

Eureka Township
Dakota County
State of Minnesota

Eureka Town board Meeting
February 14, 2005

Call to Order

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:05 PM. Present were Supervisors Don Pflaum, Connie Anderson, Kenny Miller, Dan Rogers. Clerk/Treasurer Nanett Leine, to record the minutes. Mark Malecha arrived at 7:11 pm.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Additions to the agenda:

7. Planning Commission- A. 5. Butch Hansen CUP review.

9. New Business- E. Bridge Inspection

A motion by Supervisor Kenny Miller: To approve the agenda as amended. Motion seconded by Supervisor Connie Anderson. Motion carried.

Minutes:

The following changes were made to the January 10, 2005 Regular Town Board Meeting: The approve bills were amended- State sales and use tax was \$31.00, \$29.50 had been approved. The total approved bills for January 10, 2005 was \$21,020.17. Old Business E. Vermillion River Water Shed- remove "watershed is" add: "There is a bill at the State Legislature". H. Audit- change "beaded" to "be added". New Business D. add-"held by Dakota County. They are redoing their planning and comprehensive use. They are reviewing suggested amendments to their comprehensive use. The town board is invited to make comments." A motion by Supervisor Connie Anderson: To approve the Regular Town Board Meeting Minutes of January 10, 2004 as corrected. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Connie Anderson: To approve the Special Meeting Minutes of January 24, 2005 as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

A motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of February 7, 2005 as presented. Motion seconded by Supervisor Mark Malecha. Motion Carried.

A motion by Supervisor Don Pflaum: To approve the Special Meeting Minutes of February 10, 2005 as presented. Motion seconded by Supervisor Kenny Miller. Motion Carried.

Correction to: December 6, 2004 Open meeting Minutes and December 6, 2004 Closed Meeting Minutes. Supervisor Mark Malecha was listed as a participant, he was not present at these two meetings, due to a possible conflict of interest.

A motion by Supervisor Kenny Miller: To approve the changes to the minutes of the two meetings on December 6, 2004. Motion seconded by Supervisor Connie Anderson. Motion Carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$869.66 in checking, \$223,797.36 in the savings account and \$122,424.51 in savings (Former CD). Federal tax liabilities are \$219.61, MN tax liabilities are \$36.72. \$409,899.60 has been borrowed against the New Town Hall Loan.

Motion by Supervisor Mark Malecha: To approve the treasurer report as presented. Motion seconded by Supervisor Connie Anderson.

Bills and Receipts

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

Castle Rock Bank	1st loan payment New Town Hall	\$26,446.19
PERA	payroll 1/1/05 to 1/31/05	\$220.58
Farm Road Services	road contractor	\$5,397.50
Cannon Valley Coop	LP new town hall	\$245.50
USPS	Post office box rent 2005	\$36.00
Harry Swantek	Refund NCUP	\$50.00
Dakota County Treasurer- Auditor	Salt and Sand	\$137.00
Murnane, Conlin, White And Brandt	Legal Fees	\$1,758.25
City of Farmington	Fire Service Contract 2004	\$16,491.00
Dakota County Officers Association	onsite sewage system	\$895.58
Hartman Well	well New Town Hall	\$10,489.80
Dakota Electric	Electric	\$96.68
Frontier Communications	Phone service New Town Hall	\$63.88
Frontier Communications	Phone Service Office	\$87.23
Dakota County Assessing Service	Labels, Newsletter and Mailing	\$29.99
Graphic Design	500 Ballots	\$155.49
Nanett Leine	expenses 1/1/05 to 1/31/05	\$931.90
Nanett Leine	payroll 1/1/05 to 1/31/05	\$1,721.79
BeSure Inspection Services	January Inspection service	\$465.18
TOTAL BILLS PRESENTED		\$65,719.54

Copies of the Road Maintenance bill and the treasurers timesheet were not presented individually to the town board members, a copy was passed for review.

A motion by Supervisor Kenny Miller: To accept the bills as presented. Motion seconded by Supervisor Mark Malecha. Motion Carried.

Approval of January receipts

The following receipts were deposited in January:

<ul style="list-style-type: none"> • <u>Non Conforming Use Registrations</u> 			
S.E. Vick Tools	\$50.00	Emond Insulating	\$50.00
Donlie Underground	\$50.00	Randall Elfering	\$50.00
Dakota Window Decorating	\$50.00	S.R. Stevens	\$50.00
Nielsen Farms	\$50.00	Friedges Landscaping	\$50.00
Nielsen Farms	\$50.00	Martin and Associates	\$50.00
Dean Monson	\$50.00	John’s Custom Cabinets	\$50.00
JAA Fabricating	\$50.00	Troy Ordorff	\$50.00
Phillipe Bros.	\$50.00	9-M Corporation	\$50.00
D.N.H. Enterprises	\$50.00	Country Joe Racing	\$50.00
Dennis Hogan	\$50.00	Ray Kaufenberg	\$50.00
Charles B. Hansen	\$50.00		
<ul style="list-style-type: none"> • <u>Building Permits</u> 			
Bob Crooks- zoning application	\$25.00	Igor Fedya- zoning application	\$25.00
Bob Crooks- Pole Building	\$492.86	Igor Fedya- Pole Building	\$186.06
<ul style="list-style-type: none"> • <u>Other Receipts</u> 			
Cheryl Monson- Filing Fee	\$2.00	Gloria Belzer- Envisioning Report CD	\$2.00
Gloria Belzer- Filing Fee	\$2.00	Dakota County- Current tax	\$11,017.90
Total Receipts in January			\$12,802.82

