

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

AUGUST 8, 2016

CALL TO ORDER

Vice Chair Cory Behrendt called the meeting to order at 8:10 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Cory Behrendt, Carrie Jennings and Lu Barfknecht. Brian Budenski and Dan Rogers were absent. Planning Commission Chair Nancy Sauber, Planning Commissioner Fritz Frana, Township Attorney Martin Norder, 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:

- E. Update on meeting with Lakeville regarding MAC property annexation
- F. North Cannon Watershed Tour

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to approve the agenda as amended. Motion carried 3-0.

TREASURER'S REPORT

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

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to accept the Treasurer's Report dated August 8, 2016. Motion carried 3-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to accept the bills and receipt list. A roll call vote was taken. Motion carried 3-0.

Escrows:

Treasurer Wilson noted that there is an escrow for landscaping at the Met Council Lift Station on 235th Street. Supervisor Behrendt stated he will follow-up on the status of the landscaping.

Discussion was held regarding the refund for a variance application for Wayne Hallcock. It was noted that a public hearing had not been held.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to approve a refund of a variance fee for Wayne Hallcock. Motion carried 3-0

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to approve the issuance of a check for the Hallcock variance refund. Motion carried 3-0

Discussion was held regarding locking in on the price of LP gas at .89 per gallon for two years.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to lock in on the price for LP gas, pre-paying for one year at .89 per gallon (750 gallons) and the second year at .94 per gallon. Motion carried 3-0.

Public Comment

Allen Novacek, 24730 Iberia Avenue, commented on the last Planning Commission meeting regarding a direction by the Town Board to set a public hearing date which was not done. He further commented on the overall behavior of the Planning Commission as being a poor reflection on the Township.

Nancy Sauber, Planning Commission Chair, responded to Mr. Novacek's comments regarding the Planning Commission. She also commented on the proposed rezoning of property to commercial, stating the Township should follow guidelines of the Comprehensive Plan.

Butch Hansen referenced the discussion held at the Township annual meeting regarding the annexation of the MAC property and the potential rezoning of the property.

Mark Parranto, 22702 Hamburg Avenue, commented on the August 1st Planning Commission meeting. He stated he felt the Commission should have followed the direction of the Town Board to set a public hearing date.

Jeff Otto, 25580 Dodd Boulevard, also commented that the Planning Commission should have followed proper procedure and set a public hearing date as directed by the Board.

Nancy Sauber commented that there had been insufficient details regarding the proposed rezoning provided to the Planning Commission.

Contractor Time

Otte Excavating was not represented at the meeting.

Building Inspector Update

Building Inspector Darrell Gilmer discussed the ongoing Mahoney property clean up, noting Mr. Mahoney has been out of the county but has been working towards cleaning up the property. Inspector Gilmer was instructed to take photographs of the progress being made to clean up the property.

Consent Agenda

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to approve the minutes of the July 11, 2016 Town Board meeting as presented. Motion carried 3-0.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Jennings to recess the regular meeting. Motion carried 3-0.

Hearing to Amend Ordinance No. 3 by Adding Chapter 2, Section 1(b)(12) Opting-out of Temporary Family Health Care Dwellings Law

Vice Chair Behrendt opened the public hearing.

Public Comment:

Charlie Roberts, Ipava Avenue, questioned if the amended ordinance would affect existing group homes within the Township. The Board indicated the amendment would only effect the moving in of temporary housing for caregivers.

Nancy Sauber explained that the Planning Commission did not hold hearing due to time constraints for the September 1st deadline to opt out of the law.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht to adopt Ordinance 2016-04, Amending Ordinance No. 3 by Adding Chapter 2, Section 1(b)(12) Opting Out of Temporary Family Health Care Dwellings Law. Motion carried 3-0.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Jennings to adjourn the public hearing and reconvene the regular Town Board meeting. Motion carried 3-0.

Planning Commission Update

Planning Commission liaison Fritz Frana provided a summary of the August 1, 2016 Planning Commission meeting, noting recommendations for land use permits currently before the Board.

Land Use Permits

Annar and Candyse Karlsen (Jaren Fitzke), 10420 235th Street West – Building Permit Application for Accessory Building

It was noted that the Planning Commission had recommended approval of the application.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a building permit for Annar and Candyse Karlsen to construct an accessory building at 10420 235th Street West, PID 130070053010, subject to the conditions by Dee McDaniels of Dakota County Environmental Services, dated June 29, 2016. Motion carried unanimously.

Brady and Anna Gustafson, 24835 Dodd Boulevard, Conditional Use Permit and Building Permit.

It was noted that the Planning Commission recommended approval of a Conditional Use Permit to building a home on a pre-1982 lot of record, pending the permit from Dakota County for driveway access.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a Conditional Use Permit for Brady and Anna Gustafson, 24835 Dodd Boulevard, PID 13-01800-52-015 to build a home on a pre-1982 lot of record, pending the approval of a driveway permit from Dakota County. Motion carried 3-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a building permit for Brady and Anna Gustafson, 24835 Dodd Boulevard, PID 13-01800-52-015 to construct a new single family home, subject to the approval of a driveway permit from Dakota County. Motion carried 3-0.

Michael Corrigan, 22420 Flagstaff Avenue – Lot Split Application

It was noted that the Planning Commission recommended approval of the proposed lot split application for Michael Corrigan.

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht, to approve a lot split application for Michael Corrigan, 22420 Flagstaff Avenue, of .59 acres off of PID 130020027012. Motion carried 3-0.

