

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

JULY 11, 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, Cory Behrendt and Lu Barfknecht. Planning Commission Chair Nancy Sauber, Planning Commissioner Fritz Frana, 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:

Consent Agenda – Item C moved to D under Planning Commission Update

Additions to Old Business

C. Hat Trick property

D. Scotts Miracle Gro

Addition to New Business

D. Temporary road closure

Motion was made by Chair Budenski, seconded by Supervisor Behrendt, 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 Supervisor Behrendt, seconded by Supervisor Barfknecht, to accept the Treasurer's Report dated July 11, 2016. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Discussion was held regarding the invoice from Envirotech for dust control.

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

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

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Discussion was held regarding outstanding invoices. Chair Budenski noted that Dakota County would like to negotiate the outstanding balance of \$3,300. Discussion was also held regarding the culvert damage at Chub Lake. The Treasurer was directed to request a copy of the police report for the incident.

Public Comment

Georgie Molitor, 8875 225th Street requested an update on a previous complaint regarding Scotts Miracle Gro. Nancy Sauber discussed storage issues on the Scotts site.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to direct the Clerk to write a letter to Scotts Miracle Gro informing them that storage on property other than their own is not allowed. Motion carried 5-0.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, that the Township will purchase (to be billed to Scotts Miracle Gro) and install “no parking, stopping, standing at any time” signs on the east and west side of Highview Avenue near the corner of 225th Street. Motion carried unanimously.

Cal Pfalum, 5780 225th Street West, addressed various issues which included dumping and the junk (especially on the Hat Trick property) within the Township, the need for mosquito control, weeds, orderly annexation and the new Farmington Fire Chief.

Contractor Time

Jason Otte, Otte Excavating, discussed clean up from storm damage, frost boil repair and debris pick up. The Board directed Mr. Otte to order the aforementioned signs to be installed adjacent to the Scotts Miracle Gro property.

Building Inspector Update

Building Inspector Darrell Gilmer was not present.

Consent Agenda

Two minor changes to the March 29, 2016 minutes were noted.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to approve the minutes of the March 29, 2016 Town Board meeting. Motion carried unanimously.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to approve Resolution Number 2016-07 approving Election Judges for the August 9, 2016 Primary Election and the November 8, 2016 General Election. Motion carried unanimously.

Motion was made by Supervisor Behrendt, seconded by Supervisor Barfknecht, to approve a revised site plan pertaining to the driveway setback, for Duane Breid to construct a pole shed at 24820 Dodd Boulevard. Motion carried unanimously.

Planning Commission Update

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Planning Commission liaison Fritz Frana provided a summary of the July 5, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board.

Land Use Permits

Matt Marschall, 7429 280th Street West, Building Permit for Addition to Garage.

Motion was made by Supervisor Behrendt, seconded by Chair Budenski, to approve a building permit for Matt Marschall to construct an addition to an existing garage at 7429 280th Street West. Motion carried 5-0.

Brady and Anna Gustafson, 24825 Dodd Boulevard, Building Permit for a New Single Family Home.

It was noted that due to a publication error, a public hearing regarding a conditional use and variance had been rescheduled. It was further noted that it had been determined that a variance would not be necessary.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to not charge for the publication of the notice for public hearing regarding the variance and to extend the 60 day review period for the building permit application submitted by Brady and Anna Gustafson for a new single family home to be located at 24825 Dodd Boulevard. Motion approved unanimously.

Motion was made by Supervisor Jennings, seconded Chair Budenski to adopt Ordinance No. 2016-01 regarding the Planning Commission Chair position. Motion carried unanimously.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt to adopt Ordinance No. 2016-02 pertaining to fences. Motion carried 4-0. Supervisor Barfknecht abstained.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to adopt Ordinance No. 2016-03 pertaining to solar panels. Motion carried unanimously.

Township Attorney Lemmons and the Town Board discussed new legislation regarding temporary family home care dwellings.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to direct the Township Attorney to draft necessary documents for the Township to opt out of the State "2016 Laws, Chapter 111" which established the definitions and requirements for temporary family home care dwellings. Motion carried unanimously.

Chair Budenski recessed the meeting at 9:20 p.m. for a five minute break.
The meeting was reconvened at 9:25 p.m.

OLD BUSINESS

Previous Complaint Follow-up

1. 24315 Dodd Boulevard - Supervisor Jennings noted that an email had been received from the property owner however the issue of ownership of the horses was not addressed. Gloria Belzer, 24335 Dodd Boulevard, discussed her concerns regarding the property.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to direct the Clerk to send a letter to the property owners at 24315 Dodd Boulevard addressing the ownership of horses currently on the property and request confirmation there is no use of the barn structure as part of their kennel business. Motion carried unanimously.

2. 4628 235th Street – It was determined the complaint regarding elk on the property was not a legitimate complaint, as proof of the purchase of the animals was provided and indicated they were on the property in 2002, thus grandfathered in. The Clerk was directed to send a letter to the complainant.

Berming requirements and lighting concerns for the Sibley Aggregates site was discussed.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to direct the Clerk to send a letter to Sibley Aggregates in regard to lighting and berm requirements in the Township ordinances. Motion carried unanimously.

24090 Holyoke Path – Previous request to use pole barn/garage as temporary living quarters. Discussion was held regarding the residents of 24090 Holyoke Path residing in a pole barn/garage without a current building permit for a new home.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to direct the Building Inspector to inspect the property at 24090 Holyoke Path. Motion carried unanimously.

Hat Trick Property – Chair Budenski discussed dumping on the Hat Trick property on Highview Avenue. He further noted that the property owner has requested to be annexed into Lakeville for the purpose of being zoned commercial / industrial.

Chair Budenski went on to discuss the need for additional funding for road maintenance and the revenue that could be gained from having commercial/industrial zoning property within the Township. He discussed holding a public hearing on July 26th to get citizen input in regard to rezoning particular properties north of 225th Street on Highview Avenue to commercial/industrial. Planning Commission Chair Sauber suggested that Phase II of the Commercial/Industrial Study be continued.

Chair Budenski *“I make a motion. That we. That we have a public hearing, that we have the Planning Commission have a public hearing so we will know what people think about making 225th and Highview and those four parcels commercial/industrial.”*

Discussion continued regarding the need for the Commercial/Industrial Study to be continued and the premature holding of a public hearing.

Supervisor Behrendt made a motion to call the question. Seconded by Supervisor Jennings. Vote was taken. 4 Ayes (Supervisors Behrendt, Jennings, Barfknecht, Rogers) and 1 Nay (Supervisor Budenski). Motion passed.

Vote was taken on the original motion. Ayes: Supervisors Rogers, Barfknecht and Chair Budenski. Nays: Supervisors Jennings and Behrendt.

Discussion was held regarding the hearing date and the notification of Township residents. It was agreed the hearing date would be determined at a later date but would be held sometime in August.

Comment was made by Supervisor Behrendt, *“That’s already been determined, whatever that motion said, is what that publication gets to say. You don’t get to come back and now add in stuff. You voted on a motion which said to have a public hearing on changing this to industrial, whatever that was. That’s what it’s going to say, you don’t get come back now and add in additional language and additional consideration. That’s not part of the motion, that’s not what was voted on.”*

NEW BUSINESS

Newsletter. The draft edition of the upcoming newsletter was reviewed.

24404 Iceland Path (Creative Concepts Contractors) Supervisor Barfknecht noted that citizens have made comments to her that cul-de-sac on Iceland Path is being used for employee parking and the storage of a dumpster. It was determined that a formal complaint should be submitted.

Request for Quotes / Bids.

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings, to accept a bid from Envirotech Services, Inc. for dust control application services for the 2016-1017 season. Motion carried unanimously.

Temporary Road Closure – Supervisor Rogers discussed the temporary closing, on July 12th, of Highview Avenue from 225th Street to 219th Street for the replacement of split rails.

Supervisor Jennings noted that she and Supervisor Behrendt were scheduled to meet with City of Lakeville staff regarding the proposed annexation issue on July 15th at 9:00 a.m.

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 10:20 p.m. Motion carried unanimously.

Respectfully submitted:

Mira Broyles, Clerk