

# *Eureka Township*

## *Dakota County*

### *State of Minnesota*

Eureka Town board Meeting  
May 9, 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 and Clerk/Treasurer Nanett Leine, to record the minutes. Supervisor Mark Malecha arrived at 8:30 pm.

The meeting opened with the Pledge of Allegiance.

#### **Approval of Agenda**

Move: 9. A. Met Council After Item 6. Budget.

Move to Building Inspector Business when he arrives.

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

#### **Minutes:**

The following changes were made to the minutes: Regular Town Board Meeting Minutes of April 11, 2005 Page 1- treasurer report add” Motion Carried” Page 2- First paragraph, last sentence should read: “If these bills are in error” Page 3- Contractor Time- third paragraph- should read “220<sup>th</sup> St.” Page 6-First paragraph should read “A request by “(not a motion). Old Business A. Change “Sauber” to “Sauber’s” Motion seconded by Supervisor Gloria Belzer. Motion Carried.

Special Meeting Minutes of April 18, 2005 Page 2- Add “motion carried.”

Minor spelling errors were also changed.

A motion by Supervisor Gloria Belzer: To approve the April 11, 2005 Town Board Meeting, April 18, 2005 Special Town Board Meeting and April 26 Board of Equalization Meeting minutes as corrected. Motion seconded by Supervisor Dan Rogers. Motion Carried.

#### **Treasurer’s Report**

Treasurer Nanett Leine reported that there is \$67.17 in checking, \$128,036.02 in the savings account and \$123,111.26 in savings (Former CD). Federal tax liabilities are \$367.13, MN tax liabilities are \$47.15.

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

There is a \$232.50 credit at Cannon Valley Coop for propane upon removal of the tank at the old town hall. Murnane, Conlin, White and Brandt will credit .4 hrs to the June billing. (From the March Billing.) The two entries in question should have been billed towards the law suit.

## Bills and Receipts

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

<b>BeSure Inspection Services</b>	Jeff Ahlgren 05-04-007	<b>\$1,280.70</b>
<b>Farm Road Services</b>	Road maintenance	<b>\$8,907.50</b>
<b>Dakota Electric</b>	Electric both Town halls	<b>\$53.14</b>
<b>Frontier Communications</b>	Telephone Service	<b>\$108.67</b>
<b>Culligan</b>	Installation and May service134684	<b>\$260.89</b>
<b>Swisher</b>	Restroom Services	<b>\$25.00</b>
<b>ECM Publishers, Inc.</b>	Legal Ads- 2 public hearings	<b>\$44.60</b>
<b>Murnane, Conlin, White And Brandt</b>	Attorney	<b>\$2,820.06</b>
<b>Dakota County Treasurer</b>	Salt & Sand	<b>\$332.00</b>
<b>Dakota County</b>	Truth in Taxation	<b>\$216.20</b>
<b>Pat Fossum</b>	8.5 hours cleaning chairs	<b>\$153.17</b>
<b>Nanett Leine</b>	Payroll 4/1/05 to 4/30/05	<b>\$1,880.47</b>
<b>Nanett Leine</b>	Expenses 4/1/05 to 4/30/05	<b>\$245.17</b>
<b>PERA</b>	Payroll 4/1/05 to 4/30/05	<b>\$249.81</b>
<b>TOTAL BILLS FOR APRIL</b>		<b>\$16,577.38</b>

The following receipts were deposited in April

- **Receipts**

Dakota County treasurer- *Aggregate Tax* \$5,271.18

Dakota County treasurer- *Delinquent Tax* \$1,086.25

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**Total Receipts in April \$6,357.43**

A motion by Supervisor Gloria Belzer: To accept the bills and receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

### **MET Council- Empire WWTP Service Area Recommended Plan**

Bryce Pickart- MET Council- Assistant General Manager of Environmental Services, Chris Motes- Community Development Department (Sector Representative for Dakota County), Bill Johnson and Robert O'Connell, Consultants Elko/ New Market Interceptor.

Target Interceptor in service by 2010. Elko/ New Market to existing sewer in Lakeville.

Phase 1: First 2 miles of the interceptor will go in later this year in conjunction with the widening project on County Road 2.

