

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**August 7, 2017**

Chair Lu Barfknecht called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Lu Barfknecht, Dan Rogers, Butch Hansen, Carrie Jennings and Donovan Palmquist. Planning Commission members Nancy Sauber and Ralph Fredlund, 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:

Chair Barfknecht added Citizen Input and Conduct at Township Meetings Policy as the first item on the agenda.

Old Business:

E. Watershed Business (added by Supervisor Jennings)

Other Business:

C. Update on blind in Clerk's office (added by Supervisor Rogers)

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

Chair Barfknecht read the Citizen Input and Conduct at Township Meetings Policy as a reminder to everyone.

**TREASURER'S REPORT**

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to accept the Treasurer's Report dated August 7, 2017. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Chair Barfknecht, seconded by Supervisor Rogers to approve the claims and receipt lists. Roll call vote was taken. Motion carried 5-0.

Motion by Supervisor Jennings, seconded by Supervisor Hansen, to direct the Treasurer to set up a separate spread sheet to track attorney expenses related to specific cases. Motion carried 5-0.

## **Public Comment**

Mark Ceminsky, 7226 235<sup>th</sup> Street West, discussed the blog page “Engaging Eureka in Governance”, stating he felt it was inappropriate for a member of a Board or Commission to write such a blog, as some citizens believe it is a Township sponsored site. He stated he felt it should be noted in the Township newsletter that the blog is not official Township information. He also requested that he be allowed to speak in regard to the proposed resolutions that is later on the agenda. He expressed his concern over the process regarding the annexation of the Airlake Airport property.

Nancy Sauber, 9445 225<sup>th</sup> Street West, expressed concern over false facts being given by certain individuals at Township meetings. She specifically noted previous discussions regarding a new commercial building on property that has now been annexed into the City of Lakeville. She went on to provide background information on the property and noted that sewer and water is available to the subject property and wrong information had been given in that regard at the last Town Board meeting. She also discussed the proposed annexation of the Airlake Airport property and the lack of sewer and water availability from the Township.

## **Citizen Business**

Allen Novacek, 24030 Iberia Avenue, discussed the relationship between State Building Code and Township Ordinances. He provided written information (*attached as Attachment A*). He stated he was concerned that many of the issues with the Township ordinances was not addressed during the recent recodification process. He stated he felt corrections should be addressed immediately.

## **Contractor Update**

Bryce Otte, Otte Excavating, discussed ongoing road maintenance, sign installation on Jersey Court, upcoming tree trimming on 235<sup>th</sup> Street, and the schedule for gravel delivery.

Motion by Chair Barfknecht, seconded by Supervisor Jennings to direct Supervisor Rogers to have a conversation with County Commissioner Mike Slavik regarding roads that could be taken over by the County, and report back at the September Town Board meeting. Motion carried 5-0.

## **Building Inspector Update**

Darrel Gilmer, Building Inspector, gave an update on ongoing inspections and discussed the valuation process for swimming pools. Discussion was held regarding the need for clarification in Ordinance 7, Section R.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to direct the Township Attorney to draft an amendment to Ordinance 7, Section R for approval and publication at the September Town Board meeting. Motion carried 5-0.

It was noted that no response had been received to a letter sent to Connie Anderson, 25779 Highview Avenue, on July 13, 2017, in regard to a home demolition permit.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to direct the Clerk to send a second notice letter via registered mail to Connie Anderson, 25779 Highview Avenue. Motion carried 4-1. Supervisor Jennings voted nay, noting she felt Ms. Anderson had not been given adequate time to respond to the first letter.

The sump pump ordinance was discussed with Inspector Gilmer. He noted there is no reference to sump pumps in the State Code. The Board directed the Building Inspector to review the sump pump ordinance and email his opinion to the Planning Commission or attend the September Planning Commission meeting to discuss the ordinance.

## **Planning Commission Update**

Planning Commission Chair Nancy Sauber provided a summary of the July 3, 2017 Planning Commission meeting. See attached summary as Attachment B.

