

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town Board Meeting  
March 13, 2006

#### **Call to Order**

Chair Connie Anderson called the regular monthly meeting of Eureka Township to order at 7:08 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 following additions were made to the agenda: **Other Business:** Item G. MinnCan and Item H. Planning Commission access to Minnesota Association of Townships (MAT).

A motion by Supervisor Gloria Belzer: To approve the agenda with the additions. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Mark Malecha: To add to the agenda: under **Planning Commission-** 6. Report from Planning Commission. Motion seconded by Supervisor Cheryl Monson. Motion carried.

#### **Audience Comment Period**

There were no audience comments at this time.

#### **Minutes**

The following change was made to the February 13, 2006, Eureka Town Board Meeting Minutes. Page 3, second paragraph of Clyde Thompson- should read: "are looking to build" and change "advice" to "advise" Page 4. refers to an "attached letter." The date of the attached letter should be added- *from Brian Watson dated February 13, 2006*. Next paragraph should read- "construction schedule".

Page 5. Old Business- add the names of the two property owners that have not been contacted. "William and Tracy Schweich 24090 Holyoke Path and Anthony Van Grinsven 24220 Holyoke Path"

A motion by Supervisor Mark Malecha: to approve the minutes as amended. Motion seconded by Supervisor Dan Rogers. Motion carried.

#### **Treasurer's Report**

Treasurer Nanett Champlain reported that there is \$338.25 in checking, \$177,884.06 in the savings account and \$142,704.10 in CD investments. Overall total of accounts are \$320,926.41.

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

#### **Bills and Receipts**

The clerk presented a claim from Mike Greco, he purchased 2 white boards and a magazine stand from the University of Minnesota reuse program, he is asking for reimbursement for purchased items. The claim was for \$96.30.

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

<b>Besure Inspections Services</b>	January Inspection Services	<b>\$2,137.58</b>
<b>Farm Road Services</b>	Road maintenance for January 2005	<b>\$1,815.00</b>
<b>Chris Nielsen</b>	6 bags of Salt for Water Softener	<b>\$63.84</b>
<b>Materials Processing Corp</b>	recycle fees- 2 CRTs, 2 TVs, 99 lbs	<b>\$94.65</b>
<b>Dakota Electric</b>	Electric Town Hall	<b>\$64.88</b>
<b>Central Valley</b>	LP for Town Hall	<b>\$365.53</b>
<b>Frontier Communications</b>	952-469-3736	<b>\$116.55</b>
<b>Culligan</b>	Water Softener Rental	<b>\$23.38</b>
<b>Pat Fossum</b>	Cleaning Town Hall February 2006	<b>\$60.03</b>
<b>Nanett Champlain</b>	Payroll 02/01/06 to 02/28/06	<b>\$1,242.20</b>
<b>Nanett Champlain</b>	Expenses 02/01/06 thru 02/28/06	<b>\$58.46</b>
<b>Murnane Brandt</b>	Legal Services 12/2/05 to 1/30/06	<b>\$1,473.98</b>
<b>Abdo, Eick &amp; Meyers</b>	Audit 2005	<b>\$8,500.00</b>
<b>ECM Publishers</b>	Legal Ad- sample ballot	<b>\$56.00</b>
<b>Graphic Design</b>	550 Optical Scan Ballots	<b>\$165.08</b>
<b>Dakota County Treasurer</b>	Cluster recording- Dick Cross	<b>\$46.00</b>
<b>Dakota County Treasurer</b>	Truth in Taxation	<b>\$228.45</b>
<b>Mary Ann Michels</b>	Payroll 01/01/06 to 01/31/06	<b>\$233.77</b>
<b>Mike Greco</b>	White board and Magazine cube	<b>\$96.30</b>
<b>PERA</b>	Payroll 01/01/06 thru 01/31/06	<b>\$180.05</b>
<b>TOTAL BILLS PRESENTED</b>		<b>\$17,021.73</b>

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

Supervisor Gloria Belzer inquired about check number 4711; it does not show in the disbursement register. The check number 4711 is a voided check.

