

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

FEBRUARY 8, 2016

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 Chair Nancy Sauber, Planning Commission liaison Lu Barfknecht, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

A Dakota County Deputy Sheriff was present stating there was no activity to report. Mark Ceminsky noted there had been drag racing on 235th Street. Nancy Sauber stated there had been unauthorized truck traffic on 225th Street.

APPROVAL OF THE AGENDA

Additions/changes to the agenda were made as follows:

Under New Business:

- D. Vermillion Aggregates Annual Review
- E. Election Judges
- F. Butch Hansen – Citizen Business

Old Business:

- D. DCSWCD additional business

Chair Budenski noted that the Road Contractors may be arriving late.

Motion was made by Chair Budenski, seconded by Supervisor Jennings 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 February 8, 2016. 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 bills and receipt list. A roll call vote was taken. Ayes: Unanimous.

Reimbursement for the replacement of the culvert at Chub Lake was discussed with the Dakota County Sherriff. He will provide insurance information from the person liable.

The escrow account for Daniel and Charlene Adelman was discussed.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to return escrow funds to Daniel and Charlene Adelman. Motion carried unanimously.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve the proposed 2017 Budget and Levy, reviewed at the February 4, 2016 special meeting, for presentation at the Annual Meeting on March 8, 2016. Motion carried unanimously.

Public Comment

Chair Budenski addressed an article in the Sun Current in regard to possible annexation of the Airlake Airport. He clarified his statements made at a City of Lakeville Work Session.

Allen Novacek, 24030 Iberia Avenue, addressed the annexation issue, noting that Chair Budenski and Supervisor Rogers attending unauthorized meetings representing the Town Board invites suspicion. He went on to stated that additional property within the Township will more than likely be annexed to Lakeville, which could result in Eureka property taxes increasing.

Pete Storlie, 8680 235th Street, expressed concern over the five percent increase in the proposed budget for 2017. He questioned the increase in road maintenance, dust control and gravel. He noted that if annexation occurs, the levy will be more than a five percent increase.

Don Phlumb, 5256 225th Street, also addressed the possible annexation of the Airlake Airport and expansion expenses.

Building Inspector Update

Chair Budenski discussed the dumping of asphalt / concrete on Essex. Building Inspector Darrell Gilmer stated he did not know of any surface work currently being done in the Township.

Mr. Gilmer discussed an option in his contract dated April 14, 2014 which states he was to get written notification by February 1, 2016 as to the intentions of the Town Board to renew or terminate the contract. Discussion was held.

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller, to direct the Clerk to send written notice to Mr. Gilmer indicating their intention to extend the two year contract for his services commencing on May 1, 2016. Motion carried unanimously.

Mr. Gilmer noted that he had received a call from someone at the Airlake Airport asking why septic systems are not allowed. Discussion was held regarding community well and septic systems for hangars. Township Attorney Lemmons stated that the Metropolitan Airports Commission can make restrictive covenants for the airport.

Contractor Time

Bryce and Jason Otte of Otte Excavating provided an update on road maintenance. Removal of frozen wet sand from Essex Avenue was discussed. It was noted that the Sherriff had made a report on the illegal dumping.

Gary Schmidt, Director of Reliever Airports for Metropolitan Airports Commission and Mike Wilson, Manager, Airlake Airport

Mr. Schmidt explained that the request by the Metropolitan Airports Commission (MAC) for the Airlake Airport to be annexed into the City of Lakeville derives from a request from the Metropolitan Council that MAC seek sewer and water services for all reliever airports. He noted that at this point, the MAC has only asked the City of Lakeville if they would be willing to enter into discussions with Eureka Township. He stated he and Mr. Wilson were present to ask the Town Board if Eureka Township would enter into a discussion regarding annexation of the airport.

Discussion was held regarding how previous communication with the City of Lakeville and the MAC had been handled by Chair Budenski. Butch Hansen, Mark Ceminsky and Jeff Otto stated they did not condone how the previous communication had been handled.

Butch Hansen also discussed the interceptor line which runs through the Township which could be a possibility for supplying services to the airport. He stated he felt the Township should work with the MAC to provide sewer and water rather than allow Lakeville to annex the property. He further stated he felt the issued should be discussed at the Township annual meeting on March 8th.

Jeff Otto stated he felt this would be the key opportunity for the Township to discuss with Lakeville the possibility of an easement to allow piping to be hooked up, as an alternative to annexation. He stated the MUSA line is another alternative that could be pursued.

Cal Phlumb inquired about the boundaries that would possibly be annexed into Lakeville. Mr. Schmidt provided a map and stated there would be approximately 452 acres. Mr. Phlumb cautioned the Board to give careful consideration before allowing an annexation to take place.

Board members discussed possibilities in regard to the Township being able to provide sewer and water services to the airport rather than enter into discussions regarding annexation. Supervisor Jennings stated she felt discussion should be held at the annual meeting before the Board agreed to further discuss the issue with the MAC.

Motion was made by Chair Budenski to table discussion of annexation with Lakeville and MAC until the March 8th annual meeting to get input from residents regarding providing services for sewer and water to airport. There was no second to the motion and it was withdrawn.

Discussion was held on how to proceed.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, that a response will be formulated in regard to options for providing sewer and water services to the Airlake Airport, and presented to the Metropolitan Airports Commission after the May 9, 2016 Town Board meeting, allowing discussions with the citizens of Eureka at the March 8 annual meeting, and exploration of alternatives. Motion carried unanimously.

