

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Townboard Meeting  
February 10, 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:

Planning Commission I. Add: Amendment to Ordinance No. 32. Motion seconded by Supervisor Clark Smith. Motion carried.

**Minutes:**

A motion by Supervisor Kenny Miller: To accept the Townboard Minutes of January 13, 2003 as presented. Motion seconded by Supervisor Connie Anderson.

**Treasurer Report:** Treasurer Nanett Leine reported that there is \$790.81 in checking, \$139,931.44 in the savings account and \$116,743.40 in savings (Former CD). Federal Tax liabilities are \$160.80. 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 Don Pflaum: To approve the Treasurer report. Motion seconded by Supervisor Kenny Miller. Motion carried.

Clerk Oliver Leine presented the following bills for payment:

Dakota Electric	Town Hall	\$ 8.53
Frontier Communications		\$ 116.77
Henry's Excavating		\$ 3,299.00
Prairie Creek Community School	Annual meeting	\$ 35.00
MSI Insurance	Liability Ins.	\$ 865.00
Dakota County Assoc. of Townships		\$ 803.80
Local Government Alliance	Lobby Group	\$ 745.00

Nanett Leine	payroll	\$ 1,889.70
Mileage 97@ \$.36	expenses	\$ 177.52
IRS		\$ 2,454.89
Lakeville Printing	newsletter	\$ 89.50
Gold Star Printing	Election Ballots	\$ 110.00
ECM Publishers	legal adds	\$ 143.76
Rivertown Newspapers	Legals	\$ 53.82
City of Farmington	2002 Fire Contract	\$ 25,786.00
ALF Ambulance	2nd 1/2 2002 contract	\$ 2,400.00
Severson, Sheldon, Dougherty & Molenda	legal work	\$ 112.50
LeVander, Gillen & Miller, P. A.	legal work	\$ 367.50
PERA	electronic transfer	\$ 240.97
State of Minnesota Sales and Use Tax	electronic transfer	\$ 17.00
<b>TOTAL</b>		<b>\$ 39,716.26</b>

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

The following receipts were presented to the Township in January:

- Filing Fees for Townboard:

Mark Malecha	\$2.00	Butch Hansen	\$2.00
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- CUPs:

John Curry- airstrip	\$15.00
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- Non Conforming Use Permits:

MN Pro Paintball	\$100.00	Aqueduct Plumbing & Heating	\$100.00
Swantec Consumer Services	\$100.00		

- RASP Signs:

Candy Karlsen	\$8.00	Bob Davison	\$8.00
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- Ordinance books:

Kenny Miller	\$25.00	Alice Storlie	\$25.00
John Storlie- mining	\$25.00		

- Zoning Compliance Permit:

Mark Kadlec	\$125.00	Pete Klager	\$64.00
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**Total Receipts \$599.00**

Deputy Sheriff Pat Enderlin stopped at the meeting to see if there were any questions of the audience he could answer.

**Roads:**

Citizens called and are requesting more sand on the roads, they are slippery. Clark will call Henry's Excavating.

*County reply to Roads #27 and #80*

The agreement is ready to be signed. Supervisor Clark Smith will measure the exact location of ditches that need cleaning by Dakota County before these roads are turned back.

*Eureka Estates trees in the right of way*

There are 14 to 15 different property owners that have trees that should be removed. Supervisor Clark Smith will write a letter to be sent to the affected land owners.

**Planning Commission Land use permits and Related Items:**

*Zoning Compliance Permits*

Kelly Brosseth- 9235 W 235<sup>th</sup> St Lakeville requested a zoning compliance permit to construct a 48' x 120' pole shed with 16' sidewalls for cold storage, private use. A motion by Supervisor Don Pflaum: To approve the pole shed as presented.

Motion seconded by Supervisor Clark Smith. Motion carried.

Calvin Pflaum will inspect the stakes.

**Permit fee \$288.00**

Bob Carlson- 5825 235<sup>th</sup> St W. requested a zoning permit to construct a pole shed 50' x 80' with 14' sidewalls. He will be taking down the present shed and building the new shed. The shed is part of his Non Conforming Commercial Use Permit. A motion by Supervisor Don Pflaum to approve the pole building as presented.

