

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

JUNE 13, 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, Dan Rogers, Carrie Jennings and Cory Behrendt. Lu Barfknecht was absent. Planning Commission Chair Nancy Sauber, Township Attorney Patrick Kelly, 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:

B. 5. Lawn Maintenance

Chair Budenski noted that County Commissioner Mike Salvik would be present later in the meeting to provide an update on County issues.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, 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 Chair Budenski, seconded by Supervisor Rogers, to accept the Treasurer's Report dated June 13, 2016. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Behrendt, to accept the bills and receipt list. A roll call vote was taken. Ayes: Unanimous.

Real Tree Church plan review charges were briefly discussed.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve the balance of the financials. Ayes: Unanimous.

Township Attorney Patrick Kelly discussed a proposal by Joey Miller for the Township to keep the balance of his escrow account and waive the remainder of the outstanding invoice.

June 13, 2016

Town Board Minutes

Page | 1

Supervisor Behrendt suggested that due to surrounding circumstances it would be feasible for the Township to accept the balance of escrow account as payment and waive any further action.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski, to waive the remaining balance of the Joey Miller invoice. Motion carried 4-0.

Treasurer Wilson was directed to return escrow balances to Top Notch Properties and Real Tree Church as indicated on the June escrow bond account statement.

Current CD rates were discussed in regard to a CD expiring in June.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to reinvest the CD for 60 months at the quoted rate. Motion carried 4-0.

Dakota County Deputy Matt Lohman reported there had been no recent criminal activity. Darrel Gilmer noted that four wheelers were driving on Denmark Avenue, as well as an automobile with a loud muffler speeding on Denmark.

Public Comment

Beverly Swanson, Granite Path, requested dust control on 257th Street due to services at Mt. Olivet which will begin next week.

Contractor Time

Bryce Otte, Otte Excavating, discussed frost boils that are being repaired, grading, and debris to be picked up on Township roads.

Building Inspector Update

Building Inspector Darrell Gilmer provided an update on on-going inspections. The Mahoney property debris removal was discussed. Mr. Gilmer was directed to inspect the property in July. Mr. Gilmer discussed a roofing contractor that refuses to get final inspections. Mr. Gilmer was directed to write a letter to the contractor and require an escrow that would be refunded on final inspection of the reroofs. Mr. Gilmer stated he wanted to make the Board aware that he is licensed to conduct commercial inspections on buildings up to 3,000 square feet. Discussion was held regarding an ongoing inspection report to be submitted to the Board on a regular basis.

Consent Agenda

Motion was made by Supervisor Behrendt, seconded by Chair Budenski to approve the consent agenda as follows:

- Minutes of the March 29, 2016 Town Board Meeting.
- Minutes of the May 4, 2016 Round Table Meeting
- Minutes of the May 9, 2016 Town Board Meeting
- Adoption of Resolution 2016-06 regarding the Phillippe Lot Split approved at the May 9, 2016 Board Meeting

Planning Commission Update

June 13, 2016

Town Board Minutes

Page | 2

Planning Commission Chair Nancy Sauber provided a summary of the June 6, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board. Changes to the proposed fence ordinance was discussed. Planning Commissioner Fritz Frana discussed the Planning Commission's recommended denial of the Ames text amendment.

Land Use Permits

Paul Ulmen, 8240 240th Street West – Building Permit Application for Accessory Building

Mr. Ulmen was present to discuss his application.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve a building permit application for an accessory building for Paul Ulmen 8240th Street West. Motion passed 4-0.

Ken DeMaster, 25300 Highview Avenue, Mark Larson, 25378 Highview Avenue – Lot Split Approval Application

Mr. DeMaster was present to discuss the proposed lot split.

Motion was made by Supervisor Jennings, seconded by Chair Budenski to approve a lot split for Dylan Larson as follows: Parcel A, consisting of .5 acres, and having Pin #130210026012 and a portion consisting of .79 acres Pin #130210026020 to be combined with a parcel from the Dudgen lot split.

Motion was made by Supervisor Jennings, seconded by Chair Budenski to approve a lot split for Troy and Jennie Duden Parcel A, consisting of five acres, Pin #130210026020, splitting off Parcel B, consisting of .66 acres and Parcel C, consisting of 0.056 acres with the condition that at the time of recording they are combined with the Dylan Larson property. Motion carried 4-0.

Tracie and Niel Devasir, 8258 257th Street West – Building Permit Application for Accessory Building

The applicant was not present.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve a building permit application for Tracie and Niel Devasir to construct an accessory building at 8258 257th Street West. Motion carried 4-0.

Dan Ames, Zoning Ordinance Text Amendment Application

The applicant was not present. A brief discussion was held regarding the Planning Commission recommendation to deny the proposed text amendment.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to deny the application by Dan Ames for a text amendment that would allow the recycling of concrete and asphalt that does not originate from the Township due to following reasons.

- Inconsistency with recommendations of the Mining Tax Force, as the mining ordinance regards extraction not recycling of materials.
- Fails to align with guidelines to policy changes as outlined in the Comprehensive Plan.
- The proposed amendment could create increased industrial activity in an agricultural zone

- The proposed amendment could open the door for current level three mines and future mines to request their operations have the ability to crush asphalt and concrete, along with potential legal challenges for being capricious and arbitrary if requested and denied.
- Uncontrolled pockets of industrial use across the Township could result.
- Citizens who spoke or provided comment at the public hearing were opposed to allowing pre-existing mine operations to bring in asphalt and concrete to be crushed from outside the Township.

A roll call vote was taken. Ayes: Supervisors Behrendt, Jennings, Rogers. Nay: Chair Budenski.

OLD BUSINESS

Airlake Airport – Metropolitan Council Response

Sherri Buss, TDKA, discussed a letter from Patrick Boylan, Metropolitan Council, outlining requirements for the Township to provide sewer and water to the Airlake Airport property. It was noted that 1000 acres would have to be designated for various urban land uses prior to the MUSA being extended into Eureka and a comprehensive plan would have to be developed.

Supervisor Budenski noted that Cal Pfalum who owns property along border had indicated to him that he would like to see orderly annexation of the airport property into Lakeville.

Discussion was held regarding the process for incorporation of the Township and other options in regard to providing sewer and water to the subject property. It was suggested that a special Town meeting could be called to get citizen input.

City of Lakeville Letter Regarding Possibility of Annexation of Airlake Airport Property.

Discussion was held regarding a letter received from Justin Miller, Lakeville City Administrator, dated April 22, 2016.

Supervisor Jennings stated she felt a full meeting of the Board and the Lakeville City Council is warranted. She further noted that her concern is for the protection of ground water.

Mark Parranto, property owner adjacent to the airport property, suggested that two Board members meeting with Lakeville staff could be a more productive beginning. He stated that Eureka should benefit from the process, if possible.

Gary Schmidt, MAC, clarified that MAC wants to protect ground water, the same as Eureka, which is part of the incentive to have sewer and water installed at the airport. In regard to a timeframe, he stated that the actual installation of sewer and water to individual hangars could not happen for three to five years, as long term planning must take place once sewer and water has been approved.

Supervisors Behrendt and Jennings were appointed to meet with City of Lakeville staff. Attorney Kelly was asked to provide information regarding incorporation and orderly annexation.

Previous Complaint

Follow up to a complaint filed against property at 24315 Dodd Boulevard was discussed. The Clerk was directed to send a letter to the property owners. Supervisor Jennings noted she would draft the letter.

Chair Budenski called for a brief recess at 10:00 p.m.

The meeting reconvened at 10:10 p.m.

NEW BUSINESS

New Complaints

Complaint #1 regarding property at 4628 235th Street West was assigned to Chair Budenski and Supervisor Jennings. It was noted that ordinance research would be necessary.

Complaint #2

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to direct Clerk to write a letter regarding lighting on the property at 5100 235th Street W. giving the property owner 30 days to comply with the pertinent ordinance.

Request for Quotes / Bids.

Supervisor Behrendt stated, per the direction of the Board at the May Town Board meeting, he choose to engage Outdoor Innovations as the Town Hall grounds maintenance provider. He noted that the cost for their services will remain consistent with the previous provider.

Motion was made by Supervisor Behrendt, seconded Supervisor Rogers to reject the quote from Northern Salt Inc., dated April 25, 2016, for dust control, as the Township chooses not to use the proposed product. Motions carried 4-0.

Motion was made by Chair Budenski, seconded by Supervisor Jennings to repost the request for bid for dust control (magnesium chloride). Motion carried 4-0

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to approve a one-time application of magnesium chloride for dust control for a cost up to \$25,000. Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Chair Budenski to accept a quote from Anderson Rock and Lime, Inc., dated June 13, 2016, for CL5 limestone. Motion carried 4-0.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers to give Chair Budenski the authority to negotiate the best price with gravel contractors. Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Chair Budenski to accept the bid from Otte Excavating, Inc., dated June 13, 2015 for road maintenance and snow removal services - July 1, 2016 through June 30, 2017. Motion carried 4-0.

Mike Slavik, County Commissioner provided an update on County activities.

Clerk Update

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

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to adjourn the meeting at 10: 50 p.m.
Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk