

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
May 12, 2003

Call to Order:

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Don Pflaum, Dan Rogers, Kenny Miller, Connie Anderson, Mark Malecha and Clerk/Treasurer Nanett Leine. Meeting opened with the Pledge of Allegiance.

Approval of Agenda:

The following items were added to the agenda:

New Business: A. Ron Wasmund- Building Inspector.

1. Wat Lao Temple Permit

A motion by Supervisor Mark Malecha: To approve the amended agenda. Motion seconded by Supervisor Connie Anderson. Motion carried.

Minutes:

A motion by Supervisor Kenny Miller: To approve the Townboard Minutes of April 14, 2003 with the following changes. Page 5- Second paragraph: Tom Barry/ Shoreland Zoning Administrator. Correct the spelling of Terri Petter. Page 6- Last paragraph: should read: Supervisor Kenny Miller drafted an outline of the clerk/ treasurer duties, for further review by the Supervisors. No action was taken to adopt these duties at this meeting. And to approve the April 15, 2003 continued Townboard meeting minutes as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Kenny Miller: To add to the Agenda:

10. New Business F. Clerk/ Treasurer Position

Motion seconded by Supervisor Connie Anderson. Motion carried.

A motion by Supervisor Connie Anderson: To approve the Eureka Township Special Meeting Minutes of April 30, 2003 to appoint the Planning Commission. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Mark Malecha: To approve the Eureka Township Special Townboard Meeting Minutes of May 5, 2003 to appoint the Non Conforming "Land Use" Committee/ Lee Slavicek Split Approval. A friendly amendment by Supervisor Connie Anderson: To correct the spelling of Terri Petter's Name. Mark accepted the amendment. Motion seconded by Supervisor Connie Anderson. Motion carried.

Treasurer's Report: Treasurer Nanett Leine reported that there is \$245.93 in checking, \$125,313.30 in the savings account and \$117,587.47 in savings (Former CD). Federal Tax

liabilities are \$516.14. State tax-liabilities are \$37.00. State surcharge liabilities for building permits are \$661.41. County Sewer Inspection liabilities are \$1,760.00.
 Motion by Supervisor Kenny Miller: To approve the Treasurer's report. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Mark Malecha: To table the reading of the bills. Motion seconded by Supervisor Connie Anderson. Motion carried.

Jennifer Lenarz/ Deputy Sheriff introduced herself to the Townboard and those attending. She asked if there were any concerns or comments that needed to be addressed by the sheriff's department.

Clerk/Treasurer Nanett Leine explained the bill for the Septic Inspection permits for 2000 through 2002. ISTS detail reports were presented. It was agreed upon by The Townboard and Inspectron that payment will be made as presented.

Treasurer Nanett Leine presented the following bills for payment:

Henry's Excavating	Grading and Plowing	\$10,428.00
Inspectron Inc.	2001 Building Inspection permits	\$315.00
	1st Qt 2003 building Inspection permits	\$3,492.79
	Septic Inspection Permits 2002, 2003	\$1,335.00
	Septic Inspection Permits 2001	\$1,631.25
	Septic Inspection Permits 2000	\$1,500.00
Dakota County	Septic fee 44 permits 2000 to 3/2003	\$1,760.00
Minnesota State Treasurer	State surcharge 2nd Qtr 2002	\$442.63
	State surcharge 3rd Qtr 2002	\$60.14
	State surcharge 1st Qtr 2003	\$133.64
Lakeville Printing	Newsletter	\$86.75
ECM Publishers	legal ads	\$78.14
River Town Newspaper	legal ads	\$35.37
Dakota Electric	Town Hall	\$8.67
Frontier Communications	Main+ Int.	\$78.01
	Office	\$40.88
Dakota County Assessors Office	label newsletter	\$14.77
Dakota County Assoc. of Townships	maintenance for septic systems	\$895.56
Robert Papke	Castle Rock Ordinance book	\$25.00
Greg Gudbjartsson	pc payroll	\$226.26
Bev Topp	Township officer payroll	\$831.15
	Mileage	\$185.40
Nanett Leine	payroll 4/1 to 4/30/03	\$1,640.21
	Expense, Mileage, office rent	\$465.36
PERA	Auto Transfer	\$204.76
TOTAL BILLS FOR MAY TOWNBOARD MEETING		\$25,914.74

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

Approval of April receipts

The following receipts were presented to the Township in April

• Zoning Compliance Permit:

Bill Pankonin- addition	\$1,543.69	Mike Wohlers- new home	\$2,817.71
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• Other Permits

Don Zimanski- Bathroom remodel	\$168.02	Bob Fredrickson-HVAC	\$75.50
Don Zimanski- Plumbing permit	\$75.50	Larry Zumbach-HVAC	\$75.50
Bachman's Nursery- Plumbing permit	\$75.50	Bachman's Nursery- Remodel	\$1,138.55

• Dakota County: Bridge Replacement Fund

Highview Ave., Denmark, 267 th	\$6,118.96
Denmark Ave.	\$9,870.98

• United States Treasury

941correction- showed overpayment + interest, (then billed us for \$775.71 owed)\$790.89

• Conditional Use Permits

Town and Country tree care	\$100.00	Spirit Ranch 2	\$100.00
Spirit Ranch 1	\$100.00		

• Dog Kennel License

Terri Petter- Spirit Ranch 1 \$100.00

Total Receipts \$23,150.80

The Townboard questioned receipts for permits related to remodeling, in the past the Townboard has not issued permits unless the footprint of the building has changed.

A motion by Supervisor Connie Anderson: To table the approval of the receipts until the Townboard discusses Building Inspection receipts with the building inspector. Motion seconded by Supervisor Kenny Miller. Motion carried.

Wat Lao building permit

In august 2002 the Townboard approved a building permit for a new temple, contingent on Shoreland and MAC's approval. To this date MAC approval has not been issued. If the structure is at or below the tree line a permit would not be needed. MAC has received the application, it is pending approval.

Uniform Building Codes

Ron Wasmund, Eureka Township's building inspector informed the Townboard that any Township within the 7 county metro area needs to adopt and follow the State Building Code. Ron Wasmund suggested that the Townboard talk to a member of the Minnesota State Building Codes and Standard Division in St. Paul, to assist in the delivery of the information to the Township rather than the information coming from the Townships consultant, Inspectron Inc. Ron Wasmund would be willing to facilitate a meeting with the Minnesota State Building Codes, Inspectron and The Townboard. The Townboard would like to address this issue with the Township attorney before setting up a meeting.

A motion by Supervisor Kenny Miller: After hiring an attorney for the township, have them give an opinion as to how State Building Code applies to the Township. If it applies then Ron Wasmund will facilitate a

meeting with the Townboard, the State building official and Inspectron. Motion seconded by Chair Don Pflaum. Discussion followed. After discussion, Supervisor Kenny Miller amended the motion to read: The Township attorney will review the State Building Codes to see if the Township needs to adopt it. Motion seconded by Chair Don Pflaum. Motion carried.

Until further information is received on this issue and a procedure has been established, the only permits that will be issued by Inspectron Inc. will be: permits that have been presented to the Planning Commission and have been approved by the Townboard.

A motion by Supervisor Mark Malecha to accept the receipts as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

Roads

Bob Glass- 8171 267th St. Farmington issued a complaint that a culvert that runs under the road was unplugged and is now flooding his front yard and running into his basement. Supervisor Mark Malecha, Road Supervisor and the Township's Road Contractor will work together to try to correct the problem.

Road Maintenance Bids/ Contracts/ Specs

A motion by Supervisor Kenny Miller: That the Township will be bid as a whole. Motion seconded by Supervisor Connie Anderson. Motion carried.

A motion by Supervisor Kenny Miller: To direct Supervisor Mark Malecha and Supervisor Dan Rogers to prepare the call for bids for publication. Motion seconded by Supervisor Dan Rogers. After discussion Supervisor Kenny Miller rescinded his motion and abstained from all discussion on this issue.

A motion by Supervisor Connie Anderson: To adopt the publication from last year, with the removing of east and west, bidding the Township as a whole, updating the ad to the correct date: June 9, 2003. Bids will be opened at 8:00 pm. Motion seconded by Supervisor Mark Malecha. Motion carried. Supervisor Kenny Miller abstained from voting.

Dust Control

Dust control will take place on May 27, 2003 by Dustcoating. They will be applying Magnesium Chloride, 18' boom width, approximately 300 linear ft in front of a residence. If a citizen would like additional dust control they must contact Dustcoating directly. The Road Contractors will ride with the applicators to help guide the application.

Castle Rock Township Public Hearing

May 27, 2003 Castle Rock Township will be holding a public hearing to consider a conditional use permit for Mike Thomas to build a motocross track for public use at 26xxx Denmark Ave.

Eureka Township maintains this section of Denmark Ave. What additional costs will be incurred by the Township, because of the added business to this road?

A motion by Supervisor Mark Malecha: That Supervisor Mark Malecha or Supervisor Dan Rogers will represent the Township at the public hearing. The Townboard will issue a letter to Castle Rock Township, Castle Rock residents and landowners stating that Eureka Township's position will be: The maintenance of Denmark Ave will be consistent of what it has been in the

past. The current maintenance schedule will be followed. Any additional costs will be directed back to Castle Rock Township. Motion seconded by Supervisor Dan Rogers. Motion carried.

