

Eureka Township

Dakota County

State of Minnesota

Eureka Town board Meeting
December 12, 2005

Call to Order

Chair Connie Anderson called the regular monthly meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Connie Anderson, Gloria Belzer, Cheryl Monson, Dan Rogers, Mark Malecha and Clerk/Treasurer Nanett Champlain, to record the minutes.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The agenda was amended as follows:

MAT Short Course Recap removed from agenda, this item will be discussed at the Reorganizational meeting in March.

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

Audience Comment Period

There were no comments from the audience.

Elko/ New Market Interceptor

The Met Council sent the town board a letter (*dated 12-9-2005*) clarifying some issues that were discussed at the public hearing on December 8, 2005. (*See attached*) Bryce Pickart, from the Met Council was present to address town board questions.

The Town Board decided it will not make a formal written comment to the Met Council on the Elko/ New Market Interceptor Line.

Chair Connie Anderson will seek legal council for advice on proper procedures to proceed legally with the Elko/ New Market Interceptor line running through our community. This will be addressed at the January Town Board Meeting.

Minutes

The following change was made to the November 14, 2005 Town Board Meeting Minutes: Page 3 Friedges Landscaping- should read “for commercial agriculture use”.

Under “the following portions of the zoning ordinance were discussed” add: Definition of Agriculture (Page 3), Definition of Horticulture (page 12), Definition of Agricultural Operations (Page 3) Definition of Commercial Agriculture (Page 7). Friedges Landscaping did not comply with any of the above definitions and was determined to be a non conforming use.

Page 6- New Business- Should read: “Mark assumed the position of...”and “Eureka where as accepts...”

Page 7- The motion by Supervisor Cheryl Monson on Notary training was seconded by Supervisor Mark Malecha.

A motion by Supervisor Cheryl Monson: To approve the November 14, 2005 Town board Meeting minutes with corrections as stated. Motion seconded by Supervisor Dan Rogers. Motion carried.

Treasurer's Report

Treasurer Nanett Champlain reported that there is \$78.98 in checking, \$52,173.80 in the savings account and \$141,352.89 in CD investments. Federal tax liability, \$1,104.77, MN tax liabilities \$164.37 and state surcharge for building permits \$56.00.

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

Resolution for LGA

The Local Government Alliance provides lobbying services to townships in an effort to reform annexation laws. Eureka Township has contracted with the LGA for lobbying services for several years. The amount for services is calculated at \$.50 per capita of Township population, based upon 2000's population estimate of 1490.

A motion by Supervisor Mark Malecha: To move forward with the resolution Contracting for Legislative Lobbying Services to Reform Annexation Laws. Motion seconded by Supervisor Cheryl Monson. All town board members in favor, the motion carried.

Bills and Receipts

The clerk presented the following bills for payment:

BeSure Inspection Services	November Inspector Services	\$1,873.98
Farm Road Services	November Road Maintenance	\$7,439.50
Culligan	water softener rental	\$23.38
Frontier Communications	phone bill thru 12/24/05	\$114.96
Local Government Alliance Inc	Lobbying Service- Annexation	\$745.00
Murnane, Brandt	Legal Services thru October 31, 2005	\$357.00
Erik Leine	Mowing for November	\$100.00
Nanett Champlain	Expenses thru November 12/7/2005	\$148.39
Nanett Champlain	Payroll 11/1/05 to 11/30/05	\$1,492.23
Pat Fossum	Town Hall cleaning for November	\$60.03
Connie Anderson	Supervisor Payroll 2nd half 2005	\$711.09
Corey Behrendt	Planning Commission payroll 2005	\$678.77
Gloria Belzer	Supervisor Payroll 2005	\$1,025.09
Kevin Flaherty	Planning Commission payroll 2005	\$346.31
Francie Madden	Planning Commission payroll 2005	\$678.77
Mark Malecha	Supervisor Payroll 2nd half 2005	\$526.39
Cheryl Monson	Supervisor payroll 2nd half 2005	\$734.18
Dan Rogers	Supervisor payroll 2nd half 2005	\$651.07
Rich Stevens	Planning Commission payroll 2005	\$734.18

Dakota Electric	service thru 11/22/2005	\$60.59
Connie Anderson	supervisor expenses 2nd half 2005	\$34.92
PERA	Payroll 11/1/05 to 11/30/05	\$205.49

Total Bills presented **\$18,741.32**

A motion by Supervisor Dan Rogers: To approve bills as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

The following receipts were deposited in November:

• **Building Permits**

Civil Air Patrol- <i>permit 05-08-019</i>	\$686.26	Alberta Gelineau- <i>zoning application</i>	\$25.00
Tyrone Friedges- <i>zoning application</i>	\$25.00	Cheryl Monson- <i>zoning application</i>	\$25.00
Tyrone Friedges- <i>permit 05-11-027</i>	\$563.66	Cheryl Monson- <i>Ag. Building# 000994</i>	\$25.00
Friedges Landscaping- <i>zoning application</i>	\$50.00		

• **Other Permits**

Bob Carlson- <i>septic permit</i>	\$280.00	Pete Storlie- <i>HVAC</i>	\$90.00
Deveny- <i>septic permit</i>	\$280.00	Mount Olivet- <i>HVAC</i>	\$181.00
Peterson- <i>septic permit</i>	\$280.00	Chester Rose- <i>HVAC</i>	\$25.00
Swantek- <i>septic permit</i>	\$280.00	Friedges Landscaping- <i>Driveway</i>	\$50.00

• **Other Receipts**

Mount Olivet- <i>In Lieu of taxes</i>	\$1,350.00	RASP Signs- <i>21 signs</i>	\$256.23
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TOTAL RECEIPTS PRESENTED **\$4,472.15**

A motion by Supervisor Mark Malecha: To accept the receipts as presented. Motion seconded by Supervisor Dan Rogers. Motion Carried.

Budget

The town Board reviewed the budget.

Planning Commission

Building Inspector Items:

Carlson Septic Permit

The septic permit fee and as-built was received from Mulvihill Excavating for Bob Carlson septic permit. – *follow up from October 12, 2004 Town Board Meeting.*

Other Related Business:

Wat Lao CUP Review

The Conditional Use Permit for Wat Lao of Minnesota located at 22605 Cedar Ave, Farmington was reviewed. It was noted that since the CUP was issued that the Ordinances had been updated. The CUP will be updated with the reference to correspond to the new ordinance. (Ordinance 5)

Rick Siri-outhay was present, representing Wat Lao of Minnesota. Festival dates for 2006 are Lao New Year celebration on April 15th and 16th and Religious Festival on June 17th and 18th. Supervisor Mark Malecha moved to approve the review. Motion seconded by Supervisor Dan Rogers. The motion carried.

Joint Powers Agreement ISTS

The Joint Powers Agreement with Dakota County is up for renewal. Dakota County provides administrative services for the townships ISTS pump maintenance program to notify ISTS owners of the requirement to pump their septic systems every three years. To continue using this service a resolution needs to be executed stating this intent. A motion by Supervisor Mark Malecha: To approve the resolution. Motion seconded by Supervisor Dan Rogers. All in favor, the motion carried. Chair Connie Anderson signed the resolution, attested by the clerk, Nanett Champlain.

Permit redesign approval

The town board reviewed the zoning compliance permit application recommended by the planning commission. A few changes were made to the application- "Remodel" was removed added: "(change in square feet and or footprint)" Pole Shed became a subtitle with a check box. Title of this section "OTHER". Move Size and Walls down two lines-(*beneath sentence- If Ag Use...*)

The Driveway Permit- place an asterisk next to "setbacks" place a footnote: * Distances measured from center of each driveway.

A motion was made by Supervisor Mark Malecha: To amend the agenda to include permit redesign or amend the permits. Motion seconded by Supervisor Cheryl Monson. The motion carried.

A draft of a commercial application will be presented to the town board at the January 9, 2006 Town Board meeting for review.

A motion by Supervisor Mark Malecha: To approve the zoning compliance permit application and driveway permit application with changes made. Motion seconded by Supervisor Dan Rogers. The motion carried.

Ag Building criteria

The planning commission questioned what criteria they were to follow in determining if a building is considered to be an Ag Building. The town board advised to use the Definitions as stated in the ordinance- Agricultural Building, Farm Building, Farm and Commercial Agriculture. Property must consist of 11 acres or more and is being used for Agriculture purposes. Refer to Building Code Sections and State Statutes. Use the Building Inspector for reference.

Planning Commission questions to the town board

1. Sign at South end of Denmark by school- sign is down. Supervisor Mark Malecha will follow up.
2. Magellan Pipeline Company requested a utility permit to repair a pipeline underneath 267th St. between Highview and Hamburg Ave. They stated that there would be minor traffic delay. There is equipment parked on and blocking the road. There were concerns that the road was closed during the repair process and that the site was not properly marked. Road Supervisor Mark Malecha contacted the Sheriff's Department during the meeting. A return phone call from the Department felt that the site was adequately marked and the road is passable. It was noted that the Sheriff Department needs to be contacted if a road is going to be closed.
3. Process for reporting road issues- Order of Contact: a Road Supervisor, Mark Malecha or Dan Rogers, then other town board members- Connie Anderson, Gloria Belzer, Cheryl Monson. If none of these are available, contact Road Maintenance Contractor, Chris Nielsen.

Building Inspector

The Building Inspector Contract was discussed with Bob Hegner, current Building Inspector for Eureka Township. The town board Amended Exhibit A "Scope of Services" to include Item 7. To check setbacks/ building location of all new construction sites. Bob Hegner (BeSure Inspection Services) agreed to provide the services as part of his contract as of 12/12/05. The signed copy of the "new" Exhibit A will be attached to the existing Building Inspector Contract. (January 1, 2004)

Projects

Planning Commission will have the road recommendation for the town board at the next meeting. They are asking for the road counts for the past year. Road maintenance Contractor, Chris Nielsen has the counts and will drop off at the clerk's office.

The strategic Vision RFP was presented to the town board; the planning commission is looking for a direction from the town board. The RFP will be submitted as a quote. Supervisor Connie Anderson will send a draft of the RFP to Minnesota Association of Townships. The information will be forwarded to the Planning Commission. The final draft will be presented to the town board in January.

2030 Comp Plan- The town board is not able to give direction on this matter; they are in the process of obtaining a new contact with the Met Council in regards to the Comp Plan changes.

Contractor Time

Roads

There have been some slippery spots; the road contractor is trying to keep up with sanding. If an icy condition exists a road supervisor should be contacted, if not available immediately contact the road maintenance contractor.

Garbage being dumped along township roads was discussed. A report will be generated on garbage disposal for the past year.

Old Business

Items from old town hall

Supervisor Cheryl Monson will cleanup, donate or dispose of items in the old town hall.

Complaint in Eureka Estates

No further responses have been received from homeowners in Eureka Estates. The 30 day period has lapsed. Two supervisors, Dan Rogers and Cheryl Monson will follow up with the four homeowners that have not responded to the township letter. This item will be moved to the February Agenda.

Complaint at 24185 Denmark Ave- Ditch

Supervisor Mark Malecha checked the site and the ditch has not been repaired. Supervisor Mark Malecha will follow up with the property owner.

Tousignant- Setback from Road Right of Way.

Supervisor Mark Malecha reported that the building is approximately 48 ft from the road right of way. The town board asked that he obtain an exact measure. Supervisor Mark Malecha will obtain an accurate measure and report back to the town board.

Joint agreement meeting with Castle Rock

A date for this meeting will be set later in the agenda. (*Other Business Item A.*)

Lakeville Annexation

The township received a response from Lakeville through township attorney, Peter Tiede. A meeting will be set up with the township attorney, so the town board can discuss the letter. (*Other Business item A.*)

New Business

Sheriff Department- use of town hall

A deputy inquired about the possibility of obtaining a key for the town hall. They have a limited amount of access to restroom facilities in the area. The key would be kept with patrol items issued to the car that patrols the area. The town board did not have any objection to signing out a key to the sheriff department. The clerk will contact the sheriff's department and sign out a key.

A motion by Supervisor Mark Malecha: to amend the agenda as follows: add under Other Business: B. Elections and C. Newsletter. Motion seconded by Supervisor Cheryl Monson. The motion carried.

Other Business

Meeting Dates:

Budget and Road Meeting- January 3, 2006 7:00 P.M.

Joint agreement Meeting Castle Rock- January 4, 2005 7:00 P.M.

Meeting with Township Attorney on Annexation- January 4, 2005 7:30 P.M.

Elections

Candidate filing for March election opens Tuesday January 3, 2006 and closes Tuesday January 17, 2006 at 5:00 pm. This was posted in the legal paper on December 17, 2005. It has also been posted on the legal posting board outside the town hall.

Newsletters

The newsletter will be published following the candidate filing and withdrawal period. Supervisor Mark Malecha will write the board happenings.

Clerk/ Treasurer Presentation

Bank Account signer cards

The bank signer cards needed to be updated with the clerks name change. The clerk asked that all supervisors were signers on the checking account.

A motion by Supervisor Connie Anderson: That the Chair and Vice Chair be designated as signers for all claims presented at regular town board meetings, with their absence at the meeting that another supervisor be appointed at that meeting to sign claims, for that meeting only. Motion seconded by Supervisor Dan Rogers. The motion carried.

Deputy Clerk/ Treasurer

The clerk received information back from Irene Bright, from MAT. A deputy clerk/ treasurer becomes an employee of the township upon any payment for services. Many townships with planning and zoning have the deputy work along side the clerk/ treasurer in the office. The town board will allow the deputy clerk/ treasurer work time in the office. The position will be offered to Mary Ann Michels, a Eureka Township resident.

Utility permits

An application was drafted by the clerk for issuing utility permits. After issuing the last permit, some changes need to be made to the permit. The bond issue came up. The company say's that they carry liability insurance, which covers the same as a bond. The clerk will check with MATIT on bonding and liability insurance. Contacting the sheriff department if a road is closed also needs to be addressed.

Frontier Telephone has requested 2 utility permits, neither has been paid for. Chair Connie Anderson will contact Frontier on this issue.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting Adjourned at 10:25 pm.