

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

Eureka Townboard Meeting  
May 13, 2002

**Call to Order:**

Chair Person Bev Topp called the regular monthly meeting of Eureka Township to order at 7:35 PM. Present were Supervisors Donald 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 Supervisor Clark Smith: to approve agenda with the following additions: After approval of agenda, acknowledges Sheriff Deputy

5. Roads

E. Dust Control

F. Bridges / County

G. Hard Surface Roads

8. Old Business

Letter / Commercial Correspondence.

Tentative - Town Board Meeting May 28<sup>th</sup> 7:30 pm

Motion seconded by Supervisor Connie Anderson. Motion carried.

**Minutes:**

A motion by Supervisor Kenny Miller: to accept April 18, 2002 and April 15, 2002 Town Board minutes as presented. Motion seconded by Supervisor Clark Smith. Motion carried.

A motion by Supervisor Kenny Miller: to accept April 29, 2002 Non conforming Commercial and Mining Ordinance Minutes, with the following changes: 7.1M changed to 7.01M and the attached legal description of Karen Williams property has not been made available as of this date May 13, 2002. Motion seconded by Supervisor Don Pflaum. Motion carried.

A motion by Supervisor Clark Smith: to accept May 6, 2002 Treasurer Review Meeting Minutes. Motion seconded by Supervisor Connie Anderson. Motion carried.

It is noted that the Town Board has accepted the planning Commission Public hearing minutes from May 6, 2002.

A motion by Supervisor Kenny Miller: to accept April 9, 2002 Board of Review minutes. Motion seconded by Supervisor Don Pflaum. Motion carried.

**Treasurer report:**

Treasurer Nanett Leine reported that there is \$790.32 in checking, \$142,187.45 in the MMDA account, and \$109224.80 in a CD. Federal Tax Liabilities are \$145.80

A motion by Supervisor Don Pflaum: to approve treasurer’s report. Motion seconded by Supervisor Clark Smith. Motion carried.

**Bills:**

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

Dakota Electric	Town Hall	\$	9.87
Frontier Communications	Office	\$	39.60
	Main+ Int.	\$	79.31
Henry's Excavating	Grading and Plowing	\$	3,308.50
Rud Construction	Grading and Plowing	\$	7,367.00
Dakota County Transportation Dept.	10% Sand & Salt	\$	130.20
Four Paws Animal Control	Dead Deer Removal	\$	79.00
Nanett Leine	Payroll 4/1/02-4/30/02	\$	694.99
	Expenses	\$	44.72
PERA		\$	84.29
Rivertown Newspapers	Legal Ads (Mining Related)	\$	49.30
ECM Publishing	Legal Ads (Mining Related)	\$	85.75
LeVander, Gillen & Miller, P. A.	Legal work Mining and other	\$	409.50
Severson, Sheldon, Dougherty & Mol	Legal Work		\$112.50
<b>TOTAL</b>		\$	12,519.53

A motion by Supervisor Kenny Miller: To approve May’s bills with corrected total. Motion seconded by Supervisor Clark Smith. Motion carried.

**Receipts:**

Mount Olivet Retreat Center \$1,250 in lieu of taxes

Dakota County \$3,423.58 Delinquent taxes

Dakota County \$4,312.32 Eureka Township share of Aggregate Tax for 2001

## **Roads:**

### *Contractor Time*

Mark Henry reported that sign project has been completed. There are signs that need repairs, if money becomes available. He did the minimum amount of repairs that were needed. If a grant becomes available a new sign survey should be conducted.

In slopes should be pulled up on road edges. Mr. Kuchinka would be able to do this work. This item will be tabled till July, when conditions are better. The ditches should be mowed and the weather dryer before performing this task.

### *Contracts*

Advertisement needs to be placed by May 21<sup>st</sup>. Oliver should submit an ad similar to last year. Bond wording needs to be changed. Clark and Don will work on new wording, submitting it to Oliver before the May 21<sup>st</sup> deadline.

A motion by Supervisor Connie Anderson: That Don and Clark will review wording from last years Road Contract Advertisement and make changes to bonding wording. Motion seconded by Supervisor Kenny Miller. Motion carried.

