

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

Eureka Townboard Meeting  
May 10, 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, Connie Anderson, Mark Malecha, Kenny Miller, Dan Rogers and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda:**

Add:

- 3. B. Minutes. May 3, 2004
- 6. A. Roads 3. Sentence to Serve
- 7. B. Buildings without permits
- 9. New Business E. Newsletter
- F. Road Maintenance Contract

A motion by Supervisor Dan Rogers: To approve the amended agenda. Motion seconded by Supervisor Kenny Miller. Motion carried.

**Minutes:**

A motion by Supervisor Mark Malecha: To approve the Regular Townboard Minutes of April 12, 2004 with the following addition on page 3- "Cedar / Galaxie Ave". Motion seconded by Supervisor Connie Anderson. Motion carried.

A motion by Supervisor Dan Rogers: To approve the Special Meeting Minutes of April 19, 2004 as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

A Motion by Supervisor Kenny Miller: To approve the Board of Review Minutes of April 27, 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 April 28, 2004 with the following corrections- page 1. The bids will be "accepted". Page 2 (1<sup>st</sup> Bullet) change to: "assessor's office will aid in the tax breakdown for average levy amounts." Page 2- schedule – June 14, 2004 change to: "accept or reject bids". Town Hall Committee Member present add: Chris Nielsen The motion was seconded by Supervisor Mark Malecha. Motion Carried.

A Motion by Supervisor Kenny Miller: To approve the March 3, 2004 Special Meeting Minutes as presented. The motion was seconded by Supervisor Dan Rogers. Motion Carried.

**Treasurer's Report**

Treasurer Nanett Leine reported that there is \$485.98 in checking, \$165,927.40 in the savings account and \$120,379.78 in savings (Former CD). The federal tax liability account did not reflect payment in March Clerk Nanett Leine asked to table the treasurer report until she checked the records.

Motion by Supervisor Kenny Miller: To table until later in the meeting so the clerk can check the federal liability account total. Motion seconded by Supervisor Dan Rogers. Motion carried.

**Bills**

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

<b>BeSure Inspection Services</b>	Building & Septic permits	<b>\$5,756.64</b>
<b>Mark Henry Excavating</b>	Pickup junk and check roads 8 hrs x \$40/ hr	<b>\$9,879.00</b>
<b>Dakota Electric</b>	Electric Bill	<b>\$8.96</b>
<b>Frontier Communications</b>	Telephone- town hall & Internet	<b>\$90.63</b>
<b>Frontier / Nanett Leine- reimburse</b>	Telephone- office	<b>\$105.94</b>
<b>Murnane, Conlin, White &amp; Brandt</b>	Attorney Fees	
<b>Nanett Leine</b>	Payroll 4/1/04 to 4/30/04	<b>\$1,104.80</b>
<b>Nanett Leine</b>	expenses	<b>\$199.38</b>
<b>PERA</b>	Payroll 4/1/2004 to 4/30/04	<b>\$134.60</b>
<b>ECM Publishers, Inc.</b>	Legal Ads	<b>\$39.00</b>
<b>River Town Newspaper Group</b>	Legal Ads	<b>\$27.00</b>
<b>Minnesota Assoc. of Townships</b>	2 registration urban short course	<b>\$70.00</b>
<b>Bohn Well Drilling</b>	Perk test and well design	<b>\$500.00</b>
<b>B &amp; B Excavating</b>	Treatment evaluation and Design	<b>\$325.00</b>
<b>Edward Kramer &amp; Sons</b>	Class 5 Burma- 235th St E	<b>\$699.93</b>
<b>ABDO EICK &amp; MEYERS</b>	additional owed on audit	<b>\$1,605.00</b>
<b>Charles J. Radloff</b>	Architectural Drawings, Structural Drawings	<b>\$17,154.10</b>
<b>United States Postal Service</b>	625 Stamps for Newsletter	<b>\$231.25</b>
<b>TOTAL BILLS PRESENTED</b>		<b>\$37,931.23</b>

A representative from Abdo, Eick and Meyers was present, the audit bill was discussed. The audit bill was based on hours. There was no documentation for the audit cap. Abdo, Eick and Meyers were willing to give an additional \$500 discount for their services.

A motion by Supervisor Kenny Miller: To pay Abdo, Eick and Meyers an additional \$1,105.00 for their auditing services. Motion seconded by Supervisor Dan Rogers. Motion carried.

<b>ABDO EICK &amp; MEYERS</b>	Hold till contact Firm on addition cost	<b><u>-\$500.00</u></b>
	Approved 5/10/2004	<b>\$37,431.23</b>

A motion by Supervisor Mark Malecha: to approve payment of the April bills totaling \$37,431.23  
 Motion seconded by Supervisor Dan Rogers. Motion carried.

***Approval of April receipts***

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

• <b><u>Building Permits</u></b>			
Bachman’s Greenhouse- <i>retail store</i>	\$21,797.76	Highview Church- <i>addition</i>	\$6,070.69
Mark Parranto- <i>2 Ag build permits</i>	\$50.00	Matt Marschall- <i>garage permit 04-007</i>	\$635.71
Mark Parranto- <i>2 application fee</i>	\$50.00	Hansen- <i>COMP Plan CD</i>	\$5.00
Matt Marschall – <i>application fee</i>	\$25.00		
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• <b><u>CUP</u></b>			
Terri Petter- <i>CUP Spirit Ranch 1</i>	\$15.00	Mark Nelson- <i>CUP Airstrip</i>	\$15.00
Terri Petter- <i>CUP Spirit Ranch 2</i>	\$15.00		
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• <b><u>Other Receipts</u></b>			
Ray Kadlec- <i>Driveway permit</i>	\$50.00	Dorothy Wood- <i>RASP Sign</i>	\$11.64
Terri Petter- <i>Dog Kennel</i>	\$100.00		
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<b>Total Receipts in March</b>			<b>\$24,840.80</b>

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

**Contractor time**

*Roads*

There are several signs that are in need of repair, it is a safety issue in the township. The road supervisors will work with the road contractor to order and install signs as needed.

There is spot graveling that needs to be done on 225<sup>th</sup>, Highview Ave, Denmark and in front of some driveways, before dust control is put on the roads. The road supervisors will work with the road contractor on spot graveling issues.

*Dust Control*

Supervisor Dan Rogers received 2 verbal quotes for dust control. DustMaster Plus- chloride .68 cents per gallon. Dustcoating Inc. - Magnesium chloride .57 cents per gallon.

A motion by Supervisor Kenny Miller: apply dust control, to purchase dust control from Dustcoating at .57 cents per gallon. Motion seconded by Supervisor Connie Anderson.

The motion was amended by Supervisor Connie Anderson: as soon as we receive written quotes of the verbal quotes. Supervisor Kenny Miller accepted the amendment. The amendment was voted on and passed. The motion was voted on and passed.

*Sentenced to Serve*

Sentenced to serve will be working along township roads every Sunday in May and on Memorial Day weekend. They will haul gravel out of the ditches and pickup trash.

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

*Planning Commission Meeting*

*Consent Agenda*

1. Ray Hall-8236 225<sup>th</sup> St W Lakeville- requested a zoning permit for a 124' x 100' pole shed for agricultural use. Property ID# 13-00400-010-52.  
**Permit # 000982 issued for \$50.00**
2. Jon Aaberg- 24285 Idalia Ave. W Lakeville requested a permit for a 2' x 44' attached garage. Property ID # 13-24660-040-03  
**Permit # 04-009 issued for \$804.04**

A motion by Supervisor Kenny Miller: To approve consent agenda items as presented. Motion seconded by Supervisor Mark Malecha. Motion carried.

3. Ann Kadlec- 6945 247<sup>th</sup> St W Farmington asked if they could cluster the building right from the back property to the near the road. She was concerned that the property could not be homesteaded. The building right could not be cluster since the Kadlec do not own 80 acres. Permit for the second house was given under a CUP. The town board advised that they contact the County assessor's office that both homes should be able to be homesteaded.
4. Mike Greco- 25453 Ipava Ave. W. Lakeville requested a permit to build a 12' x 18' deck onto their home. Property ID # 13-02000-020-27. Mike needs to get the building plans to the inspector for approval and to obtain the permit fee.  
A motion by Supervisor Kenny Miller: To approve the permit as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.
5. Troy Ordorff- 24149 Highview Ave, Lakeville requested a permit for a barn type structure for personal use.  
A motion by Supervisor Kenny Miller: to table this permit, until building inspector is present. Motion seconded by Supervisor Mark Malecha. Motion carried.

*Other Business*

*Adopt State Building Codes*

A motion by Supervisor Dan Rogers: to table until the building inspector arrives. Motion seconded by Supervisor Mark Malecha. Motion carried.

*Quest- telephone cable*

Qwest requested to place a telephone cable at 7417 280<sup>th</sup> St W.

A motion by Supervisor Kenny Miller: to approve the request. Motion seconded by Supervisor Dan Rogers. Motion carried.

Chair Don Pflaum introduced Hank Tressel the new Chair of Dakota County Township Officers. Hank gave an overview of issues before township officers at the June meeting.

### *Air Lake Airport Land Use*

Jack Matasosky and Sean Regan from Appro Development Inc. are asking the township to consider industrial use on property owned by Appro Development at the Airlake Industrial Park. Uses would most likely include 1 to 5 acre sites for large corporate warehouse facilities, office- light manufacturing and distribution.

Chair Don Pflaum said that commercial use will be discussed at future meetings. The current comp plan states zoning as Agriculture.

### *Building Inspector*

The town board asked Building Inspector, Bob Hegner to follow up on the following construction, where permits may not have been issued. Dick Martin 9774 250<sup>th</sup> St W. - an addition to a garage, North of Wat Lao- 2 pole sheds, Dan Ryan 280th St. W.- gazebo.

The building inspector was also asked to follow up on the noise complaint from the April 12 town board meeting.

The new state building codes are not ready for adoption at this time. The township is currently running under the old building codes.

Planning commission members expressed concerns of the cost of building permit fees, that they were too high. Inspector, Bob Hegner stated that State Building Codes fee schedule is based on sq. ft., not the cost of the building.

Troy Ordorff, building permit request- The inspector needs plans for the actual building that is going to be erected, the plans submitted were not for the building requested.

The town board asked Mr. Ordorff to re-present his plans to the planning commission when he has detailed plans on the building. The location of the building on the site is acceptable.

### *CUP*

Dick Wagaman- 25791 Dodd Blvd, Lakeville was present for the review of his conditional use permit for Dick's Gunsmithing. He has applied for his federal license. It is good for 3 years. Chair Don Pflaum asked for any public comments, hearing none entertained a motion to approve the review.

A motion by Supervisor Mark Malecha: To approve the review, to review the Conditional permit in 3 years. Motion seconded by Supervisor Dan Rogers. Motion carried.

### **Old Business**

#### *A. Town Hall Update*

No update.

#### *B. 265<sup>th</sup> St bridge update/ Cooperative agreement*

Decision on contract package will be made on Tuesday, May 11, 2004.

#### *C. Imposing a Service Charge for Multiple False Alarms*

A motion by Supervisor Kenny Miller: In any calendar year which a property has more than 2 false alarms: the property owner will be charged all costs incurred for the third false call and

each false call there after plus a \$20 service fee. Motion seconded by Supervisor Dan Rogers. Motion carried.

Chair Don Pflaum and Supervisor Dan Rogers will contact the fire departments and inform them of the new policy. The town board will request a monthly report

*D. Airlake Airport- Aircraft Resource Center*

Not present

*E. Dakota County Treasurer Office/ building permits 2000*

At the Town of Eureka Board of Review meeting, the town board asked Gloria Pinkie, assessment manager how the count was going to handle missing building permits for 2000. Gloria stated that taxes will be assessed from this point forward, they will not back charge to previous tax years. Clerk/ Treasurer Nanett Leine will search the town records to see if there were any other permits issued in 2000 that were not reported to the assessor's office.

*F. Centurytel Fiber II*

This item will be added to May 17, 2004 agenda, for review with attorney, Louise Toscano Seeba.

*G. Noise Compliant*

Addressed under building inspector.

*H. Letter from Castle Rock Township*

The township received a letter back from Castle Rock Township recommending the approval of the 2:00am closing for the Castle Rock Café. (*See attached Letter*)

*I. Elko/ New Market Waste Water Treatment Facility*

The town board has requested an EIS. The MPCA Citizen's board meets on June 22, 2004 public testimony in the morning. The town board has set a special meeting for May 19, 2004 from 7 to 8pm to facilitate discussion to the Elko/ New Market waste water treatment facility. The town board discussed the possibility of hiring a consultant.

A motion by Supervisor Mark Malecha: to direct Chair Don Pflaum and Supervisor Connie Anderson to hire a consultant to help with the Elko/ New Market issue, to authorize by quote (up to \$35,000). Motion seconded by Supervisor Dan Rogers. A vote was taken, it passed with unanimous approval.

Chair Don Pflaum will request attorney, Louise Toscano Seeba to be present at the May 19, 2004 meeting.

Clerk/ Treasurer Nanett Leine will invite New Market Township to the May 19, 2004 meeting.

**New Business**

*Friends of the Mississippi River*

Watershed director, Daniel Huff gave a brief overview of the programs offered through Friends of the Mississippi River. He presented their vision of the Vermillion Watershed, a river for recreation, wildlife a great place to live. Issues in the district are ground water (nitrate) contamination and fecal contamination. They have a five year focus; they would like

to establish a vegetative buffer along the river and tributaries. Their mission is to protect water resources- pro water quality.

There were concerns on easements/ buffers- these are zoning issues. Daniel Huff commented that conservation easements are private property, that there is no trespassing on these properties.

*A. (2) Citizen's complaints about burning trash.*

The township received 2 complaints of citizen's burning trash. Clerk/ Treasurer Nanett Leine will contact the county to find out who enforces the County Ordinance against burning trash.

*B. (CDBG) Community Development Grant Program for 2005-2007*

The township participated in this program for the last 3 years, and will automatically be enrolled for the next three years, unless they express in writing that they do not wish to participate. Money is available through this program for ordinance and comp plan work. The board agreed to continue participation in the program.

*C. CIP*

The town board needs to follow up in writing on the CIP. Response is due June 18, 2004.

The town board discussed the County's Capital Improvement Plan.

A motion by Supervisor Mark Malecha: To put in writing the improvements to Dodd Blvd. Motion seconded by Chair Don Pflaum. A vote was taken, the motion was denied.

The planning commission will present the town board with suggestions on the CIP for the June 14, 2004 town board meeting.

*D. Citizen request for tire pick up*

There are no monies available from the State at this time.

*E. Newsletter approval*

This item will be moved to May 17, 2004 Special Town board meeting.

*F. Road Maintenance Contract*

The planning commission recommended additional items be added to the bid specifications. Including: Backup blade, 24 hour phone number, maintenance- labor/ hour (shovel town hall, sign replacement, garbage pickup) attendance at bid opening, attendance at monthly town board meetings and equipment inspected before awarding the bid. To award a two year or three year contract.

A motion by Supervisor Mark Malecha: to accept the modified, road maintenance bid specification as a two year contract. Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To see the clerk for specifications, bids opened June 14, 2004. Motion seconded by Supervisor Dan Rogers. Motion carried.

The ad will be placed in the paper this week, for two weeks.

*Treasurer report*

The treasurer report was corrected to read Liabilities as: County sewer inspection liabilities are \$40.00, Federal tax liability \$268.72, Minnesota Tax liability \$4.00 and State surcharge liabilities \$1,220.86.

A motion by Supervisor Mark Malecha: To accept the treasurer report as presented. Motion seconded by

**Other Business**

*Martin Diffley- removal of Gravel from property*

Martin Diffley- 25498 Highview Ave. addressed the town board on the issue that he removed sand from his property. The sand was donated to Highview Church for their construction project. (28 loads/ 10 yards per load.) It was less than 400 yards.

*Clerk/Treasurer Presentation*

See attached sheet for information.

Meeting Adjourned at 10:58 pm.