

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

March 13, 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, Carrie Jennings and Lu Barfknecht. Planning Commission members Nancy Sauber and Donovan Palmquist, 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:

New Business

F. Annual Review of Hansen Airstrip

Other Business

F. Set Date for Re-organization Meeting

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

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 Jennings, to accept the Treasurer's Report dated March 13, 2017. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

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

Supervisor Jennings volunteered to follow-up, once Supervisor Behrendt's term is up, with the Met Council regarding the landscaping at the lift station on Dodd Boulevard, as an escrow is being held.

Treasurer Wilson discussed a proposal from Lewis, Kisch and Associates, Ltd. for an audit of the 2016 financials.

Motion was made Supervisor Jennings, seconded by Supervisor Rogers to accept the proposal from Lewis, Kisch and Associates, Ltd. for an audit of the 2016 financials. Motion carried 4-0.

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Public Comment

None

Citizen Business

Gloria and Erlin Anderson, 8635 267th Street West, discussed the possibility of placing an ad in the Township newsletter to purchase a building right. The Board agreed the ad would be permissible.

Motion made by Supervisor Jennings, seconded by Supervisor Behrendt to allow Gloria and Erlin Anderson to place an ad to purchase a building right in the Township newsletter. Motion carried 4-0.

Contractor Update

Bryce and Jason Otte discussed ongoing road maintenance and tree trimming. Damaged sign replacement was discussed.

Motion made by Supervisor Rogers, seconded by Supervisor Jennings, to authorize the replacement of 14 damaged or missing signs as discussed. Motion carried 4-0.

Discussion was held regarding the elevation of 225th Street and culverts which had been addressed by Cal Pflaum at the February meeting. Supervisor Behrendt suggested discussing the possibility of installing two culverts with Brian Watson, Dakota County Soil and Water District.

Nancy Sauber noted that the "No Dumping" sign on 240th and Denmark is missing.

Building Inspector Update

Darrel Gilmer, Building Inspector discussed ongoing inspections. He provided photographs of the Mahoney property showing the progress of debris removal. The Board directed Mr. Gilmer to work with Mr. Mahoney on a list of items to be removed and a projected completion date to be provided at the April Town Board meeting.

Consent Agenda

Minutes of the February 13, 2017 Town Board Meeting

It was noted that an address for Cal Pflaum, on page 2, should to be added.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve the minutes of the February 13, 2017 Town Board meeting as amended. Motion carried 4-0.

Planning Commission Update

Planning Commissioner Palmquist provided a summary of the March 6, 2017 Planning Commission meeting.

LAND USE PERMITS

Jarod Oleson and Jill Hafermann, 24648 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 Jennings, seconded by Supervisor Barfknecht, to approve a building permit for Jarod Oleson and Jill Hafermann, 24648 Iberia Avenue to construct a lean-to. Motion carried 4-0.

Jerome Phillipe, 27798 Jamaica Avenue – Residential Building Right Transfer Application.

Butch Hanson was present representing Terri Petter.

It was noted that the Planning Commission recommended approval of the application subject to submission of a certified copy of the deed to the property. Attorney Lemmons stated he would order a certified copy of the deed and forward to the Clerk.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to approve a residential building right transfer for Jerome Phillipe; receiving property identification number 13-03100-52-011, sending property identification number 13-00700-500-11. Motion carried 4-0.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to move New Business on the agenda ahead of Old Business. Motion carried 4-0.

NEW BUSINESS

Vermillion River Aggregates Mining Permit Annual Review

Dan Ames was present and noted that no material had been moved onto the property during the past year. It was noted that a complaint had been made regarding Scott's Miracle Gro storing material on the mining site which is not allowed under the current conditional use permit. Mr. Ames acknowledged that material was being stored and that it will be moved by June 1, 2017.

The floor was opened for public comment.

Terri Petter, nearby property owner, stated she had no complaints in regard to noise or other issues at the Vermillion pit.

The floor was closed to public comment.

The Clerk was directed to attach the existing complaint and the minutes of this meeting to the Vermillion River Aggregates file.

Friedges Landscaping Mining Permit Annual Review

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Justin Friedges was present and noted the actual mining was taking place on the south side of the property. There was no public comment in regard to the Friedges Mining permit.

Dakota Townhomes, LLC, Agriculture Preserve Application

Brian Murphy, 6730 Lakeville Blvd., Lakeville, was present representing Dakota Townhomes.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve the application from Dakota Townhomes, LLC to designate the NW ¼ of the NW ¼ of Section 2, Twp 113, Range 20, Dakota County Minnesota, parcel identification number 13-00200-27-015 into the Metropolitan Agriculture Preserves. Motion carried 4-0.

Terri Petter, Annual Review of Conditional Use Permit for Spirit Ranch II, 10132 235th Street

Terri Petter was present for the review of the Conditional Use Permit for Spirit Ranch II. It was noted that the property at 24005 Dodd Boulevard (Spirit Ranch I) had been sold. There was no public comment in regard to the conditional use permit and it was noted that the annual fees were paid.

Bella and Chris Hale, Annual Review of Conditional Use Permit for Spirit Ranch I, 24005 Dodd Boulevard

Chris Hale, new owner of the property at 24005 Dodd Boulevard was present. It was noted that the conditional use permit for Spirit Ranch I would continue to run with the property. There was no public comment in regard to the conditional use permit and Mr. Hale indicated he would pay the annual fees.

Butch Hansen, Annual Conditional Use Permit Review for Airstrip

Butch Hansen, 26120 Highview Avenue, was present for the review. Mr. Hansen stated that a portion of the property had been cleared. There was no public comment regarding the conditional use permit and it was noted that the review had been completed and fees had been paid.

OLD BUSINESS

Sump Pump Ordinance

It was noted that a public hearing had been held in January, 2016, however the ordinance had not been adopted by the Town Board at their next regular meeting. Discussion was held regarding the proper procedure to move forward and it was determined that the issue should be readdressed by the Planning Commission at a public hearing.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to direct the Planning Commission to hold another public hearing regarding inclusion of sump pump language in Ordinance 4, Chapter 3 due to a previous error in adopting the ordinance. Motion carried 4-0.

Ordinance Recodification

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve the public notice for recodification of the Code of Ordinances adopted on February 13, 2017. Motion carried 4-0.

Follow-up on Complaint regarding Scotts Miracle Gro product storage.

Discussion was held regarding the storage of product belonging to Scotts Miracle Gro on Vermillion Aggregates property. It was determined that the storage of this product would be a violation of the conditional use permit for the Vermillion Aggregates gravel pit. The Clerk was directed to send a letter, after review by the Township Attorney, to Mr. Ames notifying him of the violation and request he attend the April Town Board meeting.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to direct the Clerk to send written notice of a violation of the conditional use permit to Dan Ames, Vermillion Aggregates, requesting attendance at the April Town Board meeting. Motion carried 4-0.

Accessory Use Structures – Maximum Area

Discussion was held regarding Ordinance 3, Chapter 4, Section 6 pertaining to the maximum total area of accessory buildings.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht to direct the Planning Commission to hold a public hearing to amend Ordinance 3, Chapter 4, Section 7 to read as follows: *C. The maximum total area of all accessory buildings shall not total more than 200 percent of the primary permitted structure on the property. There shall be no maximum limitation to total area for agricultural buildings and agricultural buildings shall not be considered in the total sum of accessory buildings on an individual parcel.* Motion carried 3-0. Supervisor Behrendt voted nay.

Clarification of Definition of Commercial Agriculture and Horticulture.

Discussion was held regarding the existing definitions of *commercial agriculture and horticulture* which would allow a person to sell agricultural products that are not raised on the land on which the sale is occurring.

Supervisor Behrendt noted there are a number of definitions that need to be aligned and suggested the Planning Commission hold a public hearing (at the same time as the sump pump and accessory use hearings are held).

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to direct the Planning Commission to hold a public hearing regarding the definition of commercial agriculture and horticulture. Motion carried 4-0.

The Clerk was directed to send a letter to Greg Adelman regarding the upcoming public hearing which will clarify the sale of commercial agriculture and horticulture products that are not produced on the land on which the sale is occurring (which will include the sale of wood brought into property that had been discussed with him at a prior Planning Commission meeting).

OTHER BUSINESS

Cannon River One Watershed, One Plan

Supervisor Jennings discussed a joint effort with the Dakota County Soil and Water Conservation District and area townships to develop a plan for the Cannon River Watershed to align local water planning on major watershed boundaries.

Lakeville / Eureka Township Joint Powers Agreement

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The draft Joint Powers Agreement with the City of Lakeville for sewer and water services to the Airlake Airport property was reviewed. It was agreed that Supervisor Jennings would continue to work toward the final document and submission to Lakeville.

Motion was made by Supervisor Behrendt, seconded by Supervisor Barfknecht, to direct Supervisor Jennings to work with the Township Attorney and TDKA consultant to finalize the Joint Powers Agreement document to be submitted to the City of Lakeville. Motion carried 4-0.

Township Technology

Supervisor Behrendt discussed the need to change from the current computer support provider to a new provider. He reviewed a proposal by Broadview Technology Solutions for management of IT services.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to switch IT support providers from Buds and Bytes to Broadview Technology Solutions. Motion carried 4-0.

Window Treatment for Town Hall

Supervisor Rogers discussed an estimate for the purchase and installation of blinds for the Town Hall windows. He stated the cost would be approximately \$127 for each of seven windows and \$157 for the windows in the Clerk's office. He stated there would be a \$137 charge for measurement and installation.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a \$1,000 credit card charge for the purchase of window treatments for Town Hall. Motion carried 4-0

Reorganizational Meeting

The annual reorganizational meeting was scheduled for March 27, 2017 at 7:00 PM.
A special closed meeting was scheduled for a meeting with the Building Inspector on April 10, 2017 at 6:00 PM and a special closed meeting for the annual review for the Township Treasurer at 6:30 PM.

Clerk Update

The Clerk reviewed assignments and discussed the upcoming annual meeting.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to adjourn the meeting at 10:25 PM. Motion carried 4-0.

Respectfully submitted:

