

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

March 14, 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, 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. Airlake Airport proposed annexation discussion

Motion was made by Chair Budenski, seconded by Supervisor Jennings to approve the agenda as amended. Motion carried 5-0.

Dakota County Detective Ryan Fitzgerald addressed the Board and citizens in regard to a hit and run accident that had occurred on March 9th on 250th Street involving a bicyclist. He handed out flyers offering a reward for any information on the driver of the vehicle.

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 March 14, 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.

Discussion was held regarding an outstanding invoice for damage to a culvert at Chub Lake and the measures being taken to collect damages from the individual responsible. Chair Budenski stated he would follow up with the Dakota County Sherriff's office.

Chair Budenski noted that he would also follow-up with Dakota County regarding an outstanding invoice for road grading.

Attorney Lemmons stated he would contact Joey Miller's attorney in regard to Mr. Miller's outstanding invoice.

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Treasurer Wilson noted that the settlement payment in the amount of \$9,000 had been received from GRE.

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

The Board set a special meeting for April 11, 2016 at 6:30 p.m. to conduct Treasurer Wilson's annual performance review.

Public Comment

Mark Parranto, 22702 Hamburg Avenue stated he would like to comment on the Airlake Airport annexation issues. The Board requested Mr. Parranto hold his comments until that issue was discussed later in the meeting.

Georgie Moliter, 8875 225th Street, stated there was a significant amount of debris along 225th Street between Highview Avenue and Dodd Boulevard and on the northeast corner of 225th Street. The Clerk was directed to write a letter to Hat Trick Investments, LLC in regard to the debris.

Allen Novacek, 24030 Iberia expressed his concerns in regard to the possible annexation of the airport property. He also discussed the Planning Commission policy regarding public comment at their meetings as well as his concerns regarding a public official verbally attacking someone in regard to political affiliation. He requested that the Planning Commission Chair be removed from office.

Contractor Time

Bryce and Jason Otte of Otte Excavating provided an update on road maintenance. The issue of frost boils was addressed. The Clerk was directed to put a notice to residents on the website. Tree trimming and a missing sign was also discussed.

Building Inspector Update

Building Inspector Darrell Gilmer provided an update on on-going inspections. Discussion was also held regarding the renewal of Mr. Gilmer's services agreement and it was decided that an amendment should be made in regard to septic inspections. The septic permitting process was discussed and it was agreed that the Building Official would issue septic permits on site and copies would be then be provided to the Township Office for processing. The Board directed the Planning Commission to review the fees for septic permits for consideration of a possible increase.

Motion was made by Supervisor Jennings, seconded by Supervisor Miller, to approve the Building Official Services Agreement with the addition of septic inspections to commence on May 1, 2016 through April 30, 2018. Motion passed unanimously.

Consent Agenda

Minutes of the February 4, 2016 Special Town Board Meeting.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to approve the minutes of the February 4, 2016 Special Town Board meeting as presented. Motion carried unanimously.

Minutes of the February 8, 2016 Town Board Meeting.

Two misspellings of names were noted. Supervisor Jennings asked that the following language be added on page 5:

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”*.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to approve the minutes of the February 8, 2016 Town Board meeting as amended. Motion carried unanimously.

Annual Review – Conditional Use and Mining Permits

Butch Hansen – Conditional Use Permit Annual Review. Butch Hansen and Mark Hansen were present for review of their conditional use permit for a private airstrip. It was noted there had been no complaints or concerns. The annual fee was paid.

Terri Petter – Conditional Use Permit Annual Review. Terri Petter was present for review of her conditional use permits for Spirit Ranch 1 and Spirit Ranch 2, including a dog kennel. It was noted there had been no complaints or concerns and fees were paid.

Friedges Landscaping Gravel Pit Operation Annual Review. Justin Friedges was present for review of the Friedges Landscaping and gravel pit operation. It was noted there had been no complaints or concerns and fees were paid.

Sibley Aggregate Mining Permit Annual Review and Development Agreement Amendment. Supervisor Miller recused himself for this issue. Leroy Chard was present for the review of the mining permit. Brief discussion was held regarding the hours of operation for the pit, Mr. Miller’s removal of equipment on the site, and the dumping of material near the site. It was noted there had been no complaints or concerns. Mr. Chard noted that he would be in Town Hall this week to obtain a sign permit. An amendment to the development agreement was discussed and the Clerk was directed to forward the amended agreement to the Township Attorney for review and then notify Mr. Chard.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve the development agreement amendment changes, pending review by the Township Attorney. Motion carried 4-0.

Chair Budenski called for a five minutes recess at 8:35 p.m.

The meeting reconvened at 8:40 p.m.

Planning Commission Update

Planning Commission Chair Nancy Sauber provided a summary of the March 7, 2016 Planning Commission meeting. The following issues were discussed:

- David and Nancy Cook lot split application.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to deny a lot split for David and Nancy Cook at 24485 Denmark Avenue for non-compliant setbacks for a grain bin structure on the side lot line and the driveway. Motion carried 5-0.

- Ames text amendment application.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to extend the 60 day review period for Dan Ames. Motion carried 5-0

The Clerk was directed to send a letter to Mr. Ames informing him of the extension.

- Property map overlay project.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to authorize TKDA to do a map overlay of property information with cost not exceeding \$1,000. Motion carried 4-0. Supervisor Miller abstained.

- Fence Ordinance.

A special meeting of the Planning Commission and Town Board was scheduled for March 23, 2016 following the Town Board re-organization meeting.

Land Use Permits

Jeremy White, 23005 Cedar Avenue, Building Application for Accessory Building. It was noted that the Planning Commission had reviewed the application and recommended approval. Jeremy White and Butch Hansen, contractor for the project, were present.

Motion was made by Chair Budenski, seconded by Supervisor Behrendt, to approve a the building permit application for Jeremy White, 23005 Cedar Avenue, to build a 3,780 square foot accessory building on property identified as 130090004011. Motion carried unanimously.

OLD BUSINESS

Joint Powers Agreement

Township Attorney Lemmons discussed the issue of liability outlined in Joint Powers Agreement with the Dakota County Sherriff's Department for ordinance enforcement. He recommended the Board approve the agreement and noted he would write a letter to Dakota County relaying the Township's position on the liability issue.

Motion was made by Supervisor Jennings, seconded by Chair Budenski, to accept the Joint Powers Agreement with Dakota County Sherriff for enforcement of township ordinances. Motion carried unanimously.

Complaint Follow Up- 8150 250th Street.

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It was noted that the owner of 8150 250th Street had been given until April 1, 2016 to bring the property into compliance with Ordinance 3 relating to the storage of junk vehicles.

Motion was made by Chair Budenski, seconded by Supervisor Jennings to direct the Building Official to inspect the property at 8150 250th Street for compliance of Ordinance 3 pertaining to junk vehicles. Motion carried unanimously.

Airlake Airport Proposed Annexation

Chair Budenski provided written clarification of City of Lakeville Mayor Little's attendance at a meeting that had come into question at the annual Township meeting. He discussed the Metropolitan Council's position that the Township could not use an existing interceptor in an effort to provide water and sewer to the hangars located on airport property. City Attorney Lemmons discussed Metropolitan Airport Commission (MAC) statutes pertaining to whether or not a municipality is incorporated or unincorporated. He noted that he would contact the Minnesota Association of Townships in regard to which classification Eureka Township holds. He also discussed Minnesota statutes in regard to annexation.

Butch Hansen stated he was frustrated that the Board does not have the facts of the annexation matter straight and felt the residents at the Annual Meeting would have responded differently had they heard the discussion just held.

Chair Budenski stated he felt the Township should negotiate with the City of Lakeville and MAC to get something in return, or the land could be taken. He discussed the possibility of a joint powers agreement with Lakeville.

Mark Parranto stated he felt designating some of the land in that area as commercial would benefit the Township. He also felt the Township should negotiate with the City of Lakeville and MAC.

Supervisor Behrendt stated he felt the Township should investigate if the Met Council would allow the Township to tap into the MUSA line. He stated advice from TKDA in regard to different scenarios and an overall process would be helpful.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to pursue conversations with the Metropolitan Council, the Metropolitan Airports Commission, and TKDA in regard to the feasibility of providing sewer and water services to the Airlake Airport. Motion carried 4-0. Supervisor Miller abstained.

It was noted that discussion will continue at the April 11, 2016 Town Board meeting.

NEW BUSINESS

Farmington Fire Department Annual Report. It was noted that a copy of the annual report was available for review.

Clerk Update

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

Motion was made by Chair Budenski, seconded by Supervisor Jennings to adjourn the meeting at 10:25 p.m. Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk