

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Townboard Meeting  
November 12, 2002

**Call to Order:**

Chair person Bev Topp called the regular monthly meeting of Eureka Township to order at 7:30 PM. Present were Supervisors Don Pflaum, Clark Smith, Connie Anderson, Kenny Miller, Clerk Oliver Leine and Treasurer Nanett Leine. Meeting opened with the Pledge of Allegiance.

**Approval of Agenda:**

A motion by Chair Bev Topp: To approve the agenda, with the following additions: New Business- County Board of Appeal, Scrap yard public hearing. Old Business- Envisioning request. Roads- State of Minnesota haul release. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Minutes:**

A motion by Supervisor Connie Anderson: To accept the Townboard Minutes of October 15th, 2002 as presented. Motion seconded by Supervisor Clark Smith. Motion carried.

**Treasurer Report:** Treasurer Nanett Leine reported that there is \$604.71 in checking, \$65,084.25 in the savings account and \$115,887.42 in savings (Former MMDA Account). Federal Tax liabilities are \$145.38. State Tax-liabilities shows a \$3.00 credit. State surcharge liabilities for building permits are \$396.45. County Sewer Inspection liabilities are \$120.00. Motion by Supervisor Clark Smith: To approve the Treasurer report. Motion seconded by Supervisor Kenny Miller. Motion carried.

Clerk Oliver Leine presented the following bills to the board for approval:

|                                    |            |    |          |
|------------------------------------|------------|----|----------|
| Dakota Electric                    | Town Hall  | \$ | 8.18     |
| Frontier Communications            | Office     | \$ | 38.77    |
| Township phone system and Internet | Main+ Int. | \$ | 78.00    |
| Henry's Excavating                 |            | \$ | 7,743.00 |
| Nanett Leine                       | payroll    | \$ | 877.50   |
|                                    | Expenses   | \$ | 74.55    |
| PERA                               |            | \$ | 106.43   |

|                                  |                          |    |                  |
|----------------------------------|--------------------------|----|------------------|
| Rivertown Newspapers             | NCCUP Hearings           | \$ | 16.23            |
| ECM Publishing                   | NCCUP Hearings           | \$ | 59.38            |
| Minn. Assoc. of Townships Agency | MAT Work Comp Trust Ins. | \$ | 1,174.00         |
| Matt Leine                       | Town Hall mowing         | \$ | 195.00           |
| Oliver Leine                     | elction judge            | \$ | 68.25            |
|                                  | Mileage 130 @ \$.345     | \$ | 44.85            |
| Carolyn Papke                    | election judge           | \$ | 78.75            |
| Mary Ann Sly                     | election judge           | \$ | 57.75            |
| Mary Lou Ruh                     | election judge           | \$ | 57.75            |
| Marlys Shirley                   | election judge           | \$ | 73.50            |
|                                  | Mileage 50 @ \$.345      | \$ | 17.25            |
| Connie Anderson                  | election judge           | \$ | 34.13            |
| Cheryl Schindeldecker            | election judge           | \$ | 34.13            |
| Ray Kadlec                       | election judge           | \$ | 34.13            |
| Carol Smith                      | election judge           | \$ | 59.07            |
| Clark Smith                      | election judge           | \$ | 34.13            |
| <b>TOTAL</b>                     |                          | \$ | <u>10,964.73</u> |

A motion by Supervisor Connie Anderson: To approve bills as presented. Motion seconded by Supervisor Clark Smith. Motion carried.

The Township received a check from Mount Olivet Retreat Center for \$1250.00 in Lieu of property taxes.

**Roads:**

*Contractor Time*

Chris Nielson asked what the Township policy is for plowing snow and sanding on blacktopped roads. The Townboard discussed plowing and sanding procedures for Township roads. Chris was given last year's snow plowing route to be used as a guideline, for this years plowing.

Henry's Excavating presented the Townboard with road a road report, suggesting areas that need work. This report will reviewed at the road meeting.

The State of Minnesota sent the Township a release form to be signed, stating the hauling of materials on the Township roads did not damage the Township roads. There is damage to 235<sup>th</sup> Street, partially due to State use. Barton Sand and Gravel also uses his road. Henry's Excavating and Barton Sand and Gravel will meet and discuss road problems before going to the State on this issue.

Malecha Trucking's money order for road project 2 will be returned. Upon payment of Malecha Trucking's bill the project has been accepted.

