

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

Eureka Town board Meeting  
November 8, 2004

**Call to Order**

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:03 PM. Present were Supervisors Don Pflaum, Connie Anderson, Mark Malecha, Kenny Miller, Dan Rogers and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

Additions: 6. Contractor Time- C. Signage in Eureka Estates.  
8. Old Business- K. 265<sup>th</sup> St Bridge.  
9. New Business- C. Audit  
D. Hazard Mitigation Plan.

A motion by Supervisor Mark Malecha: To approve the agenda as amended. Motion seconded by Supervisor Dan Rogers. Motion carried.

**Minutes:**

A motion by Supervisor Kenny Miller: To approve the correction of September bills for October 12, 2004 minutes. (PERA amount was entered incorrectly on bills, but correct amount was paid.) The correct PERA Amount is \$195.20 bringing total bills to \$148,534.38. Motion seconded by Supervisor Mark Malecha. Motion Carried.

A motion by Supervisor Connie Anderson: To approve the Regular Town Board Meeting Minutes of October 12, 2004 with the following addition and corrections: Page 1- under Lakeville Fire add- "Dennis Feller, Finance Director for Lakeville and" remove "introduced himself".

Page 2- PERA Bill should read "\$195.20" bringing total bills to "\$148,534.38"

Page 6- Mark's motion "approve summary" not "amendment". Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of October 18, 2004 with the following correction on page 1- the amendment to Zoning Ordinance No 20 was adopted on September 7, 2004. Motion seconded by Supervisor Connie Anderson. Motion Carried.

Deputy Sheriff Blake Petterson introduced himself; he spent a few moments listening to citizen comments and concerns.

**Treasurer's Report**

Treasurer Nanett Leine reported that there is \$3,661.58 in checking, \$102,858.44 in the savings account and \$121,741.59 in savings (Former CD). The federal tax liability account is \$284.96.

MN Tax liability \$8.00, County Sewer inspection permit liability \$120.00 and State surcharge liability \$13.00. \$189,396.42 has been borrowed against the New Town Hall Loan.

Motion by Supervisor Mark Malecha: To approve the treasurer report as presented. Motion seconded by Supervisor Dan Rogers.

**Bills and Receipts**

Clerk/Treasurer Nanett Leine presented the following bills for payment:

<b>BeSure Inspection Services</b>	Building & Septic permits	<b>\$722.13</b>
<b>Mark Henry Excavating</b>	Road Contractor Services	<b>\$8,196.00</b>
<b>Dakota Electric</b>	Electric bill- old town hall	<b>\$11.15</b>
<b>Dakota Electric</b>	Electric bill- New town hall	<b>\$3.41</b>
<b>Frontier Communications</b>	Telephone- town hall	<b>\$543.10</b>
<b>Frontier Communications</b>	Telephone- office	<b>\$83.53</b>
<b>Nanett Leine</b>	Payroll 10/1/04 to 10/31/04	<b>\$929.21</b>
<b>Nanett Leine</b>	Expenses 10/1/04 to 10/31/04	<b>\$286.19</b>
<b>PERA</b>	Payroll 10/1/2004 to 10/31/04	<b>\$113.22</b>
<b>Murnane, Conlin, Brandt &amp; White</b>	legal fees	<b>\$2,996.77</b>
<b>RiverTown Newspaper Group</b>	Legal Ad- Amend Zoning Ordinance 20	<b>\$27.80</b>
<b>ECM Publishers, Inc.</b>	Legal Ad- Amend Zoning Ordinance 20	<b>\$42.25</b>
<b>Healy Construction Co. Inc.</b>	Pay request # 4	<b>\$122,720.90</b>
<b>Contech</b>	end section culvert	<b>\$156.36</b>
<b>Lakeville Printing</b>	newsletter	<b>\$97.80</b>
<b>Aggregate Industries</b>	cement- new town hall	<b>\$544.22</b>
<b>Malecha Trucking</b>	hauling spot gravel 5/24-5/26	<b>\$3,341.06</b>
<b>Eureka Sand and Gravel</b>	Class 5 gravel for town hall	<b>\$5,620.86</b>
<b>Connie Anderson</b>	election judge	<b>\$101.25</b>
<b>Pat Fossum</b>	election judge	<b>\$120.01</b>
<b>Marlys Shirley</b>	election judge	<b>\$63.00</b>
<b>Cheryl Schindeldecker</b>	election judge	<b>\$147.00</b>
<b>Carolyn Papke</b>	election judge	<b>\$88.13</b>
<b>Mary Ann Sly</b>	election judge	<b>\$94.50</b>
<b>Sarah Puelston</b>	election judge	<b>\$52.50</b>
<b>Mary Lou Ruh</b>	election judge	<b>\$107.63</b>
<b>Carol Smith</b>	election judge	<b>\$107.38</b>
<b>Clark Smith</b>	election judge	<b>\$42.00</b>
<b>Mike Greco</b>	election judge	<b>\$42.00</b>
<b>Shelly Clubb</b>	election judge	<b>\$57.75</b>
<b>TOTAL BILLS PRESENTED</b>		<b>\$147,459.11</b>

