

Eureka Township

Dakota County

State of Minnesota

Eureka Town board Meeting
September 12, 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, Mark Malecha and Dan Rogers. Clerk/Treasurer Nanett Leine, to record the minutes. The meeting opened with the Pledge of Allegiance.

Approval of Agenda

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

Audience Comment Period

Charles Hansen 26120 Highview Ave Questioned the limiting of audience input. He felt without public input that it is a closed meeting. He has heard rumors that the township is going to become a residential area and Ag buildings are not going to be allowed. Mr. Hansen mentioned that at the last meeting his fathers name was once again brought up, he would like to reserve comment until he reviews last months meeting minutes.

Chair Connie Anderson explained that public hearings are the opportunity for public input. Board meetings are for the board to do their business, they are not a closed meeting; they are open to the public, to listen to the boards business and procedures. She is aware that during discussion the public may have questions; the board is going to try to limit that portion so the board can get through meetings and their business. An audience comment period has been established at the beginning of the meeting.

As far as Ag status, the State Statute will be looked up and the town board will review it and discuss it further.

As far as personal comments to anyone- Supervisor Connie Anderson will, to the best of her ability, control that, in the past it has gotten out of hand. No personal comments will be allowed, whether they are from board members or the audience.

A motion by Chair Connie Anderson: to add Ag status to Old Business, item F. Motion seconded by Supervisor Mark Malecha. Motion carried.

Wally Bourne 261st and Ipava Ave requested that a PA system be installed, so the audience can hear the board conversations.

Minutes:

A motion by Supervisor Mark Malecha: To approve the July 11, 2005 Town board Meeting minutes as presented. Motion seconded by Supervisor Gloria Belzer. Motion Carried.

A motion by Supervisor Gloria Belzer: To approve the August 8, 2005 Town Board Meeting Minutes. Motion seconded by Chair Connie Anderson. Discussion followed, this meeting was not held, due to a lack of a quorum of the town board. The board felt that there was no meeting, so there would be no minutes. Supervisor Gloria Belzer withdrew her motion. Chair Connie Anderson withdrew her second.

The following changes were made to the August 22, 2005 Town Board Meeting minutes: Page 4- Sly lot split- remove: "and to me to seal" add: "and sealed by deputy clerk." Page 5- Contractor time- Identify business name- "Farm Road Services" \$5,000 grant "approved by the North Cannon River WMO." Remove: "we have received" Remove: "It has been dedicated to us already" Add: Brian "Watson" of Dakota County Soil and Water. Culvert Issues- 1. South of County Road 80. add: "on east side of Denmark" where it says "Connie" add: Supervisor Connie Anderson. Page 6- 2. "Brian Watson, Dakota County Soil and Water" Old Business item 2. desks will be disposed of due to "powder beetle infestation" Page 7- "Bryce Pickart" Item C. second paragraph. Statement at beginning of paragraph should be removed- to "Chair Connie Anderson" Next sentence- remove "aggressive" add: "it would be to the best interest of the township" A motion by Supervisor Mark Malecha: To approve the August 22, 2005 Town Board Meeting minutes as corrected. Motion seconded by Supervisor Cheryl Monson. Motion carried.

The following change was made to the September 6, 2005 Roundtable Meeting: Page 2, paragraph 2- remove last sentence. A motion by Supervisor Cheryl Monson: To approve the September 6, 2005 Round Table minutes with corrections. Motion seconded by Supervisor Dan Rogers. Motion carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$8,173.89 in checking, \$111,072.56 the savings account and CD investments \$140,000. County sewer liabilities are \$160.00, Federal tax liabilities are \$1,037.01, MN tax liabilities are \$143.46, PERA liability \$233.86 and state surcharge for building permits \$665.95.

Motion by Supervisor Gloria Belzer: To approve the treasurer report as presented. Motion seconded by Supervisor Mark Malecha. The motion carried.

