

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**TOWN BOARD MEETING OF NOVEMBER 13, 2018**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:04 p.m. by Chair Tim Murphy and the Pledge of Allegiance was given.

Members Present: Tim Murphy (Chair)  
Butch Hansen (Vice Chair)  
Donovan Palmquist (Supervisor)  
Mark Ceminsky (Supervisor)  
Lu Barfknecht (Supervisor)

Others Present: Randy Wood (Planning Commission Liaison)  
Ralph Fredlund (Planning Commission Chair)  
Chad Lemmons (Township Attorney)  
Marcia Wilson (Treasurer)  
Bob Finke (Town Clerk)  
Ranee Solis (Deputy Clerk)

See attached list for all others in attendance.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Add under New Business item B. Sheriff's Department - Supervisor Ceminsky
2. Add under New Business item C. 4758 220<sup>th</sup> St. W. - Supervisor Ceminsky
3. Add under New Business item D. Town Board Chair - Supervisor Ceminsky
4. Add under Old Business item B. Fence Ordinance - Supervisor Barfknecht
5. Add under Land Use item B. Ames IUP application - Chair Murphy

**Motion:** Supervisor Palmquist moved to accept the Agenda as amended, seconded by Supervisor Barfknecht.

**Motion carried 5-0**

**Treasurer's Report**

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

A. Bills and Receipts

**Motion:** Supervisor Barfknecht moved to approve the Bills and Receipts list as reported, seconded by Supervisor Ceminsky.

**Roll Call vote was taken:** Vice Chair Hansen – Aye  
Supervisor Palmquist – Aye  
Supervisor Barfknecht - Aye  
Supervisor Ceminsky – Aye  
Chair Murphy – Aye

B. Outstanding Invoices

C. Budget

**Motion:** Vice Chair Hansen moved to table the payment to TKDA until after agenda item A. under Attorney Business, seconded by Supervisor Ceminsky.

**Motion carried 5-0**

D. Escrow

E. Permit Worksheet

**Motion:** Supervisor Barfknecht moved to approve the balance of the Treasurer’s Report, seconded by Supervisor Ceminsky.

**Motion carried 5-0**

**Public Comment**

A. Those signed in:

1. Nancy Sauber – 9445 225<sup>th</sup> St. W.  
Ms. Sauber spoke about the Commercial/Industrial Zoning, see addendum A.
2. Georgie Molitor – 8875 225<sup>th</sup> St. W.  
Ms. Molitor spoke about the Commercial/Industrial Zoning, see addendum B.
3. Bill Funk – 23690 Jersey Ct.  
Mr. Funk spoke about the Commercial/Industrial Zoning, see addendum C.

B. All Others

Chair Murphy asked three times if there were any others who would like to speak. Hearing none, the Public Comment portion was closed.

**Citizen Business**

(None)

**Land Use Requests**

A. Northern Natural Gas – 22222 Highview Ave. – CUP review  
Brian Kruger, right-of-way Director for Northern Natural Gas, represented the CUP review.

Chair Murphy opened the floor for public comments, asking if anyone had complaints or concerns. Hearing none, public comment was closed.

**Motion:** Chair Murphy moved to accept the review of the CUP; Supervisor Ceminsky asked if the CUP covers the entire property; Vice Chair Hansen called the question, seconded by Supervisor Barfknecht.

**Motion carried 4-0**, with Supervisor Ceminsky abstaining

B. Dan Ames – PID# 130070030011- Expiring IUP application extension

**Motion:** Vice Chair Hansen moved to deny the application request, seconded by Supervisor Ceminsky.

**Motion carried 5-0**

**Sheriff's Department Update – Robert Hosking**

- There have been no significant issues.

**Road Contractor – Otte Excavating - Bryce Otte**

- Need to contact Castle Rock regarding cleaning of the ditches on Denmark from the fiber optics project.
- Eureka Estates dead end – remove items in our right-of-way.
- Grenada Ave has been closed for the winter, signs are in place.