8 miles of interceptor from County Road 2 (I 35) to interceptor line in Lakeville. Currently talking to property owners and determining the best alignment.

Phase 2: In service by 2030. (Lakeville/ Farmington would reach capacity in 2030 because of the Elko/ New Market Flow) Divert flow- East/ West across Eureka and Castle Rock to Empire treatment plant.

They have moved to the next stage of planning: Facility Planning. They are starting preliminary engineering including wetland delineation, EAW, environmental assessment, soil borings, property easements, utility locations, etc. The facility planning will be completed this summer, a public hearing held. It will then be submitted to the MET Council for adoption. The EAW will be open for public comments. Citizen's questions and comments were addressed.

## **Planning Commission**

### ***Consent agenda items:***

Mark Nelson requested a building permit for a 16' x 16' deck at 5255 265<sup>th</sup> St W Farmington. Property ID# 13-02500-013-26. **Permit #05-05-008 was issued for \$187.46**

Art Dubbels requested a permit for a 10' x 12' shed with a covered patio at 24795 Essex Ave. Farmington. Property ID# 13-01400-015-78. **Permit #05-05-007 was issued for \$163.86**

Bob and Sally Holien requested a permit for a 36' x 36' pole shed with 14' sidewalls at 9085 267<sup>th</sup> St W Lakeville for personal use. Property ID# 13-02900-012-55. **Permit #05-05-009 was issued for \$494.26**

Mitch Malone requested a permit to build a 12 x 12'- 4' x 12' and a 4' x 10' deck at 9320 267<sup>th</sup> St W. Lakeville. Property ID #13-02900-030-57. **Permit #05-05-010 was issued for \$187.46**

A motion by Supervisor Cheryl Monson: To approve the consent items as passed on by the planning commission. Motion seconded by Supervisor Dan Rogers. The motion carried.

### ***Building Inspector Items:***

Paul Richter 8885 240<sup>th</sup> St W is putting a bedroom in his basement. He needs to install egress window to meet the state building codes. The town board discussed codes with the building inspector and issuance of permits for remodeling.

A motion by Supervisor Dan Rogers: To grant a building permit for the basement remodel, that Mr. Richter will work with the building inspector to ensure all state codes are met. Motion seconded by Supervisor Cheryl Monson. The motion carried.

Wat Lao- The building inspection set for 2 weeks ago was cancelled. Bob anticipates completion soon, with the final building inspection. Bob will report back to the clerk when the final inspection has been completed.

Bob Carlson- The building inspector has not been able to make contact with Bob Carlson. He will attempt to make contact later this week.

David Tousignant- 23590 Cedar Ave. Farmington. The building inspector reported his findings on a building moved into the township by Mr. Tousignant without a permit. The building is 16'6'' x 16'4'' sitting on 4''x4'' treated posts, it has no permanent foundation. In its present location, it does not meet setback requirements and a building permit is required. Building Inspector, Bob Hegner will follow up.

Bachman's Garden Center has its occupancy permit. The sign was not part of the original permit.

### ***Sheriff Deputy***

Deputy Pat Enderlein addressed the town board on ATV use complaints. He presented an outline of ATV use within the county. The rules are outlined in "Off-Highway Vehicle Regulations" publication by Minnesota Department of Natural Resources. Complaints against illegal ATV and dirt bike use may be submitted to the sheriff department, you may stay anonymous.

## Contractor Time

### *Roads*

Road inspection is complete. Rip Rap has been placed by the bridge. The bridge inspection report will be signed and returned to the county. The ditch along Granada is an on going project. The signs identified during road inspection that need replacing have not been installed. Some of signs need to be ordered. Chris is putting together an order; after inventorying the signs on hand.

Night sign inspection needs to be performed. Dan Rogers will take charge of the night sign inspection for the township.

Dan Rogers and Chris Nielsen will use the MUTCD Manual to map out a sign layout for Eureka Estates.

### *Gravel Project Quotes*

Two quotes for class 5 gravel, three quotes for limestone and three quotes for hauling of material were received. Solberg and Eureka Sand and Gravel submitted bids for material. Malecha Trucking, Solberg and Eureka Sand and Gravel for hauling.

