

Eureka Township
Dakota County
State of Minnesota

Eureka Town board Meeting
July 11, 2005

Call to Order:

Dan Rogers called the regular monthly meeting of Eureka Township to order at 7:00 p.m. Present were Supervisors Dan Rogers, Cheryl Monson, Gloria Belzer, Mark Malecha and Deputy Clerk/Treasurer Jeannie Nordstrom to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda:

There was town board discussion on whether a quorum of supervisors was present, to address the Krapu dog kennel request, 2 supervisors has removed themselves from the issue, due to a conflict of interest and Supervisor Connie Anderson was not present. Supervisor Dan Rogers asked the record to reflect that the board does not have legal council present and he did not know if they had a legal quorum.

A motion to accept the agenda was made by Supervisor Mark Malecha and that Supervisors Dan Rogers and Cheryl Monson would be considered a quorum for the Krapu question. The motion was seconded by Supervisor Cheryl Monson. The motion passed.

Minutes:

Minutes were reviewed from the Regular Town Board Meeting of June 13, 2005. Supervisor Mark Malecha made a motion to approve the minutes and it was seconded by Supervisor Gloria Belzer. The motion was passed.

Minutes were reviewed from the Special Town Board Meeting of June 7, 2005. Supervisor Mark Malecha made a motion to approve the minutes and it was seconded by Supervisor Cheryl Monson. The motion was passed.

Minutes were reviewed from the Special Town Board Meeting of June 24, 2005. Supervisor Cheryl Monson made a motion to approve the minutes. Supervisor Gloria Belzer asked that a change be made in the minutes and it be noted that "Supervisor Gloria Belzer recused herself from voting and the closed meeting". Supervisor Mark Malecha asked that it be noted the he recused himself from the meeting, the discussion and the matter. Supervisor Cheryl Monson made a motion to change the minutes as noted. Supervisor Dan Rogers seconded the motion. The motion passed.

Treasurer Report:

The Treasurer's Report was read. Supervisor Mark Malecha made a motion to approve the Report. Supervisor Gloria Belzer seconded the motion. The motion passed.

Bills and Receipts:

The following bills were presented for approval:

IRS	2nd Qtr 941	\$1,950.79
BeSure Inspection Services	June Inspector Fees	\$257.09
Dakota County Assessing	Labels newsletter/ mailing	\$15.06
Minnesota State Treasurer	Building Permit Surcharge	\$43.19
MAT	Summer Short Course- Connie and Gloria	\$70.00
Murnane, Brandt	Statement # as of May 31, 2005	\$3,207.32
Mike Greco	Planning Commission Training May 18, 2005	\$65.00
Dustcoating Inc.	Invoice #5093 applied 6/30/05 32549 gallons	\$18,748.22
Erik Leine	Mowing town hall June 2005	\$150.00
Pat Fossum	payroll 6/1/2005 to 6/30/05	\$36.94
Nanett Leine	payroll 6/1/05 to 6/30/2005	\$2,120.21
Donald Pflaum	additional meeting 2005	\$32.32
Kenny Miller	additional meeting 2005	\$32.32
PERA	payroll 6/1/2005 to 6/30/2005	\$285.88
State of Minnesota	MN Tax 2nd Qtr Taxes	\$192.98
Nanett Leine	expenses 6/1/05 to 6/31/05	\$286.64
Farm Road Services	road maintenance thru 6/30/05	\$12,571.00
Edward Kraemer and Sons	limestone for road projects	\$37,304.17
Dakota Electric	electric town hall	\$56.09
Frontier Communications	phone service	\$108.67
Lakeville Printing	Newsletter	\$103.50
ECM Publishers	Legal Ad- Ordinance publication	\$44.36
Farmers Mill and Elevator	grass seed	\$53.10
Malecha Trucking	Hauling of Limestone	\$29,066.30
Eureka Sand and Gravel	class 5 gravel	\$2,633.41
Culligan	water softener rental	\$23.38
Total Bills for June		\$109,457.94

Supervisor Mark Malecha made a motion to pay the bills. The motion was seconded by Supervisor Gloria Belzer. The motion passed.

