

EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA

Eureka Town Board Meeting
December 13, 1999

The Meeting was called to order by Chairperson Schindledecker. Present were Supervisors Kadlec, Pflaum, Smith and Topp, Clerk Leine and Treasurer Schulz.

Mr. Kenneth Rohlf of LeVander, Gillen & Miller, the township's legal representative, was present at this monthly meeting by the boards request.

Supervisor Topp moved to accept the November 8, 1999 minutes as read, seconded by Supervisor Pflaum and carried.

Supervisor Smith moved to accept the November 14, 1999 special meeting minutes as read, seconded by Supervisor Pflaum and carried.

Treasurer Schulz told the board that the township had \$249.77 in checking and \$225,185.96 in the MMDA accounts for a total of \$225,435.73. Supervisor Kadlec moved to accept the treasurer's reports as read, seconded by Supervisor Topp and carried.

Clerk Leine presented the following bills for the boards approval to pay.

Dakota Electric Assoc.	Utilities	\$ 7.97
Oliver Leine	Fire Proof Safe	298.19
Farmington Independent	Legal Ads	86.40
ECM Printing	Legal Ads	100.80
Dicks Sanitation	Disposal of Ditch Trash	58.50
City of Lakeville	Fire Protection 1999	17,602.00
LeVander, Gillen & Miller	Legal Counsel (Mining)	203.50
Eureka Sand & Gravel	Road Maintenance	9,321.86
Total Bills		\$27,679.22

Supervisor Pflaum moved to pay bills as presented, seconded by Supervisor Smith and carried.

Stephen DeYoung, 6889 - 247th St. W., requested a permit for a 48 x 96, 12 foot. wall, pole frame building. This structure is to be used for storage of equipment. Mr. DeYoung presented lot and building plans. Supervisor Smith moved to grant permit, seconded by Supervisor Pflaum and carried. Permit fee for this project is \$230.00.

Martha Schultz, 23790 Hamburg Ave., requested a permit for a 30 x 72 addition to an existing pole frame building. This addition to be used for storage of machinery. Ms. Schultz presented lot and building plans. Supervisor Topp moved to grant permit, seconded by Supervisor Smith and carried. Permit fee for this project is \$108.00.

Robert Papke, 5965 - 235th St. W., requested copies of the November 8th, November 14th and December 13th township minutes.

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Francie Madden, on behalf of James Madden, 10250-225th St. W., is requesting the renewal of their Conditional Use Permit for gravel mining. Ms. Madden informed the board that for year 1999, 107,452 cubic yards of gravel was removed. There have not been any complaints as to the operation of this mine brought before the board. Supervisor Topp moved to renew this CUP, seconded by Supervisor Pflaum and carried. CUP fee is \$15.00. Material removal fee is \$2.50 per 1000 cubic yard, thus assessing \$268.63 for gravel removal in 1999.

John Storlie, 23449 Dodd Blvd, is requesting the renewal of his Condition Use Permit for gravel mining. Mr. Storlie informed the board that no gravel was removed for year 1999. There have not been any complaints as to the operation of this mine brought before the board. Supervisor Kadlec moved to renew CUP, seconded by Supervisor Smith and carried. Permit fee is \$15.00.

John Curry, 8735 - 235th St. W., is requesting the renewal of his Condition Use Permit for an airstrip. There have not been any complaints as to the use of this airstrip brought before the board. Supervisor Smith moved to renew CUP, seconded by Supervisor Kadlec and carried. Permit fee is \$15.00.

Barton Sand & Gravel, 10633 - 89th Ave. N, Maple Grove, is requesting the renewal of their Condition Use Permit for gravel mining in Section 7, of Eureka Township. Barton informed the board that no gravel has been removed for year 1999. There have not been any complaints as to the operation of this mine brought before the board. Supervisor Kadlec moved to renew CUP, seconded by Supervisor Smith and carried. Permit Fee is \$15.00, Minimum removal fee is \$15.00.

The Sauber Estate, 22975 Dodd Blvd., represented by Eureka Sand & Gravel, is requesting the renewal of their Condition Use Permit for gravel mining. Citizens again asked the board to restrict the use of 235th St. W. for this mine. There was a request that a berm be build to hold noise down from this operation, and a request that no concrete or black top recycling be allowed. The board, with the counsel of legal, noted the request, but were advised not to amend the CUP. To date no gravel has been mined. Supervisor Kadlec moved to renew CUP as it is now written, seconded by Supervisor Smith and carried. Permit fee is \$15.00.