### *Entry Signs*

Kenny Miller reported on entry signs. Kenny received quotes from M & R Signs and Earl Anderson. M & R signs are half the cost of Earl Anderson. 25 entry point signs are needed. Price includes post, hardware and installation at ½ hr per sign. Total cost of project \$1,400. Signs are engineer grade. Signs will read Welcome to Eureka Township. Permits Required.

A motion by Supervisor Connie Anderson: to accept the bid from M & R Signs, to spend \$1,400 on signs, posts, hardware and installation. Motion seconded by Supervisor Clark Smith. Motion carried.

A motion by Supervisor Clark Smith: Signs white with green lettering. Motion seconded by Supervisor Connie Anderson. Motion carried.

### *Road Mileage Verification*

Supervisor Clark Smith and Supervisor Kenny Miller measured the roads. There are 36 miles of gravel roads and 3 miles of hard surface roads. A letter needs to be sent to the County stating the Townboard did a driving tour, measuring the road mileage resulting in a corrected road mileage total for township roads.

### *Dust Control*

Ray Kadelac and Lawrence Miller will ride with the Dust control trucks and help with the placement of dust control on township roads. Dust control will be applied at a rate of approximately 300 feet in front of resident's homes. Kenny Miller will try- to contact residents requesting additional control, stating costs.

John Strunk stated concerns with dust control near his home. Retreat center traffic creates extra dust on 257<sup>th</sup> street; he would like to see additional dust control applied to the road. Kenny Miller said the hill near the Retreat driveway is icy in the winter and no dust control should be applied in that location.

### *Bridges / County*

Dakota County issued a bridge work request order for the following bridge R-0310. Located on Highview Ave at 240<sup>th</sup> St. The Delineators on the east side need replacing, and rock needs to be removed from culverts. Supervisor Clark Smith will check with Mark Henry and see that this work has been completed.

### *Hard Surface Roads*

Supervisor Clark Smith has received quotes for the 3 hard road surface projects. Allied's Quote \$42,480 using granite chips. Bergen's quote \$27,780 using ¼" trap rock. Clark will find out what type of rock Bergen's rock is and report back at the May 28<sup>th</sup> meeting.

### **Planning Commission:**

Randy DeGroot – 9390 W. 235<sup>th</sup> St. Lakeville requested a permit for 40'x96' pole shed with 14' side walls, for cold storage, private use. Randy requested a variance for a 10' setback from property line. The Townboard upheld the 30' setback. The pole shed will be relocated to follow 30' set back rules. Gregg Gudbjartsson will check stakes.

A motion by Supervisor Don Pflaum to approve pole shed with setback from property line of 30'. Motion seconded by Supervisor Connie Anderson. Motion carried.

**Permit Issued \$192.00**

Cindy Dancher – 24187 Highview Ave. Lakeville requested a permit for a 40'x60' horse barn. Setback from neighbor's house needs to be checked. Placement must be at least 175 feet from neighbor's residence. Greg Gudbjartsson will inspect site, before permit is granted by building inspector.

A motion by Supervisor Kenny Miller to accept building permit after Greg Gudbjartsson has verified 175' setback from neighbor's residence. Motion seconded by Supervisor Clark Smith. Motion carried.

Kurt Oestreich requested a permit to build a house at 6506 245<sup>th</sup> St. Farmington. A motion by Supervisor Clark Smith: to approve building permit. Motion seconded by Supervisor Don Pflaum. Motion carried.

Jeff Grossman requested a permit to build a house at 24656 Fordham Ave. Farmington. A motion by Supervisor Don Pflaum: to approve building permit. Motion seconded by Supervisor Clark Smith. Motion carried.

Dennis Maher requested a permit to build a house at 27569 Granada Ave. Farmington. Dennis requested shared driveway with Donovan Palmquist. Town board informed that each resident must have a separate driveway. Bev Topp reported to the board the results of a discussion with the township attorney, Tim Kuntz regarding our driveway ordinance. Even though former town boards have allowed shared driveways, Tim feels our law is clear on requiring separate driveways. When asked about precedent, he stated precedence applies when a law is vague, it has been interpreted in one way consistently, and then a different interpretation is applied for an individual case. Also, it applies if a governing body gives a variance on a law to everyone who applies and then denies it for an

individual in a similar case. Neither of these applies here, and in May the Minnesota courts confirmed that even if deviation from the law has occurred (aside from the two precedent examples given above), the governing body is bound to uphold its laws as stated.

