

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
August 14, 2006

Call to Order

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Cheryl Monson, Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda:

Other Business: MAT Update

New Business: J. Planning Commission Inspection Forms

Bills and Receipts: Attorney Bills

A motion by Supervisor Dan Rogers: To approve the agenda as amended. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Audience Comment Period

None

Approval of Minutes

Supervisor Cheryl Monson wished to make a statement on attorney conflict issues addressed at the June 12, 2006 and July 10, 2006 Town Board Meeting. Supervisor Cheryl Monson was asked to put a statement in writing, none was submitted to date.

A motion by Supervisor Gloria Belzer: To approve the June 12, 2006 Town Board Meeting Minutes as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

A motion by Supervisor Gary Smith: To approve the July 10, 2006 Town Board Meeting Minutes as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

A motion by Supervisor Gary Smith: To approve the July 31, 2006 Special Town Board Meeting minutes as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$64.80 in checking, \$165,393.97 in the savings account and \$144,750 in CD investments. Overall total is \$310,208.77.

Motion by Supervisor Gloria Belzer: To approve the treasurer report as presented. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

Bills and Receipts

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

July 2006 Bills for August 2006 Town Board Meeting

BeSure Inspection Services	Inspection services Thru July 31, 2006	\$4,537.76
Farm Road Services	Services thru July 31, 2006	\$3,154.00
Frontier Communications	952-469-3736	\$117.92
Dakota Electric	370799-9	\$56.98
Culligan	134684	\$23.38
ECM Publishers, Inc.	legal ad	\$27.00
Dick's Sanitation	Garbage Pickup Town hall	\$71.40
CURA	2 copies of envisioning report	\$40.00
Lakeville Printing	July newsletter	\$154.60
A.L.F. Ambulance	Services thru June 30, 2006	\$6,977.20
Severson, Sheldon, Dougherty	Services thru July 31, 2006	\$2,469.10
Erik Leine	Mowing town hall July 2006	\$250.00
Mary Ann Michels	mileage expense thru August 2006	\$8.90
Nanett Champlain	Expenses thru 8/3/2006	\$90.52
MFRA	Services thru July 30, 2006	\$1,326.00
Nanett Champlain	Wages thru 7/31/2006	\$2,056.57
Pat Fossum	wages thru 7/31/2006	\$62.79
Mary Ann Michels	Wages thru August 2006	\$256.86
PERA	Wages thru 7/31/2006	\$329.69
		\$22,010.67

The following receipts were deposited in July:

• **Building Permits**

Brian Olson- <i>Zoning Permit Application</i>	\$25.00	Larry Catlin- <i>Septic Permit</i>	\$280.00
Butch Hansen- <i>Zoning Permit Application</i>	\$50.00	South Cedar- <i>Application for sign permit</i>	\$25.00
Butch Hansen- <i>Move in House</i>	\$150.00	Dave Gannon- <i>HVAC</i>	\$90.00
Dan Peterson- <i>Septic Permit</i>	\$280.00	Highview Church- <i>Building Permit 06-07-012</i>	\$422.06
Dale Leine- <i>Application Fee Septic</i>	\$25.00	Marg. Madden- <i>Building Permit 06-07-013</i>	\$5,953.77

• **CUP's**

South Cedar- *CUP request for Sign* \$250.00

• **Newsletter Ads**

Gary Smith- <i>Quarterly Ad</i>	\$35.00	Kenny Miller- <i>Quarterly Ad</i>	\$35.00
Martin Diffley- <i>Quarterly Ad</i>	\$35.00	Carol Cooper- <i>Yearly Ad</i>	\$125.00
Bill Hansen- <i>Quarterly Ad</i>	\$35.00	Greg Gudbjartsson- <i>Yearly Ad</i>	\$125.00
Tree Time- <i>Quarterly Ad</i>	\$35.00	Doc's Trucking- <i>Yearly Ad</i>	\$125.00

• **Other Receipts**

Dakota County- <i>Current Tax</i>	\$193,731.65	Castle Rock Bank- <i>Interest on CD</i>	\$95.98
Dakota County- <i>Delinquent Taxes</i>	\$3,104.40	Castle Rock Bank- <i>Interest on CD</i>	\$54.80
Castle Rock Bank- <i>Interest on CD</i>	\$54.80		

TOTAL RECEIPTS DEPOSITED IN JULY **\$205,142.46**

Central Valley delivered \$149.89 of propane July 31, 2006, remaining balance in prepay account is \$893.11.

