

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

Eureka Townboard Meeting  
February 9, 2004

Before the meeting was called to order, Deputy Sheriff Jennifer Lenarz introduced herself and addressed any concerns and questions from township residents.

**Call to Order:**

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:04 PM. Present were Supervisors Don Pflaum, Dan Rogers, Kenny Miller, Connie Anderson, Mark Malecha and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda:**

The agenda was amended to take up business with the building inspector upon his arrival at the town board meeting.

A motion by Supervisor Connie Anderson: To approve the amended agenda. Motion seconded by Supervisor Dan Rogers. Motion carried.

**Minutes:**

A motion by Supervisor Connie Anderson: To approve the Regular Townboard Minutes of January 12, 2004 as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of January 13, 2004 correcting the date of the meeting. Motion seconded by Supervisor Mark Malecha. Motion carried.

A Motion by Supervisor Mark Malecha: To approve the Special Meeting Minutes of January 20, 2004 as presented. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

**Treasurer's Report**

Treasurer Nanett Leine reported that there is \$2169.68 in checking, \$190,112.24 in the savings account and \$119,700.93 in savings (Former CD). Federal Tax liabilities are \$248.82. Minnesota Tax Liabilities are \$2.00.

Motion by Supervisor Connie Anderson: To approve the Treasurer's report. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Bills**

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

<b>BeSure Inspection Services</b>	Building & Septic permits	<b>\$6,455.02</b>
<b>Farmington Fire Department</b>		<b>\$14,576.00</b>
<b>Braun Turf Farms</b>	Road Maintenance	<b>\$0.00</b>
<b>Dakota Electric</b>	Electric Bill	<b>\$8.46</b>
<b>Frontier Communications</b>	Telephone- town hall & Internet	<b>\$77.76</b>
<b>Frontier Communications</b>	Telephone- office	<b>\$56.08</b>
<b>Murnane, Conlin, White &amp; Brandt</b>	Attorney Fees	<b>\$2,261.04</b>
<b>Nanett Leine</b>	Payroll 1/1/04 to 1/31/04	<b>\$1,816.67</b>
<b>Nanett Leine</b>	Expenses 1/1/04 to 1/31/04	<b>\$323.54</b>
<b>PERA</b>	Payroll 1/1/2004 to 1/31/04	<b>\$228.68</b>
<b>ECM Publishers, Inc.</b>	Legal Notice Public Hearing	<b>\$26.00</b>
<b>RiverTown Newspaper Group</b>	Legal Ad-Public hearing	<b>\$13.50</b>
<b>Dakota County Assessing</b>	Labels Newsletter	<b>\$12.25</b>
<b>Lakeville Printing</b>	Newsletter	<b>\$84.00</b>
<b>M-R Sign</b>	signs	<b>\$623.92</b>
<b>Dakota County Association of Townships</b>	Dues for County Association	<b>\$803.80</b>
<b>Clear Cuts</b>	Mowing ditches 2003	<b>\$2,150.00</b>
<b>North Cannon River WMO</b>	WMO Member Dues	<b>\$590.42</b>
<b>ALF Ambulance</b>	July 1 to December 31, 2003	<b>\$2,250.00</b>
<b>Gold Star Printing Inc.</b>	300 election ballots	<b>\$54.40</b>
<b>Braun Turf Farms</b>	Road Maintenance	<b>\$3,950.00</b>
<b>Minnesota Association of Townships</b>	Legal Seminar	<b>\$130.00</b>
<b>Total Bills presented</b>		<b>\$36,491.54</b>

A Motion by Supervisor Kenny Miller: To pay the bills as presented. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

***Approval of January receipts***

The following receipts were presented to the Town Board in January

• <b><u>Building Permits</u></b>		
Wat Lao- temple	\$8,869.39	
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• <b><u>CUP</u></b>		
Butch Hansen- airstrip	\$100.00	
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• **Other Receipts**

Donny Thompson- <i>RASP Sign</i>	\$11.64	Jody Armen-Jones- <i>envisioning report</i>	\$21.00
University of Utah- <i>envisioning report</i>	\$3.00	Dan Regan- <i>envisioning report</i>	\$2.00
Amy Nielsen- <i>envisioning report</i>	\$60.00	Mark Wahl- <i>envisioning report</i>	\$3.00
Bob Papke- <i>envisioning report</i>	\$19.00	Alice Storlie- <i>COMP Plan Draft</i>	\$10.00
Dakota County- <i>Conservation Credit</i>	\$2,827.37		
<b>Total Receipts in January</b>			<b>\$11,926.40</b>

A motion by Supervisor Connie Anderson: To approve the receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

**Contractor time**

*Roads*

Road Supervisor Mark Malecha reported that the following driveway roads are impassable: Fairgreen 235<sup>th</sup> south, Ipava 267<sup>th</sup> south to 275<sup>th</sup> and Jacquard from 267<sup>th</sup> south. They need to be cleaned out tonight. A resident on Fairgreen said that the road has not been plowed this year. The town board questioned the road contractor if they knew these roads were supposed to be plowed. He said that these roads are being plowed.

A phone call was received from a citizen that the snow plow was plowing too close to a stand pipe for gas line at 240<sup>th</sup> and Iberia. Road Supervisor Dan Rogers had talked to the road contractor about this concern.

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

*Planning Commission Meeting*

1. Mr. Sauber was not present.
2. Bachman Nursery- Todd Bachman requested permission to add a Garden Center at the Bachman Nursery sight at 23000 Cedar Ave. There will be two buildings on the property a hard roof building approx. 10,000 sq ft. and a green house 10,000 sq ft the rest of the area will be an outside garden lot. The entrance will be from Cedar Ave. a right turn in lane off of Cedar and a by pass lane on the south bound side. Seasonal garden center open in April closing end of October or first part of November. The outdoor space will be designed with walkways and open beds for plant, material. They are working with the shoreland. They have a grading and watershed plan. The township has received a letter from shoreland. All water will be contained on the property. There will be a well on the property. The current septic system will be used.

Supervisor Connie Anderson questioned the use of commercial agriculture in the township. The annuals, perennials and nursery stock will be grown on site. This would be commercial retail, horticulture sales. The township is zoned agriculture, this is an agricultural use. A Motion by Supervisor Mark Malecha: to accept the Bachman's proposal, subject to presenting their building plans to the building inspector for approval, the necessary construction permits, from MPCA and the DNR permit for water retention. Upon presentation to the clerk, allow the building permit to be issued. The motion was seconded by Supervisor Kenny Miller.

A friendly amendment by Supervisor Connie Anderson: Ordinance 20 7.52 a permitted use by right: Any and all forms of commercial agriculture and commercial horticulture, as defined by this Ordinance. Horticulture defined: The use of land for production and sale of ... nursery stock, including shrubs and trees... the amendment was accepted. A vote was taken on the

amendment. Motion Carried. A vote was taken on the motion, with unanimous approval by the town board. Motion Carried.

#### *Building Inspector*

Kenny Miller, town hall committee chair directed some questions to the building inspector on Town Hall architect proposal. The building inspector presented the town board with specifications of the building codes relating to the new town hall. This information will be used by the town hall committee. Details on codes and specifications will be worked out with the building inspector.

A Motion by Supervisor Kenny Miller: to discuss the retention of an architect, for the new town hall. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

The committee has received three quotes from architect firms. The committee is recommending hiring Charles J. Radloff, Radloff Associates, Inc. as architect for the new town hall.

A Motion by Supervisor Mark Malecha: to allow the town hall committee to proceed with Charles J. Radloff as the architect for the new town hall. The motion was seconded by Supervisor Kenny Miller. Discussion followed. The committee will have 3 conceptual designs for the next board meeting, to be reviewed, for presentation at the annual meeting. The motion carried by unanimous vote.

#### *Conditional Use Permits*

Supervisor Kenny Miller removed himself from the Town Board during the review process of mining permits, due to a possible conflict of interest.

#### *Storlie Mine Conditional Use Permit Review*

John Storlie presented the town board with documents necessary to comply with Ordinance 31, section 13.05. 57,640 cubic yards of material were removed in 2003. A check for \$345.84 was presented to the Township. The Certificate of Liability Insurance and letter of credit renews in April and will automatically be renewed and sent to the township.

Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

A Motion by Supervisor Mark Malecha: To approve. The motion was seconded by Supervisor Connie Anderson. The motion carried by unanimous vote.

#### *Tiller Corporation- Barton Sand and Gravel Conditional Use Permit Review*

Mike Caron presented the town board with documents necessary to comply with Ordinance 31, section 13.05. 5,598 cubic yards of material were removed in 2003. A check for \$150.00 was presented to the Township. The Certificate of Liability Insurance and letter of credit will automatically be renewed and sent to the township. As part of the reclamation plan, taking out the common border between Eureka Sand & Gravel and Barton Sand & Gravel; part of the process has started this year.

Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

A Motion by Supervisor Connie Anderson: To approve. The motion was seconded by Supervisor Dan Rogers. The motion carried by unanimous vote.

*Eureka Sand and Gravel Conditional Use Permit Review*

Kenny Miller representing the Madden and Sauber pit, presented the town board with documents necessary to comply with Ordinance 31, section 13.05. 246,534.54 cubic yards of material were removed in 2003. A check for \$1479.20 was presented to the Township. The letter of credit was included expiring on February 5, 2005. The Certificate of Liability Insurance renews on 9/10/2004, it will automatically renew, a copy will be sent to the township.

Supervisor Don Pflaum asked for public questions and a comment, hearing none the public portion was closed.

A Motion by Supervisor Connie Anderson: To approve. The motion was seconded by Supervisor Mark Malecha. The motion carried by unanimous vote.

*Conditional Use Permit- Hansen Airstrip*

The public hearing for the Hansen Airstrip was held on February 2, 2004. The town board received the public hearing minutes and several letters from citizens prior to this meeting. The township attorney's response has not been received.

The 20:1 slope at the ends of the runways was discussed. Members of the board felt that the 20:1 slope should be from the end of the runway, all within the property boundary of Hansen's property. Mr. Hansen feels that the 20:1 slope is required, where the airplane leaves the ground, not at the end of the runway. The extra length is for landing only. This issue was not resolved.

Supervisor Connie Anderson- asked when the landing strip was laid out- were there resources used. Butch stated he laid the runways out himself; he is not required to contact the FAA or MNDOT if he wants to put in a runway. He does not need to be licensed, it is a private airstrip, strictly for private use. Supervisor Kenny Miller stated you are within 5 nautical miles of Airlake Airport. Butch- he needs to register the runway with them, period that is it. MNDOT will review his plan and give him suggestions. Jodi Hansen when she said they didn't need a license she meant there are not a bunch of regulations that need to be followed to build an airstrip. Supervisor Mark Malecha- before you can take off and land you need to have approval from the FAA. He asked if you can get an approval of an airstrip from the FAA prior to having it in place. Butch's answer was no, you fill out all the paperwork to be submitted to them. Jodi Hansen- They won't come out until the runway is built. Butch- MNDOT will come out and take a look at it and make suggestions where it should be set. There is no licensing where we have to meet certain requirements.

Supervisor Dan Rogers- you are looking at an unlicensed landing area? "Aircraft shall not be stored or regularly based at an unlicensed landing area." (Page 21 Aeronautics rules)

Jodi Hansen- we will be licensed. The town board is requiring a license. They do not need a license to build the airport. Butch- the airstrip layout does not need to be approved. To answer Supervisor Connie Anderson's question, Butch explained the process he used to layout the airstrip. He is not required to contact MNDOT.

Supervisor Connie Anderson suggested that we need a lot of "finding of facts" in this case. The town board needs consultation with their attorney before a CUP can be issued.

A Motion by Supervisor Connie Anderson: To extend the 60 day rule and to put into writing what we need to do that. The motion was seconded by Supervisor Dan Rogers. Discussion followed. Supervisor Connie Anderson feels there are wetland issues that need to be addressed before a CUP could be issued. We need the extension of the 60 days so the town board can sit down with the attorney, have a discussion of the findings of facts of all the information we need to address to the issue. The 60 days expires March 5, 2004. Supervisor Don Pflaum would like to see this issue addressed before the turn over of the town board in March. The town board would like to setup another meeting to address the issue, before extending the 60 days.

Mr. Hansen asked that the letters from the citizens should be disregarded, because the public hearing has been closed. This matter will be taken presented to the attorney for advice.

Supervisor Connie Anderson withdrew her motion.

A Motion by Supervisor Connie Anderson: to move forward with contacting our attorney, to setup another meeting within one week, for the board to continue on with finding of the facts with this CUP. With the understanding that March 5, 2004 is our deadline of the 60 day rule and that we may need to extend it as we gather and find the information regarding the CUP. The motion was seconded by Supervisor Mark Malecha. The motion carried by unanimous vote. ~~Meeting set for Wednesday February 18, 2004 at 7:00 pm at the town hall.~~ The meeting was moved to Monday, March 23, 2004 at 7:00 pm.

*Digital Teleport Inc. CUP for the Regeneration Station 240<sup>th</sup> St & Hamburg Ave.*

It has been more than 30 days since the letter was sent to Centurytel Fiber Co. informing them that the CUP has expired. There has been no response to this letter.

A Motion by Supervisor Connie Anderson: to move forward and have the attorney draft a letter to Centurytel Fiber Co. regarding their CUP, that they are non compliant at this time. The motion was seconded by Supervisor Mark Malecha. The motion carried by unanimous vote. The town board would like the attorney to take the appropriate steps for non compliance of the CUP.

## **Old Business**

### *A. 265<sup>th</sup> St bridge update*

Two of the Right of Entry forms for the bridge project on 265<sup>th</sup> St have been returned. Mr. Schonning's form has not been received. Supervisor Mark Malecha will contact Mr. Schonning, to see if there are any issues. Construction should begin in June; it will take approximately 90 days to complete the project.

### *B. Cooperative Agreement for the Railroad*

The county assures that the specifications for the bridge will be written to protect the township from any clauses the railroad has in its agreement. The issues are insurance and liability. The township attorney should review the bid specs. The town board will receive a copy of the bid specs and review it, before it is signed.

### *C. Town Hall Update- Already addressed.*

### *D. Audit*

Abdo, Eick and Meyers, Certified Public Accountants & Consultants would like to setup a date to present the audit to the township. The audit will be added to the agenda of the February 24, 2004 Special meeting. At 6:30 pm.

*E. Task force follow up*

Lee Ronnie, director of 1000 friends of Minnesota would like to extend an invitation to the town board to meet with them at their office to follow up with the request of the audit and grant. Mark Malecha requested the audit, Don requested the grant proposal. Supervisor Mark Malecha will contact Lee Ronnie directly to address his concerns.

**New Business**

*A. North Cannon River WMO*

Supervisor Connie Anderson would like to continue to serve as a manager of the North Cannon River WMO board after she is no longer a town board supervisor. *(See attached request)*

A Motion by Supervisor Kenny Miller: to appoint Connie Anderson to be Eureka Townships manager of the North Cannon River Watershed Management Organization continue in the job she is performing after she leaves the office of Supervisor of Eureka Township. The motion was seconded by Supervisor Dan Rogers. Supervisor Connie Anderson abstained from voting on this issue. The motion carried by unanimous vote.

The town board was presented with the WMO budget, along with the amount of the townships contribution for 2004. This payment was approved in the February bills.

*B. Farmington Fire Department Annual Report*

Supervisor Don Pflaum presented the town board with the Farmington Fire Departments Annual Report. Eureka Fire calls (8) were very low. Accident calls were at a low level, thus resulting in a low overall fire bill for 2003.

*C. Met Council Meeting*

The MET Council would like to meet with the Town board to address sewage treatment issues in Elko/ New Market area. The meeting will be at the February 24, 2004 Special Meeting from 7:00pm- 8:00pm.

*D. Appointment of Election Judges.*

The following persons will be the election judges for the March 9, 2004 Annual Election: Carolyn Papke, Mary Ann Sly, Mary Lou Ruh, Cheryl Schindeldecker, Ray Kadlec, Clark Smith and Carol Smith.

A Motion by Supervisor Kenny Miller: To appoint the election judges as stated above for the March election. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

*E. P.O. Box for the Township*

A Motion by Supervisor Kenny Miller: To establish a P.O. Box for the Township. The motion was seconded by Supervisor Connie Anderson. A friendly amendment by Supervisor Connie Anderson: at the Lakeville Post office. Friendly amendment was accepted. The amendment was voted on and carried. The motion was voted on and carried.

*F. Inform the candidate of training dates*

Supervisor Mark Malecha wanted to make sure that the candidate for office is informed of the training dates for the spring short course. Training dates will be posted and put on the website.

### *G. Spring Training Dates*

Training dates for the Minnesota Association of Township's spring short course, for township officials were discussed.

The closet location is Owatonna- March 17, 2004 *see clerk treasurer presentation for more dates.*

There is also an urban town short course on Thursday, April 29, 2004 in Maplewood.

### *H. Imposing a Service charge for Emergency Services*

The town board is discussing imposing a service charge on multiple false alarms; impose a back charge to the resident. Kenny Miller will check with Lakeville on their fire report.

This item will be placed on March 8, 2004 agenda under the title: *Imposing a Service Charge for multiple false alarms.*

### *I. Newsletter*

The current editor of the newsletter has resigned. Kandy Karlson has shown interest in the position of editor of the newsletter. This item will be placed on the reorganizational meeting agenda.

## **Other Business**

### *Clerk/ Treasurer Presentation*

See attachment for information sent to the Township.

Supervisor Don Pflaum removed himself from the supervisor position on the next issue. Vice Chair Kenny Miller took over the meeting.

### *Ag preserve request*

Calvin Pflaum asked to place land he owns in Section 3 into the Ag Preserve.

A Motion by Supervisor Mark Malecha: To approve Calvin Pflaum's parcel in Section 3 into the Ag. Preserve. The motion was seconded by Supervisor Connie Anderson. Supervisor Don Pflaum abstained from voting on this issue, due to possible conflict of interest. Motion Carried by unanimous vote.

Another resident has requested to put land into Ag Preserve. Clerk/ Treasurer Nanett Leine did not know that they needed to come before the town board. She will contact Kelly Brosseth and ask him to attend the February 23, 2004 meeting.

A Motion by Supervisor Connie Anderson: to add Ag Preserve request to the February 23, 2004 Special Meeting. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

### *Meetings*

2-17-2004 (Tuesday) Special Town Board Meeting: Eureka Town Board and Planning

2-23-2004 (Monday) Special Town Board Meeting: Ag Preserve request, Hansen Airstrip 7:00 pm.

2-24-2004 (Tuesday) Special Town Board Meeting- 6:30 pm- Audit, 7:00 pm- Meet with Met Council 8:00- Prepare for Annual Meeting.

A Motion by Supervisor Mark Malecha: To adjourn. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

Meeting Adjourned at 10:00 pm.