

Eureka Township
Dakota County
State of Minnesota

Eureka Town board Meeting
April 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 and Dan Rogers. Clerk/Treasurer Nanett Leine, to record the minutes. Supervisor Mark Malecha arrived at 7:43 pm.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Additions to agenda:

- 4. A. Terri Petter- review of CUP's/ dog kennel license
- 12. Meetings: Add times of Public hearings- 7:00 pm

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

Minutes:

A motion by Supervisor Cheryl Monson: To approve the Regular Town Board Meeting Minutes of March 14, 2005 as presented. Motion seconded by Supervisor Gloria Belzer. Motion Carried.

A motion by Supervisor Gloria Belzer: To approve the Reorganization Meeting Minutes of March 29, 2005 as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$-20.57 in checking, \$145,878.59 in the savings account and \$123,111.26 in savings (Former CD). Federal tax liabilities are \$1,032.84, MN tax liabilities are \$97.30.and State Surcharge liability \$55.50.

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

Bills and Receipts

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

Farm Road Services	Road maintenance March 2005	\$5,700.50
Frontier Communications	952-469-3736	\$108.64
Frontier Communications	952-898-9650	\$87.23

Dakota Electric	Electric Town Hall	\$78.30
ECM Publishers, Inc.	Ordinances/ Planning commission	\$71.66
RiverTown Newspaper Group	Ordinances/ Planning commission	\$48.65
Murnane, Conlin, White And Brandt	Legal services thru Feb 28, 2005	\$665.24
Cannon Valley Coop	LP town hall	\$163.03
Farmers Mill And Elevator	chemicals- brush control	\$542.47
Minnesota Association Of Townships	3 registrations/ urban short course	\$105.00
Healy Construction	Final Payment	\$11,195.97
Dakota County Assessing Service	labels for newsletter	\$15.98
Lakeville Printing	newsletter	\$103.50
Connie Anderson	reimburse stamps- newsletter/ registration Officers Meeting	\$241.25
Dakota County Treasurer- Auditor	4 RASP Signs	\$46.56
Nanett Leine	Expenses 3/1/05 to 3/31/05	\$375.72
Nanett Leine	Payroll 3/1/05 to 3/31/05	\$1,600.83
PERA	Payroll 3/1/05 to 3/31/05	\$208.89
Internal Revenue Service	941 1st qtr	\$1,032.83
State of Minnesota	1st qtr withholding	\$97.30
Pat Fossum	cleaning town hall	\$50.00
BeSure Inspections	building inspection services	\$1,417.81
State of Minnesota	Building Surcharge 1st Qtr	\$24.90
Dakota County Treasurer- Auditor	Septic Permits 1st qtr	\$40.00
TOTAL BILLS FOR MARCH 2005		\$24,022.26

The bill from Murnane, Conlin, White and Brandt was discussed. There were 2 entries of .10 and .30 hours, that were relating to the lawsuit. It was questioned if these should be part of the bill. Clerk/ Treasurer Nanett Leine will check into this. If these bills are in error, they will be deducted from next months bill.

Healy Construction final payment was discussed. The punch list has been completed; final payment needs to be made. There is a warranty for 1 year to cover miscellaneous items that might come up.

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

The following receipts were deposited in March:

- **Building Permits**

Prairie Creek School	\$1,608.94	Ed O'brien	\$543.86
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- **CUP's**

Wat Lao of Minnesota	\$15.00	Eureka Sand and Gravel- <i>gravel mining</i>	\$1,178.62
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John Storlie- <i>gravel mining</i>	\$56.13	Barton Sand and Gravel- <i>gravel mining</i>	\$278.67
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- **Other Receipts**

City of Lakeville- <i>Envisioning report</i>	\$3.00	Chris Nielsen- <i>RASP Sign</i>	\$12.00
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Dell- <i>rebate computer</i>	\$225.00	Alice Storlie- <i>RASP Sign</i>	\$12.00
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Tim Kuntz- <i>copies of documents</i>	\$2.00	Ken Olstad- <i>RASP Sign</i>	\$12.00
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Total Receipts in March **\$3,946.86**

A motion by Supervisor Dan Rogers: To approve March receipts. Motion seconded by Supervisor Cheryl Monson. Motion Carried.