The request for a Conditional Use Permit for mining gravel by Crane Creek was called to order by Chairperson Schindlecker. To start the hearing Crane Creek notified the township that they are not going to continue the process to obtain a 5 year gravel mining permit for the Taylor and Conroy properties. Crane Creek wants to finish the current project (235th St W. rebuild for Dakota County) and then restore the land to a usable condition. They will not mine any more gravel but will use what is on hand on 235th St. W. The township's attorney will advise the township on what steps should be taken concerning the illegal mining that has taken place. Supervisor Smith made a motion to direct our attorney to send a letter to Crane Creek outlining what they needed to do to comply with township ordinances. This motion was seconded by Supervisor Kadlec and carried. The public hearing that was convened by the Planning Commission tabled any action that could be taken at the pit until after the March 6, 2000 public hearing and action on March 13, 2000 by the town board. Crane Creek will present their formal presentation (March 6, 2000) with how they will restore the two sites as well as answer any and all concerns by citizens of Eureka

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Township.

Crane Creek has requested permission to make the existing operation safe for the winter. An agreement was reached that would do the following: 1) put up a gate at each mine entrance. 2) put orange snow fence from the gate in both directions to discourage snow mobiles running through the pit, 3) lower and reshape the slopes of the pit to a lower grade. The land owners will put up no trespassing signs per the DNR guide lines. Supervisor Topp moved to grant these safety procedures and any others that might arise, seconded by Supervisor Smith and carried.

Citizens attending the meeting are asking for a 1 year moratorium on mining. They would like to define and study the issues that arise from having gravel mining in the township. The township's legal counsel advised caution on a moratorium. The board must establish set policies and be able to back them legally. Some topics that should be looked at are: 1) mining vs farming, 2) environmental impact of mining on water, nature and etc, 3) look at the fees that are charged for mining permits and gravel removal and 4) how to enforce a CUP that has been issued when the operator violated the conditions. The board informed the citizens present that when something this important starts that the board would like residents along with appointed and elected officials to sit down together and work out a good solutions for all parties.

Francie Madden, on behalf of James Madden, 10250-225th St. W., would like to cluster property in Section 6. The property that would be deemed not buildable is the SW1/4 of the SW1/4 of Section 6, Township 113, Range 20. the property receiving the permit is the NE1/4 of the SW1/4 of Section 6, Township 113, Range 20. Supervisor Topp moved to grant this clustering, seconded by Supervisor Smith and carried.

Supervisor Smith moved to extend the joint powers agreement with the North Cannon River WMO until June 1, 2000, seconded by Supervisor Kadlec and carried.

A complaint about building a structure in the Vermillion River flood plain by Terri Petter, 24005 Dodd Blvd., was brought to the attention of the town board. Upon investigation, it was noted that the building in question was part of the original Schofield buildings and that Ms. Petter only roofed it. The complaint also stated that Ms. Petter did not have a feed lot permit and that trees were removed from the river without authorization. Supervisor Schindlecker informed the board that Dakota Co. and Ms. Petter are now working on these issues.

Supervisor Topp moved to take up the issue of inspecting buildings that aren't sent to Mr. Wilber (the township's building inspector), at the next town board meeting (January 10, 2000) and make a decision whether or not to adopt an inspection policy for these buildings. The township would keep on record a copy of the building and lot plans, which a board member or appointed representative of the board would use to insure that the building was located per the plan. The person doing the inspection would be paid by the township to preform this duty. The motion was seconded by Supervisor Smith and carried.

Dakota Co. has issued a 10 month feed lot permit for Ploog Quarter Horses. The question has been brought up about the density of animals at this location. It is recorded that this operation has only 30 acres and that would allow only 30 horses. The board will look into this.

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Supervisor Smith will continue his study on rural signage for the township to determine whether the current 30 MPH signs are legal or will have to be removed.

Supervisor Topp moved to purchase new plat books for elected officials of the township, seconded by Supervisor Smith and carried.

Supervisor Kadlec moved to adjourn, seconded by Supervisor Smith and carried.

gls / 12/13/99