A motion by Supervisor Connie Anderson: To approve January’s receipts. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Contractor Time

Currently trees and brush are being removed from the road ditches. There was a complaint from a citizen on tree removal, this was on Ipava Ave. Dakota Electric removed some trees in their road right of way on Ipava Ave. The only trees that are being removed by the township are in the township easements.

Road Contract

Mark Henry Excavating LLP has been renamed Farm Services LLP. A note will be attached to the contract, referring back to these minutes acknowledging the name change of the company. Also see attached letter from C.S.C. Cooper Law Firm.

Planning Commission Land use permits and Related Items:

Wat Lao Review of CUP

Rick Siri-outhay represented Wat Lao of Minnesota for Conditional Use Permit renewal. The following dates are set for gatherings this year. April 16th and 17th, June 18th and 19th. Tentative date: May 21st and 22nd for opening of new building, if not complete, then in October. Supervisor Don Pflaum opened the floor for public comment on the review. Butch Hansen addressed concerns he had with the number of people in attendance, number of police officers on hand. Supervisor Don Pflaum- Parking in ditches, amount of traffic on Cedar Ave is a concern.

Supervisor Mark Malecha- there are guidelines that need to be followed if there are more than 400 people in attendance. The township had been told that there would be less than 500 in attendance. The sheriff department was told to expect 2000 in attendance. There was a discrepancy in the amount in attendance between the township and the sheriff department. Cheryl Monson questioned if they are currently occupying the new building that is under construction. An occupancy permit has not been issued.

Hearing no more comments, Supervisor Don Pflaum closed the review to public comments. Discussion followed, the above issues were addressed. The review included a \$15.00 fee.

Sheriff Department

A representative from the Dakota County Sheriff Department was present to address citizens concerns.

Audit

Steve McDonald from Abdo, Eick and Meyers presented the prepared audit for 2004. The audit was performed under States regulatory basis. Small government entities do not need to follow the GASBY 34 requirements. They gave an unqualified, clean opinion on the financial statements. They put out a couple of findings by State Statutory Requirements: Collateral coverage and levy issued for notes of the new town hall.-The township is suppose to pledge 110% of bank balance any given time. At the end of 2004 there was a slight shortage in the collateral coverage. Recommendation- that as part of the monthly reconciliation, to take a look at the bank balance/ collateral coverage, to see if it is accurate. The bank may need to pledge additional collateral.

Levy- outstanding for the notes for the building, State Statute says you need to pledge 105% of the principle and interest, if you do not have other revenue sources. This was slightly short.

General fund balance is \$260,294, it is little more than a years reserve, based on the current years expenditures. It is a good reserve. The State Audit's guideline- fall into the high category. Steve does not feel the balance is excessive.

Road and Bridge Fund is \$94,985. This is a 50% reserve based on the current expenditures. This has been sufficient to meet the townships needs over the past few years. *See attached documentation.*

A motion by Supervisor Kenny Miller: To accept audit as presented, noting recommended changes. Motion seconded by Supervisor Connie Anderson. Motion Carried.

Planning Commission Land use permits and Related Items, continued

Gravel Mining CUP Review

Supervisor Kenny Miller removed himself from the supervisor position on the town board, due to a conflict of interest on the following Conditional Use Permit Reviews.

Eureka Sand and Gravel

Kenny Miller represented Eureka Sand and Gravel for the CUP review. The clerk received the documents necessary to comply with Ordinance 31, section 13.05. Total of 196,436 cubic yards of material was removed from the Sauber pit in 2004. A check for \$1,178.62 was presented to the Township. The Certificate of Liability Insurance and letter of credit was presented. Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

Barton Sand and Gravel

The clerk received the documents necessary to comply with Ordinance 31, section 13.05. 49,762 cubic yards of material were removed in 2004. A check for \$278.67 was presented to the Township. The Certificate of Liability Insurance and letter of credit renews in April and will automatically be renewed and sent to the township.

Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

Storlie Pit

John Storlie was present representing the Storlie Mine. The clerk received the documents necessary to comply with Ordinance 31, section 13.05. 9,355 cubic yards of material were removed in 2004. A check for \$56.13 was presented to the Township. The Certificate of Liability Insurance and letter of credit renews in April and will automatically be renewed and sent to the township.

Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

Buildable lot question

Mr. Phillipe asked about buildability of the property he owns in section 31 (Eugene Malecha Property). Eureka Town Board minutes from 5-12-2003 were referred to. Buildability stands per these minutes.

Butch Hansen- Airstrip CUP review

Supervisor Don Pflaum opened the floor for public comment, hearing none; he closed this portion of the review.

