

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

October 10, 2017

Vice Chair Carrie Jennings called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Carrie Jennings, Dan Rogers, Butch Hansen, and Donovan Palmquist. Chair Lu Barfknecht was absent. Planning Commission members Nancy Sauber and Bill Funk, 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:

Road Contractor:

- A. Road Graveling

Building Inspector:

- A. Complaint

New Business:

- E. Voter Fraud
- F. Road Supervisors

Motion was made by Vice Chair Jennings, seconded by Supervisor Rogers, to approve the agenda as amended.
Motion carried 4-0.

Public Comment

Julie Larson, 24510 Highview Avenue, noted that a number of closed meetings of the Town Board had been held and reminded the Town Board that negotiations are not allowed once an appellate court has ruled.

Building Inspector Update

Darrel Gilmer, Building Inspector, gave an update on ongoing inspections. It was noted that verification of septic abandonment on the Anderson property had not been received.

Motion was made by Vice Chair Jennings, seconded by Supervisor Rogers, to direct the Clerk to send a letter to Connie Anderson in regard to the septic abandonment verification, with a deadline of two weeks. Motion carried 4-0.

Complaint Follow-up – 9025 225th Street

October 10, 2017

Town Board Minutes

Page | 1

Supervisor Hansen and Building Inspector Gilmer addressed the condition and safety hazard of an abandoned house at 9025 225th Street.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to direct the Clerk to send a letter to the property owners of 9025 225th Street, stating that arrangements must be made to have the house demolished within ten business days of the letter. Motion carried 4-0.

Contractor Update

Bryce Otte, Otte Excavating, discussed ongoing road maintenance. Supervisor Rogers stated that the road gravel was over budget for Highview Avenue and additional funds are needed for maintenance of other Township roads. Discussion was held regarding the transfer of funds to cover the cost of additional gravel.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to make the following transactions: \$10,000 from the hard surface road fund; \$5,000 from the culvert repair budget line, \$2,500 from the road and bridge capital improvement fund; \$3,390 from the asphalt maintenance budget line; and \$3,110 from the general fund, totaling \$24,000 to be transferred to the gravel fund. Motion carried 4-0.

Consent Agenda

September 11, 2017 Town Board Minutes

Minor typographical errors were noted.

Motion was made by Vice Chair Jennings, seconded by Supervisor Hansen to approve the September 11, 2017 Town Board minutes as amended. Motion carried 4-0.

September 11, 2017 Board of Adjustments and Appeals Minutes

Motion was made by Vice Chair Jennings, seconded by Supervisor Rogers, to approve the minutes of the September 11, 2017 Board of Adjustments and Appeals as presented. Motion carried 4-0.

Planning Commission Update

Planning Commissioner Bill Funk provided a summary of the October 3, 2017 Planning Commission meeting. See attached summary as Attachment A.

Revisions to the May 10, 2017 Round Table Meeting Minutes were discussed.

Motion was made by Supervisor Hansen to attach the recording of the Round Table meeting to the minutes. There was no second to the motion.

Motion was made by Vice Chair Jennings, seconded by Supervisor Palmquist, to have the Clerk itemize, in the minutes, the topics that were covered in the Round Table minutes and be re-submit to the Planning Commission and Town Board. Motion carried 4-0.

LAND USE PERMITS

Jason Curry, 8735 235th Street – Building Permit Application

It was noted that the Planning Commission had recommended approval of the building permit application for a lean-to on an existing structure. Mr. Curry was in attendance.

Motion was made by Supervisor Hansen, seconded by Supervisor Palmquist, to approve a building permit for Jason Curry, 8735 235th Street West, PIN 1300800004001, for an add-on lean-to on the east side of an existing structure. Motion carried 4-0.

NEW BUSINESS

Prairie Creek Community School Conditional Use Permit Annual Review

Simon Tyler, Director of Prairie Creek Community School, 27695 Denmark Avenue, was present. It was noted there was no public comment on the conditional use permit.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to approve the annual review of the Prairie Creek Community School conditional use permit. Motion carried 4-0.

Jody-Arman Jones – Fall Newsletter

Jody Arman-Jones reviewed the draft Township Fall newsletter to be distributed the end of October.

Discussion was held regarding the date for the January Town Board meeting. It was agreed that the meeting would be held January 8, 2018.

Jeff Sauber – Building Permit Application

Planning Commission Chair Nancy Sauber noted that the Board should take action on an application submitted to the Planning Commission by Jeff Sauber for an agricultural exempt building permit. She explained that the Planning Commission had recommended denial because an agriculture exemption cannot be applied to a parcel zoned residential. She noted that Mr. Sauber plans to resubmit the correct application. Discussion was held regarding the 60 day rule. Supervisor Hanson noted that if Mr. Sauber resubmits his application for the November Planning Commission meeting, the 60 day rule will not apply.

Motion was made by Vice Chair Jennings, seconded by Supervisor Palmquist, to deny an application by Jeff Sauber for an agriculture exempt building permit. Motion failed 2-2. Supervisors Hanson and Rogers voted nay.

New Complaint

Discussion was held regarding a complaint filed against property at 24030 Iberia Avenue. Supervisor Hansen stated he did not feel the complaint was valid, as partial replacement of siding would not have required a permit.