Dylan and Julie Larson, 24510 Highview Avenue, Lot Split Application

It was noted that the Planning Commission recommended approval of the lot split application for Dylan and Julie Larson.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Jennings, to approve a lot split application for Dylan and Julie Larson, 24510 Highview Avenue, PID 130-2000-750-30 subject to the .07 acres being combined with PID 130-2000-076-010 Motion carried 3-0.

OLD BUSINESS

Discussion – Public Hearing for Ordinance 3, Chapter 2, Zoning Districts Amendment

Fritz Frana addressed the Planning Commission discussion regarding the public hearing that had been directed by the Town Board on July 11, 2016. He stated he felt the information received by the Planning Commission was not conclusive and the Commission felt further direction was needed from the Board.

Mr. Frana presented the information that the Planning Commission had received in their meeting packets. Supervisor Behrendt stated that information had not been sent from the Board. He further stated that the point of the public hearing was to get public opinion regarding the rezoning of four parcels, which had not been specifically identified.

Planning Commission Chair Sauber added that the reasons for the potential rezoning was not clearly identified and the Comprehensive Plan would not be followed should a rezoning occur.

Supervisor Barfknecht noted that she had not seen the information provided to the Planning Commission.

Vice Chair Behrendt suggested, and it was agreed to continue discussion of this item under item E of Old Business.

Sibley Aggregate Berm Issue Clarification

Clerk Broyles stated that Leroy Chard of Sibley Aggregates requested that a Board member visit the property to clarify what needs to be corrected in regard to the berm. Vice Chair Behrendt stated he would meet with Mr. Chard.

Previous Complaint Follow-up - 24315 Dodd Boulevard

Butch Hansen representing Jeffrey and Andrea Krapu, explained that the agricultural building on the property is allowed to store hay, horses, etc. He noted that the building is not used for the dog kennel business and that the horses on the property were taken in by the Krapus because the original owners could not take care of them.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Barfknecht to close the complaint, subject to clarification (by a visit from a Board member) that the property is being used properly. Motion carried 3-0

Supervisor Barfknecht indicated that she would contact the Krapus regarding visiting their property.

Website – Policies Review and Update

Snow and Ice Control Policy

The current Snow and Ice Control Policy that is on the Township website was reviewed.

Motion was made Supervisor Jennings, seconded by Supervisor Barfknecht to direct the Road Supervisors to update the Snow and Ice Control Policy to reflect current practices. Motion carried 3-0.

Teardown/Conversion and Rebuilding of Residential Building Policy

The Township Attorney was directed to review the Teardown/Conversion and Rebuilding of Residential Building Policy.

Update on meeting with Lakeville regarding Airlake Airport property annexation

Supervisors Jennings and Behrendt discussed the meeting on July 15, 2016 with City of Lakeville City Administrator Justin Miller and David Olson, Community and Economic Development Director. It was noted that discussion included the possibility of the MAC property being annexed into Lakeville and Eureka Township's interest in providing sewer and water to the property, which would include changing the Township incorporation status, among other requirements of the Metropolitan Council. The Lakeville officials indicated that Lakeville's Comp Plan, which is due to be revised in 2018, has no specific plans for the area south of the Airlake Industrial Park. It was further noted that Lakeville will not push annexation of the MAC property and is willing to attend a Town Board meeting for discussion if requested.

Supervisor Behrendt suggested having the Planning Commission discuss if they feel they could lead the process of possible incorporation, the Township providing sewer and water services, a joint powers agreement, or orderly annexation. Planning Commission Chair Sauber stated she felt it would be appropriate for the Planning Commission to investigate these options provided they could have consultation from TDKA and the Township Attorney.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to direct the Planning Commission to discuss if they are willing to take the lead in investigating and initiating moving forward with either the incorporation of the Township and the Township providing sewer and water services to the MAC property, which would include meeting all the requirements of the Metropolitan Council; the possibility of a joint powers agreement with Lakeville; or orderly annexation of the property into the City of Lakeville. Motion carried 3-0.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Jennings to direct the Clerk to put the above item on the September Planning Commission agenda. Motion carried 3-0.

Discussion – Public Hearing for Ordinance 3, Chapter 2, Zoning Districts Amendment (*continued from earlier on agenda*)

It was agreed that clarification is needed by Chair Budenski as to what is to be discussed at a public hearing before a hearing is scheduled by the Planning Commission.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Barfknecht, to table the previous request by the Town Board to direct the Planning Commission to set a date for a public hearing regarding an amendment to Ordinance 3, Chapter 2, until the Board clarifies its direction when Chair Budenski is present.

Mark Parranto stated if the Board is not using Roberts Rules of Order, it needs to have in writing the procedures it is following.

Attorney Norder stated that a Board member from the prevailing party needs to make the motion to table an item.

Motion was withdrawn.

Motion was made by Supervisor Barfknecht, seconded by Supervisor Jennings, to table the previous request by the Town Board to direct the Planning Commission to set a date for a public hearing regarding an amendment to Ordinance 3, Chapter 2, until the Board clarifies its direction when Chair Budenski is present. Motion carried 3-0.

North Cannon Update

A tour of the North Cannon Watershed District update was given by Supervisor Jennings and Planning Commission Chair Nancy Sauber.

NEW BUSINESS

CDBG Agreements

Motion was made by Supervisor Jennings, seconded by Supervisor Barfknecht to approve participation in the Dakota County CDBG, Home and ESG Programs. Motion carried 3-0

Draft Joint Powers Agreement for Construction and Maintenance of Denmark Avenue

Motion was made by Supervisor Jennings, seconded by Vice Chair Behrendt, to notify Dakota County that the Town Board has reviewed the draft Joint Powers Agreement for Construction and Maintenance of Denmark Avenue and find it acceptable. Motion carried 3-0.

Clerk Update

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

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

Respectfully submitted:

Mira Broyles, Clerk