## **Planning Commission Land use permits and Related Items**

### *Planning Commission Meeting*

Charles Hansen, 26210 Highview Ave. Farmington requesting a permit for a 24' x 30' garage that he moved into the Township.

A motion by Supervisor Clark Smith: To approve the permit upon inspection and approval from the Building Inspector and two Townboard members. Motion seconded by Supervisor Don Pflaum. Motion carried. Permit fee will be determined, based on Building Inspector fee. **Permit fee \$150.00**

Jonathon Hoes requested a building permit for a 10' x 30' addition to his pole shed. The addition was built without a permit. The building has been modified to meet setback requirements. Mark Malecha will inspect the site. A motion by Supervisor Kenny Miller: To approve the permit. Motion seconded by Supervisor Clark Smith. Motion carried. Permit fee \$50 plus ½ permit fee for construction without a permit.

**Total Permit Fee \$75.00**

Bill Minnehan and Pat Devney representing Kevin Bouge requested approval to split property on the Southeast Quarter of Section 24, containing 40 acres into 3 parcels. (255<sup>th</sup> St and Denmark) See attached description of split properties. A motion by Supervisor Kenny Miller: To approve split. Motion seconded by Supervisor Connie Anderson. Motion carried.

### *Buildable Lot Question*

Braun property at 245<sup>th</sup> Street & Fairgreen Ave. Northwest Quarter of Section 14. There are 2 building rights in the Northwest Quarter of Section 14, 1 from a cluster. It is unclear if there is presently one of two building sites used in this section. Bev Topp will drive out and check this location to see if there are houses on this property.

Wally Berg requested approval by the Townboard for a land trade between Hagen and Gilbertson. The two parties traded land to straighten property lines. A new survey dated June 26, 2001, shows new property lines and new legal descriptions of parcel A and Parcel B. See attached survey.

A motion by Supervisor Don Pflaum: To approve the new boundary lines (Survey dated June 26, 2001) created in the Hagen and Gilbertson property exchange. Approval granted upon receiving the original legal descriptions of two properties. A new lot is not being created, just changing boundaries. Motion seconded by Supervisor Clark Smith. Motion carried.

### *Gravel Mine Reclamation Plans*

Reclamation plans for John Storlie- Storlie mine, Mike Carron- Barton Sand and Gravel, Kenny Miller- Eureka Sand and Gravel were reviewed by Brian Watson of Dakota County Soil and Water. He sent recommendations to the board. See attached letter.

A motion by Supervisor Don Pflaum: To accept the reclamation plans as presented by Sunde Engineering. Recommending the operators take the 3 points stated in Brian Watson's letter into consideration in their reclamation plans. Motion

seconded by Supervisor Clark Smith. Vote taken: 1 yah/ 1 abstaining vote. Motion died.

The Townboard will look over plans submitted and consider Brian Watson's recommendations. Approval will be taken up at the December meeting.

Steve Peterson-26965 Galaxie Ave., Farmington- is a part time gunsmith. He presented the board with information on the FFL regulations. There are no Federal rules governing the business. Licenses are obtained by local entities. The Township does not have any local Ordinance pertaining to licensing. The Townboard ruled that Mr. Peterson's business is considered a home based business as long as he operates only from his home.

#### *Non Conforming Commercial Public Hearings*

##### **Big Twin Cycle, 5795 235<sup>th</sup> St. W. Farmington.**

The Townboard reviewed the Planning Commission recommendations from the November 4, 2002 Public Hearing for Big Twin Cycle.

A motion by Supervisor Don Pflaum: To grant a Non Conforming Use Permit to Big Twin Cycle as in accordance with Ordinance No. 32, Section C. Standards. No additional conditions set. Motion seconded by Supervisor Clark Smith. Motion carried.

##### **Eureka Sand and Gravel, 10500 225th St. W. Lakeville.**

The Townboard reviewed the Planning Commissions recommendations from the November 4, 2002 Public Hearing for Eureka Sand and Gravel.

A motion by Supervisor Clark Smith: To grant a Non Conforming Use Permit to Eureka Sand and Gravel as in accordance with Ordinance No. 32, Section C. Standards, with the additional conditions: Times of operation 6:00 am to 9:00pm. Occasional emergency use permitted. Motion seconded by Supervisor Connie Anderson. Motion carried.