A motion by Supervisor Connie Anderson: to approve building permit. Motion seconded by Supervisor Clark Smith. Motion carried.

Sarah McGregor- 26345 Gaxalie Ave. Farmington requested a permit to build a barn with 9' side walls for cold storage. A motion by Supervisor Clark Smith: to approve building permit. Motion seconded by Supervisor Connie Anderson. Motion carried.

Jim Larson- 24720 Iberia Ave. Lakeville requested an addition to his pole building 28'x30' with 10' side walls. A motion by Supervisor Clark Smith: To approve building permit. Motion seconded by Supervisor Don Pflaum. Motion carried.

**Permit Issued \$50.00**

James Lacklore- 24185 Denmark Ave. Farmington requested a permit to build a pole shed 16'x30' with 10' sidewalls, for cold storage, horse barn.

A motion by Supervisor Kenny Miller: to approve building permit. Motion seconded by Supervisor Connie Anderson. Motion carried. **Permit Issued \$50.00**

Mark Vesta- 24225 Holyoke Ave. Lakeville requested a permit for a 480 ft addition to his home. He needs to verify it is more than 30ft from the property line.

A motion by Supervisor Don Pflaum: To approve building permit upon verification of 30' property line setback. Motion seconded by Supervisor Clark Smith. Motion carried.

Noted: That Donavon Palquest was not present at Town board meeting. No permit issued.

Duane Fossum- 8109 267<sup>th</sup> St. Farmington requested a permit to replace his existing deck. Footings need to be inspected. A motion by Supervisor Don Pflaum: to approve building permit. Motion seconded by Supervisor Connie Anderson. Motion carried.

A list of all approved Building permits will be issued to Ron Wasmund, Building Inspector.

Jonathon Hoes constructed an addition to a pole shed, without a building permit. Size is approximately 10'x20'. Setbacks from property line were in question. The Townboard requests that a planning Commission member checks site for 30' setback from property line before a permit will be issued. If non compliant the board may request removal from property, if approved a 1 ½ times original permit fee will be issued.

Complaint against Mr. Hoes is not a car junk yard issue, but an illegal non conforming business (he repairs cars and sells them) Car sales are not allowed in the Township. The Townboard informed him of the new ordinance being drafted, and that he will need to apply for a permit.

## *CUP*

Bev Topp presented the Townboard with a letter from Don Storlie/ Donlie Underground pertaining to his CUP application, being considered by the Board.

Supervisor Don Pflaum noted that previously, before the moratorium Don Storlie applied for a CUP for Donlie Underground and voluntarily withdrew the application. His check was never cashed.

A motion by Supervisor Connie Anderson: To deny the application for the CUP due to the fact that there is currently a moratorium on commercial businesses. Motion seconded by Supervisor Clark Smith. Supervisor Kenny Miller abstained from voting, he operates a commercial business and felt it was a conflict of interest to vote. Motion carried with one abstaining vote.

A letter will be drafted and sent Don Storlie/ Donlie Underground stating CUP denial, [his \\$100 check for CUP application will also be returned.](#)

## *Mining and Related Ordinances*

Error found in the legal description #2 (page 30 Sauber Pit) 13.09 Facility No. 2 The attorney picked up only part of the description. Actual legal Description names NE Qtr of the NW Qtr of section 7. Attorney picked up the 24 acres currently being mined. When it is actually the whole Qtr/ Qtr. Supervisor Don Pflaum had made a motion for 300 ft setbacks from the lake. The Attorney needs to correct the description, as written in original application of the Sauber mine.

Be it shown in the records that when Townboard approved the Mining Ordinance it was approved, with a change in the legal description as given in the original application of the Sauber mine. Public hearing held July 30, 1999. CUP approved by the Townboard Sept. 13, 1999.

