

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
January 13, 2003

Call to Order:

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

Approval of Agenda:

A motion by Supervisor Connie Anderson: To approve the agenda, with the following additions:

- 6. Roads- C. Weed Control
- 8. Old Business- E. Simon Rodeo. F. LGA Lobbying.
G. Trash Court Date
- 12. Meetings- D. Ordinance 20

Motion seconded by Supervisor Clark Smith. Motion carried.

Minutes:

A motion by Supervisor Kenny Miller: To accept the Townboard Minutes of December 9, 2002 with the following change- Page 7, New Business- Should read: *Farmington Planner*. Motion seconded by Supervisor Clark Smith

Treasurer Report: Treasurer Nanett Leine reported that there is \$632.49 in checking, \$169,832.44 in the savings account and \$116,743.40 in savings (Former CD). Federal Tax liabilities are \$381.04. State Tax-liabilities shows a \$3.00 credit. State surcharge liabilities for building permits are \$495.31. County Sewer Inspection liabilities are \$360.00. Motion by Supervisor Clark Smith: To approve the Treasurer report. Motion seconded by Supervisor Kenny Miller. Motion carried. The corrected budget report for 2002 and monthly transaction reports were distributed.

Clerk Oliver Leine presented the following bills for payment:

Dakota Electric	Town Hall	\$	8.45
Frontier Communications	Office	\$	40.41
Township phone system and Internet	Main+ Int.	\$	78.00
Henry's Excavating		\$	5,070.00
Castle Rock Contracting and Tree Service	remove trees 247th	\$	2,000.00

Dakota County Transportation Dept.	Bridge 247th & Fordham	\$	20,000.00
Nanett Leine	Payroll	\$	970.62
	Expenses	\$	99.20
PERA		\$	117.72
Federal Tax 4th Qtr		\$	381.04
Charlie (Butch) Hansen	Ordinance Book Refund	\$	10.00
ECM Publishers	Legals	\$	93.76
Rivertown Newspapers	Legals	\$	48.68
USPS	Stamps Newsletter	\$	222.00
Severson, Sheldon, Dougherty & Molenda		\$	50.00
LeVander, Gillen & Miller, P. A.		\$	1,134.80
TOTAL		\$	30,324.68

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

Roads:

Contractor Time

On 235th St. the Storlie Mining pit, the Burm may be too close to the edge of the road. Clark Smith will measure the road right of way and report back to the Townboard.

County reply to Roads #27 and #80

Regarding the turn back of County Road 27- Clark Smith will set a date to meet with Bob Eagan, from Dakota County and Mark Henry, Eureka's Road Contractor to inspect road ditches and to come up with an agreement on what work is to be done by the County, so the turn back agreement can be signed.

Eureka Estates tree in the right of way

A motion by Supervisor Clark Smith: To generate a letter to affected property owners in Eureka Estates, who have trees in the right of way, letting them know we are going to remove them. Motion seconded by Supervisor Connie Anderson. Vote taken: 3 yes, 2 no. Motion carried.

A motion by Supervisor Clark Smith: To withdraw previous motion. Motion seconded by Supervisor Don Pflaum. Motion carried.

Supervisor Clark Smith will meet with the Road Contractors to see which trees are a problem and then talk to the home owners that may be affected and find out what their thoughts are and report back to the Townboard.

Weed Control

Ditch cleaning for noxious weeds and brush control this year was \$5,427.50. \$2,300 of this was for noxious weed control.

New Market Township joint fire service presentation

Harry Anderson and Doug Quast, Supervisors from New Market Township presented the Townboard with information on future plans for a fire station, it would be located about 3 miles from the north boarder of the Township. They asked if Eureka Township would be interested in participating in a study for the new fire station. New Market Township is funding the study. There would be a Joint Powers agreement, creating a Fire Board. It would be a volunteer Fire Dept. They presented the Townboard with a rough draft on how a Fire Board operates. The Townboard will consider putting it on the agenda for the annual meting.

Planning Commission Land use permits and Related Items:

Zoning Compliance Permits

Mark Kadlec, 6605 W 245th St. Farmington requested a zoning compliance permit to construct a pole shed 40' x 60' with 12' side walls. He has removed the present shed and would like to place the new shed on the same site.

Mark Malecha will inspect the site.

A motion by Supervisor Connie Anderson: to approve the pole shed as presented.

Motion seconded by Supervisor Clark Smith. Motion carried. **Permit fee \$125.00**

Pete Klager, 6141 W 235th St Farmington requested a zoning compliance permit for a pole shed 40' x 32' with 10' sidewalls used for private storage.

Calvin Pflaum will inspect the site.

A motion by Supervisor Clark Smith: to approve the pole shed as presented. Motion seconded by Supervisor Kenny Miller. Motion carried. **Permit fee of \$64.00**

Mark J. Malecha 30282 Isle Ave. Northfield requested a zoning compliance permit to build a 2802 sq ft house with a basement 1610 sq ft. in Section 31 E 60 ACS of E1/2 of SE1/4.

A motion by Supervisor Don Pflaum: to approve the land use for a home site.

Motion seconded by Supervisor Clark Smith. Motion carried.

Zoning compliance permit issued. The Building Inspector will determine the building permit fee. The building Inspector will is the Building permit.

Sheriff Deputy

Bruce Logan- Deputy Sheriff of Dakota County stopped in and asked if there were any concerns that he needed to address. Connie Anderson said there was a yield sign down on County Rd 17 by the church.

Mining permit review

Townboard has the information from the mining operations. Mining permit review is scheduled for the February 10th Townboard meeting.