The following receipts were deposited in June:

• <u>Building Permits</u>			
Mike & Tina Stiles- <i>Application Fee</i>	\$25.00	Bob Crooks- <i>change in size pole building</i>	\$76.35
Mike & Tina Stiles- <i>Deck</i>	\$138.86	Beissel- <i>HVAC</i>	\$90.00
• <u>Other Receipts</u>			
Dakota Electric- <i>refund</i>	\$8.52	Castle Rock Bank- <i>Interest</i>	\$688.18
Castle Rock Bank- <i>Interest</i>	\$731.50		
			Total Receipts in June \$1,758.41

Bills and Receipts were read and approved. Supervisor Mark Malecha made a motion to pay the bills. The motion was seconded by Supervisor Gloria Belzer. The motion passed.

The town board reviewed the budget. The gravel/ gravel hauling category was discussed. This category includes all the gravel projects on township roads for the year. It was also noted that the communication category was high; the newsletter was published that month.

Planning Commission Possible Consent agenda items

1. Elise Sampson and Gordon Menke- 6775 245th St W Farmington (Property ID# 13-01500-010-030&013-01500-020-04) requested a permit for a 36' x 48' pole building. Proof of ownership of the property was presented to the town board.
Supervisor Mark Malecha made a motion to approve, Supervisor Cheryl Monson seconded. The motion passed. **Permit # 05-01-016 was issued for \$635.86**
2. C & M Home Builders, property owner Nicholas Chavez, site address: 7226 235th St Farmington (Property ID# 13-01000-011-50) requested a permit to build a two story house 30' x 40' with an attached garage and basement and a 40' x 48' pole shed.
Supervisor Gloria Belzer made a motion to approve, Supervisor Mark Malecha seconded the motion. The motion passed. **Permit # 05-07-014 was issued for \$6,115.69**
3. Jeremy Gohr- 26480 Galaxie Ave. Farmington (Property ID# 13-02700-011-04) requested a permit for an addition to his home.
Supervisor Cheryl Monson made a motion to approve, Supervisor Gloria Belzer seconded the motion. The motion passed. **Permit # 05-07-016 was issued for \$773.06**
4. Cheryl Monson- 10391 250th St W Lakeville (Property ID# 13-01800-011-51) requested a permit for a 30' x 63' pole shed. A Shoreland permit must be obtained before the permit can be issued. The building is for Ag. Use/ cold storage.

Supervisor Mark Malecha made a motion to approve, subject to Cheryl Monson submitting a letter of Shoreland approval to the clerk. Motion seconded by Supervisor Gloria Belzer. The motion passed.

Planning Commission, land use permits and related items

A. Building Inspector Items

Airlake Terminal Addition

Mr. Hegner stated that MAC building at the west end of the airport is putting in 750 square feet of office space. The job is about \$300,000. Butch Hansen questioned the townships jurisdiction over issuing a building permit for the addition. This property was annexed by Lakeville last year. Mr. Hegner stated that MAC hires their own building inspectors; they have given him jurisdiction over the project.

Supervisor Rogers asked that we note that Eureka Township is not responsible for a building permit for this.

Complaint in Eureka Estates

Mr. Hegner inspected the property at 24220 Holyoke Path. He stated it is not a valid complaint. The owner of the property took him through the trailer and camper. All vehicle licenses are current.

There were more properties included in the Eureka Estates complaint, Mr. Hegner was asked to follow up on these properties also.

Complaint against Conroy farm.

Falling down buildings, house open for trespass. Most of the buildings have some type of Ag equipment inside. The front door of the house is open to trespass. You can condemn it; you have to give them the opportunity to make repairs. A letter was sent asking Mr. Conroy to attend this meeting.

Bob Carlson- Septic Permit

Mr. Hegner has not been able to make contact with Mr. Carlson. He has not been able to inspect the system. He will continue to try and make contact.

Wat Lao Occupancy Permit

Wat Lao has not received their occupancy permit; they have permission to use the bathrooms only because they are on the exterior of the building. Mr. Hegner informed them that a permit is required for the sign.. Mr. Hegner has not been able to issue the occupancy permit; he has not been able to get inside the building. The temporary certificate of occupancy is good for 90 days. Mr. Hegner was asked to send the township a copy of the temporary occupancy permit as soon as possible. Mr. Hegner stated that we are not responsible for any use of the building, because of the certificate of occupancy.

Tousignant- Cedar Ave- moved a building into township without a permit

They have moved in a building without a permit, in its current location it does not meet the set back requirements from a county road. A certified letter will be sent to Tousignant, informing him of non compliance with township ordinances.