Supervisor Gloria Belzer presented the clerk a check for \$124.50 to cover attorney expenses occurred 7/17/06 on conflict of interest issue.

Farm Service road maintenance bill was paid at the contract rate of \$68.00 per hour. Chris Nielsen had sent a letter of rate increase on July 26, 2006 reflecting the price of \$84.00 per hour. All services charged to the Township were prior to the rate increase and were paid at the contracted rate.

It was noted that check number 4826 was missing from the Disbursement Registry, this was a voided check.

A motion by Supervisor Gloria Belzer: To approve bills and receipts as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Planning Commission, land use permits and related items

Kris Radford- 24410 Iceland Path, Lakeville (Property ID# 13-24660-05011) requested a permit for a 30' above ground circular pool, 54" deep. The pool was installed prior to receiving the permit. No fence has been installed.

A motion by Supervisor Cheryl Monson: To approve the permit for the swimming pool. Motion seconded by Supervisor Gary Smith. Supervisor Cory Behrendt entertained the following amendment: To approve with the following 4 conditions- a 4.5 foot fence, gate per ordinance, Fence be completed by the end of August, double permit fee. Supervisor Cheryl Monson and Supervisor Gary Smith accepted the amendment. Vote was taken on the amendment and it passed. Vote was taken on the motion and it passed by unanimous vote.

Building Permit # 06-08-016 was issued for \$359.91

Pools in Eureka Estates that are non compliant with Township Ordinances

The following properties have installed pools without permits in Eureka Township; these pools are not compliant with Township ordinances. No fences are installed: 24450 Iceland Path, 24565 Iceland Path, 24530 Iceland Path, 9160 247th St W., 24595 Iberia Ave. Letters will be sent to these property owners, stating that their pools are non compliant and that they need to submit an application to the clerk and bring the pools into compliance with Township ordinances.

Brian Olson- 6486 265th St W. Farmington (Property ID# 13-02600-012-50)

Requested a permit for a 30' above ground circular pool, 54" deep with a 24-36" Fence installed above pool, with locking gate on ladder. The swimming pool was installed after the Planning Commission meeting, which was prior to issuing of the permit.

A motion by Supervisor Gary Smith: To approve the permit with double permit fee. Motion seconded by Supervisor Cheryl Monson. Motion carried by unanimous vote.

Building Permit # 06-08-015 was issued for \$359.91

Dale Leine- 24797 Highview Ave (Property ID # 13-01700-02-075) requested a permit for a holding tank for the new Ag. Shed approved at the April 10, 2006 Town Board Meeting. The tank was installed by Otte Excavating prior to obtaining a permit.
A motion by Supervisor Cory Behrendt: To approve the permit for the holding tank as presented. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

A Septic Permit was issued for \$280.00

Dave Pederson- Fredrick W. Peterson Trust- Property Address 5294 235th St W Farmington, (Property ID # 13-01200-010-50) Requested to split 4.76 acres from Parcel A consisting of 159.9 Acres as shown on the Certificate of Survey. Setback measurements to building located on the property were presented.

A motion by Supervisor Gary Smith: To approve the split as presented. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Dennis Ripley- 9460 235th St W Lakeville (Property ID # 13-00800-020-50) Requested to split 7.6 acres from Parcel A consisting of 15.5 Acres as shown on the Certificate of Survey. Mr. Ripley could not show proof that the lot of record existed for the property that he was requesting the lot split for. If this property is split as requested, it would not be buildable, without proof of a separate lot of record prior to April 12, 1982. The Town Board asked that Mr. Ripley show records that it was combined by the county for tax purposes and that it is truly two lots of record. The lot split was tabled at this time.

Pools and decks permitted through the Clerk

Planning Commission recommended to the Town Board that deck and pool permits and septic systems be permitted through the Town Clerk to expedite the permitting process.

A motion by Supervisor Cory Behrendt: to allow permits to begin construction on pools, decks and septic, to be approved by the Town clerk to meet satisfactorily application requirements. Permit must complete the standard process of review by the Planning Commission with recommendation of the review to the Town Board. The Planning Commission must adopt a formal and published procedure implementing the administrative procedure. Motion seconded by Supervisor Gloria Belzer. Motion carried by unanimous vote.