## **LAND USE PERMITS**

### Timothy and Cindy Murphy, 9110 225<sup>th</sup> Street W. – Lot Split Approval Application

Timothy Murphy was present. It was noted that the Planning Commission recommended approval of the lot split on the condition the fifty feet portion be attached to Parcel C, and reference be made to the survey where updated legal descriptions exist.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve the lot split for Timothy and Cindy Murphy, 9110 225<sup>th</sup> Street W., of 50 feet of Lot A, PIN 13-00500-50-041, on the condition it be attached to Parcel C, PIN 13-00500-50-050 (and as indicated on the survey dated June 6, 2017 by Christopher D. Munn, PLS). Motion carried 5-0.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to approve a lot split for Timothy and Cindy Murphy, 9110, 225<sup>th</sup> St. W, of the remainder of Parcel A, PIN 13-00500-50-041, creating Parcel D, as described on the June 26, 2017 survey. Motion carried 5-0.

### Shawn and Amy Johnson, 8960 235<sup>th</sup> St. W. – Building Permit Application for Accessory Building.

Ryan Johnson was present representing the applicants. It was noted that the Planning Commission had recommended approval of the application. Mr. Johnson explained a 60 foot variance request is being considered by the VRWJPO.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve a building permit for Shawn and Amy Johnson, 8960 235<sup>th</sup> St. W., PIN 13-00800-75-131, to construct an accessory building, pending approval of a variance by the VRWJPO. Motion carried 5-0.

### Alan and Joan Storlie, 6987 255<sup>th</sup> Street W. – Exempt Agriculture Building Permit Application.

It was noted that the Planning Commission had not reviewed the application. Mr. and Mrs. Storlie explained the need to expedite their application due to completion of the project in a timely manner.

It was agreed that the application will need to go before the Planning Commission.

## **Consent Agenda**

### Town Board Minutes

### May 10, 2017 Town Board / Planning Commission Round Table Meeting

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to table review of the May 10, 2017 Round Table meeting minutes pending review and approval by the Planning Commission. Motion carried 5-0.

#### July 10, 2017 Town Board Meeting

Minor corrections were noted on pages 2, 4 and 6.

Motion was made by Supervisor Hansen, seconded by Supervisor Barfknecht, to approve the minutes of the July 10, 2017 Town Board meeting as amended. Motion carried 4-0. Supervisor Jennings abstained.

#### **NEW BUSINESS**

None.

#### **OLD BUSINESS**

##### Discussion – Policy / Statute Governing Motions for Reconsideration of Denied Applications.

Supervisor Hansen noted that incorrect information had been given at the last meeting in regard to his being able to make or second a motion pertaining to reconsideration of a denied application.

Attorney Lemmons reviewed the procedures that should be followed in regard to reconsideration of denied applications, noting that it has been past practice of the Township to use Roberts Rules of Order as a guide.

Residential Building Right Transfer Summary. The draft Eureka Township Residential Building Right Transfer Summary was reviewed. It was noted the summary had been presented for review only and will be presented at a later time with other related documents for approval.

##### Accessory Building Escrow Policy

The need for an escrow account for the demolition of accessory buildings which are being replaced by a new building was discussed. It was noted that this would be in an effort to keep the amount of allowable square footage of accessory buildings in compliance with Township ordinances. It was also noted that site plans should indicate which building(s) would be demolished. It was further noted that a demolition permit and escrow account for each building to be demolished would be required.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to direct Attorney Lemmons to draft a policy regarding escrow accounts for demolition permits. Motion carried 5-0.

##### Airake Airport Update

Supervisor Jennings discussed an email received from Gary Schmidt, Metropolitan Airports Commission (MAC), stating it is their intent to petition the City of Lakeville to annex a portion of the Airlake Airport into Lakeville in order to have access to municipal sewer and water. She encouraged the Board members to attend the open house that MAC is

hosting on August 10, 2017. She further stated she felt it would be beneficial for the Board to meet with Lakeland Township for insight into their dealings with MAC.

Attorney Lemmons explained the process of annexation by ordinance, noting that written notice will have to come from the City of Lakeville 30 days prior to a proposed ordinance being adopted.

Supervisor Hansen requested approval of the Board to speak with MAC on behalf of the Township.

