. 2017-01 as amended by Attorney Lemmons.

It was noted that powers are retained by the Township until such time the VRWJPO agrees to accept the transfer of responsibility.

### Airlake Sewer and Water Services

Supervisor Behrendt discussed the joint meeting that was held with the Planning Commission for the purpose of reviewing the Boundary Protection Study conducted by TDKA. He stated that the next step would be to discuss a possible Joint Powers Agreement with the City of Lakeville for sewer and water services for Airlake Airport property.

The future possibility of incorporation of the Township was discussed and it was noted that the subject of incorporation should be discussed at an annual Township meeting.

Motion was made by Supervisory Behrendt, seconded by Supervisor Jennings, to authorize Supervisors Behrendt and Jennings to initiate conversation with the City of Lakeville in regard to their interest in a joint powers agreement for sewer and water services to the Airlake Airport property; and to update the Metropolitan Airports Commission of progress up to this point. Motion carried 4-0.

## **NEW BUSINESS**

### Jody Arman-Jones – Newsletter

Jody Arman Jones and the Board discussed the upcoming edition of the Township newsletter.

### Street Light at 235<sup>th</sup> Street and Jersey Court

Discussion was held regarding a request to install a street light at 235<sup>th</sup> Street and Jersey Court. Supervisor Rogers stated he would contact Dakota Electric in regard to cost. It was agreed the subject should be discussed at the annual meeting.

### Budget Meeting Date

A special meeting to discuss the 2018 budget was set for January 17, 2017 at 7:00 p.m.

### Board of Canvass Meeting Date

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers to set a Board of Canvass meeting for March 16, 2017 at 6:00 p.m. Motion carried 4-0

### MPCA Proposed Amendments

No comment or action needed.

## **OTHER BUSINESS**

### Supervisor Vacancy

It was noted that Chair Brian Budenski had submitted a letter of resignation from the Town Board effective January 9, 2017. Filling the vacancy was discussed and it was the general consensus that the seat remain vacant until the March election. Attorney Lemmons stated he would clarify the State requirements in regard to the situation. Current liaison positions held by Supervisor Budenski were transferred to Supervisors Rogers and Behrendt.

Impervious Surface issue

Direction was given to the Planning Commission to review the proposed ordinance replacing Ordinance 3, Chapter 4, Section 7(c) regarding the size of accessory buildings as well as height and rural character of the property

**Clerk Update**

The Clerk reviewed assignments given to the Township Attorney and the Clerk.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to adjourn the meeting at 9: 00 p.m. Motion carried 4-0.

Respectfully submitted:

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