Sheriff Deputy

Sheriff Deputy visited the Town Board meeting. She asked that any suspicious activities be reported to the sheriff's office and to keep everything locked. Citizen questions were addressed.

Planning Commission Update, Planning Commission Chair

The Planning Commission unanimously requested a roundtable meeting with the Town Board, the Clerk and the attorney for clarify ordinance issues. This will be revisited next month and a date set for the meeting.

Contractor Time

The payment of Farm Service bill was briefly discussed with the road contractor. Supervisor Gary Smith questioned the rate hike in the hourly rate for grading of Township roads. The new rate being charged to the Township is \$84.00/ hour. In March, Farm Services submitted a bid at \$75/ hour in Hampton Township. Supervisor Gary Smith asked how this is justified. Chris Nielsen stated that the cost of fuel, steel and rubber has increased.

Letter from Castle Rock- Road Right of Ways- Denmark Ave

There were four separate issues addressed in the letter from Castle Rock. *See attachment.*
The issues were briefly discussed. Item tabled until later in the agenda.

Road Contract

Proposed changes to the contract were reviewed. The following additions were made to the document: **Snowplowing** add: "after snow stops falling" **Grading Schedule** add: "250th St West of Dodd- once every 10 days." Add to Exhibit C: "optional" to- salt & sand and mowing of ditches. Date: September 11, 2006. Whereas, Agreement for 2 years- strike. **Warranty** add: Contractor's warranty and guarantee hereunder excludes defects and damages caused by: (a) abuse, modification or improper maintenance or operation by persons other than the Contractor; or (b) the normal wear and tear under normal usage." **Term**- September 11, 2006 thru June 20, 2008. **Payment**- Invoices submitted by 4th day of month. **Termination of Agreement**- "30 days"

A motion by Supervisor Dan Rogers: To accept the Road Maintenance contract as revised. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote. The call for bids will be published twice, August 19th and 26th, 2006. A representative must be present at the September Town Board Meeting to sign the contract. Bids must be submitted by Thursday, September 7th, 2006 at 2:00 pm.

Hard Road Surface Quotes

Supervisor Dan Rogers was unable to obtain a second quote for hard road surface projects. The projects will be put out for bids.

A motion by Supervisor Cory Behrendt: To appoint Supervisor Dan Rogers to prepare hard road surface bid packet for work needed to be done in the Township to be published for bid. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Old Business

James and Margaret Lackore- Non Conforming Use Expansion

Lackore's officially withdrew their application to expand the Non Conforming Business. Lackore's have submitted an application for a 40' x 60' storage building with 20' sidewalls for personal use. The building will be attached to the existing building, which is currently being used for the Non Conforming Business.

A motion by Supervisor Cheryl Monson: To approve for personal use as applied for in their original application a 40' x 70' with 14' walls for James and Margaret Lackore. The motion died from a lack of a second.

Supervisor Cory Behrendt asked if the application submitted was complete, with a site diagram and building plans. The application was reviewed by the Town Board. The site plan does not include distances to lot lines, well and septic. There are no building plans.

A motion by Supervisor Cory Behrendt: To approve personal use pole structure 40' x 60' with 20' sidewalls pending completion and verification of the lot layout and completion and review by the building inspector of the building plans. The lot layout is to be presented to the clerk for verification of completeness. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Butch Hansen- CUP 2nd Dwelling/ move in building without permit

Charles B. Hansen – CUP, 2nd Dwelling- requested a basement and a deck permit for a house that has been moved into the Township, prior to issuing a permit.

The building inspector inspected the dwelling on July 17, 2006, after the house was moved into the Township. The dwelling was approved with the installation of hard wired smoke alarms. Mr. Hegner has the building and septic plans.

The CUP for a second dwelling was granted to Mr. Hansen on July 11, 2006 under Ordinance 20 (6/11/1990), Section 7.53 Conditional Uses in the Agricultural District. D. A single family dwelling in the quarter/ quarter section containing the farm dwelling provided that:

1. It is occupied by one who owns, or is employed by the farm on which it is located.
2. It meets the requirements of Section 7.52, F. 1.-4.

Section 7.52 states: One single- family non – farm dwelling unit per each quarter/ quarter section not containing a farm dwelling unit is allowed provided:

1. The dwelling units shall be located on a separately conveyed parcel which shall equal or exceed 2 acres.
- 2, 3 and 4 are also required.