The following receipts were deposited in February:

<ul style="list-style-type: none"> <li>• <b><u>Building Permits</u></b></li> </ul>			
Nancy Cross- <i>Zoning Permit Application</i>	\$50.00	Nancy Cross - <i>Building permit</i>	\$3,157.65
<ul style="list-style-type: none"> <li>• <b><u>CUPs</u></b></li> </ul>			
Butch Hansen- <i>review airstrip</i>	\$25.00	Eureka Sand & Gravel- <i>mining review</i>	\$1,236.91
John Storlie- <i>mining review</i>	\$235.72		
<ul style="list-style-type: none"> <li>• <b><u>Other Receipts</u></b></li> </ul>			
Nancy Sauber- <i>Copies of documents</i>	\$17.35	Anoka Conservation District- <i>Envisioning CD</i>	\$3.00
Dakota County- <i>Conservation Credit</i>	\$1,386.95	Magellan Pipeline- <i>Reimburse road repair</i>	\$609.61
Dakota County- <i>Town Road Allotment</i>	\$14,121.56	Nancy Cross- <i>Filing Fee- Cluster</i>	\$46.00

---

**TOTAL RECEIPTS DEPOSITED IN FEBRUARY** **\$20,889.75**

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

The Minnesota State Auditors Office has selected Eureka Township to Audit for the year of 2006.

The line item in the budget titled "Legal Fees" is a combination of Attorney expense and Audit expense. The Town Board asked that a new line item be added to the Budget worksheet for the Audit. The clerk will present this change at the annual meeting.

### **Budget**

The Town Board reviewed the budget. The reimbursement from Magellan Pipeline for road repair needs to be put back into road maintenance. (Road and Bridge Fund)

### **Planning Commission**

#### *Consent agenda items*

**Kurt Oestreich-** 6506 245<sup>th</sup> St W. Farmington, Property ID # 13-01500-016-77 requested a permit for a driveway. All necessary document were provide **Permit # 06-03-03 was issued for \$50.00**

**Lee Slavicek-**6808 235<sup>th</sup> St W. Farmington, Property ID # 13-01000-020-77 requested a permit to build a 36 ft x 56 ft pole shed with 12 ft side walls, for personal use. Final building plans were submitted to the building inspector. **Permit # 06-03-004 was issued for \$718.22**

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

#### *Estrem- Building Question Follow-up*

Eunice Estrem asked that the board obtain a legal opinion on the proposed scenario from the last Town Board meeting: If a barn can be located in Eureka Township adjacent to a home built in Scott County. They would like to move forward in selling the property. Chair Connie Anderson will contact the Township attorney for a legal opinion.

#### *Dennis Ripley- buildable lot question*

Dennis Ripley purchased two lots ten years ago. Friedge Tillges owned 80 acres and subdivided it into lots. Mr. Ripley presented a map showing the lots, (*there are no dates on the survey- in 70's*) he has legal descriptions for each lot. For tax purposes the lots have a single ID number and tax description. He wants to build a home on the second lot. The Town Board needs proof that the lot splits were done before April 12, 1982. November 12, 1984, Eugene Pearson questioned the build ability of the property; it had been purchased as 3 parcels, but recorded as 2 parcels. In 1984 the Town Board felt the parcels represented two buildable parcels. The current Town Board asked Mr. Ripley to provide the original abstract for the property showing that the two properties were separate parcels on or before April 12, 1982.

#### *Planning Commission openings*

There are two positions open for the Planning Commission. Two members will be appointed at the April 10, 2006 Town Board meeting. Terms will begin May 1, 2006.

A motion by Supervisor Mark Malecha: To direct the clerk to post and publish the openings on the Planning Commission and have information turned in before the April Town Board meeting.

Motion seconded by Supervisor Cheryl Monson. Motion carried.

#### *Planning Commission update*

Planning Commission Chair Cory Behrendt updated the Town Board on Planning Commission business. The Magellan Pipeline repair across 267<sup>th</sup> St. is soft and settling, it will need further attention. He presented an update on the RFP. The Planning Commission is continuing to work with the building inspector on building permit requirements. The Planning Commission scheduled a public hearing for the North Cannon River WMO Ordinance for Tuesday, March 21, 2006 at 7:30 pm.