The public hearing concerning mining ordinance minutes of May 6, 2002 were reviewed by the board. The following changes need to be made before the minutes are approved at the planning commission meeting. Section #5 Bev Topp stated the quoted comment by her "the fees have been set at a 10% increase per year" was wrong. When she tried to correct Mr. Pflaum's comment that she had stated 10% per year at previous meetings, she was constantly interrupted by Mr. Pflaum and Mr. Malecha and could not finish the discussion. She was trying to say that in the previous meeting, she stated she thought costs had increased about 4 times since 1970 to the present. A member of that audience said that was saying there had been a 10% increase per year since that time. She had responded she didn't think that was the case, although it could have been true of a couple of years in the '70's when inflation was rampant.

The \$6 fee decided on for mining does not reflect a 10% increase per year. 4 times the \$2.50 charge previously used would be a \$10 fee; we are only raising it to \$6.

Q: Wally Bohrn Asked about the \$6 charge for 100 yards of gravel.

A: Bev Topp: Yes it is per 1,000 cubic yards.

A comment was made at the board meeting that there are a lot of public hearings coming up in the future and we as a Townboard and a Planning Commission need to be aware of how we treat the public. Procedures on conducting a public hearing should be setup and followed.

Mike Greco stated that at many public hearings a citizen needs to sign in to speak and limited to 5 minute speaking time.

Inflation issues were discussed in relation to the increase of gravel tax.

Note: Ordinance numbering is temporary; Ordinance numbers will be dropped when the code book goes into effect. At that point they will become sections.

Ordinance No. 26: An Ordinance repealing Eureka Township Ordinance No. 13

Ordinance No. 27: An Ordinance Repealing Sections 7.23 (F) and 7.53 (F) of Eureka Township Ordinance No. 20 Relating to Mining as Conditional Uses.

Ordinance No. 28: An Ordinance Amending Eureka Township Ordinance No. 20 By adding Provisions Relating to an Interim Use Permit.

Ordinance No. 29: An Ordinance Amending Eureka Township Ordinance No. 20 by adding Section 7.58 to allow a mineral Extraction Facility as an Interim Use in the Agriculture District.

Ordinance No. 30: An Ordinance Establishing Certain Fees and Expenses to be Paid by the Applicants for Permits, License and Other Land Use Approvals.

Ordinance No. 31: An Ordinance Establishing Regulations and Standards for Mineral Extraction.

A motion by Supervisor Clark Smith: To adopt Ordinances 26, 27, 28, 29, 30, 31. Motion seconded by Supervisor Connie Anderson. Motion carried. Supervisor Kenny Miller abstained from voting.

A motion by Supervisor Don Pflaum: To make the following changes- page 9 A Resolution Approving Publication of the Eureka Extraction Ordinance Title, Summary and Notice. Change: City Clerk to Deputy Clerk in three places. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Connie Anderson: to adopt the Resolution Approving Publication of Eureka Township Mineral Extraction Ordinance Title, Summary, and Notice. Ordinance 31. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To approve publication of Resolution Approving Publication of Eureka Township Mineral Extraction Ordinance Title, Summary, and Notice. (Ordinance 31) as prepared by Tim Kuntz. Motion seconded by Supervisor Don Pflaum. Motion carried.

A motion by Supervisor Don Pflaum: To approve the publishment of Ordinances 26 thru 30 in their entirety. Motion seconded by Supervisor Connie Anderson. Motion carried.

The Townboard discussed the Eureka website. They reviewed its content. They like what they have seen. The site is currently under construction. Website address is eureka-township-mn.us

A motion by Supervisor Don Pflaum: To get website up and running as presented, work on it as seen fit, to have it up and running as soon as possible. Motion seconded by Supervisor Clark Smith. Motion carried.

The Townboard reviewed the proposed Mineral Extraction Permit Application form. The application was drawn up from Ordinance No. 31, Section 5.

A motion by Supervisor Don Pflaum: To approve application as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

A motion by Supervisor Don Pflaum: To leave Townboard meeting open until Tuesday May 28<sup>th</sup>, 7:30 pm. Motion seconded by Supervisor Connie Anderson. Motion carried.

June 1, 2002 Ordinance Meeting / Comp Plan 8:00pm

Meeting concluded at 11:13 pm