**Motion:** Vice Chair Hansen moved to have the Clerk prepare a letter for Bryce Otte to give to owners at 243<sup>rd</sup> and Idalia when he removes the unwanted items from the right-of-way, seconded by Supervisor Ceminsky with a friendly amendment to take out the cedar trees in the right-of-way as well.

**Motion carried 5-0**

**Motion:** Supervisor Ceminsky moved to roll the ditches back in the spring and recreate the down/up slopes, seconded by Vice Chair Hansen with a friendly amendment to have Bryce Otte provide a list with an estimated cost.

**Motion carried 5-0**

**Motion:** Vice Chair Hansen moved to place jersey barriers on the north and south sides of Grenada to make the road unpassable, seconded by Supervisor Ceminsky.

**Motion carried 5-0**

**Planning Commission Update (Randy Wood liaison)**

Commissioner Wood provided a summary of the November 5, 2018 Planning Commission Meeting:

- The Planning Commission completed the Road Tour on October 20<sup>th</sup>.

- Public Hearing has been scheduled for storage in mining/extraction pits on November 19, 2018 at 7:00 pm

**Motion:** Vice Chair Hansen moved to approve attorney attendance at the Planning Commission Public Hearing for proposed storage in extraction pits on November 19, 2018, seconded by Supervisor Ceminsky.

**Motion carried 5-0**

### **Permit Requests**

A. Dan Budensiek – 8880 235<sup>th</sup> St. W. – Building permit violation

Mr. Budensiek moved two structures onto his property without permits. Both buildings exceed the 200 ft. rule, requiring pre-inspections and building permits.

**Motion:** Supervisor Ceminsky moved to charge the appropriate double fee for each building for a total of \$1,400, seconded by Chair Murphy.

**Motion carried 3-0**, with Supervisor Barfknecht and Vice Chair Hansen abstaining

### **Attorney Business**

A. Letter to Insurance Company regarding Chub Lake/Grenada Road repairs

Attorney Lemmons stated that Traveler's Insurance has requested a demand letter. Supervisor Ceminsky will provide the total of the road repairs after completion to Attorney Lemmons.

### **Old Business**

A. Eureka Estates agreement

**Motion:** Supervisor Barfknecht moved to put a notice in the Township Newsletter that a copy of the Eureka Estates 1<sup>st</sup> and 2<sup>nd</sup> additions Development Agreement is available at the Town Hall and residents can request a copy for a fee, seconded by Vice Chair Hansen.

**Motion carried 5-0**

B. Fence Ordinance

**Motion:** Supervisor Barfknecht moved to adopt the new language amending the current Fence Ordinance posed by the Planning Commission and discussed at the October meeting, seconded by Supervisor Palmquist; Vice Chair Hansen called the question, seconded by Supervisor Barfknecht.

**Motion carried 3-1**, with Supervisor Ceminsky opposed, stating the proper order is to repeal the old Ordinance before adopting the new Ordinance, and Vice Chair Hansen abstaining.

**Motion:** Vice Chair Hansen moved to repeal the Fence Ordinance, seconded by Supervisor Ceminsky; Vice Chair Hansen called the question, seconded by Supervisor Ceminsky.

**Motion failed 2-3**, with Supervisor Barfknecht, Chair Murphy and Supervisor Palmquist opposed, stating that it is not necessary to repeal the old Fence Ordinance.

### **New Business**

#### A. Commercial Zoning Update

**Motion:** Supervisor Barfknecht moved to approve funding for the initial notice of the first Open House mailing for November 27, 2018 at 7:00 pm, seconded by Supervisor Palmquist.

**Motion carried 3-0**, with Supervisor Ceminsky and Vice Chair Hansen abstaining

#### B. Sheriff's Department

**Motion:** Supervisor Ceminsky moved to schedule a meeting with the Sheriff's Department and Town Board liaison to discuss the joint powers agreement, seconded by Supervisor Barfknecht.

