

EUREKA TOWN BOARD MEETING DECEMBER 12, 1994

The meeting was called to order by Chairperson Schindeldecker. Present were Supervisors Johnson, Kadlec, Smith and Topp, Clerk Leine and Treasure Schulz.

Supervisor Smith moved to accept the minutes with the following corrections: Page 2, Paragraph 1, change "on compliance" to "non compliance". Page 2, Paragraph 2, change all references of "Walter" to "Waldron". Page 1, Paragraph 2, change "Smith moved" to "Topp moved", and change "seconded by Topp" to "seconded by Smith". This Motion was Seconded by Supervisor Kadlec and Motion Carried.

Supervisor Topp moved to accept the minutes of the special meeting, held on December 6, 1994, with the following corrections: Page 1, Paragraph 6. Change paragraph to read: "An agreement between Benson and Middlemist was reached. Middlemist will be a subcontractor of Benson's to build the road. Middlemist agrees to build Highview Ave. according to Dakota County Specs. from 267th and Highview to the Southern edge of his property, which is 2279 lin. ft. He is to make the road ready for gravel, build ditches, and remove black dirt. Middlemist is to move gravel from temporary road to top of road bed. Benson is to put on the finish gravel after road bed completion." Page 1, Paragraph 7, Change paragraph to read: "Based on execution of above agreement, the town attorney recommends; 1) issuing of a building permit to build a pole building and house, and 2) signing the Private Driveway agreement with Middlemist". This Motion was Seconded by Supervisor Smith and Motion carried.

Supervisor Kadlec moved to accept the treasure's report as read, Seconded by Supervisor Smith and carried.

Supervisor Smith moved to pay the bills presented by Clerk Leine with the exception of the Vermillion WMO bill. This Motion was Seconded by Supervisor Kadlec and Motion carried.

Arnold Sauber wanted to know how many building sites he has on the property located in section 5. Arnold Sauber owns 80 acres in Section 5, the N1/2 of the SW1/4. He asked the board how many building sites were allowed on this property. There are currently no buildings on this parcel of land. The Board informed Mr. Sauber that there were two building sites, one allowed for each 40 acres. Mr. Sauber asked to have a copy of the minutes of this meeting sent to Mr. Kuntz.

John Sauber, 22926 Dodd Blvd., Lakeville, requested a permit to build a 42 x 56 pole frame building on this property. Mr. Sauber presented plans of the building and plot the building is to be constructed on. Supervisor Johnson moved to grant this permit, seconded by Supervisor Topp and carried.

Supervisor Topp reported to the Town Board the conclusion of the litigation and order of the court concerning the Middlemist legal action. The legal report is on file with the Township and any citizen that would like to view the court's decision should contact the

Clerk or the Chair of the board. Supervisor Topp reported that a driveway agreement had been reached with Middlemist, Benson, and the Township. The District Court laid the guide lines for all parties concerned in this action.

Supervisor Smith moved to grant Barton Sand & Gravel's request to renew their mining C.U.P. There was no material removed from the pit this year. This motion was seconded by Supervisor Johnson and motion carried.

James Madden, 10250 - 225th St. W., Lakeville, requested the renewal of His C.U.P mining permit. Mr. Madden told the board that 46596.51 yards of material have been removed this year. Supervisor Topp moved to grant renewal, seconded by Supervisor Johnson and carried.

John Storlie, 23734 Dodd Blvd., Lakeville, requested the renewal of His C.U.P mining permit. Mr. Storlie informed the board that no material had been removed this year. Supervisor Topp moved to grant renewal, seconded by Supervisor Johnson and carried..

John Curry, 8735 - 235th St. W., Lakeville, requested the renewal of His C.U.P air strip permit. Supervisor Johnson moved to grant renewal, seconded by Supervisor Topp and carried.

John Curry asked the board to look into and negotiate a lower fee for burning permits from the City of Lakeville. Mr. Curry told the board that the current fee was very expensive when he needed to burn off his fence row brush. The Board has taken this request under advisement and will do what is possible during the next contract talks with the Lakeville Fire Department.

Mark Lonnquist, 8311 - 240th St. W. Lakeville, requested a renewal of his 1988 building permit. Mr. Lonnquist has been evicted from this property until he has submitted new septic plans to the Dakota Co. Shoreland Planing Office. The township's building inspector also informed Mr. Lonnquist that he needed new building permits. Mr. Lonnquist has the rough - in completed and has had one inspection of the work done. This inspection was done December 7, 1994 according to Mr. Lonnquist. The original building permit was issued July 9, 1988, Number 391. Mr. Lonnquist informed the board that Dakota Co. was to design a new septic system for his property. Mr. Lonnquist maintains that the building permit issued by the township and the septic problem with the county are two different subjects. The board informed Mr. Lonnquist that the two were indeed tied together. The township does not and will not issue permits in conflict with Dakota Co. Supervisor Topp moved to deny the renewal of Mr. Lonnquist's building permit application until the County grants a septic permit, because it is in the shoreland zone area. This motion was seconded by Supervisor Kadlec and motion carried.

Supervisor Topp informed the Town Board that Mr. Malecha has removed the mobile home that was on his property.

The township attorney has been asked to inform Lori and Tom Peterson that they have

until April 1, 1995 to remove the mobile home located on the former Raymond Peterson property.

Sydney Mohn wanted to know how many building sites he has on the 45.5 acres of land he owns in Section 31, the SW1/4 of the SW1/4. Mr. Mohn was told he had 1 buildable site on this property.

Jeff Mohn asked the Town Board what Gene Malecha was going to do with the road he built into his property. Mr. Mohn is concerned that Mr. Malecha is going to build houses on this property. Mr. Mohn was informed that Mr. Malecha asked for a field road into his property so he could get his farm equipment into the field. Mr. Mohn was also concerned that the road leading to his property should not be deemed a public road. The township was maintaining this road in 1992 therefore; per state law, this road is a township road to the point that the township grades and plows snow. Should this road be brought to standard size, consideration would be taken, as to expansion direction, because of Mr. Mohn's house to put half of the road on Mr. Malecha's property.

Supervisor Kadlec asked for bids to construct a handicap access to the town hall. Kurt Mohlis was the only contractor that submitted a bid to the township. Mr. Mohlis' bid would build this access for no more than \$4500.00. The access would have 15 footing's to support the ramp, be constructed of 2" material, and the deck in front of the town hall would have to be raised to comply with code. Supervisor Johnson moved to table this project until the spring of 1995. This motion died for the lack of a second. Supervisor Topp then moved to award the contract to Mr. Mohlis. Mr. Mohlis to start footings on December 13 or 14, 1994. Mr. Mohlis said that the project should be completed in approximately 40 hours. Supervisor Schindeldecker seconded Supervisor's Topp's motion and motion carried.

The Board discussed the reading of the minutes at the beginning of each monthly meeting. Board Members felt that too much time was taken to read the minutes aloud. The township's monthly meetings are becoming more complex with much more business to be conducted in the short period of time allowed. Therefore, it was deemed that the minutes would be read by each supervisor prior to the monthly meeting and approved as a "consent agenda" item at the beginning of the meetings. Changes would be discussed at the monthly meeting. The Minutes would then be posted at the Town Hall for the public to read after the acceptance of their content by the supervisors.

Ken Miller, Eureka Sand & Gravel, asked the board who would inspect the 267th St./Highview extension. Supervisor Kadlec is to contact Dakota Co. to see if they would be willing to inspect this project.

Supervisor Johnson moved to adjourn the monthly board meeting, seconded by Supervisor Smith. This motion carried.

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