Contractor Time

Roads

The roads are soft, the frost is coming out.

The township takes over road maintenance on 250th Street and Essex Ave. on May 1, 2005 from the county.

Supervisor Dan Rogers and Road Contractor Chris Nielsen are working on road work bids to be opened in May.

Eureka Township takes over the maintenance, this year, on the portion of 220th St. that is shared responsibility with Farmington.

Road Supervisor Dan Rogers is obtaining quotes for Dust Control. Hoffbeck will be sweeping the developments in the next couple of weeks.

Complaint- Ditch along 245th St.

The ditch on the down side of the culvert needs cleaned out. Installing or changing the level of the culverts will not help. It is a wetland area. The town board will inspect the area on their road inspection.

Bridge Safety Inspection

The work that needs to be performed to complete the bridge safety inspection will be completed as soon as the road restrictions are removed.

Railroad Crossing Upgrade funding

Due April 22, 2005. The railroad crossing on the north end of Highview could use upgrading. Road Supervisor Dan Rogers and Road Contractor Chris Nielsen will follow up on this item.

Ditch along Granada (Chub Lake Road)

Butch Hansen and Chris Nielsen are preparing an application for monies to fund the project. The area is about 780 feet long, 6 feet wide, there are several trees leaning over, with roots exposed that need to be removed. Rip Rap, install dams 50 feet apart, seed and erosion blanket needs to be installed. The estimated cost is \$13,000.

Supervisor Dan Rogers took over the meeting for discussion on the North Cannon WMO grant, Chair Connie Anderson is chair of the North Cannon WMO, there is a possible conflict of interest.

The deadline for application to North Cannon WMO is June 15, 2005. Monies will be available late July to Mid August. The town board will request 75% reimbursement for the project. The proposed project area will be part of the road inspection tour.

Planning Commission Land use permits and Related Items:

PC Meeting Consent Agenda Items:

1. Jeff & Tami Ahlgren- 26446 Ipava Ave, Lakeville (Property ID # 13-02900-014-32) requested a permit for a 1020 foot addition. (**Permit #05-04-007 for \$1,859.17** Mr. Ahlgren chose not to pay for his permit at this time. He will receive the permit from the clerk upon paying the appropriate fees.)

2. Erik Martin- 26386 Highview Ave, Farmington (Property ID # 13-02800-010-26) requested a zoning compliance permit for a 40' x 50' Ag Pole Shed

Compliance Permit #000986 for \$50.00 was Issued.

A motion by Supervisor Cheryl Monson: To approve the consent items as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Lot Split

Ruth Larson- 8297 250th St W, Farmington is requesting to split 2.5 acres from parcel A (ID#13-01600-13-50) this property has 2 Ag Dwellings: the original homestead built in 1925 and a second farm dwelling built in 1960. Parcel A is a 15 acre parcel.

After discussion the town board could not determine if the property could legally be split under the current zoning ordinance, one home per Qtr/ Qtr. A legal opinion will be obtained before the split is granted.

Conditional Use Permits

Butch Hansen

Mr. Hansen has requested a second farm dwelling per qtr/qtr section per 7.53 of the Zoning Ordinance. A public hearing has been scheduled for April 19, 2005 at 7:00 pm.

