

Eureka Township

Dakota County

State of Minnesota

Eureka Town board Meeting
January 9, 2006

Call to Order

Chair Connie Anderson called the regular monthly meeting of Eureka Township to order at 7:30 PM. Present were Supervisors Connie Anderson, Gloria Belzer, Cheryl Monson, Dan Rogers, Mark Malecha and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The agenda was amended as follows:

The Special Meeting Dates were corrected to January 3rd and 4th. The road contractor portion of the agenda will be addressed, when the road contractor arrives, he has another meeting to attend this evening. A motion by Supervisor Gloria Belzer: To approve the agenda as amended. Motion seconded by Supervisor Dan Rogers. Motion carried.

Audience Comment Period

Gary Smith, 4628 235th St W, had donated a hydrant for the new town hall, if this hydrant will not be used, he would like to return it.

Carolyn Papke, 5965 235th St W asked that the town board use a role call vote for all motions. Supervisor order for voting would be on a rotating basis.

A motion by Supervisor Gloria Belzer: to amend the agenda – to add New Business Item B. Role Call Vote. Motion seconded by Supervisor Dan Rogers. Motion carried.

Charles Hansen, 26120 Highview Ave asked about the review of his CUP. It is scheduled for the February Town Board Meeting.

Rich Stevens, 4975 255th St W. asked about the old town hall. It is on the agenda Item 8. **Old Town Hall/ Dakota City-** Rich Williams.

Minutes

The following change was made to the December 12, 2005 Town Board Meeting Minutes: Page 5 Items from old town hall should read: “Supervisor Cheryl Monson will cleanup, donate or dispose of items in the old town hall.” Page 4 “t” missing in “State”. A motion by Supervisor Mark Malecha: to approve the minutes with corrections. Motion seconded by Supervisor Cheryl Monson. Motion carried.

A motion by Supervisor Cheryl Monson: To approve the January 3, 2006 Special Meeting Minutes as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried.

A motion by Supervisor Mark Malecha: To approve the January 4, 2006 Joint Meeting with Castle Rock Minutes as presented. Motion seconded by Supervisor Dan Rogers. Motion carried. A copy of these minutes will be mailed to Castle Rock Township.

A motion by Supervisor Dan Rogers: To approve the January 4, 2006 Special Meeting Minutes as presented. Motion seconded by Supervisor Cheryl Monson. Motion carried.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$337.66 in checking, \$210,566.55 in the savings account and \$142,704.10 in CD investments. Federal tax liabilities are \$2551.03, MN tax liabilities are \$231.54 and state surcharge liabilities for building permits are \$79.52. Overall total of accounts are \$350,586.22.

Motion by Supervisor Mark Malecha: To approve the treasurer report as presented. Motion seconded by Supervisor Cheryl Monson. The motion carried.

Bills and Receipts

Claims received from Farm Road Services for \$210.00 and Edward Kraemer and Sons for \$228.22 will be billed back to Magellan Pipeline Company. These two claims are for repairs to 267th St W in connection of Utility permit #05-12-02 issued on 12/12/2005.

Clerk/Treasurer Nanett Champlain presented the following bills for payment:

BeSure Inspection Services	December Inspection Services	\$631.63
Farm Road Services	Road maintenance for December 2005	\$7,390.00
Farm Road Services	267th St- Magellan Pipeline road repair	\$210.00
Dakota Electric	Electric Town Hall	\$57.53
Frontier Communications	952-469-3736	\$113.21
Culligan	Water Softener Rental	\$23.38
ECM Publishers, Inc.	legal ad- affidavit of candidacy	\$27.30
Murnane, Brandt	Services through 11/30/05	\$250.50
Pat Fossum	Cleaning Town Hall December 2005	\$60.03
Nanett Champlain	Payroll 12/1/05 to 12/31/05	\$1,435.68
Nanett Champlain	Expenses 12/1/05 to 12/31/05	\$25.06
Castle Rock Bank	Town hall payment #3 122565	\$26,446.19
Dakota County Treasurer	Salt and Sand	\$576.00
Internal Revenue Service	4th qtr 941 - 2005	\$2,551.03
Department Of Labor	4th Qtr- State Surcharge 2005	\$90.52
Dakota County Treasurer	4th qtr Septic Inspections 2005	\$160.00
PERA	Payroll 12/1/05 to 12/31/05	\$222.54
State of Minnesota	4th Qtr Minnesota Tax- 2005	\$226.54
State of Minnesota	Sales and Use Tax	\$5.00
Ray Kadlec	Refund over charge application fee	\$25.00
Central Valley	LP Gas	\$279.61
D. C. Assoc. of Townships	Association Dues	\$808.12
Edward Kraemer and Sons	repair- 267th St- Magelan Pipeline	\$228.76
Blue Earth Internet	2006 annual website hosting	\$348.00
TOTAL BILLS PRESENTED		\$42,191.63

A motion by Supervisor Mark Malecha: To approve bills as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried.

The following receipts were deposited in December:

• <u>Building Permits</u>			
Cross Nursery- permit 05-11--028	\$2,306.31	Ray Kadlec- permit # 05-10-025	\$587.26
Ray Kadlec- application fee	\$50.00		
• <u>CUP Review</u>			
Wat Lao of Minnesota	\$20.00	Centurytel Fiber	\$45.00
• <u>Other Receipts</u>			
Dakota County- General Revenue	\$162,000.00	RASP Signs- 5 signs	\$70.15
Dakota County- Delinquent Tax	\$854.40	MN Dept of Finance- MV Credit	\$10,088.25
Earl Schindeldecker-items from old Town hall	\$76.00	Castle Rock Bank- Interest Savings	\$651.60
Lexar Media- rebate- jump drive	\$10.00	Castle Rock Bank- Interest CD	\$1,351.21
Dakota Electric- Capital Credits	\$6.78	Magellan Pipeline- utility permit	\$25.00
Todd Auge- item from old town hall	\$2.00	Dakota City- item from Old Town Hal	\$600.00

TOTAL RECEIPTS PRESENTED **\$178,743.96**

A motion by Supervisor Cheryl Monson: To accept the receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Town Hall/ Dakota City

Rich Williams, Dakota City representative updated the town board on the status of Dakota City acquiring the “Old” town Hall. The town hall meets their expectations as a desirable building for Dakota City. There are 4 levels of approval, they are at level 2. They are currently receiving bids to move the building. The current lowest bid is at \$11,000 plus other moving expenses. Total project is expected to cost approx. \$20,000. They will ask the community for donations, to help fund the project. They hope to have funds raised by June 30th, with 30 to 60 additional days for the move. The township will put an article in the newsletter informing citizens of the status of the town hall and that donations will be accepted.

A motion by Supervisor Cheryl Monson: To have Rich Williams, Dakota City move forward with the donation of the town hall to Dakota City. Motion seconded by Supervisor Gloria Belzer. Motion carried.

Budget

The town Board reviewed the budget.

Planning Commission

Consent agenda items:

1. Dick Martin- 9974 250th St W requested a permit to rebuild a 32’ x 36’ pole shed that had been destroyed by fire. The new shed will be built on the existing slab.

Property ID #13-01900-010-02.

Permit # 06-01-001 was issued for \$447.06

A motion by Supervisor Mark Malecha: To approve the consent agenda item. Motion seconded by Supervisor Cheryl Monson. The motion carried.

Other Planning Commission items:

1. Mark Parranto - 9100 225th St W requested a split of his property. He is asking to split parcel B consisting of 3.18 acres from Parcel A consisting of 65 acres. (Property ID #13-00400-011-75) The new parcel is located along Cedar Ave., just north of Wat Lao. The two Ag. Sheds approved on April 12, 2004 (permit #000980 & #000981) are located on this property. A motion by Supervisor Mark Malecha: to approve the lot split. Motion seconded by Supervisor Gloria Belzer. Motion carried.