Motion was made by Chair Barfknecht, seconded by Supervisor Palmquist, to allow Supervisor Hansen to schedule a meeting with the Metropolitan Airports Commission for himself and Attorney Lemmons. Motion carried 3-1. Supervisor Jennings opposed and Supervisor Hansen abstained.

## **Other Business**

### Kelly Aggregates

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to add discussion of the Kelly Aggregates Gravel Pit under Old Business. Motion carried 5-0

It was noted that Supervisors had received calls from residents complaining about additional noise at the site since extension of operating hours had been granted at the April 10, 2017 Town Board meeting. There were also concerns regarding water issues. One resident, in particular, was advised to submit a formal complaint. The Clerk was directed to mail the letter that was sent to area residents dated April 13, 2017 to residents along the southern border of the gravel pit. Supervisor Jennings stated she felt there should be more information provided to area residents regarding activity at the pit as well as long terms plans.

### MAC and Lake Elmo Airport issues involving Lakeland Township, Washington County

Supervisor Jennings stated she felt a conversation with Lakeland Township would benefit the Board in regard to their experience with the Metropolitan Airports Commission.

### Watershed Business

Supervisor Jennings noted that the Cannon, One Watershed One Plan had another meeting of the Policy Committee and also had two stakeholder meetings in Owatonna and Northfield. She noted that more information could be obtained at <http://www.dakotacountyswcd.org/1w1p.html>. She also stated that the North Cannon WMO had their annual field tour and observed a Miesville ravine after a hard rain. The water was quite muddy despite the crops having a full leafy canopy that should have reduced field erosion.

### Meeting Recordings

Discussion was held regarding the possibility of making the audio recordings of Town Board and Planning Commission meetings available on the Township website. Clerk Broyles noted that she receives numerous requests monthly for the recordings and she further noted that it is common practice for other municipalities to make recordings available on

their websites. She further noted there would be no additional charge from the website provider, Townweb Design, for this service.

Attorney Lemmons stated that the Data Practices Act and Township policy regarding the minutes being the official record of meetings should be reviewed.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to review the issue surrounding putting recordings on the website, including the Data Practices Act, Township policies, and advice from the Minnesota Association of Townships. Motion carried 5-0

Supervisor Hansen stated that discussion should be held regarding the State Code / Township Ordinances issues presented by Allen Novacek during Citizen Business. It was agreed that further review is warranted by the Township Attorney. The Clerk was directed to place the issue on the September agenda.

Supervisor Rogers provided an update on the blind to be replaced in the Clerk's office.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to adjourn the meeting at 9:30 p.m. Motion carried 5-0.

Respectfully submitted:

---

Mira Broyles, Clerk

Eureka Township

BOARD OF ADJUSTMENTS AND APPEALS

August 7, 2017

Chair Barfknecht called the Board of Adjustments and Appeals meeting to order at 9:33 p.m. Members in attendance were Lu Barfknecht, Dan Rogers, Carrie Jennings, Butch Hansen and Donovan Palmquist. Township Attorney Chad Lemmons and Clerk Mira Broyles were also in attendance.

Scotts Miracle-Gro, 22447 Highview Avenue – Reconsideration of Building Permit Application for Accessory Building

Alex Allen, Scotts Miracle Gro, was present requesting that reconsideration be given to his application for an accessory building dated May 23, 2017, which was denied by the Town Board at their meeting on June 12, 2017. The request for reconsideration was outlined in a letter from Scotts Miracle-Gro dated June 29, 2017.

Attorney Lemmons explained the role of the Board of Adjustments and Appeals, as outlined in Ordinance 2, Chapter 2, and the procedure for appeal.

It was noted that the Planning Commission must review the application being appealed prior to review by the Board of Adjustments and Appeals and that review must occur within 60 days of the notice of appeal. Therefore a meeting of the Planning Commission must be scheduled before August 29, 2017. Notice of review by the Board of Adjustments and Appeals must be published ten days prior to the meeting.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to direct the Planning Commission to hold a special meeting prior to August 26, 2017 to review the appeal by Scott's Miracle Gro.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to adjourn the meeting at 9:50 p.m. Motion carried 5-0.

Respectfully submitted,

Mira Broyles, Clerk