Solberg	\$3.65 for Class 5 Gravel.	Trucking \$3.40.
	\$4.75 for Limestone.	Trucking \$4.90.
Kraemer	\$5.10 for Limestone	No trucking quote
Eureka Sand and Gravel	\$3.40 for Class 5 Gravel	Trucking \$3.00
	\$13.50 for Limestone	Trucking \$3.00
Malecha Trucking	From Kraemer Pit	\$3.83
	From Solberg	\$4.33
	From Eureka Sand & Gravel	\$1.35

A motion by Supervisor Cheryl Monson: To accept Malecha Trucking's quote to haul gravel & limestone. Motion seconded by Dan Rogers. Motion carried. (*Motion amended 5/10/05*)

A motion by Supervisor Cheryl Monson: To accept Kraemer and Sons quote of \$5.10 for limestone. Motion seconded by Supervisor Gloria Belzer. Motion carried.

A motion by Supervisor Dan Rogers: To accept Eureka Sand and Gravel quote of \$3.40 per ton for class 5 gravel. Motion seconded by Supervisor Mark Malecha. Motion carried.

The gravel will be spot checked at random to ensure it meets specifications. Spot graveling will start immediately.

### *Dust Control*

Quotes for dust control will be reviewed at the June Town Board Meeting.

### *Ditch along Granada*

A proposal for a grant through North Cannon River WMO is being put together to be approved at the June Town Board Meeting.

### *Railroad Grade Upgrade Funding*

Requests for funding were due April 2005. Dan Rogers will check to see if it is still possible to apply.

### *Bridge Safety Inspection*

The required work has been completed on the bridge safety inspection. Road contractor Chris Nielsen signed off on the papers. They will be mailed back to the county.

#### *Trees- Jeff Chalmers*

Jeff Chalmers 25489 Cedar Ave, Lakeville inquired about tree removal along his property line. He felt that the township had removed trees that were his and that he should receive compensation for the lost trees.

The town board discussed the tree removal with the road contractor. He stated that all material removed was less than 6" in diameter. He had verbal permission from Jeff's wife. Materials removed were in the road right of way, under the power lines, in the back slope of the ditch. All trees were marked and identified (Box elders). Previous ditch maintenance in this area included trimming and removal of same material. Gary Smith used a boom mover in 2001 trimming the same.

A form has been created for the landowner to sign before the township trims or cuts trees along the roadway. It will be put on the township letterhead. It will also be signed by the road contractor or road supervisor.

### **Planning Commission Land use permits and Related Items- continued:**

#### ***Conditional Use Permits***

##### ***Review***

##### ***Mark Nelson***

Mark Nelson 5255 265<sup>th</sup> St W, Farmington was present for the review of his airstrip. The town board reviewed the conditions for the airstrip. Chair Connie Anderson opened the floor for comments. There were none. A motion by Supervisor Mark Malecha: To approve the review. Motion seconded by Supervisor Dan Rogers. Motion carried. The \$15.00 review fee was collected.

##### ***CUP Application***

##### ***Butch Hansen***

Mr. Hansen has requested a second farm dwelling per qtr/qtr section per 7.53 of the Zoning Ordinance at 26120 Highview Ave. Farmington. A public hearing was held by the planning commission on April 19, 2005. The planning commission recommended approval with conditions (*see attached*)

The land is in a trust. His brother Mark Hansen is the administrator of the estate. There are currently 2 houses on this parcel. On November 10, 1997 Charles W. Hansen requested to split 10 acres from the NW1/4 of the NW1/4 Section 28. He also requested to move a home on the split property. He also clustered from the NE1/4 of the NW1/4 of Section 28 to the NW1/4 of the NW1/4 Section 28. The split and clustering agreement was never filed with the county by Charles W. Hansen

Chair Connie Anderson will obtain a legal recommendation on how to proceed. Charles (Butch) Hansen agreed to wave the 60 days, he left a signed letter with the clerk waving the 60 days. The board will continue discussion on the request at the June Town Board Meeting.

##### ***CUP's up for review***

MCI World Com and AT & T regenerating station CUP's are not current. They have not been through the review process for several years. The clerk will contact both companies in writing,

with a signed receipt advising them that the CUP's need to be brought current to be in compliance with their conditions. This item will be placed on the July agenda, to allow response time.