245th Street- Closed Road

Supervisor Mark Malecha requested that the closed road be patrolled by the sheriff to reduce the use of the road. This subject was addressed when the Sheriff Deputy was present earlier in the meeting.

Planning Commission Land use permits and Related Items:

Zoning Compliance Permits

1. Dave Tonsager 25700 Granite Path, Farmington requested a zoning compliance permit for a 11' x 4' addition to his home.

2. Allen Fink 24401 Iberia Ave., Lakeville requested a zoning compliance permit for a 20' x 12' deck.

A motion by Supervisor Mark Malecha: To consent agenda items 1. & 2. for Dave Tonsager and Allen Fink. Motion seconded by Supervisor Kenny Miller. Motion carried. The building permits will be issued by the building inspector, Inspectron Inc.

3. Rollin Collins 27797 Denmark Ave., Farmington requested a zoning compliance permit for a 13'8" x 17'10" gazebo. Not attached to the house.

A motion by Supervisor Mark Malecha: To approve the zoning compliance permit contingent on shoreland approval. The approval needs to be presented to the clerk before the permit will be issued. Motion seconded by Supervisor Connie Anderson. Motion carried.

4. Ralph Fredlund- 23680 Jersey Court, Lakeville requested a zoning compliance permit for a 40' x 64' pole shed for personal use. The shoreland permit has been issued.

A motion by Supervisor Kenny Miller: to approve the permit as presented. Motion seconded by Supervisor Mark Malecha. Motion carried. **Permit Issued \$128.00**

5. Kevin Jahr- 8181 267th St. W. Farmington requested a zoning permit for a 26' x 14' deck + a small extension.

A motion by Supervisor Mark Malecha to approve the permit as presented. Motion seconded by Supervisor Dan Rogers. Motion carried. The building permit will be issued by the building inspector, Inspectron Inc.

6. Steve Heinz- 5215 225th St. W Farmington requested a zoning compliance permit for a 26' x 36' pole shed. He also requested a driveway permit. The shoreland permit has not been issued.

A motion by Supervisor Kenny Miller: To approve the permit contingent on shoreland approval. The approval needs to be presented to the clerk before the permit will be issued. Motion seconded by Supervisor Mark Malecha. Motion carried. **Driveway permit Issued \$50.00**

7. Dan Christianson- 24538 Iberia Ave., Lakeville requested a zoning compliance permit for a 38' x 31' deck (surrounding pool) and a 16' x 32' pool. (12,000 gallons)
A motion by Supervisor Mark Malecha: To approve the permit as presented. Motion seconded by Supervisor Kenny Miller. Motion carried. The building permit will be issued by the building inspector, Inspectron Inc.

8. Charles Liane- 9020 W 235th St., Lakeville requested a zoning compliance permit for a 40' x 32' addition to his pole shed.
A motion by Supervisor Mark Malecha: To approve the permit as presented. Motion seconded by Supervisor Dan Rogers. Motion carried. **Permit Issued \$164.00**

9. Jim Kaiser- 23645 Jersey Court, Lakeville requested a zoning compliance permit for 14' x 12' screen porch. Shoreland approval has been issued.
A motion by Supervisor Connie Anderson: To approve the permit as presented. Motion seconded by Supervisor Mark Malecha. Motion carried. The building permit will be issued by the building inspector, Inspectron Inc.

Lot Splits

Carrie Jennings requested that Eureka Townboard approve the split of a 5.73 acre parcel in the SW ¼ of the SW ¼ of Section 33.
A motion by Supervisor Kenny Miller: To approve the lot split as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

Buildable Lot Questions

Pauline Malecha asked the Townboard how many buildable sights are located on the Eugene Malecha Property in Section 31. This issue was previously addressed at July 8, 2002 Townboard meeting. It was unclear from the minutes, to exactly where the buildable sites are.

There is one buildable site (SW ¼ of SE ¼ of Section 31) as part of parcel #2 on attachment (legal description parcel #2: S ¾ of W ½ of SE ¼ of Section 31). This building right could be transferred to parcel #1 or to any other qtr/qtr section they own.

The NW ¼ of the SE ¼ (also part of parcel #2) has a building right on a first come first serve basis (between Russ Ostlie and Eugene Malecha), if it was provided with 250' road frontage.

Since parcel #3 has more than 250 foot road frontage it would be buildable in the North ½ (NE ¼ of SE ¼ of section 31).

Clyde Thompson owns 35 acres south and east, adjacent to the well at the management area at Chub Lake. (Section 34, Parcel ID 13 03400 011 25) The DNR wants to acquire the land. He has agreed to sell the property. For appraisal he needs to know if there is a buildable right on the property. The parcel split date was before 1982. There is one buildable site on this property.
A motion by Supervisor Mark Malecha: That the Chair Don Pflaum be authorized to state to the appraiser that there is one buildable site on the 35 acre parcel owned by Clyde Thompson.
Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To bring Wat Lao's building question to the present time. Motion seconded by Supervisor Dan Rogers. Motion carried.

