

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

Eureka Townboard Meeting  
July 14, 2003

**Call to Order:**

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:02 PM. Present were Supervisors Don Pflaum, Dan Rogers, Kenny Miller, Connie Anderson, Mark Malecha and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda:**

The following correction:

Old Business- Item B. Should read: Non Conforming Land Use Task Force

The following items were added to the agenda:

New Business: E. Airport

Meetings 7-15-03 MAT Training- Ramada Inn, Owatonna 8:00 am- 3:30 pm

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

**Minutes:**

A motion by Supervisor Connie Anderson: To approve the Regular Townboard Minutes of June 9, 2003 as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To approve the June 9<sup>th</sup>, 2003 Continued Meeting Minutes from June 17, 2003 with the following corrections: Page 1- second to the last paragraph: *Motion seconded by Chair Don Pflaum. The vote was taken and the motion failed.* Page 2- 1<sup>st</sup> paragraph- Remove the words "I so move" Page 3- Old Business Item A. add Gloria's last name- "*Gloria Murphy*" Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: To approve the Eureka Township Special Townboard Meeting Minutes of June 27, 2003 as presented. Motion seconded by Supervisor Connie Anderson. Motion carried. Mark Malecha stated he was unable to attend this meeting because of the time it was held during the day and he had other obligations.

A motion by Supervisor Mark Malecha: To approve the Eureka Township Special Townboard Meeting Minutes of June 30, 2003 as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Dan Rogers: To approve the Eureka Township Special Townboard Meeting Minutes of July 7, 2003 as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

**Treasurer's Report**

Treasurer Nanett Leine reported that there is \$111.58 in checking, \$84,917.86 in the savings account and \$118,355.49 in savings (Former CD). Federal Tax liabilities are \$1,709.16. State Tax-liabilities are \$79.00. Building Inspection State Surcharge liabilities are \$249.69 and County Sewer Inspection liabilities are \$40.00.

Motion by Supervisor Kenny Miller: to approve the Treasurer's report. Motion seconded by Supervisor Connie Anderson. Motion carried.

Treasurer Nanett Leine presented the following bills for payment:

|  |   |                        |
|--|---|------------------------|
| <b>Henry's Excavating</b>                  | Grading and Plowing                     | <b>\$7,835.00</b>      |
| <b>BeSure Inspection Services</b>          |   | <b>\$8,267.64</b>      |
| <b>Dakota Electric</b>                     | Town Hall                               | <b>\$8.46</b>          |
| <b>Frontier Communications</b>             | Main+ Int.                              | <b>\$79.20</b>         |
|  | Office                                  | <b>\$42.43</b>         |
| <b>Murnane, Conlin, White &amp; Brandt</b> | Attorney fees                           | <b>\$725.00</b>        |
| <b>MN Assoc. of Township</b>               | Summer short course registration (3)    | <b>\$105.00</b>        |
| <b>Dust Coating Inc.</b>                   | Chloride applied 6/16/03 1290 gal @ .58 | <b>\$748.20</b>        |
| <b>Ray Kadlec</b>                          | Labor dust coating 6/16/03 7 hr @ \$15  | <b>\$105.00</b>        |
| <b>Cannon Valley COOP</b>                  | Regulator and installation at Townhall  | <b>\$85.78</b>         |
| <b>United States Postal Service</b>        | 625 stamps for newsletter               | <b>\$231.25</b>        |
| <b>Nanett Leine</b>                        | Payroll 6/1 to 6/30/03                  | <b>\$1,362.80</b>      |
|  | Expenses                                | <b>\$117.23</b>        |
| <b>Federal Taxes 941</b>                   | 2nd Qtr- Auto payment                   | <b>\$1,009.18</b>      |
| <b>State Taxes</b>                         | 2nd Qtr- Auto Payment                   | <b>\$82.00</b>         |
| <b>Minnesota State Treasurer</b>           | 2nd Qtr- State Sur Charge               | <b>\$249.69</b>        |
| <b>Dakota County Treasurer</b>             | 2nd Qtr- County Septic fee              | <b>\$40.00</b>         |
| <b>PERA</b>                                | Auto Payment                            | <b>\$165.31</b>        |
| <b>Erik Leine</b>                          | Mowing Townhall                         | <b>\$40.00</b>         |
|  |   | <b>\$21,299.17</b>     |
| <b>TOTAL BILLS FOR JUNE</b>                |   | <b><u>-8267.64</u></b> |
|  |   | <b>\$13,034.53</b>     |