### ***Other related business***

#### *Complaint- Conroy Farm*

The letter of complaint was received from Castle Rock Township. The complainant was asking that Conroy's be contacted and asked to clean up their homestead. The buildings are falling down and manure is not being handled correctly. Chair Connie Anderson will contact Brad Becker from Dakota County Soil and Water on the manure handling. Building Inspector, Bob Hegner will be sent to inspect the buildings under the International building codes- Unsafe Structures, report back to the town board for the June meeting.

#### *Complaint- Bachman's Garden Center*

The town board received a complaint on the new Bachman's facility on Cedar Ave. Their concerns were addressed by the town board.

1. Turn lane issue- Bachman's presented plans for turn lane and by pass lanes on Cedar Ave. This is an issue with the county. The town board believes that the county denied the request for installation of the turn lanes. The township will send a letter to the county inquiring about the turn lane issue.
2. Commercial use issue- The town board permitted this use under horticulture. There was no mention on what percentage of use that needed to relate directly to production of horticultural plants. Non horticulture use was to be kept to a minimum.
3. Sign- The sign was not part of the original request. Bachman's will be sent a copy of the sign ordinance and a permit application for the sign. They must attend the planning commission for the sign request, before seeing the town board.

#### *Training Opportunity*

Planning Commission member Mike Greco is requesting to attend training on May 18, 2005 "Role of Planning Commission" the cost is \$65.

A motion by Supervisor Mark Malecha: To pay for the training expense and mileage. Motion seconded by Supervisor Cheryl Monson. Motion carried.

#### *Round Table Town board and Planning Commission*

The town board scheduled a work session on June 6, 2005 (following regular planning commission business) with the planning commission to review and establish procedures.

#### *Ordinances*

The town board set up a special meeting to review the proposed ordinances as presented to them by the planning commission with recommended change presented to them during the public hearing. The meeting will be held May 16, 2005 at 7:00 pm. Attorney Peter Tiede will be present.

### **Old Business**

#### *A. Country Joe Racing*

Response to the complaint against Country Joe Racing was received from the township attorney. The town board took a few minutes to review the response. The town board determined that as long as the shed is primarily used for agricultural purposes, that some personal storage may be allowed. If business is being conducted from the building, then it would be non conforming use.

At the time of the town board's inspection of the building, there was no business being conducted from the building. There is no % of use to qualify as Ag use. The building is currently permitted as Ag Use.

A motion by Supervisor Mark Malecha: To move to Town Hall Business. Motion seconded by Supervisor Cheryl Monson. Motion carried.

### ***Town Hall***

#### *Water softening system*

The clerk presented the buy out price of the water softening system that was recently installed by Culligan. The town board decided to rent the unit at this time. Review of the softener performance/ use will be placed on the February 2006 agenda. Decision to keep renting or purchase will be made at that time.

#### *Plaque- New Town Hall Dedication*

The cost for the proposed plaque is approximately \$100. A motion by Supervisor Mark Malecha: To purchase the plaque for the New town Hall. Motion seconded by Supervisor Dan Rogers. Motion carried.

### *Town Hall Committee Report*

#### *Old Town Hall*

Dakota City is not interested in the old town hall. The estimated cost of demolition is \$4,950. The committee recommended that an advertisement be put into the paper, asking for parties interested in the old town hall. It would be sold for \$1.00. If more than one person is interested, a name would be drawn. The purchaser would have one month to remove the building from the sight. An ad will be placed in the newspaper this week. The deadline for interested parties is June 9, 2005 at 7:00 pm. The new owner of the building will be determined at the June 13, 2005 town board meeting.

#### *Blacktopping*

Two quotes for blacktopping the parking lot at the town hall have been received. Prior Lake Blacktop Inc. \$18,200 and Radloff and Weber Blacktopping Inc. at \$19,990. The parking lot has a good firm base and is ready for blacktopping. Other options and funding for the project was discussed. The handicap parking spaces need a hard surface, the state statutes will be checked for requirements. No decisions were made.

