

## **2003 Eureka Township Annual Meeting Minutes**

### **Call to Order:**

Clerk Oliver Leine called the Annual Meeting of Eureka Township to order on March 11, 2003 at 8:17 pm. at the Prairie Creek Community School.

### **Election of Moderator:**

Kim Cleminson and Gary Smith were nominated as moderator. Kim Cleminson received 31 votes, Gary Smith 43 votes. Gary Smith was elected moderator.

### **Approval of Minutes:**

Clerk Oliver Leine read the 2002 Annual Meeting minutes. Hearing no additions or corrections to the minutes Gary Smith entertained a motion to approve the annual meeting minutes, so moved by Lee Topp. The motion was seconded by Gary Gunderson. The motion carried.

### **Treasurer Report:**

Treasurer Nanett Leine presented the Treasurer's Report. The total expenses for 2002 were \$348,421.59. Total income \$352,046.18 leaving an end balance of \$283,741.80.

The Hard Road Escrow account balance is \$8,659.91. The Town hall Escrow balance is \$10,000. Liabilities total \$2,696.34. The available year end balance is \$262,385.55.

Nanett Leine explained that the CD has not been renewed, due to low interest rates. The money has been put into a savings account. The MMDA account was closed and the money was transferred into a regular savings account, which carries a higher interest rate.

### **Old, New and Other Business: Budget Related**

#### ***Roads:***

Don Pflaum and Clark Smith presented a road report, showing what projects were completed in 2002 and what projects are scheduled for 2003 to 2005.

An additional road project completed in 2002 was 245<sup>th</sup> St. from Fordham to Essex.

Every year the township supervisors survey the entire township and look at road quality. This year they started to take road counts. The road projects are prioritized and scheduled according to this survey.

The 265<sup>th</sup> Street Railroad Bridge is a Dakota County project. The Townships contribution is \$10,000. It is scheduled for the spring of 2003. It is a high priority to the Township.

Clark Smith spoke on hard road surface repairs. Hard surface road repairs in Eureka Estates first Addition and Rice Lake Heights are scheduled for 2005. Money will accrue in the Hard Surface Escrow account to be used in 2005.

Don Pflaum informed Eureka citizens that there are approximately 36 miles of gravel roads and 3 miles of hard surface roads in the Township. The road maintenance cycle is 12 years. With the appropriation set in the budget, we can do about 3 miles of limerock or gravel surfacing of roads each year.

Pat Steege asked about the County turning Essex Ave. back over to the Township. The Township met with the County they have agreed to clean out some ditches and culverts. After the Township signs off on the project the County will maintain it for 2 more years, then the Township will maintain it.

### ***North Cannon WMO***

Connie Anderson reported on the North Cannon Watershed; this watershed includes the Chub Lake, Chub Creek area. An outline of both watersheds in Eureka Township was presented in the packet. She is asking for a line to be added to the budget for 2004 for the North Cannon WMO. The watershed has decided to go back to its member communities to ask for monies to help the watershed continue. The County will probably take away the matching funds. Eureka Township will need to contribute approximately \$900. If this Township or other communities decide not to contribute to the watershed the watershed be dissolved and turned back to Dakota County.

Connie feels the existing watershed program would be a greater benefit to the Township. Local representation results in a better management.

The watershed WMO is involved with anything that affects the watershed area: programs for feedlots, septic tank systems, they also set up educational programs. All of the communities in the watershed area need to contribute to the watershed WMO to keep it active. Dakota County cannot take over unless the WMO is dissolved.

### ***Web Site***

Mike Greco reported on the website, it was created to increase communication between the Town board and the citizens of Eureka Township. The website is now up and running with very little costs, a group of volunteers designed the website and created content with direction from the Town board. The use of the website software, time to create and maintain the website was donated. The committee found a local internet provider that donated hosting fees for the first year.

Costs this year would include hosting fees of approximately \$500. If volunteers continue to maintain the website there should not be additional costs. If website software or training to maintain the website needs to be put into place, the costs could increase in the future.

If there is information that citizens would like to see made available on the website, they should contact the Township office or e-mail requests to the Township web address.

### ***Town Hall Future Committee***

Oliver Leine reported that the Henry / Ruth Larson Family have donated 1 ½ to 1 ¾ acres land located on southwest corner of Cedar Ave and 250<sup>th</sup> St. for a Town hall. The land has drainage issues and there will be costs involved to make it a buildable site. Fill would be required to raise the building site and way to allow water to flow around the site

unimpeded will have to be determined. The committee questioned if this would be enough land because of parking and water way locations. The Larson family was contacted and asked if additional land may be purchased. They felt this would be possible.

Minnesota statues state that only electors at a Town meeting can authorize the moving of the functions of the Township Government to another building.

The Town hall Committee's size recommendations are 30' x 60' building with expansion possible. With a capacity of 80 to 100 people. Cost estimates \$70 to \$80 per sq.ft.

A motion by Gene Dietz: To have the township board proceed with the planning and construction of a new town hall on the property donated to the township by the Henry and Ruth Larson family. The board will be limited to a total of \$200,000 for the construction of a Town hall without further approval of township voters. This motion further provides that the budget for 2004 be increased by \$25,500 for the first annual payment to amortize a \$200,000 loan over 10 years. Motion seconded by Butch Hansen. Dick Wagaman called the vote. Motion carried unanimous vote.

A motion by Butch Hansen: That there be a study to develop three different plans for a building with three different costs. To submit by mass mailing to every resident in the Township on a post card giving them the three choices and the board making their decision based on the return of those postcards with the majority rules.

Motion seconded by Mark Malecha. Hand vote called 44 yes votes and 39 no, motion carried.

### ***RASP Signs***

Connie Anderson would like to thank all the citizens who have purchased RASP signs to make our community a lot safer. Dakota County has had several requests from other Townships to upgrade the signs to 2 sided, there would be an additional cost. Signs may be ordered from the Township Office.

Connie explained this safety issue: if there is a death in the Township, due to the fact that the address could not be found, due to the lack to RASP signs the Township could be found responsible. Dakota County could come to the Township and require the Township to purchase signs. It was suggested that this be made a requirement, that the board pass a motion to take it out of the budget.

Rural address signage posting is important because emergency personnel know what to look for and where to look for it, they are uniform in size and shape. Dakota County's signs are green, Scott County's are blue. They know where to look for it and can find it fast.

It was asked; if as a Township could we request 2 sided signs and have the whole Township done. It would be up to the citizens, it would need to be added to the budget.

## **Setting levies for taxes. (Budget)**

### ***Reorganization of Budget lines***

Corrections to the budget were explained the levy totals were entered incorrectly: If the budget presented is approved the levy for General Revenue should read \$93,845. The

Total income should be \$338,345, matching the Total expenses. Total levy would equal \$308, 845.

Treasurer Nanett Leine explained that budget lines were regrouped. In expenses- The road & Bridge and General Government categories were subtotaled. The Income section has been rearranged according to State, local government and county government. All the income received is considered general government. Monies needed for road and bridge comes from the levy.

The question was brought up on how the building inspector is hired. Is he hired by the Town board? How do we decide who is hired?

Bev Topp explained after a lot of problems with the last building inspector, the job was put out for bids and the current inspector hired. It was suggested that it be put out for bids on a yearly basis.

A motion by Don Storlie: To put the Building Inspector position out on bids. The motion was seconded by Dan Storlie. Don Storlie amended the motion: to make it a yearly bid. The motion was seconded by Dan Storlie.

The motion read: To put the Building Inspector position up for bid on a yearly basis. The vote was taken, a hand vote was called. 45 yes votes, 37 no votes the motion carried.

### ***Approval of the Budget***

With the motion for the town hall a line item needs to be added to the 2004 budget to levy \$25,500 for the first annual payment and to amortize a possible \$200,000 loan over a ten year period. This line was added to the budget.

The \$10,000 in the Town hall escrow account can be used this year (2003) for town hall expenses.

The fire/ rescue line of the budget was discussed.

A motion by Bernadette Wood: To add a new line item to the 2004 budget for the North Cannon River WMO for \$900. The motion was seconded by Butch Hansen. The motion carried unanimously.

Bernadette Wood asked if the website has been added into the 2004 budget. It was explained it is included in the communication budget for 2004.