Motion was made by Vice Chair Jennings, seconded by Supervisor Rogers, to assign verification of the complaint to Supervisors Jennings and Palmquist. Motion carried 3-1. Supervisor Hansen opposed.

October 10, 2017

Town Board Minutes

Page | 3

2040 Comprehensive Plan

It was noted that a public hearing had been held regarding the draft 2040 Comprehensive Plan, all area municipalities had been provided a copy of the draft plan, and the Planning Commission is recommending the plan be approved and submitted to the Metropolitan Council.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers to table approval of the draft 2040 Comprehensive Plan until November when all Board members are present. Motion carried 4-0.

Voter Fraud

Vice Chair Jennings stated she had reported, to the Dakota County Sheriff, two Township property owners, who do not live in the Township, for voting illegally in the 2017 Township Election, and an investigation had taken place.

Road Supervisors

Supervisor Rogers stated he would like to transfer his Road Supervisor position to Supervisor Hansen, and continue to work in a consulting position until March, 2018 when his term expires. Supervisor Hansen stated that he had been willing to be a Road Supervisor at the beginning of his term, and would have scheduled time, however it would now be difficult, given his work load, vacation plans, etc. to take on the position. He stated he would be willing to be an alternate.

OLD BUSINESS

Brosseth Gravel Pit – File Review

Vice Chair Jennings discussed information regarding well and water monitoring information in the Brosseth Gavel Pit file.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to make note that the gravel pit records are available for public review at Town Hall. Motion carried 3-1. Supervisor Hansen opposed, stating all such records are available for review.

Phillipe – Review of Non-conforming use Document

Vice Chair Jennings noted that the Non-Conforming Use Registration form dated December 29, 2004 listed an excavating company and a trucking company as the general nature of the business on the property owned by Jerome and Jeffrey Phillipe.

Previous Complaint Follow-Up

It was noted that an appointment to meet with the owner of Applewood Orchard had been arranged for next week. Follow-up will be held at the November Town Board meeting.

Airlake Airport Proposed Annexation

Supervisor Hansen discussed the proposed annexation of the Airlake Airport into Lakeville and stated it is not too late for the Township to make a formal request to the Metropolitan Council for permission to hook up to the MUSA

interceptor. Attorney Lemmons stated he would research the procedure and obtain a form to be completed requesting the service.

Motion was made by Vice Chair Jennings, seconded by Supervisor Palmquist to direct the Township Attorney to obtain the form from the Metropolitan Council, complete as much as possible and submit for the November Town Board meeting. Motion carried 4-0.

Discussion was held regarding the possibility of drilling a well to provide water to the airport property.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to allow further investigation with the City Attorney, and the preparation of a memo outlining the basic format to provide water to the airport, including cost estimate and easement issues. Motion carried 3-1. Vice Chair Jennings opposed.

Motion was made by Supervisor Hansen, seconded by Supervisor Rogers, to direct the Clerk to send a letter to the Metropolitan Council reflecting the motions made at this meeting which reflect effort being made by the Township to further investigate the possibility of providing sewer and water to the airport property. Motion carried 3-1. Vice Chair Jennings opposed.

Lift Station L-79 Landscaping Update

Vice Chair Jennings provided an update on the landscaping at lift station L-79. She stated the Metropolitan Council will provide a list of activities that have occurred on the site and once the list is received, the escrow being held by the Township can be refunded.

Procedure for Closed Town Board Meetings

Township Attorney Lemmons reviewed the State Statute regarding procedures for closed Town Board meetings. He stated he would provide the Clerk with a written summary of the information.

Citizen Business Policy

The Citizen Business Policy was briefly reviewed.

Complaint Policy

The Complaint Policy was briefly reviewed.

Sample Permit Applications

Supervisor Hansen discussed the need for samples of completed permit forms to provide a guideline to residents. Planning Commissioner Bill Funk stated that the application forms are currently being reviewed and updated by the Planning Commission.

TREASURER'S REPORT

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

Motion was made by Vice Chair Jennings, seconded by Supervisor Hansen, to accept the Treasurer's Report dated October 10, 2017. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Vice Chair Jennings, seconded by Supervisor Rogers to approve the claims and receipt lists. Roll call vote was taken. Motion carried 4-0.

Motion was made by Supervisor Hansen, seconded by Vice Chair Jennings, to approve the remainder of the financials. Motion carried 4-0.

Discussion was held regarding the parking lot expenses coming out of the Town Hall upkeep budget rather than the Town Hall capital improvement fund.

Motion was made by Supervisor Hansen, seconded by Vice Chair Jennings, to move an amount equal to the balance of the Town Hall capital Improvement fund to that fund and leave the remaining part of the expenses in the Town Hall upkeep budget line.

A previous motion to transfer funds was reviewed as follows: \$10,000 from the hard surface road fund; \$5,000 from the culvert repair budget line, \$2,500 from the road and bridge capital improvement fund; \$3,390 from the asphalt maintenance budget line; and \$3,110 from the general fund, totaling \$24,000 to be transferred to the gravel fund.

Motion was made by Supervisor Hansen, seconded by Vice Chair Jennings, to adjourn the meeting at 9:35 p.m. Motion carried 4-0.

Respectfully submitted:

Mira Broyles, Clerk