Spirit Ranch I and II

The Conditional Use Permit for Spirit Ranch I and Spirit Ranch II is up for review. Terri Petter, owner was present for the review. The clerk provided the town board with the Conditional Use Application that was used as a guideline for granting the Conditional Use Permit. Spirit Ranch I is located at 24005 Dodd Blvd., Lakeville. Spirit Ranch II and Spirit Ranch Cattle Company is located at 10132 235th Street West, Lakeville. There are feedlots at both locations. It was

advised that the feedlot permit needs to be reapplied for by the end of December. (every 4 years)
A copy of Feedlot compliance must be forwarded to the town board upon renewal.

Chair Connie Anderson opened the floor for public comment.

Liz Flaherty 24320 Dodd Blvd- She asked what the CUP includes.

A formally written CUP could not be found and probably never drafted. The CUP was granted on the information provided on the applications. Original Date of CUP April 13, 2003 at the Eureka Town Board Meeting.

Spirit Ranch I include horse, dog, animal boarding, breeding, sales. Currently Terri boards dogs and horses. Chair Connie Anderson asked if there was a limit on the number of dogs allowed. Terri Petter commented she does not have a limit to the number of dogs, but a limit to the number of horses (13 at Spirit Ranch I), because of the Shoreland permit. Supervisor Mark Malecha felt that the number of dogs was limited to six. Terri Petter stated she has 6 kennels, but she felt there was no cap on the number of dogs. Occasionally someone brings in two dogs. The maximum number of dogs, she would ever have is 12. (*Dog kennel CUP was originally issued on April 12, 1999*)

Liz Flaherty- is there any conditions put on as far as esthetic necessities to cover up the dog kennel?

Terri Petter- there were bushes that needed to be put between the kennels and the driveway.

Liz Flaherty- You can see the chain link fence from her property.

Terri Petter- There is a hill and trees, so you cannot see it very well. The required trees are in place, she planted 8 trees, but she cannot get them to grow.

Kevin Flaherty- 24320 Dodd Blvd- At the present time the business is fine; it is not a bother or a nuisance because she has 6 dogs. Concerns with the unanimous ruling several months ago with the dog kennel and precedence there of, it seems that there should be a cap on the number of dogs that can be kenneled. Is there anything that would prevent the expansion of the kennel?

Terri Petter- because she is in flood plain, she cannot build onto the dog kennel. No additions.

Chair Connie Anderson- the conditional use permit has already been issued, the town board cannot make any changes unless she is in violation of the permit. The review is done to make sure she is following the conditions in the CUP.

Terri stated that she has done some landscaping in front of the kennel area, (rocks, statues, etc)

The dog kennel license renewal is \$100. The review fee for each CUP is \$15.00.

Hearing no additional comments from the audience or have receiving any written complaints, Chair Connie Anderson entertained for a motion to approve the review.

A motion by Supervisor Mark Malecha: To approve the review. Motion seconded by Supervisor Cheryl Monson. Motion Carried.

Other related business

Tousignant- moved in building without a permit.

David Tousignant- 23590 Cedar Ave moved a building into the township without a permit. The building has been placed closer to the road than the setback requirements. Building Inspector, Bob Hegner will be asked to contact Mr. Tousignant.

A request by Supervisor Cheryl Monson: To send Building Inspector, Bob Hegner to inspect the building, determine fees and setback requirements.

Bob Carlson- septic permit

Building permit was issued October 14, 2003, permit # 03-020 for \$1,136.29. The permit does not specify any septic permit for the bathroom installed in the pole building. The clerk will check with the building inspector on the permit.

Wat Lao of Minnesota

A temporary occupancy permit for the new building has been issued by the building inspector. A opening celebration for the new building was scheduled for April 14 & 15, it is not known if the date of the opening has been changed.

Complaint- Conroy Farm

The clerk contacted Castle Rock twice, attempting to get a copy of the complaint letter. It has not been received. Move to May's agenda.

Planning Commission Applicants

There are three applicants for the two open seats on the planning commission: Kevin Flaherty, Mike Greco and Eric Martin. The town board interviewed each of the applicants. Each supervisor voted by secret ballot for their two choices. The applicants with the most votes were Mike Greco and Kevin Flaherty.

