

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Special Planning Commission/Town Board Meeting of March 29, 2016**

**Call to Order**

Chair Sauber called the meeting to order at 7:04 PM. In attendance were: Chair Nancy Sauber, Supervisor Lu Barfknecht, Commissioner Donovan Palmquist, Commissioner Randy Wood, Town Board Chair Brian Budenski, Town Board Vice Chair Cory Behrendt, Supervisor Carrie Jennings and Supervisor Dan Rogers. Township Attorney Chad Lemmons was also present. Patrick Boylan, Kyle Colvin, and Gary Schmidt, Representatives of the Metropolitan Airports Commission and Wendy Wulff, Met Council Representative. Commissioner Fritz Frana was absent. Also in attendance, Sherri Buss, Senior Planner with TKDA, who is helping the Planning Commission at the direction of the Board to work on the Solar Ordinance, as well as updating of the Comprehensive Plan. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Township 2040 Comprehensive Plan.**

Sherri Buss, Senior Planner, TKDA, stated that the meeting tonight will focus on transportation. The Planning Commission has been meeting since November 2015, to talk about the Comp Plan. The Planning Commission has talked about land use as well as other issues. This planning cycle is through 2040. The Township is hoping to finish up its draft Comp Plan by the middle of 2017, so they can get it to the Metropolitan Council for approval.

Ms. Buss stated that a new issue has come up and there is some planning going on for Airlake Airport. She also stated that planning is not likely to be done within the time frame for getting the draft Comp Plan together. One of the questions the Planning Commission had for Patrick Boylan is how does the Township deal with the Airlake Airport Plan as we are working on the Comp Plan? A second question would be that one of the proposals for the Airport is to have the airport connection to the regional sanitary sewer system and Kyle Colvin will talk about that.

Patrick Boylan stated his background is in urban planning, working with land use policies. The airport is doing their own long-term Comprehensive Plan and aviation is a portion of the Transportation Policy Plan. Mr. Boylan stated that the plan is more or less on hold.

Sherri Buss stated that their plan may not be done by the time the Township Comp Plan is done and we may just have to draw a line around the airport and note that long-term planning is going on for the future.

Mr. Boylan stated that the Met Council adopted its own Comp Plan two years ago called *Thrive MSP 2040* which is their guiding document. The Met Council has a Transportation/Aviation component and a Regional Parks and Trails component. Another component is the Water Resources Management Policy plan and Kyle Colvin oversees the Sanitary Sewer component. There is also a Storm Water Management component. Eureka Township was issued a 2015 System Statement last fall. The Council created checklists for each community that says exactly what the Council expects from Eureka Township.

Mr. Boylan stated there are a number of rural designations, one being agriculture which is important to the economy of the Twin Cities. Our policies require that no more than one dwelling unit per 40 acres township-wide.

Mr. Boylan read a couple of important items directly from Thrive MSP 2040:

- *“Forecasts of population growth 2040 suggest minimal need to expand the wastewater systems geographical footprint beyond that negotiated between the Council and local governments as reflected in the 2030 local conference of plans”.*
- *“The Council discourages urban levels of development in rural areas to reduce development pressure on agricultural lands and to avoid premature demand for expansion of metropolitan systems and other urban public services.”*

Chair Sauber commented that the population growth predicts that by the 2040 timeframe, the number of households would still fall within the number of building rights that we have in the Township currently.

Chair Sauber stated there have been a few different proposals as to how Eureka could provide MAC with what they want and still keep it within the Township. One was to access any extra capacity in the sewer interceptor.

Town Board Chair Brian Budenski stated that the Town Board made a motion and the motion passed to look into providing MAC with water and sewer instead of Lakeville water and sewer.

Mr. Boylan stated in regards to the Regional Waste Water System, when it was designed and sized it looked beyond 20-30 years, more like 60-80 years in the future. The pipe that currently runs along the northern border of Airlake has sufficient reserve capacity to provide MAC with what it would need. There would be more than adequate capacity.

Chair Sauber asked for some clarification and questioned whether Eureka would be allowed to tap into the wastewater portion of the sewer interceptor and provide that for MAC and still be able in some fashion to provide a water source for them and be able to keep them in the Township.

Mr. Boylan stated that from the standpoint of providing service to those portions of the airport in the Township that would require a submittal from the Town to propose that. Because that portion lies outside of our current service area, we would bring the proposal to our Council to get their input.