The above requirements were stated in the Eureka Town Board Finding of Facts, Conclusion of Law and Order on 7-11-2005, along with three other requirements. At this time Mr. Hansen has not met the conditions requires in Section 7.52 F. 1.-4.

The Planning Commission on August 7, 2006, passed a motion to deny the permit until Mr. Hansen has created a separately conveyed parcel for the dwelling.

Supervisor Gloria Belzer stated that Mr. Hansen was a Planning Commission member for two years and worked with the ordinance that he applied for under the CUP. It was felt that Mr. Hansen was aware of the requirements of the ordinance for the CUP.

A motion by Supervisor Gloria Belzer: to deny the issuance of a permit to Mr. Hansen for the basement and deck until Mr. Hansen meets the requirements of Ordinance 20, section 7.53 and 7.52 F. 1-4. The motion seconded by Supervisor Gary Smith. A vote was taken on the motion, four voted in favor, one votes against the motion. The motion carried. Supervisor Cheryl Monson voted no, findings of the facts were never discussed at any meeting and the minutes were never approved.

Eureka Estates Complaint

The status of compliance of properties located in Eureka Estates was reviewed. The following properties will receive a letter of enforcement from the Township attorney:
24090 Holyoke Ave, 24170 Iberia Ave., 24220 Holyoke Ave. and 8950 Upper 240th St W.

The following properties will receive a letter, allowing 30 days to come into compliance:
9235 Upper 240th St W. and 24095 Holyoke Path.

8674 240th St W will receive initial letter from the Township indicating non compliance with Township ordinances, a letter will also be sent to Brian Watson, Dakota County Soil and Water about wetland excavation.

Supervisor Gloria Belzer will work with the clerk on sending out letters.

Conroy Complaint- Status on Barn and house removal

At the March 13, 2006, the Town Board gave Conroys until August 31, 2006 to remove the abandoned farm house and fallen down barns. As to this date they have not cleaned up the property. A letter will be sent to Conroy's reaffirming this date and that if the property is not brought into compliance that enforcement issues will be taken.

Castle Rock Complaint

Trees in the road Right of Way at 24185 Denmark Ave. Road Supervisor Gary Smith will obtain written permission from the property owners to remove the trees and brush from the right of way. Supervisor Gary Smith will work with the road contractor

Motocross track in right of way. A letter will be sent to Lackore's, 24185 Denmark Ave. notifying that they must restore the road right of way. Failure to bring your property into compliance within the given 30 days, will result in the Town Board taking enforcement actions as outlined in Ordinance 4.

Culverts at 25301 Denmark Ave and First driveway south of 240th St on Denmark Ave will be inspected by Road Supervisor Gary Smith. Letters will be sent to the property owners, if applicable.

The clerk will send a letter to Castle Rock acknowledging receipt of their letter and indicate that we are working with the property owners to bring into compliance.

Old Town Hall- Dakota City & letter of interest from a citizen

The Town Board received a letter from Rich Williams, Dakota City. They are unable to acquire the old Town hall. The Town Board decided to move forward with the first letter of interest, submitted by the Davis family. The Davis family will be given 30 days to submit application for a moving permit, which is required from the Township, prior to moving the building. The Town Board will allow 15 days response time from the Davis Family, then it will be offered to the second applicant, Dave Tousignant.

South Cedar Garden Center

Escrow was not collected on the Conditional Use Permit request for a sign by South Cedar Garden Center. The clerk contacted South Cedar; information was faxed to them, stating escrow requirements. They have not submitted a check for the escrow. If escrow funds are not received by Tuesday, August 15, 2006 the application will be returned, incomplete.

New Business

Appointment of Election Judges

The clerk asked that the following individuals be appointed as election Judges for the September 12, 2006 State Primary: Barb Bachman, Marlys Shirley, Marlene Swantek, Pat Fossum, Earl Schindeldecker, Cheryl Schindeldecker, Carolyn Papke, Mary Lou Ruh and Mary Michels as an alternate.

A motion by Supervisor Gary Smith: To approve the list of election judges as presented by the clerk. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Letter from Citizen- questionable and improper conduct of an elected official

The Town Board was presented a letter from a Township resident questioning the conduct of an elected official. The letter will be entered into record, the letter did not request any Town Board action on the matter, the letter was a statement of a citizen's opinion.

At 10:30 pm, Supervisor Cheryl Monson made a motion: To recess until Wednesday, August 14, 2006 at 7:00 pm. Motion seconded by Supervisor Gary Smith.