Motion seconded by Supervisor Kenny Miller. Discussion followed: This is part of the Non Conforming Use Permit the building should be approved as part of the Non Conforming Use permit. Vote taken. Motion failed.

Pole shed permit will be taken up with the Non Conforming Commercial use permit.

*Questions about CUPs and NCUPs*

Terri Petter- 10132 235<sup>th</sup> St. Lakeville. Terri asked the Townboard if she needed a Conditional Use Permit for boarding dogs, cattle and horses. She breeds and sells animals. She also boards horses. Chair Bev Topp said that Ordinance 20 is being rewritten. Bev asked her to write down her concerns, so they can be addressed when the Townboard is reviewing the new proposed ordinance changes.

*Conditional Use Permits*

*Chub Lake Feeds*

Chub Lake Feeds is an Ag service. They sell hay, grain, flowers, dog and cat food. The business has been in operation since 1982. Hours open are 9am to 6pm Monday through Friday. Open Saturdays 9am to 4pm. 20 acres are taxed commercial.

A motion by Supervisor Kenny Miller: to approve the CUP for Chub Lake Feeds. Motion seconded by Supervisor Don Pflaum. A friendly amendment, by Supervisor Don Pflaum: to provide the Township with a site plan and legal description of the property.

A motion by Supervisor Kenny Miller to approve the CUP for Chub Lake feeds with no conditions, contingent that he provides a site plan and legal description of the property. Motion seconded by Supervisor Don Pflaum. Motion carried.

**Application Fee \$100.00**

*Eureka Enterprises*

Eureka Enterprises business is general tractor repair, machining and welding. The business has been in operation since 1964.

A motion by Supervisor Kenny Miller: To approve the CUP for Eureka Enterprises contingent on a plot plan and legal description of the property. Motion seconded by Supervisor Don Pflaum. Motion carried.

**Application Fee \$100.00**

*Mining Permit Review*

*Eureka Sand and Gravel*

Eureka Sand and Gravel is the operator of the Madden mine and the Sauber mine on 225<sup>th</sup> St.

Kenny Miller presented the board with the reclamation plans, a list of the plant equipment, Certificate of liability. The Madden property mining is completed, reclamation is in process. Reclamation is a continuing process as they progress a 10 to 12 year plan. 90 % of the trucks exit to the west, using the black top road. They produce greens mix sands for golf courses and ball fields. They import Canadian sphagnum peat blend it with fine sand for golf courses, football and soccer fields. They have been doing it for 6 years.

Bev Topp opened the floor for public comments:

Mark Clemmer: 22465 Dodd Blvd, Lakeville

Question: Why do you exit through the Madden mine, if you are not mining it?

Answer: Kenny Miller: The plant site is on the Maddens property. The two mines are adjacent. The Sauber mine does not have an exit.

Comment: 225<sup>th</sup> St is going to be blacktopped and he is losing property because of the turn lane.

Answer: The turn lane was recommended by the Townboard as a safety issue, because of the sight line. This is not related to gravel truck use. It is a county project.

A bond will be issued upon approval and verification is sent to the insurance company. Mr. Miller indicated he has taken a Letter of Credit with the bank which replaces bonding until the process is complete.

Hearing no more public comment Chair Bev Topp entertained for a motion to approve the review the site phasing and reclamation plans for the Sauber and Madden Mines by Mr. Miller. Supervisor Clark Smith so moved. Motion seconded by Supervisor Don Pflaum. Motion amended by Supervisor Clark Smith: as an accessory use to allow blending imported peat and Eureka Sand and Gravel's sand into a turf mix. Motion seconded by Supervisor Don Pflaum. Motion carried. Supervisor Kenny Miller abstained from voting.

Supervisor Don Pflaum complimented the property owners in the area for working together on the reclamation plans.

*Tiller Corporation Property- Barton Sand and Gravel*

Mike Caron representing Tiller Corporation located on 235<sup>th</sup> St. Lakeville. Mike Caron will be working with Mark Henry and the county to improve the road and the intersection.

The board stressed that no truck traffic is allowed to the west. The Townboard asked that he direct all customers to go east to Dodd, 235<sup>th</sup> is not to be used as a haul route. They should let the Township know if they have a job that they need to use 235<sup>th</sup> St to the west. The Town board reviewed the reclamation plans.