#### *Concrete Sidewalks*

Butch Hansen will provide labor for installation of sidewalks around the building. Materials will be purchased by the township from Aggregate Concrete. Rebar and concrete approx. \$875.

#### *Hydro seeding*

Butch Hansen will supply the labor and equipment. The township will be responsible for the cost of the seed and the hydro mulch. The approx. cost is \$2,000. (.55 per yard. Sod is \$4.00 per yard)

A motion by Supervisor Mark Malecha: to pay for grass seed and mulch, unless it can be donated. Motion seconded by Supervisor Cheryl Monson. Motion carried.

#### *Hydrant*

There is only on outside water faucet. Butch Hansen proposed that another one be installed. He is willing to provided labor and pipe for installation. Dan Rogers will donate the hydrant. A motion by Supervisor Mark Malecha: To move forward to place the hydrant. Motion seconded by Supervisor Cheryl Monson. Motion carried.

#### *NPDES report*

The township received a letter from Dakota County Soil and Water that they may inspect the town hall site for compliance of the NPDES permit requirements. The NPDES report needs to be completed and submitted when the town hall site is completed. Supervisor Cheryl Monson will check on the storm water prevention plan for the town hall and follow up on the letter from the County.

It was suggested that prairie grass be planted around the perimeter of the property for a buffer to control runoff.

At 11:13 pm the meeting was recessed. The meeting will be continued on Tuesday May 10, 2005 at 7:00 pm.

### ***May 10, 2005 Regular Town Board Meeting continued from May 9, 2005***

The meeting was reconvened at 7:00 pm.

Town board members present were Connie Anderson, Dan Rogers, Gloria Belzer and Cheryl Monson and Clerk/ Treasurer Nanett Leine to record the minutes. Supervisor Mark Malecha arrived at 8:00 pm.

Cheryl Monson reported on the handicap parking requirements. State Statute requires a firm, stable, slip resistant surface. 2 spaces are required, of these 2 spaces one must be van accessible. The town board decided to table the blacktopping project. This item will be added to the 2006 Annual Town Meeting Agenda.

#### *Town Hall Use Committee*

The town board is seeking applicants for 5 positions on the Town Hall Use Committee. The committee will be asked to research appropriate uses of the town hall, other than regular township business. Items to be addressed would include, but not limited to: fees, deposit, monitoring use, also possible use of the town hall by the Sheriff Department. The committee would present their report to the citizens at the Annual Town Meeting in March 2006. Interested persons should contact the clerk by Thursday June 9, 2005 7:00 pm.

#### *Centurytel Fiber II*

The clerk requested information from Minnesota Township Association on whether the township could clean up the site and assess their property. See attached response. Dan Rogers will attempt to contact Centurytel before the township moves forward with legal actions.

#### *AT & T Facility Cedar Ave and 250th St CUP Review*

More research will be done on finding the last review date of the AT & T permit. The CUP for the Qwest regenerating station just South of AT & T needs to be located and reviewed also. If necessary, letters with receipt return will be sent to the businesses asking them to bring the CUP's into compliance.

#### *Audit*

Steve McDonald, from Abdo, Eick and Meyers said that by setting up a CD for \$36,000 and designating it for the Town Hall, would satisfy the 105% needed to meet the principle and interest payment of the town hall note, as requirement by State Statute.

#### *Purchase of CD(s)*

The purchase of CD's was discussed. The board asked the clerk to check with different lending agencies on CD rates.

## **New Business**

### *Planner Research*

There is funding in the budget for a planner. It is time to focus on getting some assistance in future planning of the township. The township is required by MET Council to open the COMP Plan by 2006. The town board is asking the planning commission for 3 recommendations of consultants/ planners to work with the township. Supervisor Gloria Belzer will serve as a liaison to the planning commission on this issue. This issue will be addressed at the meeting with the planning commission on June 6, 2005.

### *Federal Tax Filing*

As of August 11, 2005 Federal tax form 941 cannot be filed through the telefile system. To file electronically businesses need to go through an e-file provider. There are charges for this service. The town board asked the clerk to check into other options available rather than paying for a service.

### *Deputy Clerk/ Treasurer Training*

The Clerk/ Treasurer requested approval of training for Jeanne Nordstrom, the Deputy Clerk/ Treasurer. She should know how to access the computer, files, etc.