##### **Gary's Auto Body/ Petrash Race Enterprises, 24300 Highview Ave. Lakeville.**

The Townboard reviewed the Planning Commission recommendations from the November 4, 2002 Public Hearing for Gary's Auto Body/ Petrash Race Enterprises.

A motion by Supervisor Don Pflaum: To grant a Non Conforming Use Permit to Gary's Auto Body/ Petrash Race Enterprises as in accordance with Ordinance No. 32, Section C. Standards, with the additional conditions: Sign may be repaired, but not enlarged. A limit of 4 unlicensed cars, at any given time. Motion seconded by Supervisor Clark Smith. Motion carried. Mr. Petrash stated that he was grandfathered in 1976.

##### **LaVerne's Pumping Service, 24345 Highview Ave. Lakeville.**

The Townboard reviewed the Planning Commissions recommendations from the November 4, 2002 Public Hearing for LaVerne's Pumping Service.

A motion by Supervisor Connie Anderson: To grant a Non Conforming Use Permit to LaVerne's Pumping Service as in accordance with Ordinance No. 32, Section C. Standards, with the additional conditions: Occasional emergency use permitted. Motion seconded by Supervisor Kenny Miller. Motion carried.

### *Non Conforming Use Permit Questions*

Mark Parranto, 22702 Hamburg Ave. Lakeville. Mark operates an Apple Orchard. He will be adding an apple cider operation to his business. He questioned if this business would fit into agriculture or non conforming use. The Townboard stated that it is a permitted use by right Section 7.52 of Zoning Ordinance No. 20.

### *Eureka Sand and Gravel Ordinance Clarification*

As part of a project at the Dakota County Fair Grounds Eureka Sand and Gravel hauled black dirt to the Fair Grounds. Excavating soil from a mining site is not allowed under Ordinance 13. Kenny Miller, representing Eureka Sand and Gravel explained that the black dirt was not excavated from the mining operation. Black dirt is brought into the gravel pit to be used in reclamation process. The black dirt that was used at the Fair grounds was from a job in Rosemount. They do not plan on moving dirt from the site in the future; they are not in the black dirt moving business.

Eureka Sand and Gravel mixes peat with sand, to be used as a base for ball fields. Kenny Miller asked if this process would fall under section 13.02 H. ii. - importing minerals onto the property for the purpose of mixing with minerals from the subject's property. Peat is an organic material, not a mineral; does it fall under this category? Can he apply for an accessory use as part of the C.U.P.? The Townboard asked him to include this request in February when the permit is reviewed.

### *Appointments*

A joint meeting with the Townboard and the Planning Commission was set for November 18, 2002 to review Ordinance No. 14- Establishing a Planning Commission.

Two people have shown interest in becoming members of the Planning Commission, Cory Behrendt and Mike Greco.

A motion by Supervisor Connie Anderson: To appoint Cory Behrendt and Mike Greco to the Planning Commission, starting at the December 2, 2002 meeting. Motion seconded by Supervisor Clark Smith. Motion carried.

### **New Business**

#### *County Board of Appeals*

The Township received a letter from Dakota County, informing the Township that it can transfer the duties of their local board of review, known as the board of appeal to the special County board of appeal and equalization.

#### *Scrap Yard Management*

Public Hearing November 26, 2002- 9:00am on new solid waste revision.

Scrap yards are defining as: storing 5 or more vehicles or 9 tons metal are required to register with the environmental department within the County. There is at least one qualifying scrap yard in the Township.

## **Other Business**

### *Clerk and Treasurer Presentations*

Do we want an attorney present at public hearings? If we have businesses applying for a non conforming use permit, that have had complaints against them, we can have an attorney present. The Townboard decided that we would not have an attorney present at public hearings; if one is needed we would ask them to attend the Townboard meeting.

Oliver Leine reported that Pole building permits are not being issued in accordance to State Statues. Olive contacted Kent Sulem, MAT about proper procedures. Building permits less than 10 acres are not agriculture and need a permit. If applicant owns more than 10 acres and is in Green Acres or Ag Preserve, then they qualify as an Ag building. Permit fees would only be for inspection costs. The Townboard needs to review their permitting process.

## **Meetings**

Comp Plan / Ordinance Meeting- November 18, 2002

A motion by Supervisor Clark Smith: To adjourn meeting. Motion seconded by Supervisor Kenny Miller. Motion carried.

Meeting adjourned at 11:05 pm.