

EUREKA TOWN BOARD MEETING NOVEMBER 14, 1994

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON SCHINDELDECKER. PRESENT WERE SUPERVISORS JOHNSON, KADLEC, SMITH AND TOPP, CLERK LEINE AND TREASURE SCHULZ.

SMITH MOVED TO ACCEPT THE OCTOBER MINUTES WITH THE FOLLOWING CORRECTIONS: PAGE 1, PARAGRAPH 9: ADD AFTER, "TOWNSHIP". "MR. MIDDLEMIST INDICATED THAT HE WOULD NOT BRING A MOBILE HOME INTO THE TOWNSHIP." PAGE 2, PARAGRAPH 3: CHANGE "MALACCA" TO "MALECHA". THIS MOTION WAS SECONDED BY TOPP AND THE MOTION CARRIED.

TOPP MOVED TO ACCEPT THE TREASURES REPORT, SECONDED BY SMITH AND CARRIED.

KADLEC MOVED TO PAY BILLS PRESENT TO THE BOARD, SECONDED BY JOHNSON AND CARRIED.

MR. KSCMSING, REPRESENTING THE WAT-LAO TEMPLE, 22605 CEDAR AVE S, IS REQUESTING A PERMIT FOR A 3 CAR STAND ALONG 32 X 24 GARAGE. SIGNED PLANS FOR THIS STRUCTURE AND PLOT MAP OF SITE WERE PRESENTED. REQUEST FOR SHORE LAND PERMIT HAS BEEN APPLIED FOR BUT NOT YET RECEIVED FROM COUNTY. SMITH MOVED TO GRANT PERMIT CONTINGENT UPON THE SHORE LAND PERMIT, SECONDED BY TOPP AND CARRIED.

BUD WAGNER, 14420 GLENDA DRIVE, APPLE VALLEY, REQUESTED A PERMIT FOR A 1758 SQUARE FOOT RAMBLER WITH ATTACHED GARAGE, TO BE LOCATED .6 MILE EAST OF GALAXIE AVE ON 265TH ST. WAGNER PRESENTED THE BOARD WITH SIGNED HOUSE, SEPTIC AND PLOT PLANS OF THE PROJECT. SMITH MOVED TO GRANT PERMIT, SECONDED BY TOPP AND CARRIED.

JAMES H COOPER, 26437 GALAXIE AVE SOUTH, REQUESTED A SEPTIC PERMIT FOR A FAILED SYSTEM. INSTALLER DARREL GILMER HAS SIGNED PRINTS FOR SYSTEM. SMITH MOVED TO GRANT PERMIT, SECONDED BY JOHNSON AND CARRIED.

GENE MALECHA HAS BEEN GIVEN A LOCATION TO BUILD A FIELD DRIVE, INTO HIS PROPERTY OFF JAMAICA AVE, WITH A 15 INCH CULVERT TO BE PLACE UNDER THIS APPROACH.

WOODLAND PALLETS APPROACHED THE BOARD ASKING WHAT WAS NEEDED TO START THIS BUSINESS IN THE TOWNSHIP. THE BUSINESS WOULD BE LOCATED ON THE DEAD END WEST OF THE RAILROAD TRACKS ON 255TH ST. TRUCK WOULD BE DROPPING OFF AND PICKING UP A LOAD OF PALLETS ONCE A WEEK. THE BOARD OUTLINED THE PROCESS FOR OBTAINING AND RENEWING A C.U.P. WHICH IS REQUIRED TO OPERATE THIS BUSINESS IN THE TOWNSHIP. WOODLAND WAS ADVISED BY THEIR ATTORNEY THAT THERE WERE TOO MANY UNCONTROLLABLE VARIABLES TO MAKE THIS A GOOD LOCATION FOR THIS BUSINESS. THEY THANKED THE BOARD FOR THEIR TIME AND DEPARTED.

SUPERVISOR TOPP READ THE SEPTEMBER 12, 1994 MINUTES TO START THE DISCUSSION ON THE MIDDLEMIST COMPLAINT. TOPP TOLD PERSONS PRESENT THAT AS OF THE OCTOBER MEETING A PRIVATE DRIVEWAY AGREEMENT INTO THE PROPERTY WAS STARTED. A SPECIAL MEETING WAS TO BE HELD TO FINALIZE THIS AGREEMENT. OCTOBER 28, BEFORE MEETING WAS HELD, TOPP, AS WELL AS OTHER SUPERVISORS, WAS CONTACTED BY CITIZENS OF THE TOWNSHIP WANTING TO KNOW HOW COME A MOBILE HOME WAS MOVED ONTO THE MIDDLEMIST PROPERTY.

