

Eureka Township

Dakota County

State of Minnesota

Eureka Town board Meeting
October 11, 2005

Call to Order

Chair Connie Anderson called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Connie Anderson, Gloria Belzer, Cheryl Monson, Mark Malecha and Dan Rogers. Clerk/Treasurer Nanett Leine, to record the minutes. The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The agenda was amended as follows:

- | | |
|---------------------|--|
| Old Business: | F. Newsletter |
| | G. Old Town Hall/ Dakota City |
| New Business: | B. Office Hours |
| Building Inspector: | 2. Davis Complaint |
| | 3. Conroy Complaint |
| | 4. Tousignant- follow up move building into township |

The Elko/ New Market Interceptor- Met Council presentation will be after Planning commission business.

A motion by Supervisor Cheryl Monson: To approve the agenda as amended. Motion seconded by Supervisor Dan Rogers. Motion carried.

Audience Comment Period

Chair Connie Anderson asked for audience questions of comments. There were none.

Minutes:

The following change was made to the September 12, 2005 Town Board Meeting Minutes: Page 5 "Woodstream" should read "Widstrom Trust". A motion by Supervisor Gloria Belzer: To approve the September 12, 2005 Town board Meeting minutes with corrections. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Mark Malecha: To approve the September 20, 2005 Special Town Board Meeting Minutes. Motion seconded by Supervisor Dan Rogers. Motion carried.

The September deposits were corrected by the clerk. A direct deposit was received from Dakota County for Conservation credit for \$1,313.90. This amount had not been reported at the September 12, 2005 town board meeting. A new receipts ledger was presented with the correct deposit amount; this was initialed by the supervisors. The approved minutes included the correct deposits.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$1,832.78 in checking, \$79,238.50 the savings account and CD investments \$141,352.89. County sewer liability \$280.00, Federal tax liability, \$1,566.44, MN tax liabilities are \$210.72, and state surcharge for building permits \$949.45.

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

Bills and Receipts

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

BeSure Inspection Services	Inspection services	\$5,164.18
Farm Road Services	Road maintenance	\$8,705.00
Frontier Communications	Phone town hall	\$127.25
Dakota Electric	Electric town hall	\$45.27
Culligan	Water softener rental- town hall	\$23.38
Nanett Leine	Expenses	\$526.95
Nanett Leine	Payroll 9/1/05 to 9/30/05	\$2,071.41
Pat Fossum	Town hall cleaning September 2005	\$60.03
PERA	Payroll 9/1/05 to 9/30/05	\$278.24
Murnane	Legal Fee August& Sept 2005- Not submitted	
Erik Leine	September mowing	\$250.00
Nicholas Chavez	refund overcharge- building permit	\$88.39
Mike Webb	refund overcharge- building permit	\$94.38
Dakota County Assessing Service	labels newsletter	\$15.08
Lakeville Printing	Newsletter	\$85.70
Minnesota Assoc. of Townships	PAL, E & O, Planning & Zoning Ins.	\$2,395.00
State of Minnesota	MN Tax Liability 3rd Qtr	\$210.72
IRS	941- 3rd Qtr	\$1,566.44
Dakota County Treasurer	sewer permits 3rd Qtr	\$280.00
Dakota County Treasurer	RASP Signs 100	\$1,163.00
Minnesota State Treasurer	State Surcharge 3rd Qtr	\$734.70
TOTAL BILLS PRESENTED		\$23,885.12

The Minnesota Association of Townships Agency Insurance package renewal included PAL, E&O, and Bonds. The town board also purchased the optional Planning and Zoning Coverage Endorsement at a cost of \$250.00. It carries a \$1,000 deductible.

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

The following receipts were deposited in September:

<ul style="list-style-type: none"> <u>Building Permits</u> 			
Tim Murphy- <i>pole shed permit 05-09-023</i>	\$1,111.29	Wayne Doyle- <i>pole shed permit 05-09-020</i>	\$610.86
Tim Murphy- <i>Application Fee</i>	\$25.00	Steve Kimmel- <i>Application Fee</i>	\$25.00
Tom Gergan- <i>three season porch 05-09-022</i>	\$422.06	Mike Webb- <i>Application Fee- new home</i>	\$50.00
Tom Gergan- <i>Application Fee</i>	\$25.00	Mike Webb- <i>New Home 05-09-021</i>	\$6,115.69
<ul style="list-style-type: none"> <u>Other Permits</u> 			
Paul Horne- <i>driveway permit</i>	\$50.00	David Tousignant- <i>move in building</i>	\$150.00
Wat Lao- <i>sign permit</i>	\$25.00	Jerry Swanson- <i>Septic permit</i>	\$280.00
<ul style="list-style-type: none"> <u>Other Receipts</u> 			
Dakota County- <i>DNR Distribution</i>	\$390.13	Earned interest- <i>Savings account</i>	\$975.15
RASP Signs- <i>33 signs</i>	\$385.76	Earned Interest- <i>CD's</i>	\$1,352.89
Martin Diffley- <i>ordinance book</i>	\$25.00		
Total Receipts in September			\$12,018.83

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

Budget

The town Board reviewed the budget. Culvert and ditch repairs will be moved to Road and bridge rebuild category. Cleaning out ditches will remain in the road maintenance category.

Planning Commission

Consent agenda items:

1. Frontier telephone- Buried cable on 225th St East of Dodd Blvd. **Permit #05-09-01 was issued.**
2. **Dan Rogers-** 24403 Iceland path, Lakeville requested a permit for a detached garage 26' x 22' Property ID# 13-24660-010-09. **Permit #05-10-026 was issued for \$392.16**
3. **Ray Kadlec-** 6945 247th St W Farmington requested a permit for a garage 27' x 27' and a breezeway 12' x 20'. Property ID # 13-01500-040-75. A permit was granted for the garage April 12, 2004 (permit # 04-006), the garage was never built. New fee amount will be determined by the building inspector.
4. **Steve Kimmel-** 24230 Holyoke Ave requested a permit for an addition to his home. Property ID# 13-03000-012-52. The application was tabled from the September board meeting, pending receiving a site plan. The clerk received the site plan and presented it to the town board. **Permit #05-09-024 was issued for \$1,513.44**

A motion by Supervisor Mark Malecha: To approve the consent agenda items Motion seconded by Supervisor Cheryl Monson. Supervisor Dan Rogers removed himself from voting on request number 2, due to a conflict of interest. The motion carried.

Building Inspector

The building Inspector was not present.

1. Complaint in Eureka Estates
The citizen that presented the town board with the complaint of junk and junk vehicles on several properties within Eureka Estates expressed his discontent in the board's actions thus far. His initial complaint was in April and no action has been taken. He presented photos of several of properties. Town board members have done a drive by visual inspection of the properties and agree that there are violations to the current ordinances. The town board instructed the clerk to distribute certified letters to those property owners. The property owners are to respond in either writing or verbally to the town board within 30 days of receipt of the letter of their plan to come into compliance with the ordinances. A motion by Supervisor Mark Malecha: To send a letter with those parts of the ordinance that relates to junk, junk vehicles, nuisances and definitions that relate to this topic. Motion seconded by Supervisor Gloria Belzer. Motion carried.
2. Davis Property Complaint
Chair Connie Anderson followed up on this complaint with Deputy Jennifer Lenarz. Deputy Lenarz researched the history of the address and there was no history report by the sheriff's department. The Sheriff department needs direct communication with the person who made the complaint to follow up on this matter. The complaint received by the township was not signed. The building inspector, Bob Hegner will be asked to inspect the property on the building permit issues. This will be addressed at the November board meeting.

3. Conroy Complaint

Chair Connie Anderson and Supervisor Gloria Belzer visited Mr. Conroy and discussed the code violations on his property. He is not in compliance with the ordinance having two dwellings on the property. The old farm house is being used for cold storage. Mr. Conroy asked if he could convert the farm house status to an Ag building for cold storage or animal use. The building inspector was contacted he said that the house could only be used as a dwelling; it either needs to be brought up to code, if allowed by the ordinances or the dwelling needs to be removed, also the well and septic needs to be dealt with. Mr. Conroy could request a lot cluster and bring the house up to code. Mr. Conroy is in the process of cleaning up the barn, he said that the west end is open and being used as a shelter. Mr. Conroy was asked to secure the two doors on the house and the windows. The clerk was instructed to draft a letter and present it to the town board at the November Meeting for approval, before sending it to Mr. Conroy.

4. Tousignant- request for moving a building into the township

Supervisor Mark Malecha and Supervisor Cheryl Monson inspected the building; they found it to be structurally sound. The building inspector had previously inspected the building also. Per township ordinance temporary structures shall be no less than twenty (20) feet from the road right-of-way. Supervisor Mark Malecha will check the setback status of the building. A motion by Supervisor Mark Malecha: To approve the request contingent that the building is located at least 20 feet from the road right of way. Motion seconded by Supervisor Cheryl Monson. Motion carried.

Elko/ New Market Interceptor Line

Bryce Pickart- Met Council Environmental Services, Jim Roth- project manager, Bill Johnson – World Project Manager from Boonestroo and Associates made a brief presentation to the town board on the interceptor. It is a two phase project. The first phase is to provide interceptor for Elko/ New Market. The second phase is long term interceptor plan for the region. Two main benefits for Eureka are: getting the Elko/ New Market discharge out of the Vermillion River and Eureka Township would be set up for high capacity relatively low cost sewer service when the time comes for development, trunk sewer service across the community and plenty of capacity. Copies of the 100% Draft Facility Plan for Elko- New Market Interceptor October 2005 were distributed to the town board. A desk copy was also left for the clerk. One formal public hearing for the entire community will be held at the Eureka Town Hall in early December. A mailing will be sent to all property owners in Eureka Township informing them of the public hearing.

Planning Commission Questions to the board

- Routine road inspection concerns:
 1. Washout at Dodd and 250th St (NE corner) - it has been filled in.
 2. Dodd and 235th St.- (West side) culvert is crushed by gravel pit.
 3. 225th there is dirt in the driving area. (Near Fridges driveway.) The ditch is filled with dirt; it is washing in from the field or the dirt pile. 4 wheelers are driving through the mud. A road supervisor will follow up.
 4. Boat landing at Chub Lake is eroding. The road supervisors will contact the DNR.
- Building inspector inspections of lot layouts.- Building Inspector, Bob Hegner has agreed to inspect the setbacks for any new building permits (not additions) as long as it is staked out ahead of time. A procedure will be established with the building inspector.
- The planning commission is working on their recommendation for road projects.
- Draft letter for planner will be presented to the town board prior to being sent.

- Planning commission members are attending meetings on the COMP Plan.
- Utility company permits- Recommend that the clerk issue the permit. If the job is completed prior to issuance of the permit then the fee is doubled (\$50). Letters should be sent to utility companies informing them of the ordinance. Bonds- yearly bond for \$1,500 (assuming that there are no more than 3 outstanding jobs at any time) or \$500 per project bond accepted.

A motion by Supervisor Mark Malecha: To have the clerk issue utility permits, with a \$500 per event or an annual bond that is enforce to the township to recoup any expense incurred in correcting any job not completed to our satisfaction. Motion seconded by Supervisor Dan Rogers. Motion carried.

- Planning commission recommendation- Policy for agricultural buildings is outlined on the permit request that Ag use is green acres or Ag Preserve. This item will be discussed later in the agenda. (Old Business A.)
- Planning commission members attending public meetings- general policy is that they are not able to represent the township in any official manner unless given permission by the town board. If a planning commission member will be on a published agenda, communication with the town board will be established before committing. (In planning commission minutes)
- Elko/ New Market Interceptor- the planning commission strongly feels that the board should formulate an official position, specification for the line.

Contractor Time

Roads

The road contractor could not be present tonight. He sent the following comments:

- Traffic counts are progressing.
- Roads are setting up for winter.
- There is a lot of traffic on 265th and Fairgreen Ave. due to road repairs on County 86, extra road maintenance has been required. Supervisor Mark Malecha contacted the Sheriff's Department and asked for extra coverage in the area for the next 2 days.
- A lot of traffic on 225th to Hamburg, due to Applewood Orchard.- extra road maintenance needed.

The letters in regards to rocks and debris in the ditches were sent out. There has been no response from property owners.

Signage in Eureka Estates

The road contractor has been provided with recommended road signage in Eureka Estates. A homeowner needs to be contacted about installing a sign at one location. If speed limit signs are to be installed the town board would like a written letter from the county that it is legal to install speed limit signs.

Citizen concern- brush and trees at RR Crossing 240th St near Cedar Ave

The clerk received a phone call from a concerned citizen of poor visibility at the RR crossing; brush has been allowed to grow in the easement and is restricting the view of approaching trains.

A letter will be sent to Progressive Rail asking them to remove the brush from the easement.

Old Business

Ag Building Definition

The town board discussed the state statute definition of Ag building and how it relates to the building code. Supervisor Gloria Belzer felt the definition of "Agricultural building" State Statute 16 B.60 Subd. 5 is for tax purposes as stated under 273.13 and supersedes property tax purposes only, any local administered agricultural policies or land use restrictions that define

minimum or maximum farm acreage. The manager of the Dakota County Assessor's Office stated that this statute was for tax purposes only.

Supervisor Mark Malecha feels we are misclassifying our agricultural buildings in the township because we are eliminating Ag people from building buildings, the township's classification for Ag buildings is green acres or Ag preserve, State building code is 11 acres to qualify as Ag. If we were going to be an agricultural township we should be using the Agricultural definition. Supervisor Gloria Belzer felt that the town board needs to follow the established policy in place.

A motion by Supervisor Mark Malecha: to follow the MN Building Code acceptance and to work with 10 acres plus one acre for the house as a policy for issuing Ag building permits if the land meets the state code for production of livestock or crop. Motion seconded by Supervisor Cheryl Monson.

Discussion continued. Supervisor Gloria Belzer felt that if the Ag policy was to be changed, we needed to continue discussion on the issue consulting the township building inspector and researching further to secure more data to support the policy change. The board does not have enough information at this time to support changing the policy.

Mike Greco, planning commission member commented it is not just the building sits on Ag land it needs to be designed, constructed and used to house farm implements, livestock, Ag produce products. How does the planning commission determine this?

Supervisor Mark Malecha called the question. A vote was taken, 2 nays, 3 yeas. Motion carried.

A motion by Supervisor Mark Malecha: To approve Cheryl Monson's pole shed permit as Ag use, from the information provided. She has eleven acres of ag land. Motion seconded by Chair Connie Anderson. There was discussion that this item was not on the agenda. Supervisor Mark Malecha rescinded his motion. *(On 7/11/2005 Cheryl Monson was granted an Ag pole building permit by the town board. The permit was questioned at the August town board meeting. The granting of the permit stands)*

Issuing of Agricultural Building Permits:

1. The applicant states that the property is Ag. Property and the following are true:
Per Agricultural Definition in the MN State Statutes.
2. Agricultural land: contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. Agricultural classification for property shall be determined excluding 1 acre of land.
3. Real estate, excluding the house, garage, and immediately surrounding one acre of land, of less than ten acres which is exclusively and intensively used for raising or cultivating agricultural products, shall be considered as agricultural land.
4. Agricultural purposes: raising or cultivation of agricultural products.
5. Agricultural products: defined in State Statute.
6. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 23 of MN State Statutes. The building is designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of the immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Complaint on Country Joe Racing

The clerk received attorney/ client privilege documentation on this issue at 5:00 pm; it will be distributed to the town board. Discussion on this matter will be moved to the November town board meeting so that the board has time to review the letter.

Elko/ New Market Interceptor

The town board had received and reviewed Mr. Kaufenberg's letter addressing this issue, some board members stated that they have received comments from several concerned citizens over

this issue. The town board is feels it is important that all Eureka Township land owners are aware of this issue and the resulting impact on the township as a result of the interceptor line being installed within the township. They discussed options for informing the citizens. It was decided that the Met Council will be asked to send a letter to all landowners in Eureka Township about the Interceptor Public Hearing. A post card for comments, addressed back to the township will be included in the mailing. The post card could be mailed or returned at the public hearing. The post card will include the following statement: Elko/ New Market Interceptor proposed for Eureka Township. Comments:

Mr. Kaufenberg asked about Dodd Blvd reconstruction- to add shoulders. Chair Connie Anderson said she is in the process of following up on this issue. Most of Mr. Kaufenberg's comments were addressed as part of Met Councils presentation. The town board has received other comments from concerned citizens. The town board will direct a postcard comment card in a letter to all landowners in Eureka Township.

