

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
September 8, 2003

Call to Order:

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:04 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:

Item 7.A. Town Hall Land Agreement- will be addressed when Mr. Larson arrives.

A motion by Supervisor Kenny Miller: To approve the agenda as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

Minutes:

A motion by Supervisor Connie Anderson: To approve the Regular Townboard Minutes of August 11, 2003 as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Mark Malecha: To approve the September 2, 2003 Special Meeting Minutes as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$260.49 in checking, \$206,093.41 in the savings account and \$118,355.49 in savings (Former CD). Federal Tax liabilities are \$981.45.

Building Inspection State Surcharge liabilities are \$850.00 and County Sewer Inspection liabilities are \$200.00.

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

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

BeSure Inspection Services	Building & Septic permits	\$1,778.20
Braun Turf Farms	Road Maintenance	\$9,388.50
Dakota Electric	Electric Bill	\$8.73
Frontier Communications	Telephone- town hall & Internet	\$75.53
Frontier Communications	Telephone- office	\$37.66
Murnane, Conlin, White & Brandt	Attorney Fees	\$1,249.00
ALF Ambulance	Ambulance Service First Half of 2003	\$6,468.24
City of Lakeville	Fire Fighting Agreement	\$24,940.00

Eureka Sand And Gravel	Cork Bulletin Board	\$254.80
Mark Malecha	MAT Training- Owatonna	\$45.00
Malecha Tiling and Trenching	Tiling - Fairgreen Ave. 1700' of 4"	\$1,840.00
Francie Madden	Re-issue Lost Checks #3724 & 3725	\$356.50
Nanett Leine	Payroll 8-1-03 to 8-30-03	\$1,422.53
Nanett Leine	Expenses 8-1-03 to 8-30-03	\$251.58
PERA	Payroll 9/1/2003 to 8/31/03	\$173.27

A motion by Supervisor Kenny Miller to approve the bills as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

Approval of July receipts

The following receipts were presented to the Town Board in July:

• <u>Septic Permits</u>			
Greg Harper	\$280.00	Steve Fridgen	\$280.00
Lee Slavicek	\$280.00	Lee Slavicek	\$280.00
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• <u>Building Permits</u>			
Wat Lao	\$483.96	Ron Collins	189.80
Dave & Mary Malecha	\$6030.69	Alan Fink	217.37
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• <u>Pole Sheds</u>			
Bachman's Nursery- <i>addition</i>	\$1,484.34	Bachman's Nursery- <i>addition</i>	\$482.06
Merlin Schonning- <i>AG</i>	\$50.00	Will Casper	\$280.46
Jeff Lee	\$1,231.79		
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• <u>Other Permits</u>			
Mark Geier- <i>move building</i>	\$351.26	Ray Kadlec- <i>CUP Application</i>	\$100.00
Loren Hoppe- <i>move bam</i>	\$370.46		
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• <u>Other Receipts</u>			
Dakota County – <i>Delinquent tax</i>	\$946.49	Prehall- <i>special mailing election</i>	\$15.00
Lyle Ruh- <i>Register Cluster</i>	\$30.00		
			Total Receipts \$13,338.68

A motion by Supervisor Kenny Miller to approve the receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

Contractor time

Roads

Many of the mass gravel projects have been completed. The roads have been extremely dry. There have been some road complaints, due to rough roads. There is very little moisture in the roads, grading has been difficult.

Planning Commission Land use permits and Related Items:

Planning Commission Meeting

Consent agenda items for Planning Commission:

1. John and Cheryl Ackerman- 26455 Galaxy Ave. Farmington. Requested a permit to install a 16'x36' in ground swimming pool 8' deep at the deepest end. **Permit Fee \$376.26**

4. Highview Christiania Lutheran Church- 26690 Highview Ave. Farmington. Requested a permit to build a 48' x 80' detached church building, it will be used for an activity center.

A motion by Supervisor Kenny Miller: To approve the consent agenda items as recommended by the Planning Commission. Motion seconded by Supervisor Dan Rogers. Supervisor Connie Anderson sustained from voting on consent item #2, due to conflict of interest. Motion carried.

3. Chad Quigley- 26120 Dodd Blvd, Lakeville requested a permit to build a home in section 30, property ID#13-03000-010-27. Mr. Quigley does not own the property. The land transfer has not taken place. The new proposal has 250' road frontage.

A motion by Supervisor Mark Malecha: To approve the building permit contingent on supplying to the town clerk the proper title of the property with 250' road frontage. Motion seconded by Supervisor Kenny Miller. A friendly amendment by Supervisor Connie Anderson: "In Chad Quigley and Debra McNab name". Supervisor Mark Malecha accepted the amendment. Amendment carried. Motion carried.

4. Cheryl Monson- 10391 250th St. W. Lakeville requested permission to turn their barn into living space, they would live in the barn while they refurbish their home. A new septic system will need to be installed. The Monsons need to work with the building inspector to meet codes to make the barn livable. When the house is complete the barn will no longer be used as living quarters.

A motion by Supervisor Mark Malecha: To direct the building official to issue a septic permit and occupancy permit for the barn, when it is livable at that point in time he would red flag the house not livable until the house project is completed. The remodeled barn would fall under the jurisdiction of the Township Ordinances at that time. Motion seconded by Supervisor Kenny Miller. Motion carried.

Buildable Lot Questions

1. Lee and Lyn Olson are interested in purchasing property in Section 10 NE1/4 of SE1/4. It is a 20 acre parcel. Property ID #13 01000 010 76.

A motion by Supervisor Kenny Miller: That the above described parcel is buildable under the current township ordinances. Motion seconded by Supervisor Mark Malecha. Motion carried.

Conditional Use Permits

Ray Kadlec- 6945 247th St. Farmington, MN 55024. Property ID# 13-01500-030-75. W20 acres of W1/2 of SE1/4 lying N of C/L E-W Roadway of Section 15, Township 113, Range 20, Dakota County, Minnesota. Mr. Kadlec would like to proceed with the Conditional Use Permit.

A motion by Supervisor Connie Anderson: To grant a Conditional Use Permit to Ray and Ann Kadlec under Ordinance 20, Section 7.53 Conditional Uses in Agriculture District Item D. A second single family dwelling in the quarter/quarter section containing the farm dwelling provided that: It is occupied by one who owns, or is employed by the farm on which it is

located and it meets the requirements of Section 7.52, f. 1-4. Along with the following 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 remain 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.

Motion seconded by Supervisor Mark Malecha. Motion carried by unanimous vote.

ALF Ambulance

Tom Kelly an Administrator at ALF Ambulance introduced himself to the Town board. He is the township contact for the ambulance service. He answered the Townboard questions on the ambulance service. There are 2 ½ ambulances serving the area (3 cities, 3 townships) 10 calls a day. The following 2 questions were asked of Mr. Kelly, he will send a response to the Town Board: 1. How does one determine the staffing and location of ambulance service, and when would and area justify its own service? 2. What are the ALF response times to the township? (See attached response from Mr. Kelly dated September 9, 2003)

Air Lake Issue 8:000 pm

Lakeville-Mayor, Bob Johnson- Dave Olson, Lakeville City Planner, Gary Schmitt- Airport Surveyor Administration and Mitch Killey from MAC presented a proposal to the Town Board regarding the property boundaries between Lakeville and Eureka Township at the airport. A boundary line between Lakeville and Eureka Township located in Air Lake Park runs through an existing building. They are proposing a compromise that is a more uniform in building code regulations, to keep all the sewer and water in a steadier format. (See attachment for current boundaries and proposed boundary change.) The building would be under one jurisdiction for the building code regulations.

Supervisor Kenny Miller questioned why the east boundary - Hamburg Ave. was included in the boundary change. The line currently runs down the middle of Hamburg Ave.

The Township will turn this over to their attorney for evaluation. Next months meeting will include more discussion on this issue.

Other Business related to zoning issues

1. Jonathon Hoes- 4623 280th St. W. Northfield, MN

The township has received a complaint against Jonathon Hoes by 6 township residents; the complaint stated that he has junk cars on his property and is not following the rules under Ordinance No. 3. The Town Board asked Mr. Hoes presence at the meeting to address the issue. Mr. Hoes was given a copy of Ordinance No. 3 "An Ordinance regulating the parking and storing of junk cars within the Town of Eureka and regulating establishment and maintenance of automobile graveyards within said Town." Mr. Hoes says he builds race cars and races at Elko. The junk cars are kept for parts. The Townboard asked Mr. Hoes to apply for a permit under Ordinance No. 3 or bring the property into Compliance. The Town Board asked Mr. Hoes to attend the October Town Board meeting with a decision.

Envisioning Committee Report/ Open House 8:30pm

Mike Greco explained minor changes to the Envisioning Committee final report.

A motion by Supervisor Kenny Miller: to accept the revised Envisioning Committee Report as presented to the Town Board at the September 18, 2003 Town Board Meeting. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: The township provide 2 color copies for the libraries and one laminated, color copy to be kept at the Town Hall. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: A printed copy or a CD of the report to be made for the members of the Board of Supervisors and Planning Commission. The format to be determined: by a poll of the board members. Motion seconded by Supervisor Connie Anderson. Motion carried.

Mike presented the Town Board with a budget for the open house. The budget was discussed.

A motion by Supervisor Connie Anderson: To have the Open house for the Final Report of the Eureka Township Envisioning Task Force- Thursday, November ~~13~~, 2003 (*Changed to November 20, 2003*) at the Extension Service in Farmington. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: to authorize the expenditures as outlined, including the mailing labels for the post card. Motion seconded by Supervisor Dan Rogers. Motion carried. (*Proposed budget attached*)

The Envisioning Committee had a certificate printed thanking 1000 Friends of Minnesota. They asked the Town Board to sign the certificate. The Town Board would like to see the grant application, before signing the certificate.