Non Conforming Commercial

There are questions in the community about the permanency of the Non Conforming Use Permits that we are issuing. The use runs with the land. If the Townboard wants to review the business, it must be stated in the conditions. If it is not stated in the conditions then there would be no review, only if there are complaints made against the business would a review be allowed. The board cannot at will, decide to close a business down after it has issued a Non Conforming Use permit, as long as they follow the conditions they agreed to in the permit.

The Townboard cannot add additional conditions after the permit is issued.

If a business does not conform to conditions, the Townboard would ask the business to come into compliance with conditions. If they do not come into compliance, then the Townboard would need to take more drastic steps.

Non Conforming Commercial Use Permits

MN Pro Paintball Inc.

The Townboard reviewed the Planning Commission recommendations from the December 16, 2002 Public Hearing for MN Pro Paintball.

A motion by Supervisor Don Pflaum: To grant a Non Conforming Use Permit to MN Pro Paintball Inc. as in accordance with Ordinance No. 32, Section C. Standards. 1 through 11 with the following additional conditions:

1. Saturday and Sunday hours 11am to 4pm. Remainder of the week by reservations.
2. No Alcohol
3. Food must be prepared and packaged off site.
4. Permit expires 2 years from this date. 1/13/03.
5. 1 referee for first 10 players. 1 per 5 player there after.

Motion seconded by Supervisor Clark Smith. Vote: 4 yes, 1 no. Motion carried. Supervisor Kenny Miller stated for the record that he feels this is an inappropriate use in the Township.

A motion by Supervisor Don Pflaum: To have Nanett send a copy of this months minutes to the Eugene Malechas', with information on the Pro Paintball permit highlighted. There was no second- motion denied for a lack of a second.

Swantek Consumer Services

Mr. Swantek asked to have till February 10th Townboard meeting to decide if they want to construct a building for business purposes. Mr. Swantek signed a waiver for the 60-day rule. *See Attached.* Swantek Consumer Services Non Conforming Use permit will be considered at the February Townboard meeting.

A motion by Supervisor Don Pflaum: To amend the agenda, by adding- Ordinance 32 to consider and extension of the 180 days. Motion seconded by Chair Bev Topp. Motion Carried.

Under the Ordinance No. 32 as written: Section 1 B. Procedure 2. ... shall obtain a Nonconforming Use Permit in compliance with this section within 180 days from the effective date of this Section. All permits must be issued by March 8, 2003 to conform to the Ordinance.

The above statement: was misinterpreted by some Townboard members and citizens. It was thought that applications were due by March 8th, not issued by March 8th.

A motion by Supervisor Don Pflaum: To hold a public hearing, to change the date in Ordinance No. 32- that all applications must be filed with the Township Office by March 8th at 5:00pm. Motion seconded by Supervisor Kenny Miller.

Supervisor Don Pflaum amended his motion to Monday March 10, 2003 at 12:00pm. Also add: Section 6.8 B. Procedure 2. Motion reads as follows: To hold a public hearing to change the date in Ordinance 32, Section 6.8 B. Procedure 2. That all applications must be filed with the Township Office by Monday March 10th at 12:00pm. Motion seconded by Supervisor Kenny Miller. Motion carried.

Mr. Swantek stated for the minutes that he is protesting that he has only 1 year to put up a building.

Aqueduct Plumbing Co.

The Townboard reviewed the Planning Commission recommendations from the December 16, 2002 Public Hearing for Aqueduct Plumbing Co.

A motion by Supervisor Kenny Miller: To grant a Non Conforming Use Permit to Aqueduct Plumbing Co. as in accordance with Ordinance No. 32, Section C. Standards 1 through 11, with no additional conditions. Motion seconded by Supervisor Don Pflaum. Motion Carried.

LaFavre Race Teams

A motion by Supervisor Clark Smith: To put Nancy Sauber's letter (in response to the demonstration by LaFavres for the Townboard) dated January 2, 2003 into Official records. *See attached.* Motion seconded by Supervisor Connie Anderson.

Clark amended his motion: to accept the letter from LaFavre's attorney. *See attached letter.* Seconded by Supervisor Connie Anderson. Motion carried.

Supervisor Kenny Miller presented the Townboard with Noise information. Chair Bev Topp checked on the property ownership. It is owned by LaFavres. She talked to the County Soil and Water- when the track was built they worked with LaFavres. The agreement stated the track was approved only if it was used by go-carts. Bev Topp reported on other cities policies for this type of business. This business is considered a level 3 businesses for noise in a level 1 residential district.

Each board member stated their opinions on whether the business should be permitted or not.

Chair Bev Topp is concerned about the business fitting into the community. She strongly feels that this business fits into the nuisance ordinance. And therefore should not be allowed.

Supervisor Don Pflaum was impressed with the cleanliness of the operation. He feels noise is the biggest issue. It needs to be dealt with.

Supervisor Clark Smith feels there should be some strict noise restrictions.

Attorney Bob Bauer suggested instead of MPCA standards- he suggested that all operations be moved indoors/ soundproofing of buildings. By Implementing MPCA standards- specific guidelines would be established.

Supervisor Don Pflaum suggested: To poll the Townboard- yes or no whether the business should be permitted. If the answer is yes we direct the lawyer to work on conditions and enforcement plans. If the answer is no direct the lawyer to finding of facts.

Don Pflaum- yes, Kenny Miller- yes, Bev Topp- no, Clark Smith- yes, Connie Anderson-no.

A motion by Don Pflaum: To direct Bob Bauer, the Township attorney to work with the Townboard to determine conditions and enforcement plan for LaFavre Race Teams. Motion seconded by Kenny Miller. Motion carried.

A motion by Supervisor Don Pflaum: to hold the Townboard meeting open till Wednesday January 22, 2003. 7:00pm.

Meeting ended at 10:52pm.