

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of July 11, 2011

Call to Order

Chair Brian Budenski called the July 11, 2011, Eureka Town Board meeting to order at 7:02 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Dan Rogers, Pete Storlie and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Also present was Gayle Klauser as Planning Commission Liaison. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda:

Other Citizen Business: B. Follow-up on remote control Airplane Complaint

Other Business: G.6.a. Roundtable Meeting

- b. Report on Government Training Session
- c. Report on MAT Summer Short Course Training
- d. Wat Lao Inspection Report
- e. Building Official
 - 1. Water hydrant
 - 2. South Cedar Greenhouse
 - 3. Tree Masters
 - 4. Country Joe Racing

G. 3. *Add*: \$2,500 payment for road maintenance- when expected, stockpiles

A motion by Supervisor Brian Budenski: To approve the agenda as amended for July 11, 2011. The motion was seconded by Supervisor Pete Storlie. The motion carried by unanimous vote.

Public Comment Period

None

Treasurer's Report

Checking Account Balance: \$8,856.54. Outstanding Checks \$8073.79. Savings Account Balance: \$223,214.35. CD Account Balances: \$66,520.18. The Ledger Balance is \$290,517.28. The CD was renewed at 2.8% interest rate.

A motion by Supervisor Nancy Sauber: To approve the Treasurer's Report for July 11, 2011, as presented. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

The Town Board reviewed the Claims List and Net Pay Account Distribution.

The affidavit for payment to Eureka Sand & Gravel was signed by Supervisor Kenny Miller, owner and operator.

Bills and Receipts

The Clerk presented the following bills for payment:

Henry's Excavating	Road maintenance thru 6/30/2011	\$9,227.00
Dakota Electric Association	Town Hall Electric	\$71.61
Frontier Communications	Phone Service Town Hall	\$111.10
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$44.20
T & C Commercial Cleaning	Clean Town Hall – July	\$42.85
Kelly & Lemmons	Legal Services thru 6/30/2011	\$631.00
PERA	Payroll Period 6/1/2011 to 6/30/2011	\$157.03
Nanett Sandstrom	Expenses 6/1/2011 to 6/30/2011	\$170.72
Anderson Bobcat Service	Ditch Mowing	\$1,240.00
City Of Lakeville	2011 Fire Contract	\$33,240.00
IRS	July Deposit 941	\$243.84
Minnesota Pipe & Equipment	Red Dye	\$93.23
Eureka Sand & Gravel	Class 5 Road Gravel	\$30,661.17
ProService Lawn	Lawn Maintenance June 2011	\$482.06
Castle Rock Materials	Limestone	\$6,782.82
Carol Kelly	PC Recorder Payroll 6-1-2011 to 6-30-2011	\$47.17
Nanett Sandstrom	Clerk Payroll 6-1-2011 to 6-30-2011	\$949.49
Brian Budenski	Supervisor Payroll- additional 2 nd Qtr	\$278.33
Pete Storlie	Reimbursement for Training	\$267.50
Gayle Klauser	Reimbursement for Training	\$198.72
TKDA	Commercial/ Industrial Study	\$714.43
Dakota City	Donation	\$100.00
Total Bills Presented		\$85,777.78

A motion by Supervisor Nancy Sauber: To approve Claims List and Net Pay Account Distribution as presented on 7/11/2011. The motion was seconded by Supervisor Kenny Miller. Roll call vote was taken on the motion: Kenny Miller- aye; Pete Storlie-aye; Brian Budenski-aye; Nancy Sauber-aye; and Dan Rogers-aye. The motion passed unanimously.

The Town Board reviewed the following financial reports prepared by the Clerk: Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register.

The following receipts were received in May:

• **Local Permits**

Knight and Sons – ET11-011	\$105.00	James Anderson- Application Fee	\$25.00
Sauber Plumbing- Septic Permit 11-06-03	\$280.00	Jim Kaiser- Variance Application	\$400.00
Sauber Plumbing- Septic Permit 11-0-04	\$280.00	Jim Kaiser- Variance Escrow	\$500.00
Crest Exteriors- Permit ET11-012	\$105.00	MC Contracting- Septic Permit 11-06-05	\$280.00

• <u>Other Receipts</u>			
Castle Rock Bank - Interest CD	\$404.60	Castle Rock Bank- Interest Savings	\$1,064.45
Castle Rock Bank- Interest CD	\$448.22	State of MN- District Court	\$93,358.58
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TOTAL RECEIPTS AS OF JUNE 30, 2011			\$3,985.59

Supervisor Nancy Sauber reviewed the Attorney billing charges, and they are appropriate.

LP prices have not dropped. The Township has not entered into a contract for LP for 2011-2012 heating season.

It was noted that check #6280 is a voided check.

An error was made in the Claim amount for State Withholding for June Claims. The amount reported was for June withholding only, not the entire 2nd Quarter. Claim #1615 was presented on 6-13-2011 for \$89.40. Claim 1615 was created for \$210.46 for the balance paid. Total owed for 2nd Quarter was \$299.86.

A motion by Supervisor Nancy Sauber: To approve the \$210.46 check for the State of MN Withholding. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

A motion by Supervisor Nancy Sauber: To approve the balance of the Financial Reports as presented. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Contractor Time

Township Road Contractor Mark Henry was unable to attend due to another commitment.

Sheriff's Deputy

Deputy Sheriff Tim Samuelsson stopped in to address any Board and Citizen concerns.

Other Business

A. Planning Commission Update-Gayle Klauser

Gayle reported, and the Town Board entered into discussion with her.

The Jim Kaiser variance public hearing was postponed by the Planning Commission Chair. The Variance Ordinance public hearing is scheduled for July 25, 2011. According to Trevor Oliver, Township Attorney, Mr. Kaiser's public hearing can be scheduled by the Town Board for the same Board meeting at which the new Variance Ordinance may be adopted. The Ordinance has to be updated first, per Attorney advice, to reflect the new State Laws that have been put into place. Under the State Law before the very recent change, the Attorney had advised that no variances for

any accessory structures could be approved. This was because “a” reasonable use for the property would necessarily already exist; that is, the primary use. The new language also removes “undue hardship” and replaces it with “practical difficulties”. Under the proposed Ordinance, the Board would hold all variance hearings as the Board of Appeals and Adjustments. The Planning Commission and the Board had already received the proposed Ordinance from the Attorney.

Gayle Kaiser reported on the Planning Commission’s tentative Work Plan for the coming year. The Work Plan is outlined in the July Planning Commission Minutes. She also commented on training that she had attended and the road review reports.

Other Citizen Business

A. Weed Complaint

The Clerk received a weed complaint. She followed established procedures in addressing the complaint. The Supervisor Nancy Sauber had recently attended a MAT Summer Short Course session on the Noxious Weed Law and learned that the particular weed in the complaint, bull thistle, is no longer on the noxious weed list. (Changed in 2010) The material from the session had been sent to the Board via Nanett.

One of the suggested procedures to address a weed complaint is to inspect the property before sending a letter to the property owner.

A letter of retraction will be sent to the property owner, explaining the recent law change. A letter will also be sent to the complainant, informing that person that bull thistles are no longer on the noxious weed list.

Nancy reported that there is a procedure whereby the County can submit a County Noxious Weed List to the State Advisory Committee each May 15. The Township could request that the bull thistle be placed on such a list. This determination would first fall to the County Commissioners, then to the State.

B. Follow-up on Remote Airplane Complaint

The Clerk was asked to send a letter to property owner, Dave Willmott of 23744 Fairgreen Ave., to inform him that a noise/nuisance complaint has been received for his property. He will be asked to attend the August 8, 2011, Town Board Meeting.

C. Complaint on a Building without a Permit and Shooting

The Town Board received a complaint that a building has been built without a permit on a property bordering that of the Nelson and Merlyn Schonning properties. (The property in question is between 255th St. and 265th St.) The complaint also alleged that there is gun practice taking place on the site.

Supervisor Kenny Miller and Supervisor Dan Rogers will contact a neighboring property owner to gain access to that property so that a site inspection may be made. They will report back to the Town Board at the August 8, 2011, Town Board Meeting.

B. Review Attorney Contact Communication

This item was placed on the agenda for quarterly review.

Questions that are going to be sent to the Attorney will be forwarded, if there is time, to Town Board members before their being sent to the Attorney. This is to give Town Board members a chance to ask any additional questions they might have that would be related to the issue at hand. Board members are asked to reply within 24 hours. The Board is able to ask questions at any time through the Primary Attorney Contact.

C. Bid Process- Pete Storlie

Pete Storlie commented that using sealed bids for contracts less than \$100,000 limits the Township. If the Board uses a sealed bid, it must take the lowest responsible bidder. Quotes give the Township more flexibility and are allowed for amounts less than \$100,000. It is possible to negotiate quotes, and the Board does not need to take the lowest responsible bidder. He suggested that the Township use the quote process for Road Maintenance and/or Gravel Contracts, rather than the sealed bid process that has been used in the past. This will be addressed again by the Board when the contracts for the next year are on the agenda.

At 8:45 pm the Town Board took a short recess.

D. Review RFP's for Chub Lake Road

There is \$28,600 in matching funds available from the Dakota County Road & Bridge Fund.

RFP's were received from MSA Professional Services, Bolton & Menk Inc., TKDA, and Yaggy Colby Associates. MSA and Bolton & Menk quotes were considerably higher than the others'.

TKDA and Yaggy Colby quotes were somewhat comparable on the cost for the engineering work. TKDA's quote included additional items not required in the RFP. These items included assistance in procuring contractors to do the construction. Due at least in part to these items, their quote was \$1,800 higher.

The Town Board decided to hold off on making a decision on hiring an Engineering firm until the two Town Board members who had not received the materials before this meeting are able to review the RFP's. TKDA will be asked to break their price down into more detail. Supervisor Kenny Miller will contact all firms and let them know that the Town Board is going to take 30 days, until the next Town Board Meeting on August 8, 2011, to review pricing and services provided and to ask them to itemize their quotes.

