

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
September 9, 2002

Call to Order:

Chair person Bev Topp called the regular monthly meeting of Eureka Township to order at 7:30 PM. Present were Supervisors Don Pflaum, Clark Smith, Connie Anderson, Kenny Miller, Clerk Oliver Leine and Treasurer Nanett Leine. Meeting opened with the Pledge of Allegiance.

Approval of Agenda:

A motion by Supervisor Clark Smith: To approve the agenda, with the following addition: Planning Commission- Cory Behrendt. Motion seconded by Supervisor Kenny Miller. Motion carried.

Minutes:

A motion by Supervisor Connie Anderson: To accept the Townboard Minutes of August 12th, 2002 with the following addition: Page 4, Roads: Mike Grove's pole shed to be inspected by Mark Malecha. Motion seconded by Supervisor Clark Smith. Motion carried.

A motion by Supervisor Kenny Miller: To accept the August 13th, 2002 (Continued Townboard Meeting Minutes from August 12th, 2002.) with the following addition: Page 2, Airlake Airport: add Connie Anderson. Motion seconded by Supervisor Clark Smith. Motion carried.

Treasurer Report:

Treasurer Nanett Leine reported that there is \$671.83 in checking, \$161,735.86 in the MMDA Account and \$115,136.82 in savings. Federal Tax liabilities are \$235.97. State Tax-liabilities shows a \$3.00 credit and State surcharge liabilities for building permits are \$286.45. Motion by Supervisor Clark Smith: To approve the Treasurer report. Motion seconded by Supervisor Kenny Miller. Motion carried.

Bills:

Clerk Oliver Leine presented the following bills to the board for approval:

Dakota Electric	Town Hall	\$ 8.30
Cannon Valley Coop	Town Hall LP	\$ 167.43
Frontier Communications	Office	\$ 38.07
Township phone system and Internet	Main+ Int.	\$ 76.79
Henry's Excavating	Grading and Plowing	\$ 9,274.00
	Denmark North culvert	\$ 5,340.92
	Denmark South culvert	\$ 7,924.76
Malecha Trucking	gravel & limerock	\$ 20,390.06
Bev Topp	Copies and expenses	\$ 75.56
Nanett Leine	payroll	\$ 569.66
	expenses	\$ 19.24
PERA		\$ 69.10
Inspectron, Inc	Plan Review services	\$ 966.71
	Inspectron services	\$ 1,041.08
	Sewer Inspection	\$ 495.00
USPS	Stamps 625@.37	\$ 231.25
Dakota county Assessing Services	Newsletter Labels	\$ 14.69
Castle Rock Agency	Town Hall Fire Insurance	\$ 58.40
LeVander, Gillen & Miller, P. A.	Legal work Ordinances	<u>\$ 119.00</u>
TOTAL		\$ 46,880.02

Bev Topp questioned why Denmark Ave. culvert bills were higher than the bid amount. The backfill was to be supplied by the Township, because it was unknown how much would be needed to complete the project.

A motion by Supervisor Connie Anderson: To approve payment to Malecha Trucking for gravel purchases from Eureka Sand and Gravel/ Kenny Miller upon signing of the Affidavit of Official Interest in Claim. Motion seconded by Supervisor Don Pflaum. Motion carried. Supervisor Kenny Miller signed the form.

A motion by Supervisor Connie Anderson: To approve bills as presented. Motion seconded by Supervisor Clark Smith. Motion carried.

Roads:*Contractor Time*

The Denmark culvert projects are completed. There were significant delays due to utilities. In many areas utilities are not located correctly. Mark suggested that future placement of utilities should be monitored. Mark Henry donated 4 hours of blading time to finish project, due to delays.

Chris Nielson requested slower speed limits on 240th and on Denmark Ave. near Prairie Creek School.

To change the speed limit on 240th street a petition would need to be sent to the State for review, the density of homes is probably too low. Clark Smith will check on a reduced speed limit for the Prairie Creek School area.

There were road complaints of washboards on 240th and 225th St.

Planning Commission:

Jerald Wohlers, 10211 W. 173rd St. Lakeville requested to build a 1,889 sq.ft. rambler with a garage and 306 sq.ft porch in Section 29- So. Half of SW1/4.

A motion by Supervisor Don Pflaum: To approve home as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

Bill and Amy Murphy, 24965 Essex Ave. requested renewal of a pole building permit issued in 2001. The New permit will be for a 2,016 sq ft building.

A motion by Supervisor Don Pflaum: To approve pole building as presented.

Motion seconded by Supervisor Clark Smith. Motion carried. Fee based on ½ of original permit plus additional 126 sq ft.

Permit Issued \$53.55

Mike Giles 23545 Cedar Ave. Farmington requested a permit build an 80' x 100' pole building for horticultural use/ to store bare root trees.

A motion by Supervisor Don Pflaum: To approve the pole building, to be used for tree storage. Motion seconded by Supervisor Kenny Miller. Motion carried.

Mr. Giles was told the building could not be used for non-ag/hort. commercial purposes and he said it would not be.