A motion by Supervisor Cheryl Monson: To appoint Kevin Flaherty and Mike Greco, each to a three year term on the planning commission. Motion seconded by Supervisor Dan Rogers. Motion Carried. New members take office on May 1, 2005.

Old Business

A. Country Joe Racing

The town board received a letter from Tim Kuntz, attorney representing the Sauber's. *See attached.* Chair Connie Anderson has not received feedback from the attorney on this matter. She will make contact with attorney Peter Tiede to check on the status of the requested legal opinion. Move to May's agenda.

B. Centurytel Fiber II

Chair Connie Anderson reviewed the Centurytel Fiber II file. The town boards decision to move forward was made at the August 9, 2004 Town Board Meeting.

There was discussion on the next step. The clerk will check with the county to see if we can clean up and landscape the sight and charge it back to their taxes. They would obtain quotes for bringing the property into compliance. Send a registered letter, with a signed receipt, giving Centurytel Fiber 30 days to bring it into compliance or the town board will bring it into compliance and charge it back to Centurytel on their 2006 taxes. The attorney will be cc what we are doing.

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

Road Contractor Chris Nielsen has been in contact with AT & T about cleaning up and mowing the site. He was instructed to cleanup the area and bill it back to AT&T. Chair Connie Anderson asked to get it in writing before proceeding with the cleanup.

D. Town Hall

Cleaning

Pat Fossum has been hired to clean the town hall. The furniture needs cleaned and the upholstery cleaned on the chairs.

A motion by Supervisor Mark Malecha: To clean the cloth chairs, to clean the metal chairs as time permits. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Mowing

Erik Leine has agreed to mow the town hall again this year. He has presented a certificate of Liability Insurance. He estimated the cost of \$50 to mow the old town hall, the ditches at the new town hall and the overflow parking across the street. There will be an additional charge for the new seeded area.

A motion by Supervisor Mark Malecha: \$50 to mow the property as needed. Motion seconded by Supervisor Gloria Belzer.

A friendly amendment by Supervisor Connie Anderson: To hire Erik Leine to mow the town hall property. Motion seconded by Supervisor Cheryl Monson. Mark and Gloria accepted the friendly amendment. Vote was taken on the amendment and passed. Vote was taken on the motion and passed.

Water softening system

The clerk contacted Hague Water Systems; he could not come even close to the Culligan water proposal. He recommended that we go with the proposed system; it is a very good price.

A motion by Supervisor Mark Malecha: To move forward with the installation and monthly service as proposed by Culligan Water. Motion seconded by Supervisor Dan Rogers. Motion Carried. The clerk will check into the owner buyout proposal and contract length.

Audit

The clerk checked with Adbo, Eick and Meyers on the town hall levy deficiency. Steve McDonald said that money could be set aside from the general fund to cover the short fall. The levy should be increased next year to make up the difference.

Mark Malecha proposed that a CD be taken out and dedicated to the town hall, instead of increasing the levy. The clerk will check and see if this would fulfill the requirements. Move to May meeting.

Purchase Certificates of Deposit

Supervisor Mark Malecha will review the rates for CD's and savings account balances and make a proposal at the May Town Board meeting on investing money into CD's.

New Business

Memorial Day Picnic

The township Memorial Day Picnic will be on Monday May 30, 2005 at 12:00 pm. It is potluck, with beverages provided. An ad will be placed in the community newspaper.

Clean Water Legacy Act

Chair Connie Anderson presented the town board with information on the Clean Water Legacy Act. The clerk will send a letter to the commissioners showing the townships support of the Clean Water Legacy Act.

Moving town Hall Records

Chris Nielsen, Gloria Belzer and Mike Greco volunteered to help move the township records from the old town hall. The clerk will organize the move.

Other Business

Clerk/ Treasurer Presentation

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

Meeting adjourned at 9:58 pm.