Chair Sauber asked that in order for the Township to provide sewer/water for commercial/industrial uses we would have to change the Township from an Agricultural Township to an Urban Township which would involve a lot of other costs.

Mr. Boylan stated that once services get extended beyond the contiguous border and you extend service to isolated areas that brings up other policy issues. From Mr. Boylan's perspective, extending services beyond the airport would be more of a challenge from a policy standpoint.

**Town Board Chair Brian Budenski:** What do you suggest the Township do as far as submitting this?

**Mr. Boylan:** I would suggest going before the Environment Committee and do an informational item to get a sense of reaction to the provision of wastewater services for the airport.

**Town Board Chair Brian Budenski:** How long would you anticipate this would take?

**Mr. Boylan:** The Committee meets every two weeks. I could probably have something on the agenda within a month. It would be an informational item to get some feedback and we would report back to the town.

If the Council response is favorable to that, then we would either require that the city submit a Comprehensive Plan Amendment that includes this area of the Township and the wastewater service plan. Because the Town does not have a sewer plan, it would require an expansion of its wastewater chapter sewer plan. I believe right now the Town plan

indicates an on-site septic system. The new amended plan would have to include information that is typical for communities that receive wastewater services—the inclusion of ordinances, restrictions of what can be discharged, adoption of the Council’s waste discharge rules which stipulates the conditions of the type of flow we will accept, the conditions of the volume of flow, and estimates of what the flow volume will be and also an expectation that if the Township chooses to provide service to the airport, the Council would have the expectation that you would become another sewered community in the region. With that, there would be an expectation that the city would rebuild and the Township billed for those services.

**Chair Sauber:** In that process, does Lakeville have any role?

**Mr. Boylan:** When a comp plan gets updated and submitted, there is a jurisdictional review.

**Sherri Buss:** Can they request only to provide service to the airport or can they take on the whole baggage of becoming a community that is urbanized?

**Mr. Boylan:** In receiving wastewater service for just the airport, there is a little bit of baggage associated with that. When a community provides services to residential, there are a lot of other ordinances that communities have to adopt that outline the requirements of the homeowner for that. In this case we are talking about one industrial parcel in the community, so there are some mapping changes, and adoption of the Council’s waste discharge rules.

**Sherri Buss:** A first step might be thinking about the airport. A larger and more intensive step would be to go beyond the airport.

**Mr. Boylan:** That is a fair characterization. I think extending services beyond the airport would be more of a challenge to get it through the Council and a higher cost and timeframe.

**Town Board Chair Brian Budenski:** Let’s strictly deal with the airport issue. The city has approached us for a friendly annexation. They want to discuss how this might happen. With the motion last month, we are just talking about the airport and not talking about urban.

**Sherri Buss:** Is it correct that you are saying that going and meeting with one of your policy committees and bringing a proposal to them is the right approach?

**Mr. Boylan:** That is correct. We would want to get a sense of what the Council's reaction will be for the proposal. We would not want the Township to go through the process of developing a plan amendment and then find out it is not acceptable.

**Supervisor Jennings:** What can the sewer actually handle because ultimately our concern is to protect the aquifer beneath the airport and the Vermillion River watershed. There is a sand plain that the airport sits on with a very high water table and sewers generally are built for household waste. What about an airport and the kind of waste it generates and what do you anticipate the sewer can accept and what are chemicals that would be generated by an airport and would have to be dealt with differently?

**Mr. Colvin:** Two things the Council does to address that. One is every connection to the system, whether it is residential, industrial, or commercial has to abide by the waste discharge rules that I referenced earlier. Those waste discharge rules outline specific limits or characteristics that wastewater would accept. Anything that goes beyond those limits—acidity, ph., solids — either carry an additional charge (strength charge) or the Council will require pre-treatment.

**Supervisor Jennings:** What about the treatment plant at the other end of the airport? Can it handle petro chemicals and de-icing chemicals?

**Mr. Boylan:** As long as they are within the limits of the waste discharge rules.

**Mark Ceminsky, 7226 235<sup>th</sup> Street:** If Lakeville annexes this, will they have to go through the same process or do they automatically get to put it in their industrial area?

**Mr. Boylan:** When it comes to amending an area in terms of wastewater collection, every community has to go through the Comprehensive Plan Amendment. The Council looks at that change in either land use or community boundaries to verify that change does not cause an impact to the system. Who provides service has to be reflected in the Comp Plan.