OCTOBER 29, TOPP CONTACTED THE COUNTY SHERIFF ASKING THAT THE SHERIFF SERVE PAPERS ON MIDDLEMIST FOR ON COMPLIANCE OF TOWNSHIP ORDINANCES. OCTOBER 31 AND NOVEMBER 1, THE SHERIFF VERIFIED THAT THE TOWNSHIP HAS SAID ORDINANCES THAT MIDDLEMIST WAS IN NON-COMPLIANCE WITH. NOVEMBER 3, THE SHERIFF'S DEPARTMENT SERVICED MIDDLEMIST WITH VIOLATIONS PAPERS. TOP ALSO TALKED TO THE COUNTY ATTORNEY. THE ATTORNEY TOLD TOPP THAT IT WAS A TOWNSHIP MATTER AND THE COUNTY WOULD NOT PROSECUTE. NOVEMBER 11, TOPP LOOKED AT SITE WITHOUT GOING ONTO SITE AND REPORTED THAT A POLE FRAME BUILDING WAS UNDER CONSTRUCTION ALSO WITHOUT A PERMIT FROM THE TOWNSHIP. TOPP TOLD MIDDLEMIST THAT JUST BECAUSE HE HAD LIVESTOCK ON SITE, IT WAS NOT A REASON FOR NON-COMPLIANCE OF TOWNSHIP ORDINANCE.

JOHN WALTER, ATTORNEY FOR MIDDLEMIST, ADDRESS THE BOARD. WALTER STARTED WITH MIDDLEMIST ASKING FOR A PERMIT FOR A HOUSE AND POLE FRAME BUILDING IN MID SEPTEMBER. MIDDLEMIST ASKED TO HAVE THE POLE FRAME BUILDING BUILT RIGHT-A-WAY SO HE COULD HOUSE HIS LIVE STOCK THAT WAS DUE IN NOVEMBER. WALTER TOLD THE BOARD THAT MIDDLEMIST DIDN'T KNOW THAT THE ROAD WAS GOING TO BE A PROBLEM WHEN HE PURCHASED THE PROPERTY. MIDDLEMIST FIGURED THAT THE ROAD WAS UNDER CONSTRUCTION AND WOULD BE DONE SHORTLY. WALTER TOLD THE BOARD THAT THIS VENTURE WAS MIDDLEMIST ONLY BUSINESS. THIS BUSINESS WAS GOING TO BE RUN BY HIS DAUGHTER AND SON-IN-LAW. WALTER TOLD THE BOARD THAT THE TYPE OF LIVESTOCK BEING RAISED NEEDED 24 HOUR A DAY CARE, AND BECAUSE THE LIVESTOCK ARRIVED, MOVED THE MOBILE HOME ONTO THE PROPERTY SO THEY COULD CARE FOR THE LIVESTOCK. WALTERS ASKED THE BOARD TO GRANT A TEMPORARY PERMIT FOR THE MOBILE HOME WHILE THE HOUSE WAS BEING BUILT BECAUSE FOR THE NEED FOR SOMEONE TO LIVE CLOSE TO THE LIVESTOCK.

CITIZENS PRESENT AT THIS MEETING VOICED THE OPINION THAT MIDDLEMIST "BUT THE CART BEFORE THE HORSE". CITIZENS VOICED THE CONCERNS THAT, IF THIS VENTURE IS ALLOWED TO REMAIN AS IT HAS STARTED, ANYONE COMING INTO THE TOWNSHIP THAT DIDN'T WANT TO FOLLOW THE ORDINANCES, WOULD DO AS THEY DARN WELL PLEASED.

SWEDEN ASKED ABOUT THE RUN OFF OF WASTE THAT THE LIVESTOCK WOULD PRODUCE. THESE ARE EXOTIC BIRDS, DO THEY POSE A HAZARD TO THE WILDLIFE OF THIS AREA? IS THIS A FEED LOT OPERATION AND DOES MIDDLEMIST NEED COUNTY APPROVAL? IS THERE A SEPTIC SYSTEM ON THIS SITE NOW? HAS A WELL BE DRILLED?

MIDDLEMIST ANSWERED THESE QUESTIONS. NO THERE IS NO SEPTIC SYSTEM. THEY ARE USING SATELLITE SANITATION. YES, A WELL HAS BEEN DRILLING AND THE PROPER PAPER WORK AND SAMPLES HAVE BEEN FILED WITH THE STATE OF MINNESOTA. MIDDLEMIST TOLD THE BOARD AND CITIZENS PRESENT THAT THESE BIRDS WERE NOT EXOTIC, THEY WERE A GOOD, CHEAP, SUPPLIER OF RED MEAT FOR HUMAN NEEDS. MIDDLEMIST WENT ON TO TELL THE BOARD THAT HE HAD BEEN ASSURED FROM THE SELLER OF THIS PROPERTY THAT HE WOULD HAVE NO PROBLEM OBTAINING NEEDED PERMITS.

THE TOWNSHIP TOLD MIDDLEMIST THAT THE MOBILE HOME SHOULD BE REMOVED FROM THE PROPERTY "TO SHOW GOOD FAITH" WHILE WORKING ON AN AGREEMENT FOR THE DRIVE WAY.

MIDDLEMIST ATTORNEY TOLD THE BOARD THAT THIS WAS NOT A PRACTICAL SOLUTION WHILE WAITING FOR THIS AGREEMENT AND FOR PERMITS FOR HOUSE AND POLE FRAME BUILDING.

AFTER ONE AND ONE-HALF HOURS OF DISCUSSION, TOPP MADE THE FOLLOWING MOTION. WHERE AS EUREKA TOWNSHIP HAS NO PERMITTED USE FOR MOBILE HOMES - EXCEPT AS DEFINED IN TOWNSHIP ORDINANCE: NUMBER 4 SECTION 5, NUMBER 9 SECTION 3 AND NUMBER 9 SECTION 11, AND WHEREAS MR. ROBERT MIDDLEMIST HAS MOVED A MOBILE HOME ONTO HIS PROPERTY, BORDERING HIGHVIEW AVE IN EUREKA TOWNSHIP WITHOUT A PRIMIT OR PERMISSION; AND WHEREAS MR. MIDDLEMIST HAS BEGAN CONSTRUCTION OF A POLE FRAME BUILDING WITHOUT THE REQUIRE PERMIT; THEREFORE, BE IT RESOLVED THAT WE WILL HOLD A SPECIAL MEETING TO CONSIDER A PRIVATE DRIVEWAY AGREEMENT BETWEEN THE TOWNSHIP AND MR. ROBERT MIDDLEMIST, PAID FOR BY MR. MIDDLEMIST, WHEN HE IS: (1) IN COMPLIANCE WITH TOWNSHIP ORDINANCE REGARDING MOBILE HOMES, (2) WHEN HE HAS PAID THE APPROPRIATE FINES FOR THE ORDINANCE VIOLATIONS, AND (3) WHEN HE HAS PAID THE TOWNSHIPS LEGAL EXPENSES INCURRED IN DEALING WITH HIS NON-COMPLIANCE. THIS MOTION WAS SECONDED BY SMITH AND MOTION CARRIED.

TOPP MADE THE FOLLOWING MOTION: THAT THE TOWN BOARD AUTHORIZED OUR ATTORNEY TO ENTER INTO A LAW SUIT, TO REMOVE NON-PERMITTED MOBILE HOME FROM THE MIDDLEMIST PROPERTY, AND TO TEAR DOWN POLE FRAME BUILDING THAT HAS BEEN STARTED WITHOUT A PERMIT. CONCURRENTLY: WE HAT TO OBTAIN A RESTRAINING ORDER TO STOP CONSTRUCTION OF SAME POLE FRAME BUILDING AND OCCUPANCY OF THE MOBILE HOME. THIS MOTION WAS SECONDED BY KADLEC AND THIS MOTION CARRIED.

SWEDEN TALKED TO BOARD ABOUT 235TH STREET AND HOW ROUGH THE ROAD WAS. HE ASKED IF THE ROAD WAS BEING GRADED ONCE A WEEK. THE BOARD INFORMED SWEDEN THAT THE ROAD WAS BEING GRADED EACH WEEK, WEATHER PERMITTING. SWEDEN WAS OF THE OPINION THAT THE ROAD WAS IN BAD SHAPE DUE TO THE TREE SERVICE BUSINESS LOCATED ON THIS ROAD. SWEDEN SAID THAT THEY ARE HEAVILY LOADED AND MAKE MANY TRIPS. SWEDEN ASKED THAT THE TOPIC OF HARD-SURFACE FOR THIS ROAD BE BROUGHT UP AT THE ANNUAL MEETING IN MARCH.

TOPP MOVED TO ADJOURN, SECONDED BY KADLEC AND CARRIED.

OLIVER LEINE/CLERK
gls