### **Contractor Time**

#### *Road Sign Update*

Move to the April meeting. The road contractor was unavailable tonight, due to the snowstorm.

#### *Reflecto-meter, Heavy Use Hauling Signs and Boat Landing Install Update*

Supervisor Dan Rogers is in the process of checking with the County on these items.

#### *Quote for tiling*

Move to April Town Board Meeting

### **Old Business**

#### *Clyde Thompson and Ken Malecha- Golf Course request*

Supervisor Mark Malecha stepped down from the Town Board on discussion on this item, due to a conflict of interest.

No formal request has been received on the Golf Course Request.

Township attorney, Peter Tiede submitted a draft application "Text Amendment to the Zoning Ordinance" The Town Board referred to page 23 of ordinance book for Process for Changing Ordinances. The Town Board decided to forward the draft application to the Planning Commission for further review; they also are requesting an application form for "changes to the zoning map" and an information sheet of the fees and requirements. Supervisor Gloria Belzer will submit samples to the clerk for distribution to the Planning Commission for their April meeting. Board discussion will continue at the April Town Board Meeting.

#### *Schedule of progress on Airstrip- Silt Fence*

The Town Board received a letter of clarification from Brian Watson, Dakota County Soil and Water from his inspection on the Hansen Airstrip CUP. *See attached letter dated March 8, 2006.* A schedule is not required as part of the permit process. Supervisor Mark Malecha amended his February motion: to remove the requirement of submitting a work schedule, because of the Soil and Water Conservation District's clarification as to the requirements necessary. The motion was seconded by Cheryl Monson. The motion carried.

#### *Friedges Complaint Update*

The Town Board received an e-mailed letter from Township Attorney, Peter Teide, this evening on the Friedges permit issue. The Town Board took a few minutes to review the letter. The letter was classified as Attorney/ Client Privileged Letter; the Town Board waived the Attorney/ Client Privilege of the letter, making it a public document. *See attached letter dated 3/13/2006.*

Upon review of the Township attorney's advice, the Town Board stated that they will stand by the decision made by the Town Board on November 14, 2005.

Supervisor Cheryl Monson made a motion to amend the agenda: Under New Business: Attorney contacts- who can contact the lawyer and what the Township will pay for. After discussion that this should be done at the Reorganizational Meeting, Supervisor Cheryl Monson withdrew her motion.

#### *Mining Review- Barton Gravel*

The Certificate of Liability Insurance has been received from Barton Sand and Gravel. (*Renews 5/1/2006*) The Town Board continued the review of the mining CUP. Chair Connie Anderson opened the floor for citizen's comments. Gary Smith asked if there had been any complaints on the road condition. Chair Connie Anderson said there had not been any complaints; she had noticed the road was rough and that Barton got right on it and took care of the situation. Hearing no more comment the floor was closed to discussion. Motion by Supervisor Mark Malecha: To approve the mining review of Barton Sand and Gravel. The motion was seconded by Supervisor Cheryl Monson. The motion carried.

Sheriff Deputy, Charlotte Rayl stopped in to address any Town Board or Eureka citizen's questions or concerns. Mailboxes damaged by the county plow were addressed; the County is responsible for the repairs to the mailboxes. Weight restrictions on the roads are posted by the sheriff department. Weight restrictions have been placed on the roads.

#### *Draft letters from Attorney on Eureka Estates Complaint*

The Town Board received copies of the letters drafted by the Township attorney, to be sent to the property owners in Eureka Estates that have not responded to Township requests. The Town Board reviewed the letters. The attorney will be directed to send the letters as written.

### **New Business**

#### *Annual Meeting Agenda*

The clerk presented the tentative agenda for the annual meeting. He agenda was modified as:

**Business:** A. General Overview- *Eureka Town Board* B. Roads

**Set Levy 2007:** Budget- New line item for Audit

**Old Business:** Town Hall Use Committee Report

#### *Road Maintenance Contract*

The road maintenance contract is due in June.