A motion by Supervisor Cheryl Monson: To allow Jeannie Nordstorm, the deputy- 3 training sessions 2- 3 hours each at \$35.00 per session. Motion seconded by Supervisor Dan Rogers. Motion carried.

## **Other Business**

### *Water Resource Management Policy Plan*

The final draft plan will be discussed on May 10, 2005 the plan will be forwarded to the full council for adoption at the May 25, 2005 meeting. The plan is available online.

### *Natural Areas Draft Review*

Chair Connie Anderson has reviewed the draft Environment and Natural Resource Management Plan, presented by Dakota County. Review period ends June 6, 2005. She felt that suggestions, which were made at various meetings, had been added to the plan; she did not feel that any additions or corrections were needed. It is a five year plan. Chair Connie Anderson will e-mail Lisa West, Senior Planner Dakota County Office of Planning, that the plan is adequate for Eureka Township, with no additional comments.

### *North Cannon River WMO Ordinance*

The North Cannon River WMO is requesting written comments on the draft ordinance by July 29, 2005. Agenda: July 11, 2005 Town Board Meeting.

### *Letter to Commissioner Harris*

As a result of recent meetings on Sheriff Issues in Eureka and Castle Rock Township, Chair Connie Anderson asked Clerk/ Treasurer Nanett Leine to draft a letter from the town board supporting Commissioner Harris in his quest for additional funding from Dakota County for additional Sheriff Staff to patrol Eureka Township. The town board approved sending the letter. All town board members signed the letter.

### *Roads- revisited*

Supervisor Dan Rogers misread the gravel quote submitted by Eureka Sand and Gravel. The price of the gravel is tied to the delivery charge. It is still less expensive to purchase gravel and hauling from Eureka Sand and Gravel- \$7.00/ ton than Solberg at \$7.05/ ton.

Chair Connie Anderson amended Cheryl Monson's motion for gravel hauling: The quote from Eureka Sand and Gravel was misread after reviewing it was discovered that Eureka Sand and Gravel's quote was "tied" for both gravel and hauling. After reviewing that and the surcharge attached, the prices came out lower compare to the other quotes received. The board chooses to accept the full services Eureka Sand and Gravel's for gravel and hauling. We cannot allow Malecha Trucking to do the hauling for Eureka Sand and Gravel. Amendment was seconded by Supervisor Gloria Belzer. The amendment was accepted by Cheryl Monson, Dan Roger seconded the amendment. The amendment passed. Motion carried.

### **Clerk/ Treasurer Presentation**

#### *Time Cards*

Time cards are due June 6, 2005 for requested payment in June.

#### *Letter from Gambling Board*

The township received a letter from Minnesota Teen Challenge- Country Joe Racing 22222 Dodd Blvd is holding a raffle on November 5, 2005. The township needs to acknowledge the application, but has no statutory authority to approve or deny the application.

#### *Eureka Township Aggregate Removed Report*

The township received the 1<sup>st</sup> Qtr Aggregate Material Removed Record from Dakota County. Eureka Sand and Gravel and Ryan Contracting have reported material removal in the first quarter of 2005.

#### *Mercury Pollution in Minnesota seminar*

Cannon River Watershed Partnership is holding a meeting on Mercury pollution in Minnesota on June 15, 2005 in Cannon Falls.

#### *Legislature Update*

Handout on Legislature Update and Strategies was distributed to the town board.

Supervisor Cheryl Monson requested to amend the agenda- To add: New Business Item D. Construction activity at Kevin Flaherty's on Dodd Blvd. Cheryl received a phone call from a citizen that there was a bull dozer knocking down trees and cement blocks had been delivered to the site. They questioned if there was a permit issued. As far as the town board knows, it is a landscaping project. If there is construction activity, it will be followed up at the next town board meeting.

#### *Old Town Hall – Revisited*

Supervisor Mark Malecha feels that the township should be presented with a bond or certificate of liability from the person that will be moving the town hall.

A motion by Supervisor Dan Rogers: To adjourn. Motion seconded by Supervisor Cheryl Monson. Motion carried.

Meeting adjourned at 8:31 pm.