

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting
November 13, 2006

Call to Order

Chair Cory Behrendt called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Cheryl Monson and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda:

Old Business: P. South Cedar Greenhouses
 Q. Parking Lot
 R. Town Hall Artwork
New Business: B. Town Board Inspector forms
 C. Budget Meeting
 D. Audio System

A motion by Supervisor Cheryl Monson: To approve the agenda as amended. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

Audience Comment Period

Approval of Minutes

The following correction was made to the Findings of Facts South Cedar Greenhouse: Page 2- The total square footage of the signs should be 169 sq ft.

A motion by Supervisor Gloria Belzer: To approve the October 10, 2006 Findings of Facts for South Cedar Greenhouses as presented and applied for on the application for a sign that is 66 Sq. ft. and including the change to item 8 -South Cedar Greenhouse presented documentation of 169 sq. ft. of accumulative signs located on the property at the present time. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

The following spelling correction was made to the October 10, 2006 Town Board Meeting minutes: Page 1- Supervisor Gloria Belzer “recused” herself.

A motion by Supervisor Cheryl Monson: To approve the October 10, 2006 Town Board Meeting minutes with spelling change as noted. Motion seconded by Supervisor Gloria Belzer. The motion carried by unanimous vote.

The following spelling correction was made to the Special Town Board Meeting of October 18, 2006 minutes: Page 1- “re-let” A motion by Supervisor Gloria Belzer: To approve the October 18, 2006 Special Town Board Meeting minutes with spelling change as noted. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

A motion by Supervisor Cheryl Monson: To approve the Closed Meeting minutes of October 18, 2006 as presented. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

A motion by Supervisor Gloria Belzer: To approve the Special Town Board Meeting minutes of October 30, 2006 as presented. Motion seconded by Supervisor Gary Smith. Motion carried by unanimous vote.

A motion by Supervisor Cheryl Monson: To approve the Closed Meeting minutes of October 30, 2006 as presented. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

The Special Town Board Meeting minutes of November 2, 2006 were tabled for approval at the December Town Board Meeting.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$2,985.94 in the checking account, \$34,778.88 in the savings account and \$146,572.53 in CD investments. Overall total is \$184,337.35.

Motion by Supervisor Gloria Belzer: To approve the Treasurer's Report as presented. Motion seconded by Supervisor Cory Behrendt. The motion carried by unanimous vote.

Bills and Receipts

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

October 2006 Bills for November 2006

BeSure Inspection Services	Inspection services Thru October 31, 2006	\$2,205.11
Farm Road Services	Services thru October 31, 2006	\$5490.00
Dakota Electric		\$55.49
Frontier Communications	952-469-3736	\$113.30
Culligan	134684	\$23.38
Dick's Sanitation		\$35.87
Dale Kuchinka	Mowing ditches 2006	\$2,280.00
Lakeville Printing	Printing newsletter	\$161.10
Lakeville Printing	Print envisioning questioner	\$276.37
Severson, Sheldon	Legal Services thru 9/30/06	\$3,160.45
MFRA	Services thru 9/30/06	\$2613.75
MAT	Conference registration	\$145.00
MAT Agency	Workers Compensation	\$326.00
Sharon Buckley	Reimbursement of developing	85.64
Nanett Champlain	Expenses thru 11/6/06	1060.78
Cheryl Schindeldecker	election judge general election 2006	\$194.92
Julie Pflaum	election judge general election 2006	\$75.00
Carolyn Papke	election judge general election 2006	\$75.00
Pat Fossum	election judge general election 2006	\$85.00
Barb Bachman	election judge general election 2006	\$230.00
Mary Lou Ruh	election judge general election 2006	\$90.00

Marlys Shirley	election judge general election 2006	\$90.00
Marlene Swantek	election judge general election 2006	\$165.00
Jody Arman Jones	election judge general election 2006	\$90.00
Mary Michels	election judge general election 2006	\$75.00
Nanett Champlain	Wages 10/1/06 to 10/31/06	\$1,902.96
Pat Fossum	Cleaning service October 2006	\$60.03
PERA	Wages 10/1/06 to 10/31/06	\$302.91
IRS	Deposit 941 October 2006	\$772.46
IRS	Deposit 941 November 2006	\$681.32

The following receipts were deposited in October:

• **Building Permits**

Ackerman-building permit 06-10-021	\$1,468.01	Larry Frahm- <i>Building Permit</i>	\$587.26
Krapu- <i>Building Permit appl.</i>	\$25.00	Dan Ryan- <i>Building Permit 06-10-023</i>	\$398.46
Krapu- <i>CUP Application</i>	\$250.00	Mulvihill- <i>Septic permit</i>	\$280.00
Ackerman- <i>Zoning permit Appl</i>	\$25.00	Sue Action- <i>Septic permit</i>	\$280.00
Dylan Larson- <i>Zoning Ag build insp.</i>	\$25.00		

• **Other Receipts**

Eureka Sand & Gravel- <i>Newsletter Ad</i>	\$90.00	Castle Rock Bank- <i>Interest CD</i>	\$344.53
Magellan Pipeline- <i>Road repair</i>	\$328.04	Castle Rock Bank- <i>Interest CD</i>	\$328.28
Amy Nielsen- <i>Newsletter Ad</i>	\$35.00	Cash- <i>History Appreciation Fund</i>	\$5.00
Eureka Pots - <i>Newsletter Ad</i>	\$125.00	Dan Rogers- <i>History Appreciation Fund</i>	\$200.00
Martin Construction- <i>Newsletter Ad</i>	\$125.00	Krapu- <i>Ordinance book</i>	\$25.00
Ackerman refinishing- <i>Newsletter Ad</i>	\$125.00	MN Dept of Finance- <i>Market Value Credit</i>	\$8,071.49
Farmington Vet Clinic- <i>Newsletter Ad</i>	\$125.00	Ed Korba- <i>History Appreciation Fund</i>	\$50.00
Castle Rock Bank- <i>Interest CD</i>	\$552.83		

TOTAL RECEIPTS DEPOSITED IN OCTOBER **\$13,868.90**

A motion by Supervisor Gloria Belzer: To pay the bills and receipts as presented. Motion seconded by Supervisor Cory Behrendt. The motion carried by unanimous vote.

Transfer of Funds

The clerk reported that the Road and Bridge Fund reflects a negative balance of \$7,441.96 and the General Revenue Fund has a negative balance of \$3,382.27. The second half of 2006 taxes is deposited to the Township the first part of December.

A motion by Supervisor Cory Behrendt: To transfer funds from the Bridge Fund to cover the gap in the Road and Bridge Fund of \$7,441.96 and to transfer of funds from the Consultant Fund to the General Fund in the amount \$3,387.00 to cover expenses until the County disbursement in December. Motion seconded by Supervisor Gary Smith. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Planning Commission, land use permits and related items

David Tousignant- 23590 Cedar Ave. Farmington (Property ID# 13-01000-012-56) requested a building permit for a basement for the old Town hall.

A motion by Supervisor Cory Behrendt: To approve the permit as presented, noting and accepting the request of the Planning Commission that a fence 4' high be installed immediately after moving the Town Hall building. Motion seconded by Supervisor Gary Smith.

Supervisor Gary Smith introduced a friendly amendment that Mr. Tousignant accepts the condition of the Town hall and all its contents "as is" if he decides to move it. Supervisor Gloria Belzer seconded the amendment. Vote was taken on the amendment and it passed a vote was taken on the motion and it carried by unanimous vote.

Building Permit No. 06-11-023 was issued for \$494.26

The well on the old Town Hall property needs to be capped. Dakota County Soil and Water has money available. Supervisor Cheryl Monson will contact the County.

Supervisor Gary Smith will obtain quotes and check on the requirements for removal of the basement and fill.

The clerk will contact Mr. Tousignant and coordinate dates for filling in the hole.

A motion by Supervisor Cory Behrendt: To approve Supervisor Gary Smith to request quotes for filling and proper clean up the old Town Hall site immediately following removal of the building not to exceed \$5,000. Motion seconded by Supervisor Gloria Belzer. The motion carried by unanimous vote.

ALF Ambulance 8:00 pm

Tom Kelly, ALF Ambulance, presented information on the ambulance service. The three year contract expires December 31, 2006.

Dennis Ripley 9460 235th St W. Lakeville (Property ID# 13-00800-020-50)

The Town Board received a response letter from the Township attorney, Jim Sheldon, regarding the Ripley Lot of Record. See the attached letter dated November 10, 2006.

A motion by Supervisor Gloria Belzer: To accept the attorney's legal opinion based on the information that he reviewed in his letter. To be used as an attachment, with the statement "under the facts, the Ripley's have one lot of record. That lot of record is subject to density requirements found in the existing code. It is my understanding that there is a house constructed on the property already and that an additional building would exceed the one residence per quarter-quarter section." Motion seconded by Supervisor Gary Smith. The motion carried with 3 in favor and 1 opposed.

The clerk will send Mr. Ripley a letter stating that the 2nd lot is not buildable. The Planning Commission will set a public hearing date for the variance request. The Township attorney will be present at the meeting.

Planning Commission Update

The Planning Commission is compiling proposed changes and corrections to the Township ordinances. They will present a list of proposed ordinance changes to the Town Board at the December Town Board Meeting.

Planning Consultant Bill Weber, MFRA, was contacted in regards to helping with land use zoning updates to ordinances. Mr. Weber would be interested working with the Township on these types of issues.

The Town Board was presented with the road / road project report. *See attached report*

The Planning Commission has a request into Building Inspector, Bob Hegner, asking for completed permits. The Planning Commission is requesting that Mr. Bob Hegner be present at their December meeting to address this issue.

CAPX20/20 Project- Great Rivers Energy is proposing running an electric transmission line through the Township. Public meetings and hearings will take place in February or March. First they need to submit a Certificate of Need, then the proposed routing. Landowners will be notified in January.

Terri Petter has applied for a building permit to house exotic animals in the Township. Ms. Petter claims that she has already had exotic animals in the Township in the past. The Planning Commission has asked for documentation and proof of ownership of the exotic animals prior to the passage of the new ordinances. There may be an ordinance violation with the keeping of these animals.

The meeting was recessed at 8:50 pm. The meeting reconvened at 8:55 pm.

The Planning questionnaires sent to Eureka Citizens were numbered to document that questionnaires were not duplicated. These numbers were not tracked to whom they were sent.

Contractor Time

Chris Nielsen, current road contractor reported that the branch reported down and in the road right of way at 9230 240th St. W. is in the yard and not in the road right of way. (Approx 50 ft from the road) Supervisor Dan Rogers also had checked on this report.

Chris Nielsen reported that he has teamed up with Otte Excavating. He will be working together with Otte Excavating under Otte Excavating of Randolph to better serve the Township. Chris stated that Otte Excavating has experience with road maintenance. Their family has long time experience with road maintenance. (grading, snow plowing, rebuilding roads, hauling gravel) Ottes have worked in Dakota and Goodhue County. The road grader will be kept at Chris Nielsen's farm.

Old Business

Road Contract Quote

Copies of the quotes for road maintenance and snowplowing were distributed to the Town Board. The quotes were reviewed. Quotes were received from Friedges Excavating, Rud Construction and Otte Excavating. Friedges Excavating quoted Road Maintenance only, not Snowplowing. Mark Henry submitted a letter to the Town Board but did not submit a quote for Road Maintenance. The letter is on file. Otte Excavating submitted the lowest overall quote. The grading of snow quote was slightly higher than Rud Construction.

A motion by Supervisor Cory Behrendt: To accept the Otte Excavating bid for snow removal and road maintenance contingent of signing the contracts by Monday, November 20, 2006. If they fail or do not sign the contracts by that time, to award the bid to the next lowest responsible bidder,

Rud Construction. Motion seconded by Supervisor Cheryl Monson. Vote was taken on the motion. 3 supervisors voted in favor, one was opposed. The motion carried. Supervisor Gary Smith voted against the motion because the Town Board does not have any knowledge of the quality of work of Otte Excavating. The Township has had experience with Rud Construction. Rud Construction has done good work in the past.

Contractor time will be moved on the agenda- after the budget.

Charles “Butch” Hansen vs. Eureka Township

The Township filed its response to the complaint on November 1, 2006 as required.

Krapu vs. Eureka Township

The CUP was filed with the County Recorders Office on November 8, 2006.

MinnCan Update

Town Board members had concerns of possible road damage to hauling materials on Township roads regarding Minn Can construction. Supervisor Cory Behrendt will check with the attorney regarding this issue. The Town Board received two letters in October from a concerned citizen about the MinnCan pipeline going through the Township. There has been several community meetings. Chair Cory Behrendt represented the Township at the Public Hearing and presented the Resolution adopted by the Town Board.

Hansen Building move in

Town Board discussion continued on Mr. Hanson moving a building into the Township without a permit. The building is not a permanent structure; it will not be attached to the ground. There will be no footings and for Ag use. Discussion included whether a non permanent structure needs a permit to be moved.

Supervisor Gloria Belzer referred to the Ordinance definition of a “Building.” The definition states that any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building. Ordinance 3, Chapter 4, Section 11, A. States that the moving of any building or structure in the Township of Eureka, or the relocating of any building or structure into the Township of Eureka is prohibited, unless a permit therefore shall first be obtained from the Town Board as provided in this Ordinance.

A motion by Supervisor Gary Smith: That we require a permit for the building that was moved by Mr. Hansen and require double the permit fee, because the permit was acquired after the fact. Motion seconded by Supervisor Gloria Belzer. Vote was taken on the motion 2 Supervisors voted in favor 2 Supervisors voted against the motion. Motion failed, due to a lack of majority vote.

Complaint Update

Four letters were sent out to Eureka Estates citizens. The Township received responses back from two citizens. Supervisor Dan Rogers and Supervisor Gloria Belzer will follow up on progress. Supervisor Gloria Belzer will work with the Clerk to bring complaint issues up to date.

Country Joe Racing Update

The Township attorney is working on compliance of outdoor noise generation and usage of the Ag Building. Communication will be sent to the Town Board before being sent to Country Joe.

24185 Denmark Ave- Lackore tree cutting

Supervisor Dan Rogers and Supervisor Cheryl Monson have not been able to coordinate a meeting with Lackores.

Sauber Family Mine

The reclamation of the property is nearly complete. The permit terminates in December. The reclamation is following the plan on file from 2002. The presentation for review will be in January. Documents will be reviewed by the Township attorney.

Phillipe Property use verification

The Town Board received a letter from a citizen concerned with activity taking place on the property owned by Phillipe on 280th St W. The clerk was asked to send a letter to Phillipe to confirm what the use of the property is and that this use is compliant with the zoning Ordinance.

Friedges property

The Town Board received a letter from Friedges attorney in response to the letter sent. The clerk will check with Township attorney before sending the response. The Town Board received an additional letter of complaint on Friedges.

Mail Slot for Town Hall

Table until December meeting.

Data Practices Official

Supervisor Cheryl Monson officially resigned from her position as Data Practices Official. A motion by Supervisor Gary Smith: To appoint Board Chairman Cory Behrendt to be the Data Practices Official. Motion seconded by Supervisor Cheryl Monson. Supervisor Cory Behrendt abstained from vote. Motion carried by unanimous vote.

Dakota County Officers Meeting Report- Gloria Belzer

Supervisor Gloria Belzer reported on the Dakota County Officers meeting. Copies of documents had previously been distributed to the Town Board.

Lighting of Flags

Supervisor Gary Smith obtained 3 quotes for installing lights. Cedar View Electric \$2,400 for lights on the ground. 2 flood lights on eaves- \$825. Credit River Electric \$540.00.

Butch Hansen reported that American Flag Service does not recommend lighting units that mount on the top of the flag pole. They tangle in the flags.

There is no money in the budget to install lighting of the flag pole. This item will be tabled and addressed at the Annual Meeting.

South Cedar Greenhouse

The Town Board discussed the total footage of advertising signs reported by South Cedar as part of their conditional use permit. The propane tank is being used as an advertising sign and was not included in the report. South Cedar has not paid for their sign permit or submitted the \$46 filing fee for the CUP.

The clerk will send a letter to South Cedar Ave asking for payment of the fees and a correction to the document of total square footage of the signs on the property.

Parking Lot

Supervisor Gary Smith expressed concerns with the parking lot. The edges need to be dressed with black dirt. Cement barriers should be placed along the edge of the building. Supervisor Gary Smith will check on cost of barriers.

Handicap areas need to be painted. Painting needs to be put off until spring, so the blacktopping is cured.

Town Hall Artwork

Supervisor Cheryl Monson acknowledged the report submitted by Art Exhibit Coordinator Donna Rollins. She emphasized that artwork exhibits should be limited to pictures.

New Business

Town Board Inspection Forms

The Township does not have a form for inspections performed by Supervisors or Planning Commission members. Supervisor Gloria Belzer stated that she had sample forms. Supervisor Belzer will forward appropriate forms/form to the Planning Commission for review.

Budget Meeting

Budget meeting was scheduled for January 29, 2007 at 7:00 pm

Audio System

Supervisor Gloria Belzer asked permission to get an estimate for a basic audio system for the Town Hall prior to the January Budget Meeting.

Clerk/ Treasurer Presentation

Open Meeting Law- The clerk received and forwarded information from the Township attorney on the open meeting law.

Terri Petter submitted a letter to the Town Clerk. She asked the letter be submitted into record. The Town Board felt that the issue addressed in the letter was a neighborhood dispute, not a Town Board issue.

At 10:47 pm Supervisor Cheryl Monson moved to adjourn. The motion was seconded by Supervisor Gloria Belzer.

Meeting adjourned at 10:47 pm.