

Eureka Township
Dakota County
State of Minnesota

Eureka Town board Meeting
September 13, 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, and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda:

Add: 6. Contractor time- A. Roads

1. Essex repair/ upkeep before turn back
2. Responsibility of contractor 265th to new bridge- dust control/ hauling maintenance.

7. Planning Commission: 3. CUP's- B. Ray Kadlec

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

Minutes:

A motion by Supervisor Kenny Miller: To approve the Regular Town board Minutes of August 9, 2004 as presented. Motion seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Mark Malecha: To approve the Special Meeting Minutes of August 2, 2004 with the following correction on page 1, third paragraph from bottom. "Bryce explained how the regional sewer system is funded." And next paragraph" Met Council would require two types of easements." Motion seconded by Supervisor Kenny Miller. Motion carried.

A motion by Supervisor Kenny Miller: To approve the Special Meeting Minutes of August 16, 2004 as presented. The motion was seconded by Supervisor Mark Malecha. Motion Carried.

A motion by Supervisor Mark Malecha: To approve the August 30, 2004 Special Meeting Minutes as presented. Motion seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Connie Anderson: To approve the September 7, 2004 Special Meeting Minutes as presented. Motion seconded by Supervisor Kenny Miller. Motion Carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$809.49 in checking, \$143,876.20 in the savings account and \$121,055.06 in savings (Former CD). The federal tax liability account is \$433.96, County Sewer inspection permits \$40.00 and State surcharge liability \$20.50.

Motion by Supervisor Connie Anderson: To approve the treasurer report as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

Bills and Receipts

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

BeSure Inspection Services	Building & Septic permits			\$910.71
Mark Henry Excavating	Grade Roads			\$9,722.00
Mark Henry Excavating LLP	Highview Ave Bridge			\$4,180.95
Dakota Electric	Electric Bill			\$10.28
Frontier Communications	Telephone- town hall			\$90.27
Frontier Communications	Telephone- office			\$83.56
Nanett Leine	Payroll 7/1/04 to 7/31/04			\$1,283.67
Nanett Leine	Expenses			\$207.64
PERA	Payroll 6/1/2004 to 6/30/04			\$156.39
Murnane, Conlin, Brandt & White	Legal fees			\$3,208.01
Erik Leine	Mow town hall August 6, 17, 26			\$60.00
Rivertown Newspaper group	Krapu public hearing and ordinance			\$33.75
ECM Publisher	Krapu public hearing and ordinance			\$48.75
Castle Rock Bank	Costs processing of loan			\$1,144.77
Dakota County Treasurer Auditor	2003 costs for pay 2004 Truth in Taxation			\$233.32
City of Lakeville	Fire Fighting Service Agreement 2004			\$26,371.00
Healy Construction	Town Hall			\$30,875.00
Instant Testing	Site work town hall			\$269.40
M-R Sign	Road signs			\$616.15
Charles J Radloff	New Town Hall -	July 19, 2004	\$2,070.40	
		Aug. 31, 2004	\$632.70	\$2,703.10
TOTAL BILLS PRESENTED				\$82,208.72

A motion by Supervisor Kenny Miller: to approve payment of the August bills totaling \$82,208.72
Motion seconded by Supervisor Mark Malecha. Motion carried.

Approval of August receipts

The following receipts were deposited in August:

• Building Permits

Pat Haugen – <i>Application fee</i>	\$25.00	Bill Murphy- Addition	\$830.54
Pat Haugen- <i>porch</i>	\$209.66	John LaFavre- Ag Shed	\$50.00
Bill Murphy- <i>Application fee</i>	\$25.00		

<ul style="list-style-type: none"> • <u>Septic / HVAC</u> 	
Heglund- Conboy's	\$280.00
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<ul style="list-style-type: none"> • <u>CUP's</u> 	
Andi & Jeff Krapu	\$100.00
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<ul style="list-style-type: none"> • <u>Other Receipts</u> 	
44 RASP Sign (see receipts for specifics)	\$477.77
Healy Construction- Town Hall State Surcharge	\$250.00
Healy Construction- Town Hall Septic	\$40.00
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Total Receipts in August \$2,287.97	

A motion by Supervisor Kenny Miller: To approve August receipts as presented. Motion seconded by Supervisor Connie Anderson. Motion Carried.

Contractor Time

Roads

Culverts on Highview, Fordham and Iberia have been installed. Graveling of township roads will be finished this week. Road sign repair has been completed. The school signs should be in this week. Approximately half of the traffic counts have been completed. There has been some trash along the roadways. The majority of the trash is along 225th St.

Responsibility of contractor 265th to new bridge- dust control/hauling maintenance.

The road supervisor needs to contact the county to see if there are any provisions in the construction contract for maintenance and or dust control while they are doing the mass hauling. If there are provisions then the township should be reimbursed for the township's road contractor's time in maintenance of the road. Supervisor Mark Malecha will follow-up on this issue.

Essex repair/upkeep before turn back

Tuesday, September 14, 2004 Supervisor Mark Malecha will be meeting with the County on Essex Ave. turn back.

Road Maintenance Contract

Due to the absences of the road supervisors this past month, the road supervisors and road contractor has not been able to resolve issues in the road contract. This item will be moved to October 12, 2004 town board meeting.

Planning Commission Land use permits and Related Items:

Planning Commission Meeting

1. Consent Agenda

1. Kevin Mills- 5379 265th St W, Farmington, MN requested a zoning permit for a pole shed 30' x 48' with 14' sidewalls. Property ID# 13-02500-010-28
Permit # 04-021 issued for \$423.46
3. Dan Fritz- 6608 245th St, Farmington, MN requested a zoning permit for a pole shed 42' x 60' with 14' sidewalls. Property ID# 13-01500-012-77
Permit #04-023 issued for \$683.06

4. Chris Hartong- 24584 Iceland Path, Lakeville, MN requested a zoning permit for a pole shed 42' x 64' with 16' sidewalls. Property ID# 13-2466007010
Permit #04-024 issued for \$701.05
5. Terri Petter- 10132 235th St W, Lakeville, MN requested a zoning permit for a pole shed 12' x 48' with 12' sidewalls. Property ID# 13-00700-01150
Permit #000986 issued for \$50.00

A motion by Supervisor Mark Malecha: To approve the four above stated, planning commission consent agenda items. Motion seconded by Supervisor Kenny Miller. Motion carried.

Dan Ryan is requesting a pole shed to house personally owned dogs. He will not have more than 6 dogs and will not need a kennel permit. The planning commission questioned if this permit was an Ag related use. The town board decided it was not ag use.

2. Dan and Lisa Ryan- 7417 280th St. W., Farmington, MN requested a zoning permit for a Pole shed 20' x 20' with 12' sidewalls. Property ID# 13-03400-011-53.
Permit # 04-022 issued for \$271.06

A motion by Supervisor Mark Malecha: To approve the permit as a non ag building. Motion seconded by Supervisor Kenny Miller. Motion Carried.

2. *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) the town board could not come to a conclusion, further research is needed. A motion by Supervisor Kenny Miller: The town board needs more information before making a decision, to move this item to the October town board meeting. Motion seconded by Supervisor Connie Anderson. Motion Carried.

3. *CUP*

A) *Ray Kadlec*

The town board conducted the annual review of the CUP granted to Ray Kadlec, 6945 247th St. W, Farmington, MN 55024. Property ID# 13-01500-030-75. September 8, 2003. Supervisor Don Pflaum opened the floor for public comments. Hearing none the public comment was closed. The town board reviewed the conditions of the CUP. No documentation on verification of employment was presented. A motion by Supervisor Kenny Miller: To approve the review of the CUP. Motion seconded by Supervisor Mark Malecha. An amendment by Supervisor Mark Malecha: contingent on the parties providing verification of employment. Supervisor Kenny Miller accepted the amendment. The amendment was voted on and passed the motion was voted on and passed. This item will be carried forward to the October agenda.

B) *Krapu*

Supervisor Mark Malecha removed himself from the town boards discussion on this issue due to a conflict of interest. Krapu presented the town board with documents relating to the proposed dog kennel, including a percolation test, septic design and a letter from a kennel similar to the proposed kennel by Krapu's. The town board asked Building Inspector Bob Hegner to review the proposed septic plans and to have a written report to the town board before the September 27, 2004 Special Town Board Meeting. Any written comments on this issue can be sent to the Clerk.

8:00 PM Farmington Fire Department- No representative present.

8:15 PM Noise complaint

The town board received a noise complaint against Country Joe Racing, 22222 Dodd Blvd., Lakeville. Joe Miller, owner and Dick Melius, Events/ Marking Manager were present to address this issue. The town board asked that the complainant/ neighbors and Country Joe Racing get together and try to work out some kind of acceptable arrangement to deal with this issue. They asked for a written plan to be brought to the October town board meeting.

Old Business

A. *Land Use- Friedges Landscaping*

Supervisor Kenny Miller removed himself from the discussion on this item, due to a conflict of interest. Todd Brennan was present representing Friedges Landscaping. Friedges Landscaping brings in top soil, mixes it with sand then sells the product. They also store boulders on the property. The issue discussed was if Friedges is allowed to process and sell black soil, then it should be allowed in other cases, such as mining operators. If it is an allowed use, then why aren't mine operators allowed to do this also?

It is unclear to the town board if this is considered a use under mining or if it is a non conforming use. The township attorney will be contacted for an opinion on this issue. This item will be added to the October town board meeting.

B. *Non Conforming Use*

Registration form, registration fee and application deadline.

A motion by Supervisor Mark Malecha: To set a one time registration fee of \$50.00. Motion seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Mark Malecha: To set the filing date December 31, 2004. Motion seconded by Supervisor Kenny Miller. Motion Carried.

A motion by Supervisor Mark Malecha: To accept the registration form as presented, with the change to the filing date to December 31, 2004. Motion seconded by Supervisor Don Pflaum. Motion Carried.

Supervisor Don Pflaum recognized Terry Flower. He is running for County Commissioner. Mr. Flower introduced himself and said a few words.

C. *Road projects*

1. *Spot graveling quotes- Crushed Limestone*

Malecha Trucking hauling quote \$4.82 from Kramer and \$4.75 from Solberg.

Solberg Quote- \$4.75 for limestone, \$4.35 for hauling.

Kramer's Quote- \$5.59 for limestone.

Eureka Sand and Gravel quote- \$9.30 for material and handling.

Kramer's quote for limestone (\$5.59) plus Malecha Trucking Quote (\$4.82) = \$10.41

Solberg Aggregate quote- 4.75 limestone plus \$4.35 hauling = \$9.10

A motion by Supervisor Mark Malecha: To accept the \$9.10 material and hauling quote of Solberg Aggregate for crushed limestone for spot graveling. Motion seconded by Supervisor Don Pflaum. Motion Carried.

2. *225th St road project (Between the bridge and Essex Ave.)*
Culvert/ low spot repair. This location was designed as an overflow (excess water flows over the road) Board members questioned if there is room for a culvert. Road supervisor and road contractor will check with the county and report back to the town board at the October meeting.

- D. *Centurytel Fiber II*
No new information received. This item will stay on the agenda.

- E. *Appro Development Inc.*
The town board reviewed the letter drafted by Township attorney, Peter Tiede, to be sent to Appro Development. The letter will be from the town board and signed by the town board chair. A motion by Supervisor Connie Anderson: To send the letter to Appro Development. Motion seconded by Supervisor Kenny Miller. Motion Carried.

- F. *AT & T facility Cedar and 250th St.*
Supervisor Dan Rogers is out of town on business, he has been working on this issue. This item will be moved to the October meeting.

- G. *Elko / New Market Septic Treatment Facility*
Supervisor Don Pflaum updated the town board on issues relating to the Elko/ New Market Septic Treatment Plant. Elko/ New Market have been sending regular updates on happenings. They are trucking surplus. Supervisor Don Pflaum has attended two round tables on the issues.

- H. *Interceptor line.*
Met council is moving forward with the recommendations of the town board and other communities.

- I. *Scott County COMP Plan Update*
Review process is under way, once approved the Met Council can take action with moving forward with the interceptor line and waste water system plan update.

New Business

Dry Hydrant

Farmington Fire Department would like to put dry hydrants in the township. They were not present at the meeting. This item will be put on the agenda on the October meeting.

Burning Complaint

The town board received a letter from a citizen on a burning complaint. Clerk/ Treasurer Nanett Leine will send a letter to the addressed person stating they are in violation of burning laws.

Elections

A motion by Supervisor Mark Malecha: The Eureka town hall, located at 25140 Cedar Ave will be unavailable for the November 2, 2004 election. The election will be held at the New Town Hall located at 25043 Cedar Ave. Motion seconded by Supervisor Kenny Miller. Motion seconded by Supervisor Connie Anderson. Motion Carried.

A motion by Supervisor Mark Malecha: To allow the Kids Voting Project on the General Election Day, November 2, 2004. Motion seconded by Supervisor Kenny Miller. Motion Carried.

A motion by Supervisor Mark Malecha: To leave election judge pay at \$5.25 per hour. Motion seconded by Supervisor Kenny Miller. Motion Carried. Supervisor Connie Anderson abstained from voting, due to a conflict of interest, she is an election judge.

A motion by Supervisor Mark Malecha: To allow up to 12 judges for the November 2, 2004 general election. Motion seconded by Supervisor Kenny Miller. Motion Carried. Supervisor Connie Anderson abstained from voting, due to a conflict of interest, she is an election judge.

North Cannon WMO

Dakota County recently ended their annual funding contribution of \$8,000 to the WMO. The WMO is considering withdrawing \$4,000 from its reserve and increasing dues from contributions by \$4,000. They are asking for input from the township on the proposed changes.

A motion by Supervisor Kenny Miller: Eureka Township is willing to pay the proposed increase over the original request to support the WMO and to fit the increased cost into the 2005 budget. Motion seconded by Supervisor Mark Malecha. Motion Carried. Supervisor Connie Anderson submitted information for background purpose and did not participate in the discussion for support or vote on the issue, due to a conflict of interest.

Newsletter

The newsletter is not ready for review. It will be ready for approval at the Special Town Board Meeting on September 20, 2004.

Other Business

Clerk/Treasurer Presentation

Clerk/ treasurer presentation: See attached sheet for information.

Cannon Valley Prepay program

A motion by Supervisor Kenny Miller: To prepay for 500 gallons of propane from Cannon Valley Coop. Motion seconded by Supervisor Connie Anderson.

After discussion Supervisor Kenny Miller rescinded his motion. More information is needed on the program before taking action.

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

Meeting Adjourned at 10:35 PM