**Gloria Belzer, 24335 Dodd Boulevard:** I am not aware that Eureka has been approached for a friendly annexation from Lakeville. Is that accurate? I have never seen a meeting out here or had representatives from Lakeville come and propose that the area be annexed. Can someone shed some light on that?

**Town Board Chair Brian Budenski:** I am talking about the October 22, 2015, letter that MAC sent to Lakeville asking that the City and Township of Eureka get together. Supervisor Dan Rogers (the airport contact) and I went to a meeting at Lakeville. There was another special meeting on January 22 in Lakeville. I could not reach Supervisor Rogers.

Supervisor Behrendt was unavailable, but knew about the meeting. Lakeville has asked me because I was Town Board Chair if we want them to come out and talk to the Board and any citizens that would like to come to that meeting. That is why the motion was made. Perhaps we can supply water and sewer.

**Chair Sauber:** I would like to clarify that the letter that Brian is referring to came from Gary Schmidt and the content was raised at a recent Board meeting. Within that letter the statement was made, which I found problematic, that he discussed it with the Town Board or some Supervisors. It was not the entire Board and to my knowledge Lakeville has never come and proposed it to the Board or had them here to ask questions.

**Supervisor Behrendt:** I think it would be fair to characterize that the Town Board has not received any annexation request. The Board has not taken action to either pursue annexation or to respond to annexation, but certainly recognizes that Lakeville and our airport liaison have been discussing the matter and that there is an intent out there. From the Board's perspective there has been no formal proposal and there has been no formal response.

**Gary Schmidt:** I work for the Metropolitan Airports Commission. If I could answer Ms. Belzer's question. At this point Lakeville has made no request for annexation. The Airport Commission has approached Lakeville to see if they would enter into discussions for the annexation. They have not agreed that there would be an annexation—it is the same thing we are trying to do with Eureka.

**Wendy Wulff:** From the Council point of view, this is not something we have done. I cannot guess how my colleagues would react, but it would be helpful to know what sort of volume of water you are talking about in addition to sewer volume because we do have concerns about the aquifer and how much is drawn out of the aquifer vs. city water, which has a different sort of DNR permit.

**Chair Sauber:** I understand the reason MAC wants sewer and water is that they want to expand the number of hangars. Is that correct, Mr. Schmidt?

**Gary Schmidt:** This is not necessarily for the airport. It is trying to service the tenants who are there today. We have connected three other airports to the system: Anoka, Crystal, and Flying Cloud. With the interceptor going through the airport, we felt it was the appropriate time to try and get our tenants connected. We are trying to close out other systems that are out there today because we are concerned about contamination. Our goal is to connect the airport to the system.

**Chair Sauber:** You had a sewer and water policy that has been updated. Can you comment on why Lake Elmo is not connected to sewer and water? I understand there is some sewer and water going in near that airport.

**Kyle Colvin:** The City of Lake Elmo is systematically building and expanding its infrastructure system and there is development that is continuing to expand easterly toward the airport. It is a local infrastructure that would provide direct service to the airport. They are within a quarter of a mile, but just 2-3 years ago it was well over a mile to the closest existing infrastructure to serve the airport. Over time they will systematically expand the system to get to the airport. Flying Cloud airport had a similar situation. They were on their own septic system and providing their own service and it took a while for Eden Prairie to expand its system to the doorstep and then service and connection was allowed for Flying Cloud airport.

**Chair Sauber:** So basically the time constraints you had in your policy were not realistic. Lake Elmo was supposed to be connected to sewer and water within 48 months of the original institution of the policy.

**Gary Schmidt:** If I could clarify. The intent of the policy was for the Airports Commission. If it was accessible, we would try to run the laterals out to serve the airport. The 48-month connection was for the individual tenants. Once the service was available they would have 48 months to close out their private systems.

**Supervisor Jennings:** I believe there is still an unanswered question. How much water use are we talking about? I don't think it is a lot as they are not individual residences.

**Chair Sauber:** Is that information that MAC could provide the Township?

**Gary Schmidt:** I do not know what the volume would be. There are roughly 100 hangars out there right now and probably 60% may consider connection at the time. You are correct in that the rate of occupancy or how often they are out there is far less than it would be in a residential home. If someone gets into washing an airplane, they start to use a higher volume of water. We would probably have to do a survey first to see who would be interested in connecting and that gets back to how much it will cost them individually. Then we could probably start to estimate some type of water volume.

