

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
March 8, 2004

Call to Order:

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:02 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:

Add: 7. Planning Commission D. Laverne Marschall

A motion by Supervisor Kenny Miller: 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 February 9, 2004 with the following change on page 6- "Construction should begin in June; it will take approximately 90 days to complete the project." And on page 8-"Reorganizational Meeting" Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of February 17, 2004 as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

A Motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of February 23, 2004 as presented. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

A Motion by Supervisor Connie Anderson: To approve the Special Meeting Minutes of February 24, 2004 with the following addition on page under- *Met Council- Elko/ New Market* "The Met Council has received Eureka Township's COMP Plan, they are currently reviewing it." The motion was seconded by Supervisor Dan Rogers. Motion Carried.

A Motion by Supervisor Mark Malecha: To approve the March 1, 2004 Special Meeting Minutes as presented. The motion was seconded by Supervisor Kenny Miller. Motion Carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$2,678.14 in checking, \$189,393.30 in the savings account and \$119,700.93 in savings (Former CD). Federal Tax liabilities are \$610.56,

Minnesota Tax liabilities are \$28.00, County Sewer Inspection liabilities are \$40.00 and State surcharge liabilities \$300.00.

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:

Dakota Electric	Electric Bill	\$9.69
Frontier Communications	Telephone- town hall & Internet	\$78.45
Frontier Communications	Telephone- office	\$41.65
Murnane, Conlin, White & Brandt	Attorney Fees	\$3,599.93
Nanett Leine	Payroll 2/1/04 to 2/29/04	\$1,568.65
Nanett Leine	Expenses 1/1/04 to 1/31/04	\$260.10
PERA	Payroll 2/1/2004 to 2/29/04	\$193.59
ECM Publishers, Inc.	Legal Notice Election & Annual Meeting- 2 weeks	\$136.50
RiverTown Newspaper Group	Legal Ad Election Ballot, Annual Meeting	\$81.00
Braun Turf Farms	Road Maintenance	\$12,167.00
4 Paws Animal Control Services	1 Deer Disposal, 1 Dog	\$156.00
Charles J Radloff, Architect	Fee per agreement preliminary review of documents- Town Hall	\$2,568.00
Nature Calls, Inc	Portable Restroom Service	\$35.00
TOTAL BILLS PRESENTED		\$20,895.56

The town board addressed concerns with the snowplowing bills/ over budget.

A Motion by Supervisor Mark Malecha: To table the Braun Turf Farm maintenance bill for February until after discussion with the contractor. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

A Motion by Supervisor Mark Malecha: To pay the bills totaling \$8,728.56 (excluding Braun's bill). The motion was seconded by Supervisor Dan Rogers. Motion Carried.

Approval of February receipts

The following receipts were presented to the Town Board in February:

• <u>CUP</u>			
Barton Sand and Gravel- mining	\$150.00	John Storlie- mining	\$345.84
Eureka Sand and Gravel- mining	\$1,479.20		
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• <u>Other Receipts</u>			
Boonestroo - envisioning report	\$23.00	Dakota County- delinquent tax	\$2,827.37
Castle Rock Twmsp- envisioning report	\$68.00	Dakota County- Town Road Allotment	\$14,343.62
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Total Receipts in February			\$27,411.70

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

Contractor time

Roads

Mr. Braun presented the Town Board with a letter of resignation as the Road Maintenance Contractor for Eureka Township. *See attached Letter of resignation*

Supervisor Mark Malecha and Supervisor Kenny Miller made statements that there is no collusion between town board members and Mark Henry Excavating LLP, Mark Henry.

A Motion by Supervisor Mark Malecha: To accept the resignation of Braun Turf Farms effective tonight. The motion was seconded by Supervisor Dan Rogers. Motion Carried by unanimous vote.

The town board addressed the February Braun Turf Farm bill. The Town Board felt that the number of hours that were billed is excessive for the miles of road. Greenvale Township averaged 1.1 hrs/ mile; Eureka was over 2 hrs/ mile for the same 4 days.

A Motion by Supervisor Mark Malecha: To pay the Braun Turf Farm bill with reservations earlier expressed. The motion was seconded by Supervisor Kenny Miller. Motion Carried.

The town board took action earlier this year for a contractor to take over in event of a problem; Mark Henry Excavating LLP will take over the contract, effective immediately. Chris Nielsen, representing Mark Henry Excavating LLP accepted the duties.

Planning Commission Land use permits and Related Items:

Planning Commission Meeting

1. Brian Ahern- 6215 235th St W. Farmington requested a permit to enlarge and replace the existing deck and to add a screen porch. Property ID# 13-01100-010-28. A Motion by Supervisor Mark Malecha: To approve. The motion was seconded by Supervisor Connie Anderson. Motion Carried. **Permit 04-003 issued for \$258.26**

Chair Don Pflaum withdrew himself from the town board for the next permit, due to a possible conflict of interest. Vice Chair Kenny Miller took over the meeting.

2. Calvin Pflaum- 5780 225th St W Farmington requested a permit to build a 40' x 40' Ag Building on property owned at 6124 225th St W., Property ID# 13-00200-010-76.
A Motion by Supervisor Connie Anderson: To approve. The motion was seconded by Supervisor Mark Malecha. Motion Carried. **Permit #000979 issued for \$50.00**

Other Business

1. Digital Teleport Inc. CUP for the Regeneration Station 240th St & Hamburg Ave.
The town board reviewed the correspondence from Attorney Louise Toscano Seeba on the CUP. *See attached.* A Motion by Supervisor Connie Anderson: To move forward as advised by the attorney, to setup a public hearing. The motion was seconded by Supervisor Dan Rogers. Motion Carried. A public hearing will be set for April 5, 2004 at 7:30 pm.

Laverne Marschall 7429 280th St W Northfield Property ID# 13-03400-012-53 is building a new garage, he has not obtained a permit. Building Inspector, Bob Hegner will stop in and check the site and explain that a permit is needed.

Building Inspector

Building Inspector, Bob Hegner will be meeting with the State of Minnesota to address some issue on the building code adoption. The township is building according to the new code, but has not adopted it.

Roads

Gravel Bids

Supervisor Kenny Miller abstained from conversation pertaining to this issue, due to a possible conflict of interest.

The planning commission recommended putting out sealed bid for Class 5 gravel and limestone. The gravel bids would be the first step of the bidding process for the contractor and road maintenance bids.

A Motion by Supervisor Mark Malecha: To put out a sealed bid for Class 5 modified limestone and Class 5 gravel on other materials available. The material would be used for spot graveling and road projects for the entire year. The motion was seconded by Supervisor Dan Rogers.

Discussion followed:

Supervisor Mark Malecha rescinded his motion.

A Motion by Supervisor Mark Malecha: To table this until the April Town Board meeting. Quotes will be obtained. The motion was seconded by Supervisor Dan Rogers. Motion Carried. Supervisor Kenny Miller abstained.

Rip Rap along Granada Ave.

A township resident will be removing cement pads from grain bins, Supervisor Mark Malecha asked if this material could be used as rip rap along Granada Ave. The town board agreed to the use of the material as long as the plan setup by Dakota County Soil and Water is followed. The cement needs to be broken into appropriate size.

Old Business

A. & B. 265th St bridge update/ Cooperative Agreement for the Railroad

All of the Right of Entry forms for the bridge project on 265th St have been returned. The township has not received a copy of the bid specs from the County.

C. Town Hall Update

A presentation is ready for the Annual Meeting on Tuesday.

D. Spring Short Course

Owatonna on Wednesday, March 17, 2004. Registrations are taken at the door.

E. Approve Levy for Annual Meeting

A Motion by Supervisor Kenny Miller: To approve the levy of \$341,118 for the Annual Meeting Tuesday, March 9, 2004. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

F. Imposing a Service Charge for Multiple False Alarms

Supervisor Dan Rogers reported on the Lakeville Fire Calls. There were 24 calls last year, up 1 call from the previous year. The breakdown of the calls has not been received. This item will be tabled until the April Town Board Meeting.

New Business

A. EAW Elko/ New Market WWTP expansion project.

The deadline for the comment period for the EAW assessment worksheet is March 17, 2004.

A resolution has been prepared under the direction of the township attorney.

A Motion by Supervisor Mark Malecha: To approve Resolution No. 31. The motion was seconded by Supervisor Kenny Miller.

Discussion followed: Other issues to be addressed:

- Health and safety issues of the discharge to the quality of the river.
- They state that there are no Industrial users that are connected to the wastewater facility at this time; later in the plan the growth is going to be of that, they contradict themselves under the water quality.

A Motion by Supervisor Mark Malecha: to amend the motion to include changes as outlined above. Supervisor Kenny Miller accepted the amendment. The amendment was voted on and carried. The motion was voted on and carried.

The resolution will be forwarded to the township attorney for changes. The resolution will be sent to the MPCA Commissioner and Deputy Commissioner.

Other Business

A. Set meeting date for Reorganizational meeting

Monday, March 22, 2004 at 7:00 pm.

B. DSL Internet Service

A Motion by Supervisor Mark Malecha: To connect the office to DSL internet Service. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

C. Dakota County Township Officers Meeting

March 27, 2004 at 8:30 am American Legion, Farmington.

Supervisor Don Pflaum would like to offer up at the officers meeting: to subsidize the Sheriff Department, to increase the police/ sheriff operations in the area. (Friday/ Saturday night)

Condition of the County Roads should be brought up at the officers meeting.

D. Clerk/Treasurer Presentation

See attached sheet for information.

CEEF asking for a donation, the town board did not feel that it is in the budget, or appropriate, they declined to donate to the organization.

A letter was received by the Met Council is reviewing Eureka's COMP Plan, they need to extend the review period, due to scheduling conflicts.

MN Benefit Group Life Plan- Town Board declined membership.

A Motion by Supervisor Mark Malecha: To adjourn. The motion was seconded by Supervisor Connie Anderson. Motion Carried.

Meeting Adjourned at 8:30 pm.