Bills and Receipts

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

BeSure Inspection Services	Inspection services	\$6,693.75
Farm Road Services	Road maintenance	\$9,400.00
Nielsen Farms	Grass seed for town hall	\$198.03
Farmers Mill And Elevator	Weed killer- town hall	\$173.96
ECM Publishers, Inc.	Legal Add- meeting notice	\$17.06
Frontier Communications	Phone town hall	\$110.51
Dakota Electric	Electric town hall	\$71.73
Culligan	Water softener rental- town hall	\$23.38
Jeanne Nordstrom	Stamps	\$37.00
Nanett Leine	Office Expenses	\$7.80
Nanett Leine	Payroll 8/1/05 to 8/30/05	\$1,885.94
Pat Fossum	Town hall cleaning August 2005	\$60.03
Jeanne Nordstrom	Deputy payroll July and August 2005	\$332.46
PERA	Payroll 8/1/05 to 8/30/05	\$250.60
Murnane	Legal Fee August 2005- Not submitted	
Erik Leine	August mowing	\$300.00
Dale Kuchinka	Ditch Mowing June 2005	\$1,230.00

**City of Lakeville
Swisher**

Fire Service Contract 2005
Service August 12, 2005

\$27,790.00

\$25.00

TOTAL BILLS FOR AUGUST

\$48,607.25

A motion by Supervisor Gloria Belzer: To approve bills as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

The following receipts were deposited in August:

• **Building Permits**

Lonnie Malwitz- <i>ag pole shed permit #000993</i>	\$25.00	Jim Larson- <i>Addition permit 05-08-020</i>	\$304.06
Lonnie Malwitz- <i>Application Fee</i>	\$25.00	Tim Murphy- <i>Application Fee</i>	\$50.00
Wayne Doyle- <i>Application Fee</i>	\$25.00	Tim Murphy- <i>New Home permit 05-08-018</i>	\$8,677.39
Jim Larson- <i>Application Fee</i>	\$25.00		

• **Other Permits**

D.R. Horton- <i>septic permit</i>	\$280.00	Hangar 42C- <i>septic system abandonment</i>	\$280.00
Harold Laursen- <i>septic permit</i>	\$280.00	Tim Murphy- <i>Driveway permit</i>	\$50.00

• **Other Receipts**

Mary Ann Sly- *Filing fee- cluster agreement* \$46.00

Total Receipts in August

\$11,381.35

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

Budget

The town Board reviewed the budget.

Planning Commission

Consent agenda items:

Mike Webb- 257th & Highview Ave., Farmington requested a building permit for a new home
Property ID# 13-02000-020-79 **Permit #05-09-021 was issued for \$6,215.69**

Tim Murphy- 9110 225th St W Lakeville requested a permit for a 45'x88' pole shed for
personal use. Property ID# 13-00500-020-50 **Permit #05-09-007 was issued for \$1,136.29**

Tom Gergan- 9955 250th St W, Lakeville requested a permit for a 16' x 18' - 3 season porch and
a 12' x 31' deck and 10' x 16' deck
Property ID# 13-01800-012-80 **Permit #05-09-022 was issued for \$447.06**

A motion by Supervisor Mark Malecha: To approve the consent items of Mike Webb, Tim Murphy and Tom Gergan. Motion seconded by Supervisor Dan Rogers. The motion carried.

Other agenda items:

Steve Kimmel- 24230 Holyoke Path, Lakeville requested a permit for two additions 12' x 18'
and 20' x 22' Property ID# 13-03000-012-52. The septic system will need to be inspected by the
building inspector, because a bedroom will be added. A lot layout was presented to the planning
commission, but is missing. This item will be tabled.

Charles E. TSTE Hallcock - 6155 280th St W, Northfield is requesting to split 3.25 acres from
40.32 acres. A split request was presented. Property ID #13-03500-010-51.

A motion by Supervisor Mark Malecha: To approve split subject to presenting to the clerk the trust document, showing legal authority as to trustees.. Motion seconded by Supervisor Cheryl Monson. Motion carried.

Paul Horne- 8950 Upper 240th St W, Lakeville requested a permit for a second driveway on his property. Property ID# 13-024660-020-05. The driveway is 32' from the lot line, 110 feet from second driveway. Road contractor Chris Nielsen inspected the property the driveway does require an 18" culvert. A motion by Supervisor Mark Malecha: To approve driveway permit contingent on receiving a lot layout. Motion seconded by Supervisor Cheryl Monson. Motion carried.