Ron Ovans- Civil Air Patrol- Hanger Airlake Airport

Ron Ovans – Civil Air Patrol-want to build a hanger on a small lot at Airlake airport. There will be two service doors and a hanger door. Toilet facilities are available and are currently being used at the MAC building (300 feet); no sewer or water service will be in

the building. Building will be used for storing an airplane, radios, equipment and to hold meetings. It will not be used as an occupied building. Supervisor Mark Malecha made a motion to approve the building permit subject to receiving approval letter from FAA. Supervisor Cheryl Monson seconded the motion. The motion passed.

PC Meeting

1. Hansen property-lot split.

Mark and Jodi Hansen- 26190 Highview Ave and Charles W Tste Hansen- 26120 Highview Ave requested the split of their properties (Property ID # 13-02800-010-27 and ID# 13-02800-010-250 into 3 parcels as described in the attached survey.

Supervisor Mark Malecha made a motion to approve the lot split. Supervisor Dan Rogers seconded the motion. Discussion followed.

Supervisor Gloria Belzer entered the following arguments into the record: 1997, Nov. Charles W. Hansen requested a lot split of 10 acres on the North side of the property and requested a permit to move a rambler to the location of the new split, a request for a pole frame building and a new basement. The requested was granted. The permits for buildings were exercised, but the obligation to split was not. Needed to split and record, before splitting again.

Supervisor Mark Malecha felt that because the ownership of the property involved was under one person the requested and granted property split need not be recorded with the county.

Supervisor Mark Malecha called the question. The motion was passed with 3 yeas and one dissenting vote by Gloria Belzer.

2. Citizen's complaint-Terri Petter dog kennel.

(It was determined that this was not a complaint, but a concern a citizen had.) The planning commission passed onto the town board a citizens concerns about Terri Petters dog kennel. There is not adequate screening to keep the kennel from being seen from Dodd Blvd. They were questioning if they were in compliance with their CUP. The citizen provided a picture, taken from the road that shows the kennels.

Terri Petter asked that Supervisor Gloria Belzer to recuse herself from discussion and determination on issues pertaining to the CUP, due to a conflict of interest. She presented a timeline of conflicts between the Belzer's, Danny Storlie and herself. Supervisor Gloria Belzer believes she can be objective regarding this issue.

Terri Petter brought a picture board of their property, taken the morning of July 11, 2005 As part of the CUP issued on April 12, 1999, Ms. Petter told the board that she planned to plant shrubs along the outside exercise yard to help hold the noise level down and screen the yard from the road. There are bushes in place; they do not keep their leaves in the winter. There was no specification on the type of bushes that were to be put into place. This CUP was reviewed at the April Town Board meeting; there were no complaints on the dog kennel at that time. Supervisor Mark Malecha made a motion that the board feels Ms. Petter is in compliance with her CUP. Supervisor Cheryl Monson seconded the motion. The motion passed.

B. CUP Applications

1. *Charles Hansen, 2nd farm dwelling per qtr/qtr.*

Mr. Hansen explained activities on the farm that his son would perform as a farm hand. As per the ordinance he has 40 acres of land. Supervisor Mark Malecha stated that the ordinance requires 40 acres, the entire 40 acres does not need to be used in farming activities. The township attorney reviewed the will, pertaining to the inheritance of the property. Mr. Hansen does have an interest in the property.

Gloria Belzer entered the following argument into the record: Regarding CUP for 2nd Dwelling. There is an existing CUP for an airstrip on the 80 acres that is being subdivided. CUP states that "In the event of a subdivision of these properties, the CUP would need to be applied for." Mr. Hansen stated, the property has not changed hands, it is still under the same ownership- Charles B. Hansen and Mark Hansen. Supervisor Dan Rogers agreed that the ownership has not changed, the CUP is in compliance.

See attached: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF EUREKA TOWNSHIP BOARD REGARDING THE REQUEST OF CHARLES B. (BUTCH) HANSEN FOR A 2ND SINGLE FAMILY DWELLING PER QTR/QTR SECTION CONTAINING THE FARM DWELLING

Supervisor Cheryl Monson made a motion that we approve the 2nd dwelling on Butch Hansen's property subject to the following 3 conditions: 1) Verification of employment status is done once a year to keep the Conditional Use Permit current. 2) If the farm is sold, the Conditional Use Permit transfers to the new owner and remains in effect as long as an employee resides in the 2nd dwelling and employment is verified. 3) At anytime the status of the Conditional Use Permit is not met, the township can take enforcement actions to have the Conditional Use Permit terminated and the second dwelling removed unless brought into compliance of the Conditional Use Permit. Supervisor Mark Malecha seconded. Motion carried with one dissenting vote by Gloria Belzer.