Lakeville Annexation Issue

The town board has not received any information back for Lakeville at this time. A draft of the letter crafted by the Township Attorney, Peter Tiede, addressed to Lakeville officials, was included in town board's packet. This letter included a list of potential Orderly Annexation terms.

Audit

The clerk received the letter of engagement from Abdo, Eick and Meyers for the 2005 Audit. The fee is \$8,500. Steve McDonald of Abdo, Eick and Meyers wrote: Although it is higher than last year, it is based on the time we had over the past two years. In the 2004 audit we wrote off \$2,618 and in 2003 we wrote of \$2,099. It will not increase more than inflation from this point forward unless the activity of the township increases substantially.

A motion by Supervisor Dan Rogers: To retain Abdo, Eick and Meyers as the township auditors for the fiscal year of 2005. Motion seconded by Supervisor Gloria Belzer. Motion carried.

Chair Connie Anderson signed the engagement letter.

Newsletter

Per the established procedure in publishing the newsletter, the town board has 3 days to review the newsletter before it is released for printing. This procedure was not followed on the printing of the last newsletter. The town board did not have any issues with the content of the newsletter, but is asking that the proper procedure be followed.

Old Town Hall/ Dakota City

The town board has not received any word from Dakota City about their interest in the old town hall. Chair Connie Anderson will follow up on this issue for the November meeting.

New Business

Castle Rock- Ditch Issue

The town board received a letter from Castle Rock Township about activity in the road right of way at 24185 Denmark Ave. This property is located in Eureka Township, but Castle Rock Township maintains this portion of Denmark. Trees along the property line are also a concern.

In the road agreement dated June 18, 2002 the townships of Castle Rock and Eureka were to hold an annual joint meeting each year. Chair Connie Anderson will talk to Castle Rock about scheduling a meeting.

A certified letter will be sent to the landowner asking them to clean up reshape the ditch and reseed the grass. A carbon copy of the letter will be sent to Castle Rock Township. They will have 30 days to repair the ditch. The property owner is to contact the township upon completion of the repairs for inspection.

The trees in question will inspected by a road supervisor. It will be determined if they are in the road right of way. This issue will be addressed at the November town board meeting.

Office Hours

The clerk is no longer available to work during the previously established office hours. The clerk's office hours have been changed to Mondays and Thursdays 10:30 am to 2:00 pm. At this time there will be no evening hours, if this presents a problem evening hours could be reestablished.

Other Business

Clerk/ Treasurer Presentation

2005 Mileage Certification Form

The clerk received the 2005 Mileage Certification Form from Dakota County. In 2004 the township reported 39 miles of roads. This past year Dakota County turned these two roads back to the township:

1. Essex Ave, from County Road 78 (235th St.) to County Road 80 (255th St.), 2 miles.
2. County Road 80 (250th St) between Co. Rd. 9 (Dodd Blvd.) and the Scott County line, .5 miles.

The clerk will report 41.5 miles of township roads in 2005.

CDBG Training Workshop

The planning commission had discussion on attending this workshop, they felt it was not tailored to our situation, but they would follow up with CDBG to see if the township is eligible for grant money to help with COMP Plan revisions.

County Bridge Fund

The clerk reported that the balance of the County Bridge Fund as of December 2005 is \$15,651.16. The county will reimburse the township for 50% of the cost of bridge and culvert replacement. The clerk was instructed to submit this years culvert replacement expenses for reimbursement.

Regional Framework informational meetings

Informational Meetings scheduled to help communities update its Comprehensive plan. Planning Commission is planning on attending these meetings.

Dog Concern- Sheriff Department response

The clerk received a call from a citizen about dogs running loose in their neighborhood. They contacted the sheriff's department and were not happy with their response. Chair Connie Anderson will follow up on this issue.

The Dakota County Township Officers meeting is scheduled for October 27, 2005 at 7:30 pm at the Dakota County Extension Office in Farmington.

Supervisor Gloria Belzer will be attending the second day of the legal seminar on October 14, 2005.

Any supervisors planning to attend the MAT Educational Conference and Annual Meeting November 17, 18, 19- 2005 should contact the town clerk. Early Bird Registration is due November 7, 2005

The Planning Commission will hold a special meeting on Monday, October 17, 2005 at 7:00 pm
Agenda: planner study.

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

Meeting Adjourned at 11:22 pm.