2. Tim Murphy- 9110 225th St W requested a split of his property. He is asking to split Parcel C consisting of 4.42 from Parcel A consisting of 20 acres (Property ID #13-00500-040-50). His current home will be located on the newly created parcel. **A motion by ?. Motion seconded by ?.** Motion carried.

RFP

Planning Commission Chair Cory Behrendt presented the town board with the RFP, it was reviewed and a few revisions were made to the document. The town board will make the final decision on the firm to hire. The tentative schedule for completion is May 31, 2006.

A motion by Supervisor Mark Malecha: To direct the planning commission to put out the amended RFP to prospective firms. Motion seconded by Supervisor Dan Rogers. Motion carried.

Planning Commission questions to the town board

The planning commission recommended changes to the ag form, these changes are outlined in the planning commission minutes.

The planning commission has concerns with remodeling; often insurance companies require inspections/ permits for insurance purposes. The building inspector will be asked to address this issue. A procedure needs to be established.

Review/ revise/ approve Utility permit application

A draft of the utility permit application and supplement was presented to the town board for review and approval. A paragraph about contacting the sheriff department, if the road is to be closed will be added. It is the applicant's responsibility to contact the sheriff department.

Issuance of blanket bonds and commencing a project before issuance of the permit were discussed. The town board decided that the ordinance must be followed and these types of charges are not addressed.

Old Business

Complaint in Eureka Estates- Junk Vehicles

The complainant presented the town board with questions on the status, procedure and timeline for property owners to bring their property into compliance with the ordinances. The property owners were given 30 days to respond to the initial letter. 4 property owners responded at or prior to the November 14, 2005 town board meeting. At this time the remaining 5 property owners have not responded. Supervisor Dan Rogers and Supervisor Cheryl Monson have been assigned to visit the 5 remaining property owners, they will report to the town board at the February 13, 2006 Town Board Meeting. Chair Connie Anderson asked that the two town board members to contact the 4 property owners that did respond and see what has and has not been completed. The next step will be enforcement. (Page 143, Ordinance 8) Chair Connie Anderson will contact the attorney on proper procedure to follow and time frame.

Citizen concern with Friedges landscape permit

The town board received a letter of concern on the issuance of the Friedges Landscape permit for a pole shed to be located on the property. The citizen asked that their comments and concerns be addressed at the town board meeting. The concerned citizens approached the town board to address this issue. They are asking for clarification on how the town board came to its conclusion on issuing the permit.

Concerns included:

1. Amount of truck traffic- more, less or the same?
2. Aesthetic value- building more or less visible than equipment? Will everything be moved inside?

3. Landscaping requirements.
4. Increase or decrease of noise? - The processing of soil will not be limited to dry conditions, thus increasing the hours/ number of days of operation at this site.
5. Traffic Flow pattern- trucks moving in and out of the site only use Highview Ave., truck traffic will not be using 225th St.

The town board made the following responses to the above questions: The truck traffic should be the same, but spread out to different time period, since materials would not need to be hauled off site for processing. Friedges volunteered to landscape, the permit is a building permit, not a CUP, with a CUP conditions could be set. The town board cannot stop Friedges from using 225th St. Friedges presented a traffic flow plan that uses Highview Ave. as an entrance and exit to the site.

The complainants felt that there will be number of negative impacts which would include the amount of truck traffic, reduction in aesthetic qualities, overall noise increased.

Planning Commission procedures and policies for placing items on the agenda was discussed.

The complainant feels the township attorney should be contacted to determine what a nonconforming use is.

The complainants would like in writing: Does Friedges Landscaping have a permit? Why is Friedges considered a legal non conforming use and what is that use specifically. Why this is not considered an expansion to the use of the land. How is this going to benefit the neighborhood? Why the ordinances were not followed as stated. Also response to the 5 concerns listed above.

