

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

Eureka Town board Meeting  
October 12, 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, and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

Move: Lakeville Fire Department to first item of business.

Add: 9. Old Business - Summary for publication Amendment to Ordinance No. 20

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

**Lakeville Fire Department**

Dennis Feller, Finance Director for Lakeville and Scott Nelsen, Lakeville's New Fire Chief presented the town board with a break down of the fire calls in the township for the past 3 years. A copy of the new fire contract was left with the town board for approval. (Two year contract)

**Minutes:**

A motion by Supervisor Kenny Miller: To approve the Regular Town board Minutes of September 13, 2004 with the following addition on page 7- "Supervisor Connie Anderson abstained from voting, due to a conflict of interest, she is an election judge." Motion seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Mark Malecha: To approve the Special Meeting Minutes of September 20, 2004 with the following correction on page 1- "Supervisor Connie Anderson abstained from voting, due to a conflict of interest, she is an election judge." Also a typing error on the M-R Sign bill should read "they were". Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Mark Malecha: To approve the Emergency Meeting Minutes of September 20, 2004 as presented. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Connie Anderson: To approve the September 27, 2004 Special Meeting Minutes with the following corrections on page 2- should read resolution No. "36". Motion seconded by Supervisor Kenny Miller. Motion Carried. Supervisor Mark Malecha abstained from voting, due to his absence from this meeting.

## Treasurer's Report

Treasurer Nanett Leine reported that there is \$475.11 in checking, \$170,041.00 in the savings account and \$121,741.59 in savings (Former CD). The federal tax liability account is \$659.06. County Sewer inspection permits \$40.00 and State surcharge liability \$57.57. \$105,805.57 has been borrowed against the New Town Hall Loan.

Motion by Supervisor Kenny Miller: To approve the treasurer report as presented. Motion seconded by Supervisor Mark Malecha. Discussion followed. Town board members were concerned that the town hall loan was listed in the liability accounts reflecting a decrease in the over all total of the accounts balance report. They felt that this does not reflect an accurate balance of the accounts. Supervisor Kenny Miller rescinded his motion; Supervisor Mark Malecha rescinded his second.

A new treasurer report was presented with only liabilities that are against the bank accounts. The new town hall loan will be kept track in a separate report. A motion by Supervisor Connie Anderson: To accept the treasurer report as presented with a balance of \$291,501.14 with the town hall loan balance at \$105,805.57. Motion seconded by Supervisor Mark Malecha. Motion carried with one dissenting vote.

## Bills and Receipts

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

|  |  |                    |
|--|--|--------------------|
| <b>BeSure Inspection Services</b>                | Building & Septic permits                | <b>\$910.72</b>    |
| <b>Mark Henry Excavating</b>                     | Road Contractor Services                 | <b>\$12,990.00</b> |
| <b>Dakota Electric</b>                           | Electric bill/ new town hall service     | <b>\$5,209.90</b>  |
| <b>Frontier Communications</b>                   | Telephone- town hall                     | <b>\$93.10</b>     |
| <b>Frontier Communications</b>                   | Telephone- office                        | <b>\$83.56</b>     |
| <b>Nanett Leine</b>                              | Payroll 9/1/04 to 9/30/04                | <b>\$1,590.12</b>  |
| <b>Nanett Leine</b>                              | Expenses 9/1/04 to 9/30/04               | <b>\$262.23</b>    |
| <b>PERA</b>                                      | Payroll 9/1/2004 to 9/30/04              | <b>\$195.20</b>    |
| <b>Murnane, Conlin, Brandt &amp; White</b>       | legal fees                               | <b>\$3,255.71</b>  |
| <b>Erik Leine</b>                                | mow town hall                            | <b>\$60.00</b>     |
| <b>RiverTown Newspaper Group</b>                 | Legal Ad- Zoning Ordinance 20            | <b>\$27.00</b>     |
| <b>ECM Publishers, Inc.</b>                      | Legal Ad- Zoning Ordinance 20            | <b>\$48.75</b>     |
| <b>Healy Construction Co. Inc.</b>               | Pay request # 3                          | <b>\$71,805.85</b> |
| <b>M-R Sign</b>                                  | signs                                    | <b>\$958.89</b>    |
| <b>Minnesota Association of Townships Agency</b> | Workers Compensation Insurance           | <b>\$304.00</b>    |
| <b>Solberg Aggregate</b>                         | Mod CL5 gravel                           | <b>\$17,460.33</b> |
| <b>MATIT</b>                                     | Property. Auto, Liability Premium        | <b>\$824.00</b>    |
| <b>Emmons &amp; Olivier Resources</b>            | Consultant services                      | <b>\$1,310.75</b>  |
| <b>Dakota County Assessing Services</b>          | Labels for Newsletter                    | <b>\$15.00</b>     |
| <b>United States Postal Service</b>              | 625 stamps for newsletter                | <b>\$231.25</b>    |
| <b>IRS</b>                                       | 3rd Qtr 941                              | <b>\$659.06</b>    |
| <b>Minnesota State Treasurer</b>                 | 3rd Qtr Building Permit Surcharge Report | <b>\$32.64</b>     |
| <b>Dakota County Treasurer</b>                   | 3rd Qtr septic permits                   | <b>\$40.00</b>     |
| <b>B &amp; B Excavating</b>                      | Septic system- new town hall             | <b>\$4,325.00</b>  |

**Dakota County Township Officers Association**

Dakota County Assoc. Township Dues **\$803.80**

**Eureka Sand and Gravel**

Class 5 gravel for road projects **\$25,037.52**

**TOTAL BILLS PRESENTED**

**\$148,534.38**

A motion by Supervisor Mark Malecha: to approve payment of the September bills totaling \$148,495.57 Motion seconded by Supervisor Don Pflaum.

A friendly amendment by Supervisor Connie Anderson: To verify Eureka Sand and Gravel and Solberg’s gravel bills, against load tickets before paying their invoices. The amendment was seconded by Supervisor Mark Malecha. The amendment carried. The motion carried. Supervisor Kenny Miller abstained from voting, due to a conflict of interest, he is a recipient for payment.

***Approval of September receipts***

The following receipts were deposited in September:

• **Building Permits**

|                                      |          |                                   |          |
|--------------------------------------|----------|-----------------------------------|----------|
| Kevin Mills – <i>Application fee</i> | \$25.00  | Dan Fritz- <i>Application Fee</i> | \$25.00  |
| Kevin Mills- <i>pole shed</i>        | \$398.46 | Dan Fritz- <i>Pole Shed</i>       | \$658.06 |
| Dan Ryan- <i>Application fee</i>     | \$25.00  | Terri Petter- <i>Ag Shed</i>      | \$50.00  |
| Dan Ryan - <i>pole shed</i>          | \$246.06 |                                   |          |

• **Other Receipts**

|   |            |                              |         |
|---|------------|------------------------------|---------|
| 4 <i>RASP Sign (see receipts for specifics)</i> | \$43.32    | John Curry- <i>COMP Plan</i> | \$20.00 |
| Earned interest                                 | \$1,532.86 |                              |         |

**Total Receipts in September \$3,045.75**

A motion by Supervisor Mark Malecha: To approve September receipts as presented. Motion seconded by Supervisor Kenny Miller. Motion Carried.

**Contractor Time**

*Road Maintenance Contract*

The road contractor and road supervisors reviewed the road contract, no changes were made. Mark Henry Excavating is asking for compensation for fuel cost increases. The town board will seek legal opinion, to make sure this is ok under the contract.

*Roads*

Supervisor Don Pflaum commented that the grading bill was high and the roads are rough. The road contractor stated that it has been dry, making it difficult to maintain the roads.

**Farmington Fire Department**

Farmington Fire Department has an opportunity to obtain a grant to place dry hydrants. (for water supply in rural areas.) They have two proposed sights in Eureka Township, one at Chub Lake bottoms and another on Chub Creek under County 86. Northfield, Lakeville and Farmington Fire Department would have access to the hydrants. Placement of dry hydrants could reduce insurance costs to homeowners. The cost for each hydrant is between \$2,000 and \$4,000. The township would be responsible for hydrant maintenance. The town board accepted

the information and would like to check into alternate sites or resources for water. The grant period has been extended to December 2005.

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

#### *Planning Commission Meeting*

Bob Carlson, 5825 235<sup>th</sup> St W, Farmington, is installing a bathroom in an existing shed.

Mulvihill excavating will be installing a sealed holding tank. The town board forwarded this request to Building Inspector, Bob Hegner for issuance of proper permits. This item will be placed on November agenda for follow up with Building Inspector, Bob Hegner

#### *Other Related Business*

##### *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). The split is needed to obtain a loan on the home, the properties would be owned by two separate owners, Ray Kadlec and Phillip Kadlec. The second dwelling approved under the CUP would then have its own property ID number. The town board felt that the acreage cannot be split because of the CUP. They will seek legal council on this issue. This will be added to the agenda of the October 18, 2004 Special Town Board Meeting agenda.

##### *Ray Kadlec- Review of CUP*

The town board received the signed affidavit of employment from Ray and Phillip Kadlec. This fulfills the conditions for the review process for their conditional Use Permit.

##### *Buildable Lot Question*

Terri Petter asked how many building sites are available on property ID # 13-00700-011-50 (SE ¼ of the SW ¼ of Section 7) it is a 60 acre parcel. The town board could not come to a decision on the number of building rights on Terri Petter's property. They questioned whether Terri Petter is sole owner of a Qtr/ Qtr section that is mostly water, thus being able to cluster from these parcels. The town board will seek legal advice on this issue. Add to November agenda.

##### *8:15 PM Country Joe Racing- Noise complaint follow up*

Dick Melius, Events/ Marking Manager commented that they have not met with the neighbors. They have been testing in different areas of the property and inside the buildings, trying to reduce the noise level. In the next few weeks they will be able to complete testing and meet with neighbors to try and find a solution to the noise problems.

Neighbors present at the town board meeting, commented that Country Joe Racing is in violation of the ordinance, they should not be allowed to continue, that no outdoor noise should be allowed.

Supervisor Don Pflaum asked that Country Joe Racing try to find a location outside of the township for noise generating activities. Discussion on this issue will continue at the November 8, 2004 town board meeting.

##### *Chad Harmer- Question on County Farmland easement*

Chad Harmer owns 34 acres on Hamburg Ave. & 235<sup>th</sup> St W. (SW1/4 of the NE1/4 of section 9) Property ID# 13-00900-015-06 in Eureka Township. The property has 975 feet of road frontage. He is working with the county on farmland easement. He will keep 5 acre for a building site. Sometime in the future he will be removing the old house and building a new home. He wanted to know if road frontage needed to be set aside from the easement, to have a

buildable lot. The town board said that as long as the property remains under one ID number, road frontage does not need to be set aside. It would only be important if a split of the property is done. The property has sole building right for the qtr/qtr section. If the house is torn down the building site will remain.

*Existing Non Conforming businesses*

This issue will be addressed as part of Ordinances at the Special Town board Meeting on October 18, 2004.

*Doc's Trucking- expansion of parking lot*

The clerk received a call from Bob Overby, Dakota County Soil and Water; he received a request from Docs Trucking to expand their parking lot. He wanted to know whether the new ordinance and the requirements of a conditional Use Permit for the business would affect the proposed parking lot expansion. The town board felt that Doc's trucking should come before the board with their proposal.

**Old Business**

*B. Land Use- Friedges Landscaping*

The attorney needs to be contacted on this issue, item moved to November 8, 2004 Town board meeting.

*C. Road Projects- 225<sup>th</sup> St road project (Between the bridge and Essex Ave.)*

Road Supervisor Mark Malecha has contacted the County on this project and is waiting for a reply.

*D. Centurytel Fiber II*

No new information received. This item will stay on the agenda.

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

Supervisor Mark Malecha talked to AT & T about cleaning up and maintaining the site. 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. The round table sessions are complete. MPCA Board meeting in November will address Elko/ New Market Issues.

*G. Interceptor line.*

No new information.

*H. Newsletter*

The town board reviewed the newsletter and made changes as needed. A motion by Supervisor Mark Malecha: To approve the newsletter. Motion seconded by Supervisor Connie Anderson. Motion Carried.

*I. Summary for publication Amendment to Ordinance No. 20*

Clerk/ Treasurer Nanett Leine presented the town board with a summary of the amendment (5.4 & 5.5) to Zoning Ordinance No. 20 for publication in the township's legal newspaper. A motion by Supervisor Mark Malecha: To approve the summary. Motion seconded by Supervisor Connie Anderson. Motion Carried. (*See attached resolution No. 37*)

A motion by Supervisor Connie Anderson: To amend the agenda, to add Essex Ave. turn back. Motion seconded by Supervisor Kenny Miller. Motion Carried.

*J. Essex Ave Turn back*

Road Supervisor Mark Malecha met with the county, they are in the process of cleaning the problem areas (ditches& culverts) before they turn back the road in May 2005.

**New Business**

*C. Requests by Qwest and Frontier- buried telephone line.*

Frontier telephone is requested to lay cables along 265<sup>th</sup> St. (bridge replacement) and a cable to the new town hall. Qwest requested to bury a cable at 27607 Granada Ave.

A motion by Supervisor Mark Malecha: To approve installation of the cables. Motion seconded by Supervisor Kenny Miller. Motion Carried.

*D. Shooting Range*

Move to November agenda.

**Other Business**

Clerk/ Treasurer Presentation- See attached sheet for information.

*Telephone contract- new town hall/ publish address*

A three year verbal contract for frontier works is \$97.29, this includes 100 minutes free long distance, DSL service and voice mail. A motion by Supervisor Kenny Miller: to approve the 3 year verbal contract with Frontier telephone. Motion seconded by Supervisor Don Pflaum. Motion Carried.

The town board does not wish to publish the town hall address in the phonebook, because it is not a mailing address.

*Road Mileage certification*

Dakota County Road mileage Certification for Eureka Township remains at 39 miles. The form will be sent to the Dakota County Transportation Department.

*Early bird registration MAT conference Nov 8*

A motion by Supervisor Kenny Miller: To approve attendance to the MAT training in St. Cloud for those who are interested in attending. Motion seconded by Supervisor Mark Malecha. Motion Carried.

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

Meeting adjourned at 11:00 pm.