A motion by Bernadette Wood: That the Township continues to pay for the hosting of the website at \$500 per year. The motion was seconded by Randy Wood. The motion carried.

Mark Malecha asked if the State cuts will affect the budget. Oliver Leine explained it is unknown at this time whether the cuts will affect the budget. The budget could be left open until September. The Town board feels comfortable with the proposed budget.

A motion by Mark Malecha: To approve the budget with the \$900 North Cannon WMO and the \$25,500 for the Town hall. The new budget total is \$364,745. The levy would be

\$335,245. The motion was seconded by Butch Hansen. The motion carried with unanimous vote.

## **Old Business**

### ***Ordinances***

Bev Topp updated the citizens on the Ordinance work by the Town board. Ordinance No. 20 is being reworked, an antenna ordinance is being drafted. The non conforming Ordinance is on hold, it is under a moratorium. There are about 30 Ordinances in the Township. Several of these Ordinances are having changes made. Public hearings will be held on various Ordinances in the next year.

### ***Commercial Task Force***

Ken Demaster addressed the citizens on the commercial task force work. A handout was included in the Annual Report explaining their mission statement. They are an advisory board to the board of supervisors; they can use their report to guide them in making their decisions. It was explained that they are trying to determine how commercial development would affect the community as a whole. They are an information gathering task force.

### ***Envisioning Task Force***

Mike Greco addressed the citizens on the envisioning task force. A handout was included in the Annual Report packet. The task force was created to get citizen input on growth scenarios in the Township. They also worked with Dakota County and *1000 Friends of Minnesota* in a study of a software program that was being tested. The software shows what growth might look like in a community.

Butch Hansen questioned if it is not a conflict of interest to be on a task force if you are a Planning Commission member or a Town Board member.

Don Storlie feels that more people need to get involved in the Township. Maybe people should be limited to one position.

## **New Business**

### ***Non Conforming Commercial Task Force***

The Town board has tabled the procedure and appointment for the Non Conforming Task force till April town board meeting.

### ***New Market Township Fire Dept. Proposal***

Kenny Miller spoke on the New Market Township fire Dept proposal. Information on the proposal is in the annual meeting packet. New market Township would like Eureka Township to help fund a study, to see if this would be feasible.

Public comment included: The Lakeville fire department does great service to the Township; there were concerns of the quality of the roads east to west, the size and condition of the roads. A different fire dept may not save us money, but response time may be less- save a life, or building. If you do not do a feasibility study, then you will never know.

A motion by Bev Topp: The Township would be glad to be part of the study, without money support at this time. Motion seconded by Gary Gunderson. The motion carried.

### ***Farmland and Natural Areas Township Support***

Last November's election we voted for funding of Farmland and Natural Areas in the County.

The following resolution was proposed: That the Town board be directed to include in the comprehensive plan the following statement" Eureka Township supports the Dakota County Farmland and Natural Areas project as well as Eureka citizens who may voluntarily apply to preserve their farmland or natural areas through this process."

The Township would be endorsing the program and giving support. There are no financial obligations. The program plans have not been finalized. The commissioners are meeting on March 14, 2003. The citizens of the Township feel that they cannot support this until they know more about how the county will implement the program.

A motion by Phil Cleminson: That Eureka Township should take a neutral position on the Farmland and Natural Areas referendum project at this time, because we do not know what the ramifications or implications of the program. The decision will be made after the March 14, 2003 County meeting. The motion was seconded by Dick Wagaman. The motion carried.

A motion by Bev Topp: To let the Town board decide after the County publishes their final plan. The motion was seconded by Phil Cleminson. The motion carried.

### ***Planner Position Feasibility Committee***

The following motion was introduced:"the town board direct the planning commission to study the feasibility, desirability, and cost of hiring a planner or planning consultant with expertise in rural development to work with township as needed on planning, development, and related issues and present the results of this study to the town board no later than the commission's August 4, 2003 meeting."

Phil Cleminson moved on the above stated motion. Butch Hansen seconded the motion. The vote was called. The motion carried unanimously.

### ***Referendum Educating Committee***

Item withdrawn from the agenda

## **Other Business**

### ***Moving the Town Hall***

A motion by Gene Dietz: to move the functions of the township to the new location when completed. The motion was seconded by Dave Tonsager. The motion carried by unanimous vote.

### ***Town board Meetings***

A motion by Don Storlie: The Town board meetings and planning commission meetings cannot go beyond 10:00 at night; they can have ½ hour extension if the majority rules and the audience is able to stay. The meeting would continue another night. The motion was seconded by Butch Hansen.

A friendly amendment was made by Butch Hansen that all permits and applications are given preference at board meetings to handled that night. The motion was seconded.

Discussion followed: There were concerns about the costs of additional meetings if the motion was put into place. The board should be able to use their own discretion whether they continue the meeting another night. Often meetings run too late, there should be some type of time restriction. Meetings could start earlier.

The vote was called. Vote was taken on the friendly amendment. The motion carried. The vote was taken on the main motion. Motion carried.

### ***Trespass law***

Terri Petter explained that people can walk onto your property and into any building that is not locked and you cannot charge them for trespassing.

A motion by Terri Petter: That the trespass Ordinance in the Township be reviewed and strengthened. The motion was seconded by Brad Skahen. The vote was called, the motion carried.

### ***Task forces***

A motion by Phil Cleminson: the present task forces, when they submit their final reports as stated by the earlier speakers this year, to the board they are disbanded so new blood can be brought onto the task force or committees. The motion was seconded by Cal Pflaum.

Discussion followed. If a task force has given its final report, the task force is disbanded, so there is no reason for the particular motion. Task forces are assigned and appointed to accomplish a task when the task has been accomplished they are disbanded.

After discussion the motion was withdrawn.

A motion by Phil Cleminson: Existing task force time frames be established, new task force time frames be established, when the task is complete the job is done. The motion was seconded by Kim Cleminson. The vote was called. A hand count was taken, the motion carried.

### ***Legal Council in the Township***

A motion by Phil Cleminson: The legal council retained by the Eureka Town board not resided in or be related to any resident of the township, due to conflict of interest. The motion was seconded by Brad Skahen.

Discussion followed. The attorney that lives in the township is an excellent attorney a motion like this is throwing away a good attorney. It takes many years to build up knowledge about specific areas, to throw away someone because of their address. The Township did not have any problems when they were using the lawyer that lived in the township, when they went to another attorney is when the problems occurred. Conflict of interest issues should be handled case by case.

Butch Hansen stated that it is a conflict of interest using a lawyer that resides in the Township. The legal ramification of legal council that lives in our Township who develops ordinances, rules and regulation is looked upon as having a personal interest or personal gain or financial gain in the Township he lives in. It is a violation of the Minnesota State statue of conflict of interest. If we keep him as an attorney and ever get involved in a law suit that this man has been involved in drafting anything he gets called into court with, the township will loose because this is a conflict of interest, he lives in the community, and he has personal gain in whatever Ordinance he develops. The question was called, a hand count was taken, the motion carried by four votes.

### ***Planning Commission***

To speed up Town board meetings: A motion was made by Phil Cleminson: That the Town board consents to Planning Commission recommendations unless an item(s) is in contention. The motion was seconded by Bev Topp.

Discussion followed: Bev Topp said there are State Laws about how a Planning Commission is listened to by a board; our Township cannot override State Laws. Butch Hansen- If the planning Commission does all their research and everything they are suppose to do. Then the Town board should be able to pass them all at once. The vote was called, hand count was taken. The motion carried by 2 votes.

### **Report of Annual Election**

There was a total of 627 votes at the annual election:

Supervisor position # 3- Mark Malecha received 326 votes, Bev Topp 286 votes.

Supervisor position #4- Butch Hansen received 302 votes, Dan Rogers 310 votes.

Option D Clerk/ Treasurer Position Question 384 yes, 201 no

The Board of Canvas to certify the election will be held on Thursday March 13 at 7:00pm in the Town hall. These are unofficial results until the Board of Canvass.

### **Time and Place for next year's Annual Meeting**

A motion by Gene Dietz: To hold next year's annual meeting on Tuesday March 9, 2004 at 8:00 PM, location to be determined. The motion was seconded by Bernadette Wood, motion carried.

### **Call for Adjournment**

A motion by Terri Petter: to adjourn. The motion was seconded by Cal Pflaum, motion carried. Meeting adjourned at 12:45 am.