

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

Eureka Townboard Meeting  
June 14, 2004

**Call to Order:**

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:00 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:**

Move gazebo-Dan Ryan to other planning commission

Add:

12. Meetings

June 22, 2004 Dakota County Township Officers Meeting 7:00 pm Dakota County  
Extension Office- Farmington (Possible Town board quorum)

June 22, 2004 Dakota County Flood Mapping Coordination meeting 3 to 4:30 pm or 7 to  
8:30 pm. (Possible quorum of town board and or planning commission)

A motion by Supervisor Connie Anderson: To approve the agenda as amended. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Minutes:**

A motion by Supervisor Kenny Miller: To approve the Regular Townboard Minutes of May 10, 2004 correcting typing errors and Deleting the last 2 sentences on page 8, add” It was less than 400 yards” Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Connie Anderson: To approve the Special Meeting Minutes of May 17, correcting feedlot rule” 7020” on page 3. Motion seconded by Supervisor Kenny Miller. Motion carried.

A Motion by Supervisor Mark Malecha: To approve the Board of Review Minutes of May 19, 2004 with the following correction- add: “Met” Con Construction. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

Jennifer Lenarz / Deputy Sheriff introduced herself to the Town board and those attending. She asked if there were any concerns or comments that needed to be addressed by the sheriff’s department.

A Motion by Supervisor Mark Malecha: To table the approval of the June 2, 2004 and June 9, 2004 Special Meeting Minutes until the July Town Board Meeting. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

A Motion by Supervisor Connie Anderson: To approve the June 7, 2004 Special Meeting Minutes as presented. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

### **Treasurer's Report**

Treasurer Nanett Leine reported that there is \$54.75 in checking, \$133,151.66 in the savings account and \$120,379.78 in savings (Former CD). The federal tax liability account was \$462.46, MN tax liability \$4.00, County Sewer inspection permits \$160.00 and State surcharge liability \$1,220.86.

Motion by Supervisor Mark Malecha: To approve the treasurer report as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

### **Bills and Receipts**

Clerk/ Treasurer Nanett Leine asked that the bills and receipts be tabled until later in the meeting, a few bills needed to be added.

A motion by Supervisor Mark Malecha: To table the approval of the bills and receipts until later in the meeting. Motion seconded by Supervisor Kenny Miller. Motion carried.

### **Contractor time**

#### *Roads*

The dust control will be applied before the end of June. There are some signs that need replaced on Chub Lake Road. Rip Rap has been added to the ditch along Chub Lake Road. The road contractor is continuing picking up trash along the roadways.

#### *Spot Graveling / Ditch Mowing*

Supervisor Mark Malecha distributed quote requests for spot graveling and mowing to the town board for their approval.

The road ditches will be mowed three times; this is part of the weed management plan.

Supervisor Mark Malecha will proceed with obtaining quotes for road gravel and ditch mowing.

#### *Cedar Ave. resurfacing*

The county is adding right turn lanes on Cedar Ave. as part of the resurfacing project.

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

#### *Planning Commission Meeting*

#### *Consent Agenda*

1. Ron Ley-8165 240<sup>th</sup> St W Lakeville requested a zoning permit for a 20' x 24' addition to his home Property ID# 13-00900-010-54.

**Permit # 04-001 issued for \$937.70**

A motion by Supervisor Mark Malecha: To approve the permit for Ron Ley as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

2. Bob Knutson- 25681 Ipava Ave. Lakeville requested a permit for a 2378 sq ft home with a 34' x 26' attached garage and a 36' x 53' pole shed. The site address and property ID is unknown at this time. Bob had split approval at the January 12, 2004 Town Board meeting. This split did not allow for road frontage/ driveway. Bob presented a new proposal for the split. Parcel ID # 13-01900-010-77 to be split into 3 lots: Parcel A, Parcel B and Parcel C,D,E as one lot. *(see attached documentation)*

**Permit # 04-012 pending for \$804.04**

A motion by Supervisor Mark Malecha: To accept the lot split with C,D,E as one lot. Motion seconded by Supervisor Kenny Miller.  
Discussion followed, Supervisor Mark Malecha rescinded his motion.

A motion by Supervisor Mark Malecha: To rescind the split approval from January 12, 2004 for Bob Knutson. Motion seconded by Supervisor Connie Anderson. Motion carried. The original split needs to be returned.

A motion by Supervisor Mark Malecha: To accept the new lot split including parcels C,D,E as one lot and not to issue the building permit when the lot split is recorded. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Mark Malecha: To accept the building permit house and Ag building as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Permit # 04-012 pending for \$6,040.69**  
**Ag building permit \$50.00**

3. Mark Parranto 22702 Hamburg Ave. Lakeville requested a permit to build a 60' x 108' pole shed with concrete floor and cooler for the Apple Orchard- seasonal retail business. Property ID # 13-00400-011-75. A letter from Shoreland has been received, no permit is necessary. **Ag building Permit # 000983 issued for \$50.00**

A motion by Supervisor Mark Malecha: To accept the permit as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

4. Dan Ryan- not present, no action taken on permit.

#### *Other Business- Building Inspector*

##### *Adopt State Building Codes*

The building inspector presented Minnesota State building code for adoption; and a self perpetuating ordinance. The codes need to be adopted by resolution and as an ordinance.

A motion by Supervisor Mark Malecha: To accept the 2003 Minnesota building code by resolution, including the double fee from the 1997 building code, with the 2000 building valuation data and 1999 residential and commercial permit fees. Motion seconded by Supervisor Connie Anderson.

Discussion followed. Supervisor Mark Malecha rescinded his motion.

A motion by Chair Don Pflaum: The town board has received the information on the State Building Codes and are taking it under consideration. To delay the action on adopting the building code, to pass the document onto the planning commission for review, to be taken up next month for approval. Motion seconded by Supervisor Mark Malecha. Motion carried.

*Follow up on buildings without a permit*

Inspector, Bob Hegner did not get a chance to follow up on the noise complaint or Dick Martin's addition to the garage. The pole sheds North of Wat Lao are Mark Parranto's sheds they were approved at the April 12, 2004 Town Board meeting. Dan Ryan's- Gazebo / pool shed was not on the original building permit- the building permit amount reflects a double building permit fee, for construction without a permit.

*Alternate sight for septic systems*

The question was directed to the Building Inspector-Should an alternate sight for septic systems be mandatory and if so not to allow future building on that sight. On small lots it might be a good idea to put it in the ordinance. It is up to the townships discretion, not directed to do so by State law.

## **Open Road Contract Bids**

Road contractor bids were opened shortly after 8:00 pm. The township received one Road Maintenance bid. The bid was from Mark Henry Excavating LLP, Farmington, MN. The clerk publicly read the bid. Mark Henry Excavating LLP has performed as road contractor in the past and is currently finishing the prior season's road contract. The township is satisfied with their work performance. (*see attached bid*)

A motion by Supervisor Kenny Miller: To award the "Road Maintenance Contract" starting July 1, 2004 running two years to June 30, 2006 to the low bidder, Mark Henry Excavating LLP. Motion seconded by Supervisor Connie Anderson. Motion carried.

The road contract will be updated; this item will be added to the agenda of the June 21, 2004 special town board meeting.

Mark Henry talked to the area supervisor for Dakota County Transportation Department he would like to get together to talk about the turn back on County road 27, cleaning out the ditches and etc. The road supervisors will take care of this matter.

*Planning Commission business continued*

In response to the fact that the building inspector has not made contact with Dick Martin construction of an addition without a permit and the noise complaint, the town board decided that two town board supervisors or planning commission member will follow up on the noise complaint and non permitted construction.

Supervisor Connie Anderson and Chair Don Pflaum will follow up on the noise complaint. Supervisor Kenny Miller will contact Dick Martin.

## **Old Business**

### *A. Town Hall*

A motion by Supervisor Kenny Miller: To enter into a contract in the sum of \$348,645.00 with Healy Construction of Faribault, MN., the apparent low bidder, for construction of a building conforming to the plans and specifications contained in the set of drawings and project manual as: New Eureka Town Hall dated 05/03/2004. Motion seconded by Supervisor Mark Malecha. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To finance construction of Eureka Town New Town Hall at Castle Rock Bank with a mortgage loan of \$429,250.00 amortized over a ten (10) years at a 4.25% Annual Percentage Rate. Said loan to be repaid by levies authorized at Eureka town meetings in March of 2002 and June of 2004. Motion seconded by Supervisor Dan Rogers.

A friendly amendment by Supervisor Mark Malecha: to change "of" to "limited". The friendly amendment was accepted and seconded by Supervisor Kenny Miller. The amendment carried.

A friendly by Supervisor Connie Anderson: to change the last sentence to read: Said loan to be repaid by levies authorized by the electors at the Annual Eureka Town meeting. Motion seconded by Supervisor Mark Malecha. The amendment carried

New motion reads as: To finance construction of Eureka Town New Town Hall at Castle Rock Bank with a mortgage loan limited to \$429,250.00 amortized over a ten (10) years at a 4.25% Annual Percentage Rate. Said loan to be repaid by levies authorized by the electors at the Annual Eureka Town meeting. The motion was voted on and carried by unanimous vote.

A motion by Supervisor Kenny Miller: To apply to Minnesota Pollution Control Agency (MPCA) for a *NPDES General Stormwater Permit for Construction Activity (MN R100001)* in the amount of \$400.00 payable to the MPCA. This permit shall apply to the construction site of Eureka New Town Hall. Motion seconded by Supervisor Connie Anderson. Motion carried.

There will be a ground breaking ceremony for the New Eureka Town Hall on July 6, 2004 at 6:30 pm (before the planning commission meeting)

### *B. Dakota County Treasurer Office/ building permits 2000*

Clerk/ Treasurer Nanett Leine reported that there was one permit approved at a town board meeting that had not been accounted for in 2000. It is not known if this house was constructed. She forwarded the information to County.

### *C. Centurytel Fiber II*

Research is still being conducted on the CUP for the fiber optic station. (Public hearing Nov 6, 2000 and Town Board Nov 13, 2000) The Original CUP and legal description has not been located.

A motion by Supervisor Mark Malecha: To table until July Town Board Meeting. Motion seconded by Supervisor Dan Rogers. Motion carried.

*D. Appro Development*

The town board received a letter from Appro Development. (*see attached*) Supervisor Connie Anderson will contact the County about their zoning authority in 1966. The attorney will need to look at minutes and ordinances to see if the industrial zoning is grandfathered or rescinded with the new ordinance adoption. The clerk will contact Dakota County Assessors office to see if anything was filed with the County. Item moved to the July Town Board Meeting.

*E. Cooperative agreement railroad*

The attorney has reviewed the agreement and has discussed it with Dakota County. The specs are ok as written.

A motion by Supervisor Mark Malecha: to sign the cooperative agreement with the railroad. Motion seconded by Supervisor Kenny Miller.

Discussion followed: The Township is not responsible for any additional insurance; it is the contractor's responsibility. The railroad agreement did not need any changes, the county specs needed to conform to the railroad agreement. The township has a letter of clarification from the attorney. Motion carried.

*F. Consultant Agreement*

The town board members were given a copy of the signed contract for the consultant. The contract is for \$20,000. (Phase I- \$5,000 and Phase II- not to exceed \$15,000)

The consultant anticipates the costs of services to be higher than outlined amount. If the amount needs to be extended to a higher dollar figure, this will be taken up at the June 16, 2004 Special Town Board Meeting. The scope has changed since the outline of phase I.

*G. Elko/ New Market Septic Treatment Facility*

The EQB process does not work as discussed at the June 9, 2004 meeting. Proceedings with the petition are pending.

The consultant is doing a flood monitor study; they need documentation of flooding in Eureka Township. They are looking for specific addresses for flooding problems including: basements, water up to house, roads or culverts washed out, etc. Any citizen that has flooding needs to contact the consultant or a town board member. They are creating a base for future flooding.

*H. CIP comments to the County*

Comments to the county are due June 18, 2004. The town board would like to see the following upgrades to County Roads in the Township: Resurfacing and turn lanes on Dodd Blvd, due to the opening of the new Lakeville High School in 2005 there will be increased use of this road. County 86- rebuild and widen. Chair Don Pflaum will call the county with the townships requests and follow up with a written letter.

*I. 2 citizen's complaints – burning trash*

The fire departments need to be contacted to see what their policy is, then draft a letter to inform the citizen of the ordinance including recourse and penalty.

Citizens will be informed through the newsletter on ordinance against burning trash.

**New Business**

*Local Board of Appeals and Equalization certification*

By December 2005 each township must have at least one Town Board Member certified. Certification is offered at the Township Officers Training in Owatonna on July 13, 2004. A motion by Supervisor Mark Malecha: To authorize town board members to attend the training session on July 13, 2004. Motion seconded by Chair Supervisor Dan Rogers. Motion carried. There is a possibility of a quorum of township officers at the Township Officers training on July 13, 2004.

**Bills and Receipts**

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

<b>BeSure Inspection Services</b>	Building & Septic permits	<b>\$796.82</b>
<b>Mark Henry Excavating</b>	Grade Roads	<b>\$8,541.00</b>
<b>Dakota Electric</b>	Electric Bill	<b>\$9.62</b>
<b>Frontier Communications</b>	Telephone- town hall	<b>\$78.94</b>
<b>Frontier Communications</b>	Telephone- office	<b>\$83.54</b>
<b>Nanett Leine</b>	Payroll 5/1/04 to 5/30/04	<b>\$976.11</b>
<b>Nanett Leine</b>	office rent, expense, mileage	<b>\$299.33</b>
<b>PERA</b>	Payroll 1/1/2004 to 5/30/04	<b>\$118.92</b>
<b>Murnane, Conlin, Brandt &amp; White</b>	legal fees	<b>\$1,351.25</b>
<b>ECM Publishers, Inc.</b>	legal ads	<b>\$123.50</b>
<b>RiverTown Newspaper Group</b>	legal ads	<b>\$47.25</b>
<b>Malecha Trucking Inc</b>	class 5 burma- spot gravel	<b>\$383.96</b>
<b>Hoffbeck Trucking</b>	Sweeping blacktopp roads	<b>\$865.50</b>
<b>MATIT</b>	Errors and ommissions	<b>\$460.00</b>
<b>Lakeville Printing</b>	Newsletter	<b>\$84.00</b>
<b>Mount Olivet Retreat Center</b>	projector rental	<b>\$35.00</b>
<b>Nature Calls, Inc</b>	Portable restroom Service	<b>\$35.00</b>
<b>Erik Leine</b>	mow town hall	<b>\$60.00</b>
<b>MPCA</b>	MPDES permit new town hall	<b>\$400.00</b>
<b>Connie Anderson</b>	Supervisor Payroll 12/1/03 to 5/30/04	<b>\$1,034.32</b>
<b>Connie Anderson</b>	Expenses 12/1/03 to 5/30/04	<b>\$102.40</b>
<b>Mark Malecha</b>	Supervisor Payroll 12/1/03 to 5/30/04	<b>\$891.18</b>
<b>Kenneth Miller</b>	Supervisor Payroll 12/1/03 to 5/30/04	<b>\$1,200.55</b>
<b>Kenneth Miller</b>	expenses 12/1/03 to 5/30/04	<b>\$49.86</b>
<b>Dan Rogers</b>	Supervisor Payroll 12/1/03 to 5/30/04	<b>\$780.36</b>
<b>Cheryl Monson</b>	PC payroll 12/1/03 to 5/30/04	<b>\$387.87</b>
<b>Calvin Pflaum</b>	PC Payroll 12/1/03 to 5/30/04	<b>\$401.72</b>
<b>Don Pflaum</b>	Expenses 12/1/03 to 5/30/04	<b>\$7.50</b>
<b>Don Pflaum</b>	Supervisor Payroll 12/1/03 to 5/30/04	<b>\$923.50</b>
<b>TOTAL BILLS PRESENTED</b>		<b>\$20,529.00</b>

A motion by Supervisor Kenny Miller: to approve payment of the May's bills totaling \$20,529.00. Motion seconded by Supervisor Dan Rogers. Motion carried.

***Approval of April receipts***

The following receipts were deposited in May:

• **Building Permits**

Dave Sellner- <i>pole building</i>	\$256.86	Ray Kadlec- <i>modular home, garage</i>	\$1,440.50
Dave Sellner- application fee	\$25.00	Ray Kadlec- application fee	\$50.00

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• **Other Receipts**

Mount Olivet- <i>in lieu of tax</i>	\$1,300.00	K M Builders – <i>Town Hall Plans</i>	\$50.00
Mike Wolf- <i>septic</i>	\$280.00	Dakota County- <i>Delinquent tax</i>	\$821.87
	\$1		

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**Total Receipts in May \$4,224.26**

The building inspector submitted the building permit for the New Town Hall. The bill for inspection fees/ inspection will be forwarded to the Contractor, Healy Construction for payment.

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

It was questioned by a planning commission member, whether Mount Olivet Retreat Center pays for building permits and septic permits. It was suggested that they may have not always pulled a permit fee for projects. This will be added to the July Town board meeting agenda.

**Other Business**

*Clerk/ Treasurer Presentation*

*Paper shredder-* The costs for a paper shredder were presented.

A motion by Supervisor Mark Malecha: To authorize Clerk/ Treasurer Nanett Leine to purchase a heavy duty strip cut paper cutter. Motion seconded by Supervisor Dan Rogers. Motion carried.

*Handicap Voting Booth-*

A picture of the handicap booth recommended for purchase by Dakota County was shown to the town board. The cost is approx. \$175.00.

Clerk/ treasurer presentation: See attached sheet for information.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Dan Rogers.

Meeting Adjourned at 10:02 pm.