**Supervisor Jennings:** What do they do now to wash their airplanes? Is there an airplane washer?

**Gary Schmidt:** In most cases there is not one area designated to wash planes. To construct a private airplane washer where we can collect the runoff is in one of our plans. Right now

most will go up to the commercial operator (220<sup>th</sup> and Hamburg) who is in the system and will wash their planes there.

**Chair Sauber:** You are talking about the number of current hangars that exist. You also mentioned you had a waiting list for people who would like to get airplane hangars.

**Gary Schmidt:** Several years ago if someone wanted to be on the waiting list they had to pay \$500 down—but we might not even have a plan for the development of hangars and where we once had a list of 75 who were on a waiting list for Airlake Airport, that went away. We still have about eight people on a list. There is a south building area, but we have not touched the south area. It would be at least 6-7 years. Part of the problem is we are waiting to figure out how we are going to serve the area.

**Supervisor Rogers:** If you built out the south hangar pads, how many would you plan on putting there?

**Gary Schmidt:** I am thinking maximum of 75 hangars.

**Terri Petter, 10132 235<sup>th</sup> Street:** You stated the north side is already annexed. What does the map tell us?

**Gary Schmidt:** That map only depicts the land owned by the Metropolitan Airport Commission and within the orange shaded area, there is a 12-acre parcel that is already annexed and resides in the city of Lakeville. This is a proposal for the Airports Commission property and I should clarify there is a small sliver of property along 220<sup>th</sup> street that the city of Lakeville actually cuts through. There is a portion of the airport where the boundary comes through that actually resides in Lakeville but it is so small (a few acres). The smaller map is all of MAC's property. The larger map on the easel is MAC property in the Township.

**Butch Hansen, 26120 Highview:** To sum this up, the staff would propose sending a request for an informational meeting asking Met Council to allow us to hook into the interceptor line to service the airport. Everything else we are talking about just muddies the water. The reason we are here tonight is to talk about keeping the airport in Eureka Township and being able to service them with sewer and water. All other conversations do not pertain to what we are here tonight for.

**Chair Sauber:** This topic about industrial, commercial and sewer has been brought up at the Annual meeting, Planning Commission meetings and Town Board meetings. These topics and other topics are important information for the citizens to have.

**Mr. Hansen:** The airport is going to annex to Lakeville if we don't service them with sewer. Is that correct Gary?

**Gary Schmidt:** We would like to get service to the airport but we are here to propose a friendly annexation and this is not intended to be any type of ultimatum.

**Chair Sauber:** The Board does have a motion for a proposal to work with MAC so that there could be an accommodation so that they would not be annexed.

**Mr. Hansen:** They can hook up to the sewer possibly if Eureka Township makes a formal request for that to happen.

**Chair Sauber:** If we should get ultimate approval from the Council, correct?

**Patrick Boylan:** Again, I can't promise anything but we can say the action by the Board and the Planning Commission is to make such a request in front of the Environment Committee and our policymakers can then weigh the question. There was a question earlier about volume and that is clearly what Councilwoman Wulff was asking about and that is the kind of data she would have to have. I can work with Sherri Buss to anticipate what would help us fully understand this to make a decision. The more information you can provide the better chance of getting some sort of response.

**Sherri Buss:** Can you give the Township an idea of what type of information we would need to bring to a meeting so they can start to figure out what it would take to put that together? I think that would be their critical next step. They have decided they want to do that so they would really need a list or some kind of information from you about what type of data they should bring.

**Patrick Boylan:** You would need to include information from the Airport Commission as well. I am anticipating what we need is to provide service to the existing uses out on the airport. We are not talking about providing service to new anticipated commercial type development that doesn't exist out there (the airport property itself). We want to be clear so that information can be presented in a clear manner to our policymakers as to what exactly is being proposed.

**Chair Sauber:** I would like to thank you all for coming to answer our questions.

**Supervisor Jennings:** I would like to make a request that these minutes be extremely detailed.

**Chair Sauber:** They shall be very detailed. At this point we are going to go on as the Planning Commission to review and discuss the changes to Chapter 5 and the Solar Energy Systems Ordinance.

This portion of the Special Meeting ended at 8:09 PM.

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk  
Eureka Township

*March 29, 2016 Special Meeting Minutes approved by Planning Commission on May 2, 2016.*