

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

NOVEMBER 9, 2015

CALL TO ORDER

Chair Brian Budenski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Brian Budenski, Kenny Miller, Dan Rogers, Carrie Jennings and Cory Behrendt. Planning Commission Chair Nancy Sauber, Planning Commission Liaison Fritz Frana, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

Old Business:

- I. Assign GRI meeting representatives
- J. Miller property follow up

Motion was made by Supervisor Budenski, seconded by Supervisor Jennings to approve the agenda as amended. Motion carried 5-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Chair Behrendt, seconded by Supervisor Rogers, to accept the Treasurer's Report dated November 9, 2015. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion was made by Chair Budenski, seconded by Supervisor Jennings, to accept the bills and receipt list. A roll call vote was taken. Ayes: Unanimous.

Motion was made Supervisor Budenski, seconded by Supervisor Miller, to approve the balance of the financials. Motion carried 5-0.

Otte Bills / Extra Road Work

Discussion was held regarding the breakout of the extra road work billing by Otte's Excavating.

FEMA Update

Treasurer Wilson noted that a check had been received from FEMA in the amount of \$1,430.54.

Enright Invoice

Discussion was held regarding overpayment by Ron Enright for permit fees and penalty fees.

Motion by Carrie, seconded by Chair Budenski to direct Township Attorney to write a letter to Mr. Enright's attorney that the Township will not be acting on check number 5019 in the amount of \$1,185.28. Motion carried 4-1. Supervisor Behrendt opposed.

Discussion was held regarding Mr. Enright being double billed for plan reviews.

Motion was made by Supervisor Miller, seconded by Chair Budenski to issue a refund of \$1,449.69 to Mr. Enright for overcharges.

Discussion was held regarding attorney's fees and other charges.

Motion was withdrawn.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to issue a refund of \$264.41 to Mr. Enright. Motion carried 5-0.

Treasurer Wilson was directed to draft a letter to Mr. Enright for review at the December Town Board meeting.

Public Comment

None.

Contractor Time

Jason Otte of Otte Excavating and the Board discussed projects completed during the past month.

Building Inspector Update

Building Inspector Darrell Gilmer discussed on-going inspections. A potential leaking oil tank at 10132 225th Street was discussed. Supervisor Jennings stated she would contact the MPCA.

Consent Agenda

Minutes of the October 13, 2015 Town Board Meeting.

A spelling error on page two was noted.

Motion was made by Chair Budenski, seconded by Supervisor Rogers to approve the minutes of the October 13, 2015 Town Board meeting as amended. Motion carried unanimously.

John Daniels, Bachman's – 21003 Cedar Avenue – Building permit to replace greenhouse structure.

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller to approve a building permit to replace a greenhouse structure at 21003 Cedar Avenue. Motion carried unanimously.

Planning Commission Update

Planning Commission Liaison Fritz Frana provided a summary of the Findings of Fact from the Leine – Schrader Conditional Use Permit Public Hearing held on November 10, 2015, and the November 2, 2015 Planning Commission meeting. The Road Review conducted on October 17, 2015 was also discussed.

Land Use Permits and Related Items

Charlene and Daniel Adelman, 23733 Hamburg Avenue, Transfer of Building Rights. Discussion was held regarding the need for identification of the sending property and a deed transferring the property to the Adelman Family Farm LLC.

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller, to approve a residential building right transfer from Property ID Number 13-00300-01-013 (*W ½ of E ½ of NE1/4 EX W 631.30 FT of S 690 FT & W ½ of NE ¼*) to Property ID Number 13-00900-50-013 (*PT of E ½ of SW ¼ W of Soo Line RR and N of Line com on W line 522.70 FT N of SW cor N 76D 54M 44S E 145.36 FT N 25D 40 M 59S E 212.45 FT N 49 D 56M 25S E 364.64 FT N 64D 15M 59S E 465.91 FT N 69D 9 M 39S E to W line Soo Line RR and there term*), contingent on submittal of documentation of ownership of the sending property by Adelman Family Farm LLC. Motion carried unanimously.

Merlin Leine and Karla Schrader – 24698 Cedar Avenue, CUP for Ground Mounted Residential Solar Energy.

It was noted that the Planning Commission had recommended approval of the conditional use permit.

Motion was made by Chair Budenski, seconded by Supervisor Miller, to approve a conditional use permit for a ground mounted residential solar energy system at 24698 Cedar Avenue subject to the following conditions. Motion carried unanimously.

1. Maintain existing screening.
2. Use of anti-reflective coating as represented by the applicant.
3. If the landowner ceases operation of the solar panels for a period exceeding one year, the panels shall be removed as a public nuisance.
4. The installation and use of the solar panels shall comply with all applicable county, state, and federal regulations.

Chair Budenski called for a five minute recess at 8:35.
Meeting reconvened at 8:46.

OLD BUSINESS

Sump Pump Ordinance

A draft ordinance regarding sump pumps was discussed. Attorney Lemmons noted that the draft was acceptable.

It was agreed that the Planning Commission would hold a public hearing prior to the recodification of the Township Ordinances.

Motion was made by Supervisor Jennings, seconded by Supervisor Behrendt, to direct the Planning Commission to hold a public hearing in regard to the proposed ordinance pertaining to sump pumps. Motion carried unanimously.

Planning Commission Policies and Procedure Manual.

Discussion was held regarding the draft Planning Commission Policies and Procedure Manual. Supervisor Behrendt pointed out inconsistency in the wording regarding the timeline for submittal of agenda items.

Motion was made by Chair Budenski, seconded by Supervisor Rogers, to approve the updated Policies and Procedure Manual for the Eureka Township Planning Commission dated October 2015 with the addition of an item on the permit checklist pertaining to Planning Commission Chair consultation. Motion carried unanimously.

Planning Commission Vacancy. It was noted that there were no letters of interest submitted. The Clerk was directed to repost the notice of a vacancy.

Attorney Letter of Engagement.

Discussion was held regarding a Letter of Engagement for the Township Attorney.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to approve the letter of engagement for the Township Attorney effective March 24, 2015. Motion carried unanimously.

Complaint Follow-Up – 24565 Iceland Path

Supervisor Miller stated that he and Supervisor Rogers had identified that there is a fence on the subject property, however took no action due to a pending ordinance amendment regarding fences and past practice. Discussion was held regarding the literal current 30 foot setback requirement. Supervisor Jennings stated she felt the ordinance should be amended, as fences should not be classified as a structure. Supervisor Miller noted that the Board must deal with the existing complaint against a specific fence.

Lu Barfnecht, 24585 Iceland Path stated that she expected the property owner to comply with current ordinances as written, which includes a 30 foot setback.

Motion was made by Supervisor Miller, seconded by Supervisor Budenski to direct the Township Attorney to draft a letter for the Clerk's signature asking the property owner of 24565 Iceland Path to remove the fence for non-compliance of the current ordinance. Motion carried unanimously.

Public Hearing Question and Answer Document.

Motion was made by Supervisor Jennings, seconded by Supervisor Miller to put a link to the question and answer document regarding the Windmill LLC dry ready-mix plant, along with information from the Township Attorney pertaining to interim use and conditional use permits on the Township website and to be noted in the next newsletter. Motion carried unanimously.

Partition Fence Law

It was noted that a Planning Commission work group will be working on a proposed fence ordinance amendment.

Secure Area for Record Retention in Storage Building

Supervisor Rogers discussed a quote by Storage Solutions for construction of a secure area for record retention within the storage building for \$4,142.85 for both the cage and installation.

Motion was made by Supervisor Miller, seconded by Chair Budenski, to authorize the purchase and installation of a Wirecrafter Cage detailed in the quote dated November 9, 2015 by Storage Solutions in the amount of \$4,142.85 (plus tax if applicable). Motion carried 5-0.

GRE Arbitration

Motion by Supervisor Jennings, seconded by Supervisor Behrendt to authorize Supervisors Budenski and Miller to attend arbitration regarding GRE with the Township Attorney. Motion carried 5-0.

Joey Miller Property Update

Discussion was held regarding excess material storage and erosion control on the Miller property located at 22260 Dodd Boulevard. Supervisor Miller stated he would instruct Building Inspector Miller to re-inspect the property and report back to the Board.

NEW BUSINESS

Draft Vermillion River Watershed Management Plan. It was noted that the draft Vermillion River Watershed Management Plan was available for review in the Town Hall Lobby with a comment period of 60 days.

Adjournment

Motion was made by Supervisor Budenski, seconded by Supervisor Miller, to adjourn the meeting at 10:18 p.m. Motion carried 5-0.

Respectfully submitted:

Mira Broyles, Clerk