Butch Hansen, representing Friedges Landscaping addressed the town board. He felt that the proper procedures had been followed in issuance of the permit and is willing to present more information if requested.

A special town board meeting was set for January 18, 2006 at 7:00 pm to discuss this issue.

Building Inspector

Permits for remodeling: floor plan opposed to foot prints, safety concerns, and homeowner liability- resale or insurance purposes. Under State law a permit is required to remodel. The most restrictive code applies. Chapter 1 in the building code covers requirements for permits. Building Inspector, Bob Hegner will provide a copy of this code for the town board and planning commission.

Complaint on Denmark Ave Ditch

Supervisor Mark Malecha talked to the property owner. He received verbal response that the piles in the ditch will be cleaned up this spring. The trees and brush can be cleared from the ditch. Permission to remove brush will be put in writing before work commences.

Tousignant setbacks from road

Supervisor Mark Malecha reported that the temporary structure is setback 51 feet from the center of the road. The clerk will call the county and check on the width of the road right of way on Cedar Ave. before sending a letter to the citizen.

Conroy Complaint

The clerk cannot locate the return receipt from Conroy's letter dated November 14, 2005. It will be resent- certified with return receipt. Conroy's will have 30 days from receipt of this letter to respond before the town board takes further action.

A citizen expressed concerns he had of rodents inhabiting the structures; he is requesting extermination requirements, if building is removed.

Township attorney follow up (regarding interceptor line)

Chair Connie Anderson checked with the township attorney, whether he should be involved with the interceptor process. The attorney's response was: Since the MET Council has been working with the township positively and that the township is receiving information in writing, and as long as the board feels that things are progressing as it should be and is not having any conflicts or issues with the Met Council, now would not be the time for him to step in. The board may want to contact him once the road upgrade agreement or other issues are put in writing, at that time he could review the documents to make sure that things are being done right with the township and that things are being covered.

All communication from Met Council from this point forward will be in writing.

Follow up on Progressive Rail- regarding 240th trees in easement.

The brush has not been removed from the easements. Supervisor Dan Rogers will contact Progressive Rail.

Contractor Time

Hydrants at town hall

The donated hydrants will not be installed, due to soil conditions. They will be returned to the donators.

Roads

The town board has not received any complaints or comments on the road. The Denmark Ave agreement with Castle Rock was discussed.

There has been less garbage in the road ditches over the past month.

The road contractor had received some information from the county on the 225th St. repair. The county feels tiling would be a good option. Tom Barry, Dakota County Soil and Water will be contacted.

New Business

Snowmobile Trails

Supervisor Cheryl Monson noticed that some of the trails have changed, that they are using the ditches. She was concerned of responsibility- insurance coverage. The township has no jurisdiction over the trails, they are State trails- the State of Minnesota is liable.

Role Call Vote

This item will be addressed at the reorganizational meeting in March 2006.

Other Business

Elections

Dakota County will hold Election Judge Training for all Dakota County Townships on Tuesday, January 31, 2006 12:30 pm at the Eureka Town Hall.

500 ballots will be ordered for the March election.

Board of Canvas will be held on **Thursday, March 16 at 7:00 pm. (Check newsletter what did we publish? also check posting on website.)**

Budget Review

The clerk checked with the County and the State, there is no limit on the levy increase for townships. The budget as prepared by the Town Board at the Special Town Board Meeting on January 3, 2006 will be presented to the citizens at the Annual Town Meeting. This budget will be used as a guideline by the citizens as a basis for setting the Levy for 2007.

Metropolitan Council Land Use Map

The town board reviewed the Land Use Map presented by the Met Council. The following changes were proposed to the map: Friedges Landscaping is not extractive, but industrial Use. The Land owned by the DNR near Chub Lake should be classified as Preserve. The clerk will note the changes and return the map to the Met Council.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting Adjourned at 10:58 pm.