**Motion carried 5-0**

#### C. 4758 220<sup>th</sup> St. W.

Agenda item tabled until the December Town Board meeting due to time constraints.

#### D. Town Board Chair

Agenda item tabled until the December Town Board meeting due to time constraints.

### **Other Business**

#### A. Town Clerk

##### 1. New Permit Forms Update

**Motion:** Supervisor Barfknecht moved to approve moving forward with the electronic version of the new permit forms, seconded by Vice Chair Hansen.

**Motion carried 5-0**

##### 2. Training Workshops

##### 3. Copier proposals

**Motion:** Vice Chair Hansen moved to approve the Total Office Products (TOPS) lease agreement for the MX364 Sharp copier, seconded by Supervisor Barfknecht.

**Motion carried 5-0**

##### 4. JTN Communications – Internet pricing

**Motion:** Supervisor Ceminsky moved to approve a contract with JTN Communications for wireless internet service for the Town Hall in the amount of \$199 per month, seconded by Vice Chair Hansen.

**Motion carried 5-0**

**Approval of Meeting Minutes**

A. Approve the October 9, 2018 Town Board meeting minutes

**Motion:** Supervisor Ceminsky moved to approve the October minutes as presented, seconded by Vice Chair Hansen.

**Motion carried 4-0**, with Supervisor Barfknecht abstaining

B. Approve revised meeting minutes: (Previously tabled)

1. March 12, 2018 Town Board meeting minutes
2. March 26, 2018 Special Town Board meeting minutes
3. March 26, 2018 Reorganization meeting minutes
4. April 9, 2018 Town Board meeting minutes
5. April 23, 2018 Special Town Board meeting minutes
6. September 10, 2018 Town Board meeting minutes

**Motion:** Supervisor Barfknecht moved to approve items 1-6 above as presented, seconded by Supervisor Palmquist.

**Motion carried 5-0**

**Adjournment**

**Motion:** Supervisor Barfknecht moved to adjourn the meeting, seconded by Chair Murphy.

**Meeting adjourned at 11:15 p.m.**

Respectfully submitted,

Ranee Solis

Ranee Solis, Deputy Clerk

Minutes Officially Approved on: December 10, 2018

Date

By: Robert C. Funke  
Town Clerk

and [Signature]  
Town Chair

## Addendum A

Nancy Sauber, 9445 225<sup>th</sup> St. W., Lakeville

I have a few comments about the Commercial/Industrial (C/I) "work group."

1. By Ordinance, since this group was appointed by the Board, this should be a Special Committee of 5 people, minimum.
2. As such, it is subject to the Open Meeting Law. Contrary to that, there have been no recordings of the meetings per Township policy. There are no posted agendas or minutes on the website. Not all currently scheduled meetings are even on the website. A meeting was held last night on a federal holiday, which is not allowed. Even more important, there have been *no public copies of documents* being discussed. These have not been "open meetings."
3. How much money has been spent by this group? Was it all preapproved by the Board?
4. It is quite something to listen to comments such as: [Should this C/I area] be on the section lines? Maybe the quarter-quarter lines? Let's go up to the railroad. Should it go to 235<sup>th</sup> or all the way to 250<sup>th</sup>? Do you ever envision a C/I area around Town Hall? *Based on what?* A planner is sorely needed.
5. There has been mention of setbacks, but not of performance standards generally. Anything goes?
6. There HAS been mention of new roads, curb and gutter, sewer and water, water towers, uses ranging from sexually oriented businesses to fast food restaurants and so on. Where is the factual basis for these discussions? To blindly act on the "Everybody knows that such-and-such is going to happen" rule is irresponsible.
7. "Market forces" have been mentioned several times. Instead of listening to amateur and largely uninformed opinion, the market study from the earlier C/I Task Force should be updated. That would be responsible leadership.
8. Do we have realistic idea of the costs and benefits to the Township? As outlined in the earlier C/I Task Force document, a fiscal impact study should be conducted to get a clearer picture of this. That would be responsible leadership.
9. It is premature to hold an Open House at this time, not to mention it would be during the holidays. If the Board intends to go through with this, professional guidance should first be sought. With zoning authority comes certain responsibilities to all the citizens of Eureka.