2. *Jeff and Andrea Krapu-dog kennel/building permit-kennel*

Supervisors Mark Malecha and Gloria Belzer removed themselves from the table for this item, leaving only Supervisor Cheryl Monson and Supervisor Rogers at the table. Supervisor Cheryl Monson made a motion to approve the building permit. It was seconded by Supervisor Rogers. Supervisor Rogers asked to go on the record, looking through all the ordinances that he has a reasonable doubt that this is really not the place for this. But the court has said we need to go forward with this and also we do understand that there is an appeal in process and a stay of the court order has been requested.

Supervisor Cheryl Monson moved to grant a kennel license according to what the courts have requested.

Supervisor Rogers seconded the motion. Discussion followed, it was questioned whether there was a quorum present. The town board consists of a 3 member board for this issue; two supervisors removed themselves from the board, due to a conflict of interest on this issue. Motion carried.

Supervisor Rogers moved that these are the conditions of the CUP. Trees need to be spruce or pine at least 10 feet tall with 10-15 foot centers suggest staggered rows. Screened park on east side, beside the new building and on burm. Noise containment, paved parking lot and no grooming at this location. No sales of products at this location. Fenced exercise yard. Maximum 10 dogs outside enclosed runs at one time. Closed dumpster. Minimum pick up – once a week. More as needed. No use of present building for this business. Hours of operation 7 a.m. to 7 p.m. Exercise area – all dogs must be on a leash and under control at all times. All dogs on property must be on a leash and under control at all times. Keep outdoor area clean and free of debris. No outdoor lighting except on north side of building. Comply with all other ordinances of the township. Existing buildings not be used for any part of the business. These conditions must be fulfilled before dogs are allowed on the premises. Supervisor Cheryl Monson seconded the CUP and the conditions. Shared driveway - Krapu's own the driveway, Belzer's have an easement to use the driveway. Motion carried.

Supervisors Mark Malecha and Gloria Belzer returned to the board table.

Terri Petter dog kennel questions

Terri Petter asked the town board for clarification of her CUP's. A conditional use permit for a dog kennel was issued April 12, 1999. This CUP was to be renewed annually in April at \$15.00. This CUP was not renewed annually. In 2003 Ms. Petter was granted CUP's for Spirit 1 and Spirit 2. The dog kennel (granted a CUP on April 12, 1999) is located at Spirit Ranch 1. A kennel license was also granted at 24005 Dodd Blvd, Spirit Ranch 1.

Supervisor Rogers asked that the Town Board Clerk to check the minutes and records. To place Terri Petter on next month's agenda.

Centurytel Fiber II

No information available tonight.

AT&T – Cedar and 250th

No information available tonight.

Contractor Time

- Erosion along 257th- grading was done to correct the problem.
- Collapsed culvert on 265th and Fairgreen – table again to August.
- The culvert at 257th and Highview has been marked, the ditch needs cleaned out.
- The culvert at 24797 Highview was replaced by the owner of the property.
- The “Watch for Children” signs and speed limit signs have been ordered.

Town Hall committee report

An attempt was made to place the hydrants, the ground is sandy, and so the trench collapses. They are looking into alternate methods of installation, possible boring under the building.

Old Town Hall

Contents of the old town hall were discussed; there are several citizens that have shown interest some of the items. The township has received some bids on some of the items. They will continue to accept bids. No formal decision was made on when and how the items will be sold. Discussion continued next month.

There was a call from Rich Williams from Dakota City questioning whether we were tearing down the old town hall.

North Cannon WMO Ordinance

Supervisor Gloria Belzer stated the North Cannon WMO Ordinance is requesting written comments on their draft by July 29, 2005. The town board did will not submit any written comments.

The Planning Committee is looking at a planning consultant; they will continue this discussion in August and meet every third Monday to discuss this issue.

A motion was made by Supervisor Cheryl Monson to adjourn. Supervisor Gloria Belzer seconded the motion. The motion carried and the meeting was adjourned at 10:15 p.m.

Note: Revisions to minutes made by Clerk/ Treasurer Nanett Leine, after listening to taped minutes per Town board instruction.