A motion by Mark Malecha: To post and publish the Road Maintenance Bid for a two year contract, using equipment specs as outlined in the current contract. Supervisor Gloria Belzer addressed the issue of requiring a performance bond and payment bond. Supervisor Mark Malecha stated it was only required for special projects. Current contract as written will be used. Motion seconded by Supervisor Dan Rogers. The motion carried.

Publishing dates March 25<sup>th</sup> and April 1, 2006. The bid submittal deadline date is May 1, 2006. The bids will be opened at 8:00 pm at the May 8, 2006, Town Board Meeting.

#### *Mowing Town Hall Property*

The Town Board will accept quotes for the mowing of the Town Hall. This will be posted at the Town Hall, website and in the Township newsletter. Certificate of Liability Insurance must be provided and the person must be over 18 yrs of age.

#### *Town Hall- landscaping*

The landscaping needs to be completed at the Town Hall. Citizen volunteers and donations will be requested in the newsletter. Landscaping would fall under "Town Hall Upkeep" in the budget.

#### *Set date for Reorganizational Meeting*

March 27, 2006 at 7:00pm. Officers will be sworn in prior to the start of the meeting.

### **Other Business**

#### *Town Hall Use Committee Report*

The Town Hall Use Committee (Gary Smith, Chris Nielsen, Wally Bohrn, and Butch Hansen) is recommending that the Town Hall be rented to Township citizens for educational purposes only. A

\$300 damage deposit, with \$50 retained for expenses relating to building maintenance. The committee will make a presentation at the Annual Town Meeting for feedback from the citizens.

#### *Audio System Town Hall*

Supervisor Gloria Belzer will check into the cost of audio systems. The Town Hall was built to accommodate the wiring of an audio system. This item will be moved to the May agenda.

#### *Town Board Table*

A larger, "U" shaped table is needed for the Town Board. A request for possible donations will be added to the newsletter.

#### *Permits CUP Recording, Review Procedure*

Supervisor Gloria Belzer presented further documentation that CUP's need to be recorded with the County. The law went into effect Jan 1, 1983. Page 63 of Eureka Township's current ordinance requires filing with the County all CUP's. This filing fee should be paid directly to Dakota County. The Town Board is not questioning the filing of new CUP's. They are trying to determine how to file old CUP's and who pays the filing fee. Supervisor Gloria Belzer will continue to research this item.

The clerk is in the process of compiling a list of all CUP holders. The clerk will check with the CUP holders whether the CUP still exists, before converting it into recordable document, to be filed with the county. CUP permit holders will be asked to view and sign off on the prepared document before recording takes place. Move item to the June Town Board Meeting.

#### *Permit Application*

This item will be addressed at the joint meeting of the Town Board and Planning Commission.

#### *Krapu appeal accounting question*

Supervisor Mark Malecha commented that any special meetings called or attended as part of the court proceedings as well as clerk time should be submitted to the Insurance Company for reimbursement to the Township. The clerk will check on this matter.

#### *MinnCan Project*

Informational Meeting: March 23, 2006, 6-9 pm in Farmington at Rambling Rivers Center Dining Room.

#### *Planning Commission Access to Minnesota Association of Townships (MAT) Attorney's*

Supervisor Gloria Belzer emailed Troy Gilchrest, MAT attorney; he stated that the Planning Commission Chair may contact MAT attorneys for information; however they must stop short of attempting to get into specific interpretation of how the ordinances may apply in a specific situation.

### **Clerk Treasurer Presentation**

The clerk briefly covered materials presented. All information is available for review from the clerk.

Connie Anderson thanked the Town Board for working with her as chair and thanked the citizens for their support over her many years of service.

A motion by Supervisor Dan Rogers: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting Adjourned at 10:37 pm.

#### Attachments to minutes:

From Brian Watson, Dakota County Soil and Water- Hansen Airstrip- dated March 8, 2006  
Township Attorney, Peter Tiede- Friedges Permit- dated March 13, 2006