Some trees have been cut down in the past year, no dirt has been moved. Brian Watson, From Dakota County Soil and Water needs to evaluate the wetland, before any work can be started.

This will be done in the spring.

The clerk will check to see if a review fee is to be collected for this Conditional Use Permit.

Annexation Issues with City of Lakeville

Annexation issues with Lakeville were addresses at the Special Town Board Meeting February 10, 2005. At this meeting the town board asked the planning commission if there were two representatives that would be willing to serve on a committee addressing these issues. Francie Madden and Rich Stevens will represent the planning commission.

Building Inspector

Building Inspector, Bob Hegner was out of town on business and unable to attend the meeting.

Complaint- Conroy Farm

Castle Rock Township had received a complaint from one of their citizens on the Conroy property in section 12, located on Denmark Ave. This property is located in Eureka Township. *See attached letter.* Castle Rock Township will be contacted on the specific nature of the complaint before formally addressing the issue.

Old Business

- A. *Audit- addressed earlier in meeting*
- B. *Town Hall up keep/ cleaning*

Swisher/ Sani- Service Restroom Hygiene Service cost is \$25.00 per month, plus paper products, soap, air freshener. They will install dispensers free of charge.
Culligan service: Installation \$195.00 with portable exchange \$10.75 every three months.
Stainless Steel trash cans, from Sam's Club- \$50.00 each.

A motion by Supervisor Mark Malecha: To move forward with the Sanitary Service, purchase 4 stainless steel trash cans plus trash cans for the office and the Culligan Water Service.
Motion seconded by Supervisor Dan Rogers. Supervisor Mark Malecha rescinded the motion.

A motion by Supervisor Mark Malecha: To hire Swisher Sanitary Service. Motion seconded by Supervisor Dan Rogers. Motion Carried.

A motion by Supervisor Mark Malecha: To use Culligan/ exchange unit. Motion seconded by Supervisor Dan Rogers. Motion Carried.

A motion by Supervisor Mark Malecha: To purchase 4 stainless steel trash cans and office trash cans as needed. Motion seconded by Supervisor Kenny Miller. Motion Carried.

Trash disposal service was discussed; no decisions were made at this time.

C. Sheriff Issues

This will be addressed at a Special Town Board Meeting- February 17, 2005.

D. Centurytel Fiber II

No new information presented.

E. AT & T Facility Cedar and 250th St.

No new information presented. Supervisor Mark Malecha will continue on follow up.

F. Country Joe Racing

The planning commission forwarded two letters they received at the February planning commission meeting. *See attached letters: LeVander Gillen & Miller dated February 3, 2005 and Siegel, Brill, Greupner, Duffy and Foster dated February 7, 2005.*

Tim Kuntz, attorney representing Ethel and Nancy Sauber expressed concerns of use of the 3rd building; it was to be used for agricultural use only. He noted the above stated letter from his Law Firm, objecting to the registration of the business under non conforming use ordinance and the town board's acceptance of all non conforming use registrations at the November 2005 town board meeting.

The town board only accepted the fact that the businesses had registered under Section 5.5 of Ordinance 20 Item B. They did not determine if the businesses were legal or not.

A motion by Supervisor Mark Malecha: to reaffirm the boards position neither condoning nor condemning that the registered businesses are legal businesses. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Supervisor Connie Anderson and Supervisor Kenny Miller will inspect the building in question (22260 Dodd Blvd) to determine the current use of the 3rd Pole shed, permit #000978 issued October 14, 2003 and report back to the town board at the March, 14 Town Board Meeting.

G. Elko / New Market Septic Treatment Facility & Interceptor line

Don Pflaum reported on actions taken at the last meetings. If citizens would like to take water samples from the Vermillion River, the MET Council will test the water. Dakota County Soil and Water would like to be informed on changes in the water, color, foaming, etc.

H. 265th St Bridge Ribbon Cutting Ceremony

The date for the grand opening of the bridge was set for Thursday February 17, 2005 at 4:00 pm.

New Business

A. Resolution- petition to add spotted knapweed to the list of prohibited weeds.

A motion by Supervisor Mark Malecha: To sign the resolution to add spotted knapweed to the list of prohibited weeds. Motion seconded by Supervisor Kenny Miller. Motion Carried.

B. North Cannon WMO

The North Cannon WMO is asking townships to review the model stormwater Ordinance. The next board meeting is February 24, 2005.

C. Budget/ Annual Meeting Agenda

Presentations by town board members at the annual meeting were discussed. Agenda and budget information was distributed to town board members.

D. Newsletter

A motion by Supervisor Kenny Miller: To approve the newsletter. Motion seconded by Supervisor Don Pflaum. Motion Carried.

E. Bridge Inspection

The township received a bridge inspection report from Dakota County. Bridge #19J02 located in Section 18, .3 miles west of JCT CSAH 9 has minor erosion on the east side south end of structure. The road supervisors will work with the road contractor on fixing this problem.

A motion by Supervisor Connie Anderson: To approve November receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Other Business

Clerk/ Treasurer Presentation

2 planning commission members will attend the hazard mitigation meeting held by Dakota County.

A motion by Supervisor Mark Malecha: To adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting adjourned at 9:15 pm.