Extension of Ordinance No. 25

An Ordinance of the Township of Eureka entitled "Land Use Regulations Interim Study for all Property Located in Eureka Township"

A motion by Supervisor Connie Anderson: to extend Ordinance 25 to April 9, 2004 the extension deadline. Motion seconded by Supervisor Kenny Miller. Motion carried.

Roads (Special Item)

Resolution Conflict of Interest/ Eureka Sand and Gravel

A motion by Supervisor Connie Anderson: To pass a resolution for a contract with Town Board Supervisor Kenny Miller for the year 2003 back to June 17, 2003. The Contract is setup with Malecha Trucking for the purchase of gravel, for Maintenance purposes on Eureka Township roads through Eureka Sand and Gravel which Supervisor Kenny Miller is an employee of. Motion seconded by Supervisor Dan Rogers. Supervisor Kenny Miller abstained from voting. Motion carried by unanimous vote. (*Resolution filed into Resolution Book*)

Town Road Work Contract Completion Certificate

A Town Road Work Contract Completion Certificate needs to be issued with the requirements of Minnesota Stat. § 160.17 subd. 3 and is to be filed with the town clerk.

A Town Board member or person under the direction of the Town Board needs to complete this certificate before final payment is made. Before the Town board accepts the certificate it must be satisfied that the work was done properly and according to the contract. The completed certificate must be presented to the Town Clerk before final payment is made to the contractor. *(See attached sheet)*

Letter from Castle Rock- Culvert on Denmark Ave.

Supervisor Mark Malecha has inspected the site; the road is narrowed up by about 2 feet. This is a safety issue; the culvert needs to be replaced.

A motion by Supervisor Kenny Miller: To put the job out for quotes for the October meeting. Motion seconded by Supervisor Connie Anderson. Motion carried.

Clerk/Treasurer Nanett Leine will call Castle Rock Township and inform them that action is being taken on this matter.

Ditch along Denmark and 245th St.

The liability form has been drafted. Supervisor Mark Malecha will work with Dave Cook on the project.

265th St. Bridge

Supervisor Mark Malecha reported that he has talked to Commissioner Harris the plans are done, the bridge is scheduled for replacement when funding becomes available.

A motion by Supervisor Connie Anderson: to table the cooperative agreement until the October meeting. Motion seconded by Supervisor Kenny Miller. Motion carried.

Chair Don Pflaum will review the contract and contact Tom Anton, Dakota County Transportation Dept.

Old Business

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. Clerk/Treasurer Nanett Leine will call and check on the status of the report.

Update Farmland and Natural Area Protection Program

The Town Board was presented with an update report on the Farmland and Natural Area Protection Program; there is one applicant from Eureka Township for the farmland portion of the program.

Copy request

Eureka Business Owner Association has requested copies of all documents received from the Eureka Township previous attorneys. The Town Board received a letter back from their attorney on the copy request.

A motion by Supervisor Kenny Miller: to table this until the Business Owners Association and or representative can review our response from our attorney. Motion seconded by Supervisor Mark Malecha. Motion carried. *(See page 7 for continuation)*

Town hall land agreement

Dylan Larson- represented the Larson family on the land donation. Hollis was concerned that any excess dirt be retained by the Larson family.

A motion by Supervisor Kenny Miller: To pass a resolution- that any excess soils from the gifted property remains the Larson family's property. Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Kenny Miller: to complete the land agreement by November 1, 2003 for action at the November 10, 2003 Town Board meeting.

A motion by Supervisor Kenny Miller: To accept the quotation from Bolton and Menke Inc. for the survey and creation of a legal description for the gifted property. Motion seconded by Supervisor Connie Anderson. Motion carried.

The Larson's are in agreement with the "Agreement Regarding Gift of Land" document drafted by the townships attorney.

Ordinance 32 Report Summary- Non Conforming "Land Use" Committee

Mark Geier presented the Town Board with a summary of their committee's report to be used as a tool to help the Town Board to draft the New Ordinance.

A motion by Supervisor Mark Malecha: To accept the committees report. 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.

Mark Malecha, township weed inspector will check on preparing a weed management plan.

Copy request

Butch Hansen, representative from the Eureka Business Owners Association requested that the letter from the Business Owners Association be kept under the attorney/ client privilege. The Eureka Business Owners Association will not pay for the separation of the files, but will pay for copies. The Eureka Business Association wants copies of all documents they are entitled to receive.

A motion by Supervisor Mark Malecha: To direct our Attorney to separate out the documents, copies be made and given to the Eureka Business Owners Association that are appropriate for them to receive. Motion seconded by Supervisor Kenny Miller.

A friendly amendment by Supervisor Connie Anderson: To draft a letter to be sent to the Eureka Business Owners Association as outlines in page 3- Response to Eureka Township Business Owners Association. (*Attorney letter dated August 12, 2003*). Supervisor Mark Malecha and Supervisor Kenny Miller accepted the amendment. Amendment carried. Motion carried.

Comp/ Ordinance Meeting date
September 9, 2003 7:00 pm.

A motion by Supervisor Mark Malecha: To adjourn. Motion seconded by Supervisor Connie Anderson. Motion carried. Meeting Adjourned at 10:12 pm.