Wat Lao- 22605 Cedar Ave., Farmington requested a permit for a sign and a gate. The sign has already been installed on the property, without a permit. The sign is 8' x 4'. There are lights illuminating the sign from a brick structure at the base of the sign. A motion by Supervisor Mark Malecha: To approve the announcement sign. Motion seconded by Supervisor Dan Rogers. Motion carried. A \$25.00 sign permit fee was collected.

A motion by Supervisor Mark Malecha: to apply the 50% additional permit fee charge for not obtaining a permit prior to installation. Motion seconded by Supervisor Gloria Belzer. Discussion followed that the penalty fee is for building permits only. Supervisor Mark Malecha rescinded his motion, Supervisor Gloria Belzer accepted.

The requested gate will be installed at the north driveway. The gate structure will be 16' tall, 14' wide and 48" deep, made of wood. The board determined that the gate did not require a permit under Ordinance 3, Chapter 8. Section 2. Item 3. The gate was determined to be religious insignia. This gate will not host any writing, announcement; it will only be an entry gate.

Building Inspector

The building Inspector was not present, the status of the Eureka Estates complaint is not known at this time.

Planning Commission Questions to the board

- The planning commission has completed a list of outstanding permits, to be checked off when final inspection is completed. The town board felt that the clerk should keep track of the permits.
- Zoning Inspection procedure options: 1. Building inspector to complete zoning inspection when on site. (setbacks) Especially new construction. 2. A single individual performs inspection. 3. The planning commission on a rotational basis.
- Does a driveway need to serve a property to build. What if the driveway is on an easement? The town board felt that long as they have the required road frontage to the property, they have the ability to put the driveway in one does not need to be installed.
- Culverts- current policy is 18" minimum, if it is determined that one is needed. Supervisor Mark Malecha stated a minimum of 18" or as big as the culvert upstream from the culvert. (State law)
- Setback on a county road? The county setback is the road right of way. Township ordinance states 110'. The township has the zoning authority and supersedes county authority.
- Third Mondays of the month September thru December the planning commission is conducting meetings to develop a RFP to request the aide of a planner to help develop a road map to the future. A report will be presented in December. What funding is available?

Professional services escrow balance for this year is \$12,800. There may be funding available through the County for this type of services.

- The planning commission would like to purchase a white board, Mike Greco will check if he can obtain a used board from the University.
- Sign setbacks from county roads are 110', township roads 100'.

Clarification of AirLake Permit June and July Town Board Meetings)

The requested building permit is at the main terminal of the AirLake Airport. The main terminal is located in Eureka Township; it is not part of the annexed area. The building inspector has reviewed the plans, but they have not officially come before the planning commission and town board to receive their permit. They are waiting for the airport commission to approve the permit.

Contractor Time

Culverts

The culvert located at 265th St & Fairgreen Ave. is collapsed, clear rock was put into the culvert, it has water flow at the present time, but will freeze in the winter. This item will be placed on hold until next year.

Culvert at Widstrom Trust property - (Located in Castle Rock Township) the owner is willing to pay to make the culvert wider- 40 ft. The approach is about 12' wide now. The cost would be approx. \$810.00. There are 3 culverts in this area, this is the only one causing problems the other two have drainage. Castle Rocks policy is that they pay for driveway culverts. Eureka Township's policy is that property owners are responsible for placing culverts on private approaches. The township will not proceed with culvert placement. A letter will be sent to Castle Rock, stating the townships policy for culvert placement.

Ditch on 265th St near new bridge

A resident on 265th complained that their ditch was not restored to its previous condition after the bridge installation. There is no topsoil in the ditch and the grass is not growing. Supervisor Dan Rogers inspected the site. He reported that there is some grass growing in the ditch now, it has been dry. Supervisor Dan Rogers will notify the county of the problem.

Chub Lake Project- No progress.

Hamburg Ave. (North of the bridge (240th), west side of road) – Rocks in the right of way. This location was noted at road inspection this spring, more rocks and debris has been added to the ditch. A registered letter will be sent to the resident, informing them that it is illegal. (Ordinance 4, Chapter 2, Section 6.)

The road contractor removed 73 tires from the ditch this past month. Most of the tires are on Fairgreen between 250th St and 265th St. The Sheriff will be notified of this activity.

A farmer is dumping rocks in the ditch on Ipava and 265th St. (Knutson Farm) a registered letter will be sent to the property owner, informing that this is illegal.

There are several large rocks in the ditches that need to be removed. The budget for ditch cleaning is spent for this year. The location of these rocks will be noted.

The road contractor presented a road map of Eureka Estates. Supervisor Dan Rogers will map out sign locations on this map. He will present the proposed sign locations at the October Town Board Meeting.

Old Business

A. Complaint on Davis Property

Chair Connie Anderson is working with the Sheriff Department on this issue. Move to November meeting.

B. Complaint on Country Joe Racing Noise

The clerk received attorney/ client privilege documentation on this issue; it will be addressed under clerk presentation.

C. Town Hall

Swisher Hygiene has had inconsistent service and is not performing up to expectations. Pat Fossum is willing to clean the bathrooms once per month for a fee of \$25.00.

A motion by Supervisor Cheryl Monson: To release Swisher from cleaning the restrooms and to contract Pat Fossum \$25.00 for cleaning restrooms once a month. Motion seconded by Supervisor Mark Malecha. Motion carried.

D. Elko/ New Market Interceptor Line

The town board and planning commission held a round table meeting September 6, 2005 on the Proposed Interceptor line. No motions or decisions were made at this meeting. The town board will be submitting written comments after the public hearings. (Late October/ early November) Ray Kaufenberg presented written comments to the town board on his position; this same document was presented at the roundtable on September 6, 2005. The town board will review this document; it will be addressed at the October Town Board Meeting.

E. Regional Policy Initiative Conference

Forum on Development and Edge Communities-by Met Council and Humphrey Institute
Planning Commission Chair, Corey Behrendt is going to speak on rural communities in the path of development. He is not representing the township. Butch Hansen feels that Corey Behrendt will be perceived as representing the township and should have obtained board approval before accepting the position on the panel. Discussion followed, there were no decision on policies for public speaking by town board or planning commission members.

F. Lakeville Annexation Issue

Attorney/ Client privileged information was received on this issue today. The town board will receive these documents tonight at the closing of the meeting. No formal annexation has been filed by Hat Trick Investments. A meeting with Lakeville will be set for Tuesday, September 20, 2005 at 7:00 pm, as long as Lakeville and the township attorney can be present.

G. Ag Building policy

The clerk will research and provide documentation to back the townships current policy on determination of classifying property as Ag Status in relationship to Agricultural buildings on such property. Building codes will be checked.

H. Audit

The town board discussed whether to continue using Abdo, Eick and Meyers as the auditor for 2005 or to secure a different firm. The clerk will contact Abdo, Eick and Meyers and obtain a commitment in writing to services proposal for this year's audit. Report to be presented at October board meeting.

I. Newsletter

The newsletter will be published October 1st, 2005. Supervisor Cheryl Monson volunteered to present Board Happenings. Old town hall items will be offered to the public as sealed bids.

Other Business

Supervisor Gloria Belzer attended the MAT short Course in Rochester in July; she is certified for 2006 Local Board of Appeals and Equalization.

Old Town Hall

The asbestos test has not been completed on the old town hall. If the town hall is destroyed and hauled away, the test will not be needed because it will be taken to a disposal sight that has liner. The township will wait for acceptance by Dakota City before proceeding with an asbestos test. A memo will be sent to Rich Williams, Dakota City on this decision.

Clerk/ Treasurer Presentation

The clerk sent in the 2006 Levy Certification as approved by the citizens at the 2005 Annual Town Meeting.

The deputy clerk/ treasurer has resigned. A posting for the position will be placed in the October Newsletter.

The MAT Legal Seminar is in October, if a board member is planning to attend they should contact the clerk. Registration deadline is October 3, 2005

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting Adjourned at 10:06 pm.