There was discussion on when the payment should be made to BeSure Inspections for their services. The Townboard needs to approve the permits and receive payment for the building permits before paying BeSure Inspections for their services.

A motion by Supervisor Mark Malecha: To approve the bills except BeSure Inspections, to be discussed with Bob Hegner later in the meeting. Motion seconded by Supervisor Dan Rogers. Motion carried.

*Approval of June receipts*

The following receipts were presented to the Township in June:

- Septic permits

|                 |          |                               |          |
|-----------------|----------|-------------------------------|----------|
| Daniel Waterman | \$235.00 | Garret Hartman Doc's Trucking | \$235.00 |
|-----------------|----------|-------------------------------|----------|

- Building Permits

|                  |          |            |          |
|------------------|----------|------------|----------|
| James Kaiser     | \$150.19 |            |          |
| David Tonsager   | \$129.00 | Janet Geif | \$135.60 |
| Stephan VonRuden | \$875.03 | Kevin Jahr | \$164.45 |

- Pole sheds and pole shed additions

|             |         |              |         |
|-------------|---------|--------------|---------|
| Steve Heinz | \$50.00 | Butch Hansen | \$64.00 |
|-------------|---------|--------------|---------|

- Driveway permit

|              |         |  |  |
|--------------|---------|--|--|
| Alan Bachman | \$50.00 |  |  |
|--------------|---------|--|--|

- Large gathering Permit

|         |          |  |  |
|---------|----------|--|--|
| Wat Lao | \$100.00 |  |  |
|---------|----------|--|--|

- Move in Building

|              |          |
|--------------|----------|
| Butch Hansen | \$150.00 |
|--------------|----------|

**Total Receipts      \$2,338.27**

A motion by Supervisor Mark Malecha: To accept June receipts as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

**Contractor Time**

The road contractor was not present at the meeting.

**Planning Commission Land use permits and Related Items:**

A motion by Supervisor Kenny Miller: To reschedule Item A. until the new building inspector is present. Motion seconded by Supervisor Dan Rogers. Motion carried.

Consent agenda items for Planning Commission:

9. Rosemarie Zumbach- 25400 Cedar Ave. Farmington. 24' x 36' pole type structure.

A motion by Supervisor Mark Malecha: To approve the building permit as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

1. Bachman's Nursery- 6877 W. 235th St Farmington. 28' x 40' addition to pole shed.
3. Mark Geier- 25445 Ipava Ave Lakeville. Moving building that is on his property to a new slab.
6. Will Kasper- 23529 Essex Ave. Farmington 24' x 30' addition to pole shed.

A motion by Supervisor Kenny Miller: To approve the above three zoning permits as recommended by the Planning Commission, contingent on the permit fee calculations from the building inspector. Motion seconded by Supervisor Dan Rogers. Motion carried.

2. Ray and Phillip Kadlec- 6605 245<sup>th</sup> St. Farmington. Requested a permission to build a second home located at this address as a conditional use. The farm consists of 50 acres. Under the conditional use in the Agricultural District (7.53 of Zoning Ordinance 20) a second single family unit is allowed. Ray's son Phillip will be running the farm upon Ray Kadlec's retirement.

A motion by Supervisor Kenny Miller: to grant Ray Kadlec a conditional use permit to build a second home on his property. Motion seconded by Supervisor Dan Rogers.  
Supervisor Kenny Miller withdrew his motion. Supervisor Dan Rogers withdrew the second.

Ray Kadlec needs to go through the process for a public hearing for the conditional use permit. A public hearing will be set for the August Planning Commission Meeting. There is a \$100.00 application fee for the public hearing.

Two Deputy Sheriff's briefly stopped in at the meeting to address any questions that citizens might have. Supervisor Dan Rogers mentioned that he has received some complaints from citizens in Eureka Estates, that there are young, under aged drivers on 4 wheelers and motor bikes on the roads in Eureka Estates, Highview and on 240<sup>th</sup> street. Also a citizen reported that they observed someone doing "donuts" in the road and took down their license plate number.

4. Dan Fritz-18023 Eventide Way Farmington requested a permit to build a 2 story house 41'8" x 70' at 6608 245<sup>th</sup> Street. Farmington. He would like to use the existing field road for his driveway. A motion by Supervisor Kenny Miller: To approve permit as presented with the addendum of a driveway permit to inspect the installation of an upgrade of the field approach to a driveway. Motion seconded by Supervisor Connie Anderson. Motion carried.

**Permit # 03-002 Issued for \$5,980.69**

5. Lyle Ruh- 26051 Highview Ave. Farmington requested to cluster his building rights from the NW ¼ of NE ¼ of section 29 to the SW ¼ of SW ¼ Section 21 except for the East 8 acres. A motion by Supervisor Kenny Miller: To approve the cluster agreement as presented. Motion seconded by Supervisor Connie Anderson. Motion carried. Clerk/Treasurer Nanett Leine will file the cluster.

7. Loren Hoppe- 1786 Kenwood Trail, Lakeville. Requested to move a 20' x 30' barn from his current property to property he purchased in Eureka Township located in Section 33, SW ¼ of SW ¼. Supervisor Mark Malecha Supervisor Dan Rogers have inspected the barn and have approved the structure. The building Inspector needs to inspect the barn before final approval.

A motion by Supervisor Connie Anderson: To approve moving the barn into the township. Motion seconded by Supervisor Dan Rogers.

Supervisor Connie Anderson amended the motion: contingent on the building inspector's approval. Amendment to the motion accepted by Supervisor Dan Rogers. Motion carried.

8. Donovan Palmquist 27607 Grenada Ave, Lakeville requested a permit to build a 2500 sq.ft. rambler with an attached garage, no basement. Also an additional non attached garage.

A motion by Supervisor Mark Malecha: To approve permit as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

**Permit # 03-001 issued for \$5,980.69**

9. Merlin Schonning- 26165 Galaxie Ave. Farmington requested a 36' x 82' addition to his loafing shed, for a milking parlor.

A motion by Supervisor Kenny Miller: To approve the permit as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

### ***Building Inspector***

The Townboard needs to adopt the 2002 State Building Codes. The building inspector suggested waiting until September to adopt the new codes. They are currently being updated.

A motion by Supervisor Mark Malecha: to adopt the May 2000 Minnesota Building Valuation Data Fee Schedule. Motion seconded by Supervisor Kenny Miller. Motion carried.

The Planning Commission will be asked to work with the building inspector to make a recommendation to the Townboard as to an application fee schedule.

The Planning Commission will also recommend pole structure fees.

### ***Conditional Use Permit- Town and Country Tree Care***

The Townboard received correspondence from the Township attorney on Butch Hansen's CUP for his Tree Care Business. This business falls under forestry and is a permitted use. Butch Hansen presented the Townboard with a letter withdrawing his application for the Conditional Use Permit effective immediately.

### **Roads (special items)**

A. *Ditch needs cleaned out at Denmark Ave and 245<sup>th</sup> St- Nancy Cook*

Supervisor Mark Malecha will contact Nancy and inspect the ditch, and report back to the Townboard with his findings.

B. *Mass Gravel/ Project Bids*

Supervisor Kenny Miller abstained from discussion on this issue.

After discussion on proposed road work projects, including driveway roads, the Townboard decided to set a special meeting to be held on July 22 at 7:00 pm to set road projects for the bidding process.

### **Old Business**

A. *Terri Petter- follow up on building permit*

Terri Petter was not present; a letter had been sent requesting her presence.

B. *Non Conforming Land Use Task force- Mark Geier*

Mark Geier explained to the Townboard what the task force goals are and briefed them on their work and explained some of the issues before them. They hope to have a report for the August Townboard meeting.

*C. Farmland and Natural Areas Township Support*

Supervisor Connie Anderson presented the Townboard with information on the Farmland and Natural Areas program.

A motion by Supervisor Mark Malecha: To support any landowner in the Township that applies for this program. To pass a resolution in support of the Dakota County Farmland and Natural Areas Project. Motion seconded by Supervisor Connie Anderson. After much discussion Kenny Miller called role call vote. Supervisor Connie Anderson- yes, Supervisor Kenny Miller- yes, Supervisor Mark Malecha- yes, Supervisor Dan Rogers- yes. Motion carried.

*D. Mining renewals- Storlie Mine/ State Annual report, Pollution Control Agency*

The Township has not received the reports from the State; this item will remain on the agenda as an informational piece until the report has been received.

*E. Road Ditch/ Culvert problem: Bob Glass- 8171 267<sup>th</sup> St. Farmington*

A letter was sent out to Bob Glass addressing the culvert problem.

*F. Bob Ruddle- land splits*

The land splits were approved by the Townboard in December 2000; they are 7 acre parcel splits that Bob buys each year from his mother, Irene Mahowald. It was a lump sum approval.

**New Business**

*A. Dakota County Ordinance- Clandestine Drug Lab Sites*

A motion by Supervisor Connie Anderson: That Eureka Township adopts by resolution Dakota County's Ordinance regarding "the Cleanup of Clandestine Drug Lab Sites Ordinance". Motion seconded by Supervisor Dan Rogers. Motion carried.

*B. Minnesota Pollution Control Agency*

A motion by Supervisor Kenny Miller: That Eureka Township adopts by resolution the Minnesota Pollution Control Agency's NPDES Storm-water Program. Motion seconded by Supervisor Connie Anderson. Motion carried.

*C. Scott County- Comp Plan Update/ Study*

Scott County is redoing their COMP Plan; they have asked the Township to be part of the study.

A motion by Supervisor Connie Anderson: To have Chair Don Pflaum attend the Scott County COMP Plan update study meetings, Supervisor Kenny Miller as his alternative and to have a representative present at all meetings.

*D. Newsletter*

The Townboard reviewed the proposed newsletter, making corrections as necessary.

A motion by Supervisor Mark Malecha: To approve the newsletter with changes presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

*E. Airport*

The property that was annexed by Lakeville in 1985, at Airlake Airport has a road shared by the Township and a building that is in both Lakeville and Eureka Township. Lakeville officials would like to meet with the Eureka Townboard to explore some ideas on a possible land swap so the road and the building lie in one entities boundary.

A motion by Supervisor Mark Malecha: That Chair Don Pflaum and Supervisor Dan Rogers meet with Bob Erickson. Supervisor Mark Malecha rescinded his motion.

A motion by Supervisor Mark Malecha: If the Townboard receive a requested meeting with Mr. Erickson to explore the airport issue. That the Townboard respond to the City of Lakeville, the Mayor and Council that the Townboard will meet with Lakeville City Council, Mayor and Bob Erickson with a full Townboard, as a workshop. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Other Business**

*Clerk / Treasurer Presentation*

See attached sheet for information presented to the Townboard for informational purposes.

A motion by Supervisor Mark Malecha: To refund Town and Country's Tree Cares \$100.00 fee for the Conditional Use Permit Application, since a Conditional Use Permit is not needed for his business. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Mark Malecha. Motion carried. Meeting Adjourned at 11:02 pm