County Commissioner Mike Slavik provided an update regarding the Watershed Management Area issues at Chubb Lake which were previously discussed at the January Town Board meeting. He encouraged residents to call 911 immediately regarding any suspicious activity. He also provided an update on County Road 80, noting the project will

not proceed this summer. He stated County staff is working to procure funding to rebuild the bridge in conjunction with the County Road 80 paving project.

Mark Ceminsky requested Mr Slavik assist in procuring payments due to the Township from Dakota County. The Treasurer will be directed to send Mr. Slavik an email with the details of the outstanding invoice.

Consent Agenda

Minutes of the January 11, 2016 Town Board Meeting.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve the minutes of the January, 2016 Town Board meeting as written. Motion carried unanimously.

Planning Commission Update

Planning Commission Liaison Lu Barfknecht provided a summary of the February 1, 2016 Planning Commission meeting.

Planning Commission Chair Nancy Sauber discussed variance fees and publication of notices. She also discussed the recodification which is currently in process, suggesting that Ordinance 6 (Mining Ordinance) be made a part of Ordinance 3 (Zoning Ordinance). She also discussed the Water Management Ordinance.

Commissioner Barfknecht requested the Board extend the current moratorium on commercial solar systems for six months. Attorney Lemmons stated he would prepare an ordinance for consideration at the March Town Board meeting.

Motion was made by Chair Budenski, seconded by Supervisor Jennings to adopt Resolution Number 2016-02 granting a six month extension on solar moratorium through an ordinance amendment to be drafted by the Township attorney for approval at the March 14, 2016 Town Board meeting. Motion carried unanimously.

Land Use Permits

Real Tree Church, Delano and Jennifer Tonsager, 26301 Galaxie Avenue – Lot Split Application

It was noted that the Planning Commission had reviewed the application and recommended approval subject to corrections to the application as noted.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve a lot split for Delano and Jennifer Tonsager for PID #13-02200-52-011, legally described as:

Section 22, TWN 113, Range 20. SE ¼ of SW ¼ & GOVT LOT 1 EX PT IN FOLLOWING DESC COM NE COR GOVT LOT 1 SEC 27 W ON N LINE 1963.59 FT TO BEG N 09D52M42S E 231.55 FT N 60D15M24S W 158.21 FT S 30D26M32S W 350 FT M/L TO NE'LY SHORE CHUB LAKE SE ON SHORE 280 FT TO INT WITH LINE BEARING S 09D52M42S W FROM PT OF BEG N 09D52M42S E 120 FT TO BEG

Motion carried unanimously.

OLD BUSINESS

Joint Powers Agreement

Attorney Lemmons stated he had been in contact with a Dakota County Attorney regarding the Joint Powers Agreement between Eureka Township and the County of Dakota for enforcement of local ordinances in relation to item number 10 pertaining to liability, and was waiting for further information. He stated he will provide an update at the March Town Board meeting.

Ambulance Service Update

Supervisor Rogers clarified that ALF Ambulance Service would provide service to Eureka through dispatch from the Dakota County Communications Center.

Joey Miller and Living Waters Church Property Drainage Issue Update

Carried provided an update on the Miller property and Living Waters Church property drainage issues. She stated there are no State or County laws on how water is rearranged, but would rather need to be a Township ordinance pertaining to permits.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to double the permit fee for Joey Miller. Motion carried unanimously.

Supervisor Jennings requested the Planning Commission consider a change to the hauling ordinance so that it would reflect the volume of material moved not the area disturbed.

NEW BUSINESS

Brosseth and Storlie Mining Permit Annual Review. Kelly Brosseth and Pat Mason, Ames Construction, were present for review of their mining permit.

It was noted that no complaints had been filed and fees had been paid.

Supervisor Miller recused himself for the next item.

Eureka Sand and Gravel Mining Permit Annual Review

Kenny Miller discussed the operation of Eureka Sand and gravel through the end of July, 2015, at which time ownership was transferred to Sibley Aggregates.

Sibley Aggregate Mining Permit Annual Review

Representatives from Sibley Aggregates were not present. The annual review was tabled until the March meeting. The Clerk was directed to contact Mr. Chard.

Vermillion Aggregates Mining Permit Annual Review

Discussion regarding road restrictions on 235th Street was held. It was noted there had been no formal complaints and the annual fees had been paid.

Election Judge Appointment

Motion was made by Supervisor Jennings, seconded by Supervisor Miller, to approve Resolution Number 2016-01 appointing the following Election Judges for the March 8, 2010 Township Election. Motion carried unanimously.

Valerie Kehrer as Head Judge
Earl Schindeldecker
Cheryl Schindeldecker
Jody Arman-Jones
Jack Schabel
Karin Grossman
Steve O'Neill
Elaine Swedin

Clerk Update

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

Attorney: Follow up on Joint Powers Agreement with Dakota County Sherriff and a draft ordinance for extension of commercial energy moratorium.

Clerk: Letter to Building Inspector indicating Board's intention to renew contract, letter to Sibley Aggregates regarding their annual review at the March meeting.

Motion was made by Chair Budenski, seconded by Supervisor Behrendt, to adopt Resolution 2016-03 to extend the Sibley Aggregate Interim Use Permit to March 14, 2016. Motion carried 4-0. Supervisor Miller abstained.

Motion was made by Chair Budenski, seconded by Supervisor Jennings to adjourn the meeting at 10:10 p.m. Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk