

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting of September 13, 2011, continued on October 6, 2011

#### **Call to Order**

Chair Brian Budenski called the continued Town Board meeting of September 13, 2011, to order at 4:34 p.m. on October 6, 2011. Members present were Supervisors Brian Budenski, Nancy Sauber, Dan Rogers, Pete Storlie and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes.

#### **Agenda:**

Upgrading Highview Ave, north of 225<sup>th</sup>St. W. to a 9-ton road  
Fire contracts  
Follow up on Shooting & Building complaint

#### **Upgrading Highview Ave., north of 225<sup>th</sup>St. W. to a 9-ton road**

Supervisor Brian Budenski reported that he has commitments of \$5,000 from Country Stone, \$5,000 from Regan and \$5,000 from Northern Natural Gas/MN Energy. This is a total of \$15,000 towards the improvement of Highview from 225<sup>th</sup> St. to the drainage culvert before the railroad tracks, approximately 900 feet.

The estimate of \$35,246 that was obtained last spring was reviewed by the Town Board. Some costs have increased over the past months. Some costs will decrease, such as the amount of sand needed since the road has settled down. *See attached quote.*

Supervisor Kenny Miller recused himself from discussion and vote on upgrading Highview due to a possible conflict of interest. He is owner and operator of Eureka Sand and Gravel, which is contracted by the Township for class 5 gravel and material for this project would come from his business. Since the amount (\$18,525) is over 5% of the gravel budgeted amount for the year, and that budget has been exhausted, the Attorney has advised that Mr. Miller recuse himself for this particular discussion and vote to avoid a conflict of interest issue.

The Township has funding through Dakota County for Road rebuild projects. They will match Township expenses up to the balance in the account. The fund currently has a balance in excess of 35,000.

In addition, Country Stone pays the Township \$2,500 annually for the cost of maintaining Highview Ave. from the south driveway of the facility going northward per their Settlement Agreement of 9/28/2010.

Discussion included concerns with possible illegal grading of the road. The Township Ordinances cover this topic. The Lakeville Fire Department and Schmitty and Sons Bus Company use Highview Ave. Last spring the road was nearly impassable. Dust coating may be applied, to help bind and stabilize the roadway. Road Contractor Mark Henry's advice on this subject will be sought.

If the Town Board approves the road rebuild project, the road contractor can begin the rebuild immediately.

A motion by Supervisor Brian Budenski: improve Highview Ave., north of 225<sup>th</sup> Street at a price of \$35,246 to be covered by \$15,000 from landowners on 225<sup>th</sup> and the balance coming from the Road & Bridge Fund at the County. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Supervisor Kenny Miller returned to the meeting.

### **Fire Contracts**

Supervisor Dan Rogers reported that he has not received a response from the Lakeville Fire Department. The Farmington Fire Chief and new City Mayor will be present at the October 11<sup>th</sup> Town Board meeting to explain their Fire Fees.

Supervisor Dan Rogers will be in contact with Lakeville Fire Department before the October Meeting to see if they are able to attend as well.

### **Follow-up on Shooting & Building Complaint**

Supervisor Kenny Miller reported that he spoke with the DNR and the Raptor Center. The Township does not have anything in their Ordinances for them to enforce. A private citizen would need to contact them directly. The Raptor Center commented that it is difficult to discourage eagles. They may fly away, but they will come back. If they are disturbed, they may attack. Nesting is a different, special circumstance, however.

Kenny spoke with Mike Todd and Merlyn Schonning. The shooting was done more than 500 feet from the complainant's residence. Mr. Todd agreed that any further shooting/target practice that would take place on the property would be done at the far end of the property, near the coyote stand. (More than a ¼ mile from the complainant's residence)

The Building is a deer stand (8' x 8' on a 10 foot stand). It is located on Merlyn Schonning's property. Merlyn said the stand is at least 50 feet from the property line.

The complainant will be sent a letter from the Town Clerk outlining this further response to his complaint.

A motion by Supervisor Brian Budenski: To adjourn. The motion was seconded by Supervisor Kenny Miller.

Meeting adjourned at 5:16 p.m.