Cory Behrendt, 7861 272nd St. W. Farmington requested a permit for an 24' x 24' addition to his home. He had not attended a Planning Commission Meeting. Greg Gudbjartsson, Mark Malecha and Francie Madden were present and reviewed his site plan. They recommended approval to the Townboard.

A motion by Supervisor Kenny Miller: To approve the addition pending shoreland approval. Motion seconded by Supervisor Clark Smith. Motion carried.

Non Conforming Use Ordinance

A motion by Supervisor Clark Smith: To adopt Ordinance 32- An Ordinance of the Township of Eureka, Minnesota Amending the Eureka Township Zoning Ordinance Section 6 entitled "Administration" by adding section 6.8 Regarding

Nonconforming Use Permits. Motion seconded by Supervisor Connie Anderson. Motion carried with unanimous vote, Kenny Miller abstained from voting.

Don Pflaum asked if someone does not comply with the ordinance, who will enforce it. Bev Topp explained, they would then be an illegal business and will not be able to continue business in Eureka Township. The Townboard would need to call the attorney to see what procedure they would take. Don voted yes, with hesitations-there are some provisions in the ordinance he does not like, such as the growth clause.

A mailing including an informational letter and a copy of the Ordinance will be sent to each landowner. The letter will state that applicants have 180 days to comply and that application forms are available at the Township Office. (The letter was mailed 9/24/2002)

A motion by Supervisor Don Pflaum: To adopt resolution 20- A resolution approving publication of Ordinance 32 An Ordinance of the Township of Eureka, Minnesota Amending the Eureka Township Zoning Ordinance Section 6 entitled "Administration" by adding section 6.8 Regarding Nonconforming Use Permits. Motion seconded by Supervisor Clark Smith. Motion carried. Kenny Miller abstained from voting.

(The summary of Ordinance 32 was approved for publication at the Sept 19,2002 continued Townboard meeting.)

Application procedure: See attachment

The board reviewed the Non Conforming Use Permit Application.

Bob Papke as a citizen made a recommendation that we ask the applicant what equipment is owned and used as part of the business. This information would be used as a benchmark to the size of the business. He had concerns about growth and unsightliness of property.

Discussion followed on whether an equipment list is important, to tell if the business has had growth.

A motion by Supervisor Don Pflaum: Not to include equipment list as part of the application. Motion seconded by Supervisor Clark Smith. Discussion followed. Vote taken- 1 yea, 2 nays, 2 abstaining. Motion died.

Townboard decided to add: 1. Description of Business- Products produced, Services provided and Type of Equipment used. (Including commercial vehicles)
2. Use/ Storage/ Disposal of Hazardous Materials add a check box - Compliant to all applicable County, State and Federal Regulations. 3. Total Area Used for Business: Attach a site plan.

A motion by Supervisor Don Pflaum: To accept Application with changes noted. Motion seconded by Supervisor Clark Smith. Motion carried. Kenny Miller abstained from voting.

Old Business

Driveway issue

Craig Henry-6515 245th St. W. Farmington made a complaint on the location of Kurt Oestreich driveway at 6506 245th St. W. This driveway is directly across from Craig's house and the headlights shine down the driveway and into his living room. He is asking the Townboard if anything can be done. The distance between neighboring driveways is questionable; it may not meet requirements. Mark Henry will check driveway location.

Mike Greco asked if the following items could be added to the website: 1. an index for Township Ordinances. 2. Ordinances, as they are updated and approved. 3. Townboard minutes. Townboard members all agreed this would be fine.

Other business

Envisioning Task force would like to hold an open house in November to be held at the Extension Office in Farmington.

Mark Malecha asked if there is anything that can be done about campaign signs in the road right of ways. He was told that campaign signs are regulated by state law and out of the township's control. There is nothing in the Eureka ordinances about this.

A motion by Supervisor Connie Anderson: to amend the agenda: Planning Commission- Building moved into Township without a permit. Motion seconded by Supervisor Clark Smith. Motion carried.

A garage has been moved to 26386 Highview Ave. and no permit has been applied for. Kenny Miller will contact Mr. Hansen and notify him that he needs to obtain a building permit.

Old Business

265th Street Bridge

Bev Topp has received the contract from the County. The Townboard would like to reserve the right to review plans, to accept or reject design. Does the County present the project to the citizens at a public meeting? Lawyer Tim Kuntz suggested that the railroad be included in the design, because the railroad needs to sign off on the plans. It is important to make sure there is an easement for the railroad under the bridge. Ask for co-insurance with the Railroad.

A motion by Supervisor Don Pflaum: To sign the Contract from Dakota County for the 265th Street bridge with requests stated above. Motion seconded by Supervisor Clark Smith. Motion carried.

New Business

County Office furniture giveaway

Surplus office furniture will be given away September 15th, 2002. Nanett Leine will go to West St. Paul and pickup office furniture for the Township.

A motion by Supervisor Kenny Miller: If there is enough furniture available a moving company may be hired to move it. Motion seconded by Supervisor Clark Smith. Motion carried.

A motion by Supervisor Don Pflaum: To table the meeting till Monday September 16, 2002 at 7:00 pm. Motion seconded by Supervisor Clark Smith. Motion carried.

Meeting closed at 11:25 pm