The permit for the temple was discussed. When the Township receives a letter from the FAA approving the project, the building permit will be issued.

Wat Lao of Minnesota requested a large gathering permit for June 21 and June 22, 2003. Expected turn out is 500 people.

A motion by Supervisor Kenny Miller: To approve the large gathering permit for June 21 and June 22, 2003 with the following condition: no on street parking. Motion seconded by Supervisor Dan Rogers. Motion carried. A \$100 permit fee was assessed to cover both days.

Mark Nelson- 5255 265th St., Farmington requested renewal of his Conditional Use Permit for his airstrip. There have been no complaints against the airstrip.

A motion by Supervisor Kenny Miller: To approval renewal of the airstrip. Motion seconded by Supervisor Connie Anderson. Motion carried. A \$15.00 permit fee was assessed.

Old Business

9. C. Ditch on Chub Lake Road

Supervisor Mark Malecha explained he has not heard back from the Soil and Water Conservation District. Where the water crosses the Sidel's property is outside the Township's right of way. Supervisor Mark Malecha will continue to work with the Soil and Water Conservation District. Mary Sidel has contacted the DNR.

Planning Commission from April Townboard Meeting

Steve Von Ruden attended the April Planning Commission Meeting; he is requesting a zoning compliance permit for a 2 story 18' x 16' addition to his home. The Planning Commission recommended approval. A motion by Supervisor Mark Malecha: To approve the permit as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

Non Conforming "Land Use" Committee

The task force asked for a budget for a post card mailing to be sent to all residents giving them a schedule of meetings when they are invited to speak about the Ordinance.

A motion by Supervisor Mark Malecha: that a public notice be placed in the newspaper with a schedule of the June meetings for public input. Motion seconded by Supervisor Dan Rogers. Motion denied.

The Townboard suggested that the meetings be posted in the newsletter, the website and on the bulletin board.

A motion by Supervisor Kenny Miller: To accept Mark Geier as chairperson of the Non Conforming "Land Use" Committee. The committee should report back to the Townboard at the July and September Townboard Meeting. Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Mark Malecha: To approve a budget of \$200. Motion seconded by Supervisor Dan Rogers. A friendly amendment by Supervisor Kenny Miller: for copying expenses and information documentation. Motion carried.

LeAnn and Dan Peterson requested a lot split of their property in Section 29- Parcel B Consisting of 5 acres to be split for Parcel A consisting of 67 acres. (parcel ID 13 02900 01158) A motion by Supervisor Mark Malecha: Move to approve the lot split upon presenting the split letter to the Clerk with the properly defined legal descriptions of the lot split. Motion seconded by Supervisor Kenny Miller. Motion carried.

Appointing the Township Attorney

The appointment of a new Township Attorney was discussed. Supervisor Kenny Miller, Supervisor Mark Malecha and Clerk/Treasurer Nanett Leine met with Louise Toscano Seeba from Murnane, Conlin, White & Brandt Law Firm. The law firm is highly recommended by the Township Association. The Law firm is familiar with Township law.

A motion by Supervisor Mark Malecha: To approve the Law Firm of Murnane, Conlin, White & Brandt as legal representation for the Township. Motion seconded by Supervisor Dan Rogers. Motion carried.

Conditional Use Permit

Town and Country Tree Care- Butch Hansen

The Townboard needs an extension of the 60 day rule, the Township needs to have the Township attorney define Forestry and Ag Services, they are not defined in Ordinance No. 20. Supervisor Mark Malecha drafted a letter requesting the extension. See attached.

Butch Hansen agreed to an extension of the 60 day rule.

A motion by Supervisor Mark Malecha: To accept the 60 day rule extension for Town and Country Tree Care. Motion seconded by Supervisor Dan Rogers. Motion carried.

Butch Hansen requested to move a two car garage into the Township.

A motion by Supervisor Connie Anderson: The permit needs to be applied for before the inspection. That two board members and the Building Inspector need to inspect the proposed garage of Mr. Hansen's to be moved into Eureka Township as soon as possible; upon their inspections (to be turned into the clerk) the permit will be granted, if it meets all the Ordinances. Then the building shall be allowed to be moved into the Township. Motion seconded by Supervisor Mark Malecha. Motion carried.

Supervisor Mark Malecha and Chair Don Pflaum will inspect the garage.

A motion by Supervisor Kenny Miller: to hold the Townboard meeting open until May 20, 2003 at 7:00pm, to resume the board meeting at that time. Motion seconded by Supervisor Kenny Miller. Motion carried. Meeting recessed at 11:41 pm.