The certificate of liability has been provided, listing the Township as certificate holder.

A bond will be issued upon approval and verification is sent to the insurance company.

Chair Bev Topp opened the floor for public comments:

Terri Petter- 10132 235<sup>th</sup> St. Lakeville

Comment: They keep the roads watered and maintain the roads. No complaints.

A motion by Supervisor Don Pflaum: to approve the review, the reclamation plans, the site phasing. Motion seconded by Supervisor Connie Anderson. Motion carried.

*Storlie Pit- leased to Ryan*

John Storlie- owner and operator of the Storlie pit presented the reclamation plans for the mining operation. He needs to provide certificate of insurance with the Township listed on the policy. It is due in April and Mr. Storlie will provide verification when it is completed.

There have been complaints; the berm is too close to the road, clumps of dirt falling into the roadway creating a hazard. They have pulled the berm back the best they could this winter.

Chair Bev Topp opened the floor for public comments:

Dave Cook- 9220 235<sup>th</sup> St. Lakeville

Comment: There are clumps of dirt in the ditch, on the snowmobile trail. The Storlie mine has approval on wetland from the Soil and Water district. The Townboard needs 3 things from Mr. Storlie: NPDES and SDS permit, Certificate of insurance naming Eureka Township as the certificate holder and a bonding verification. Mr. Storlie will provide the township with the bonding verification when the process is completed after receiving approval for the review.

A motion by Supervisor Don Pflaum: to approve the review, the reclamation plans, the site phasing. Motion seconded by Supervisor Clark Smith. Motion carried unanimous.

*Non Conforming Commercial Use Permits*

In reference to requiring Non Conforming Commercial Use Permits to register with the county, as stated in LaFavre's proposed conditions:

A motion by Supervisor Kenny Miller: That we strike the requirement to register the Non Conforming Conditional Use Permit mandatory and make it optional to the landowner. Motion seconded by Supervisor Clark Smith. Motion carried.

There was a lengthy discussion between the Townboard and citizens, including an attorney representing citizens about the Non Conforming Commercial Use Permit. As part of the discussion Dick Wagaman wanted to go on record that he thinks the conditions set on LaFavre's are unfair.

After listening to all the citizens concerns the Supervisor Kenny Miller motioned to:

A motion by Supervisor Kenny Miller: To amend our amendment on the application date to a year in the future March 10<sup>th</sup> 2004.

Motion seconded by Supervisor Don Pflaum.

Supervisor Don Pflaum proposed a friendly amendment to place a moratorium on this ordinance for a year and in this year that we create a new task team to deal with the existing businesses and direct the existing commercial task team to continue to look at future businesses. Supervisor Kenny Miller accepted Supervisor Don Pflaum friendly amendment as a 2<sup>nd</sup>.

After discussion:

Supervisor Kenny Miller- then," the motion is to ask for a moratorium for a year rather than extend the deadline date."

Motion amended motion as follows:

A motion by Supervisor Kenny Miller: To place a moratorium on Ordinance No. 32 for 1 year as of February 10, 2003, to create a new task force including three members that protect the way of life, three members that protect the quality of life and one impartial person to running the meeting. A mandatory report from the task force in six months. Motion seconded by Don Pflaum. 3 yea votes- Supervisor Kenny Miller, Supervisor Don Pflaum, and Supervisor Clark Smith. 2 nay votes- Chair Bev Topp and Supervisor Connie Anderson. Motion Carried.

We will have the Attorney craft the moratorium ordinance.

Chair Bev Topp: Bev will check with the attorney, she believes that anyone that is in the process needs to continue with the process. If we issue a permit and the law changes and disadvantages you in anyway you would have the right to reapply under the changed law. You would not be charged the \$100. Attorney Jerry Duffy, representing commercial interests stated businesses can request to withdraw from the permitting process. More information will be presented at the next meeting.

Continued Town board Meeting set for Tuesday February 18<sup>th</sup> 7:00 pm.

Election Judges for Townboard election are as follows: Carolyn Papke, Mary Ann Sly, Mary Lou Ruh, Cheryl Schindeldecker, Clark Smith, Carol Smith, Ray Kadlec and Clerk Oliver Leine.

Meeting Closed at 11:32 pm.