A DNR permit is required and the State shutdown is currently affecting the possibility of receiving one.

E. Newsletter

Jody Arman-Jones, editor of the Eureka Newsletter, was present to review the draft of the Summer Newsletter. The draft was updated per discussion.

B. Follow-up on Remote Airplane Complaint- continued

The complainant on this issue was present to discuss the complaint. He presented the Town Board with signatures of neighboring property owners that feel the noise is a nuisance. The complainant commented that there are five radio stands and there are often four planes flying at one time. One neighbor has spoken with Mr. Willmott on the noise issue with no success.

F. Change to Application Form

The following will be added to the Building Permit Application form: VRWJPO checkbox.

G. Misc. Updates

1. Mahoney Site Inspection

Supervisor Kenny Miller and Supervisor Dan Rogers met with Mike Mahoney and inspected his property. Mr. Mahoney is in the process of cleaning up the site. A re-inspection of the property will take place this fall. The goal is that all items will be removed or put into a building out of sight. Supervisors Miller and Rogers will file the written inspection report for the file.

2. Windmill Mine & Site Inspection

Supervisor Pete Storlie and Supervisor Brian Budenski will perform the site inspection and report to the Board.

3. Country Stone: Complete SWPPP Copy, Septic Inspection Report, OSHA Report, \$2,500 payment, Stockpiles

Supervisor Brian Budenski will follow up on these open items. There are stockpiles by the pond. It was questioned that there are no stockpiles to be located there, per the site plan. These are burnt mulch, resulting from the fires that have occurred on site there. Supervisor Brian Budenski will check on these also.

4. Fire Department Contracts & Negotiations

Lakeville will attend the August 8th Town Board Meeting. Lakeville is willing to contract service to an additional service area in Eureka Township up to Essex Ave.

ALF Ambulance is working to find out what the agreement is with the Northfield Ambulance Service. They have a different understanding than Northfield Ambulance Service.

The police gun range in Eureka Township has been shut down by the MAC. It is in clean-up mode.

5. Update on Non-pump Septic Systems

Septic Inspector Darrel Gilmer has been contacting non-pump septic owners. Several have had their systems pumped. This is an ongoing process.

6. Other

a. Roundtable Meeting

The roundtable meeting will be rescheduled for August.

b. Report on Government Training Session on Watersheds

Supervisor Nancy Sauber attended the session. She reported that the session was valuable in understanding more about watersheds. Training materials were given to the Town Board Members.

c. Report on MAT Summer Short Course Training

Supervisor Nancy Sauber attended the session in Rochester. Training materials were given to the Town Board Members.

d. Wat Lao Inspection Report

Supervisor Dan Rogers has not yet inspected the Wat Lao property. He will endeavor to do so and file a written inspection report.

e. Building Official

1. Water hydrant inside building- Supervisor Nancy Sauber had asked Scott Qualle for follow-up on this item. Mr Qualle had some information and said that he would follow up with his master plumber. Any further information has not been received. She will contact Mr. Qualle again.
2. South Cedar Greenhouse- MNSPECT sent out a follow-up letter on June 14, 2011. He requested additional information from South Cedar by June 30, 2011.
3. Tree Masters/Charles Liane- The mobile home from 8674 240th St. W. has been moved to Charles Liane's property at 9020 235th St. W. No moving permit has been issued. The Building Inspector has visited the property. Supervisor Nancy Sauber will contact the Township Attorney for follow-up when the report is received.
4. Country Joe Foods
Supervisor Nancy Sauber left the meeting room during discussion on this subject. Country Joe Foods, 22222 Dodd Blvd., Lakeville, is making, processing, and selling foods. There is also a food shelf at that location, according to advertising. Scott Qualle was asked to inspect the property. No inspection report has yet been sent to the Town Board.

VRWJPO Permitting Process

The Town Board discussed the VRWJPO permit processing. Pete Storlie, as VRWJPO Primary Contact, will ask Mark Zabel and Travis Thiel to attend the August 8th Town Board meeting to discuss the process.

Minutes Approval

The following corrections were made to the June 13, 2011, Town Board Meeting minutes: Page 5- 2nd paragraph "accessed" corrected to "assessed". Page 7- under Country Stone – the following was deleted from the last sentence: "from the Country Stone Agreement" The following sentence was added: "The septic report for the file was requested by the Board; the other items are required under the Country Stone agreement." Page 8- first sentence- remove word "Supervisor" before Nancy.

A motion by Supervisor Nancy Sauber: To approve the Town Board Meeting minutes of June 13, 2011, as amended. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

New Business

Clerk/Treasurer Presentation

A. Computer and Projector proposal

Quotes for computer and a projector were provided. It was suggested to check into a docking station.

A motion by Supervisor Brian Budenski: To authorize up to \$1500 for purchasing a computer system. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To authorize Nanett to go with Jeff Otto's recommendation on a remanufactured/restored projector. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

A motion by Supervisor Brian Budenski: To adjourn. The motion was seconded by Supervisor Nancy Sauber.

Meeting adjourned at 10:38 p.m.