Discussion followed on the Town and Country Tree work. It was questioned whether there was written consent by the property owners for the tree removal. Supervisor Mark Malecha stated he had written permission to remove the trees. The written consent will be attached to the bill. Supervisor Kenny Miller signed an affidavit for payment to Eureka Sand and Gravel and abstained from voting, due to a conflict of interest.

A motion by Supervisor Mark Malecha: to approve payment of the October bills totaling \$147,495.11. Motion seconded by Supervisor Dan Rogers. Motion Carried.

**Approval of October receipts**

The following receipts were deposited in October:

• <b><u>Building Permits</u></b>		• <b><u>CUP</u></b>	
Chris Hartong – <i>building permit</i>	\$751.05	Ray Kadlec	\$15.00
• <b><u>Other Receipts</u></b>			
Dave Siedel- <i>RASP Sign</i>	\$10.83	<del>\$10.83</del> <i>septic permit</i>	\$280.00
Bill Kuhns- <i>RASP Sign</i>	\$10.83		

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**Total Receipts in October \$1,067.71**

A motion by Supervisor Mark Malecha: To approve October receipts as presented. Motion seconded by Supervisor Connie Anderson. Motion Carried.

**Contractor Time**

*Roads*

Road Contractor, Chris Nielsen presented the town board with his recommendations for road projects for 2005. Road Supervisor Mark Malecha and Road Contractor Chris Nielsen will present this list to the planning commission for review and discussion.

*Road Maintenance Contract*

Legal opinion on the proposed change to the road contract was reviewed. It was recommended not to make any changes to the contract. No changes were made to the contract. The contract will be signed as written.

*Road signage- Eureka Estates*

Citizens in Eureka Estates would like to see a lower speed limit on roads in Eureka Estates, especially on Iberia Ave. Road Supervisor Dan Rogers will check with the county/ state on authority/ legality of changing speed limits.

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

*Ray Kadlec- Split Approval*

Phillip Kadlec on behalf of Ray Kadlec, 6945 247<sup>th</sup> St W, Farmington asked the town board for a split approval of the 20 acre parcel (13-01500-030-75). Ann and Phillip presented the warranty deed for one of the 10 acre parcels.

Clerk/ Treasurer Nanett Leine had talked with Gloria Murphy of the Dakota County Treasurer/ Auditors Office. In 1972 the county computerized their records; it is possible that Kadlec’s 2 parcels were combined at that time, by the county without a request by the property owner.

Clerk/ Treasurer Nanett Leine will have Gloria Murphy put a statement in writing explaining the County’s action. This matter will be taken up again at the November 15, 2004 Special meeting.

**Planning Commission Meeting**

Phillip Kadlec, representing Ray Kadlec, 6945 247<sup>th</sup> St W, Farmington, (Property ID# 13-01500-030-75) requested a permit for a 28’ x 40’ addition to a pole shed and a 12’ x 65’ lean to for Agriculture Use. The site has not been inspected.

A motion by Supervisor Kenny Miller: To approve the permit, pending site approval by Planning Commission member, Cheryl Monson. Motion seconded by Supervisor Mark Malecha. Motion Carried.

Mark Trevis, 9150 243 St. W Lakeville. (Property ID # 13-24660-020-06) requested a permit to build a 36' x 56' pole building for personal use. A motion by Supervisor Kenny Miller: to approve the permit as presented. Motion seconded by Supervisor Connie Anderson. Motion Carried. **Building Permit # 04-025 issued for \$517.86.**

Randy Wood, 23775 Essex Ave., Farmington, MN. (Property ID # 13-01100-012-75) requested a permit for an addition/ remodel house of his home. First story add 6', second story addition- 24'x16'. A motion by Supervisor Mark Malecha: To approve permit as presented. Motion seconded by Supervisor Kenny Miller. Motion Carried. **Building permit #04-026 issued for \$1,113.01.**

#### Other Related Business

##### *Doc's Trucking- 23322 Cedar Ave. Farmington- expansion of parking lot*

Doc's Trucking presented their plan for an expansion to their parking lot. They are working with Dakota County Soil and Water on the project. A motion by Supervisor Mark Malecha: To let the county know that plan is acceptable. Motion seconded by Supervisor Dan Rogers. Motion Carried.

##### *Buildable Lot Question*

Terri Petter (*continued from October 12, 2004 Town Board meeting*)

The attorney opinion was read and discussion followed. Terri Petter owns more than 80 contiguous acres, so clustering of a building right is possible. The Qtr/Qtr in question (SW1/4 of SW1/4 Section 7) is mostly under water, Rice lake Heights Owners Association owns a lot in this Qtr/Qtr section also.

A motion by Supervisor Kenny Miller: Terri Petter has one building right on the wet qtr/qtr and has the right to cluster that building right to another location. Motion seconded by Supervisor Mark Malecha. Discussion followed and the motion was rescinded by Supervisor Kenny Miller, accepted by Supervisor Mark Malecha.

A motion by Supervisor Kenny Miller: That Terri Petter has 1 building right on the SW1/4 of SW1/4 of section 7. Motion seconded by Supervisor Mark Malecha. Motion Carried. This building right is in addition to the building right stated in the June 27, 2001 minutes. The building right on the SE1/4 of the SW1/4 of Section 7 will still be available.

##### *Lot Split- Laura Hedelson*

Laura Hedelson- 9124 90th St E Northfield, MN requested a split of her property in NE1/4 of SW1/4 of section 10. (*Property ID # 13-01000-010-50*). She would like to split off a 2.5 acre lot with 250 'road frontage.

A motion by Supervisor Kenny Miller: To approve the lot split of Laura Hedelson as presented contingent upon the survey being presented to the clerk. Motion seconded by Supervisor Connie Anderson. Motion Carried.

*Country Joe Racing- Noise complaint follow up (Scheduled for 8:15 pm)*

The town board received a letter from Joe Miller Racing stating that they would not be able to attend the town board meeting. There has been no contact with the neighbors by Joe Miller Racing. Discussion followed on the noise complaint. The town board called a special meeting for Wednesday November 17, 2004 at 7:00 pm to address this issue. A certified letter will be sent to Joe Miller Racing informing them of the date and time of the meeting and that representation is mandatory.

*Bob Carlson- septic permit*

Clerk/ Treasurer Nanett Leine checked with the building inspector to see if Bob Carlson had obtained the proper permits for his septic system. He had not; the building inspector will follow up on the septic permit.

*CUP review MCI Regeneration station*

The CUP of the William's Telecommunication Regeneration Station located on 225<sup>th</sup> St. near Air Lake airport, (NE1/4 of the SE1/4 of Section 4).which is now owned by MCI was up for review July 2004. MCI has requested the continuation of the CUP. The review is for a three year period. Supervisor Don Pflaum opened the floor for public comment, hearing none; he closed the public comment period. A motion by Supervisor Kenny Miller: To approve the review of the CUP. Motion seconded by Supervisor Dan Rogers. Motion Carried.

**A review fee of \$45.00 (\$15.00 per year for 3 years) was received Permit No. 131**

*Mary Ann Sly- lot split question*

Was present at the meeting earlier, but needed to leave. Address at next town board meeting.

*Elvestad- buildable lot question*

Francie Madden represented the Elvestad family. They have an existing building site in the NW1/4 of NW1/4 of Section 19 (Property ID #13-01900-011-26) they are asking if they tear down the old house, can the new house be built on any part of the property or if it needs to be built in the same location. There is one building right on the property and the house can be located anywhere on the property. The new house would need to be built within 1 year of the removal of the old house or the old house torn down upon completion of the new home.

## **Old Business**

*B. Land Use- Friedges Landscaping*

Supervisor Don Pflaum read the attorney's opinion. It is the town board's opinion that Friedges business falls under legal non conforming use. They are not extracting minerals, thus not falling under the mining ordinance. The town board needs additional clarification on this issue from the attorney. Move this item to the December 13, 2004 Town Board Meeting.

*C. Lakeville Fire Contract*

The fire contract was presented to the town board at the October 12, 2004 Town Board Meeting. The town board has had time to review the contract. There were no concerns. A motion by Supervisor Mark Malecha: To approve the Lakeville Fire Contract. Motion seconded by Supervisor Kenny Miller. Motion Carried.

*D. Centurytel Fiber II*

There has been no response from Centurytel Fiber II on the CUP review process. The attorney recommendation and prior meeting minutes on this issue will be presented to the town board prior to the December Town board meeting, so a decision can be made to move forward on this issue.

*E. AT & T facility Cedar and 250<sup>th</sup> St.*

Clean up of the site has not taken place. Supervisor Mark Malecha will make another contact for clean up. Leave on the agenda for next month.

*F. Elko / New Market Septic Treatment Facility*

Supervisor Don Pflaum updated the town board on issues relating to the Elko/ New Market Septic Treatment Plant.

A motion by Supervisor Mark Malecha: To send a post card informing citizens of the Elko/ New Market issue on the MPCA agenda. Motion seconded by Supervisor Dan Rogers. Motion Carried.

*G. Interceptor line.*

No new information.

*H. 225<sup>th</sup> Road Project*

Supervisor Mark Malecha will keep working on this issue for next spring.

*I. Essex Ave. turn back*

The county has graveled 250th and cleaned out the culverts, in preparing the roads for turn back in the spring of 2005.

*J. Resolution #38/ Letter to business owners*

This item will be discussed at the Special Town board meeting on November 15, 2204.

*K. 265<sup>th</sup> St Bridge update*

The bridge construction is complete. A ribbon cutting/ thank you will be set.

**New Business**

*A. Shooting Range*

Supervisor Don Pflaum read the attorney opinion on the shooting range. (*Used by law enforcement officers- south of 225<sup>th</sup> St. near Bachman's and Air Lake Airport*) Discussion followed. The town board decided to take no action on this item.

*B. Town hall*

The town hall committee will take up issues presented and make a presentation to the town board. An open house will be set as soon as the town hall is completed.

*C. Audit*

An audit firm needs to be acquired for 2004. Clerk/ Treasurer Nanett Leine will check with the State Auditor Office on availability of an audit by their office.

*D. Hazard Mitigation Plan*

Dakota County is developing a hazard mitigation plan for Dakota County. The outline of the plan was presented to the town board. They hope to have it completed in the spring of 2004.

**Other Business**

Clerk/ Treasurer Presentation- See attached sheet for information.

*Scott County COMP Plan Update-* The town board needs to prepare some comments, with possible additional help from the consultant service. There may be a need for additional money to be spent on consultation concerning this issue. Supervisor Don Pflaum will check on consultant costs.

*CDBG Program Manual-* applications for program funding due December 31, 2004. Supervisor Kenny Miller will check into this program for available monies to offset the cost of ordinance work.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Mark Malecha. Motion Carried.

Meeting adjourned at 11:04 pm.