Thank you.

## Addendum B

November 13, 2018

Public Comment – Georgie Molitor – 8875 225<sup>th</sup> St. W.

### Questions about Commercial/Industrial Zoning

1. Will heavy commercial and industrial prevent building a house, adding a barn or adding onto our house?
2. Will light commercial/home business do the same? I would rather see this type on my land. These businesses do not create big issues and probably would like to stay as Eureka.
3. Will the lights be as intense as Uponor and Fed Ex, thus interfering with any existing homes?
4. Has the Board asked other land owners if they want industrial? I have no problem with home business which does not bother anyone, but not industrial/heavy commercial.
5. If this zoning idea was started to prevent annexing to Lakeville, then would it not be more likely that heavy commercial/Industrial will ask to be annexed to Lakeville rather than a home business?
6. Can I transfer my zoning rights to another property that wants this?
7. Who requested this? Developers who own property or citizens? Was it Miracle Grow and Buestrom? This will expand their business without community benefit but only benefit a big business.



## Addendum C

Received from Bill Funk on November 13, 2018

23690 Jersey Court

Lakeville, MN

I would like to express concern over, what I see, as the mishandling of the commercial development project. The majority of the planning commission had no opportunity to participate or provide input. Meetings were happening before most of the planning commission knew a team had formed. Eventually, I was allowed to listen to a meeting. None of the documents were made available for viewing.

To be clear, I am not against commercial development. I believe it is necessary to insure financial viability of this township. But, *how* we do it will have an impact that will last for decades. We don't want to mess this up because a small group is in a hurry to profit off the change.

What I saw at the meeting I did attend; was 2 supervisors and 2 commissioners working out minor policy details. "How high should a roof top fence be to hide HVAC?" Seemed like modifications to an existing document. An audience sitting in silence, not allowed to speak.

This violates everything I ever learned about project planning, public or private. I don't see that the fundamental question of "IF" we should zone for commercial development has been answered. Yet copious details of "HOW" we will do it are being put to paper. My suspicion is that a single, detailed plan will be floated at a public hearing.

Ten years ago this issue was handled in a much different manner. Input from citizens was actively solicited along with assistance by professional planners. In the end it was decided to continue as an exclusively agricultural township. Do we know that the majority of the community have changed their minds? Perhaps a referendum in March would answer that question.

I suggest that the board could better serve the community by quantifying the benefits and liabilities of commercial development. Add multiple possible options. Let that start a dialog with the citizens.

*Attach to 11/13/18  
Minutes*

To: Residents on Iberia Avenue  
From: Bob Finke, Town Clerk, Eureka Township  
Re: Fence posts in Township right of way

The Eureka Town Board has authorized Otte Excavating to remove all fence posts that have been installed in the road right of way along Iberia Avenue.

Otte Excavating will leave the posts on your property when they have been removed.

All questions regarding this directive should be addressed to the Town Clerk or Town Board.

Thank you for your cooperation.

# EUREKA TOWNSHIP

Dakota County, Minnesota



## Town Board Meeting

Attendance

Tuesday, November 13, 2018

7:00 PM

Printed Name

Address

Bryan Kruger

16928 Karna St, Omaha, NE 68128

Sherry Rasmussen

6805-247<sup>th</sup> St. W. Frngtr

Dan Budensiek

8880 235 St. W. Lakeville

Terry Janzon

20190 Dunbar Ave, Farmington

Mindy Auber

9445 225<sup>th</sup> St. W. LKV

Julie Larson

24510 Highview Ave LKWC

Brian Aherm

6215 235<sup>th</sup> St W

Printed Name

Jody Arman-Jones

Bill Fyfe

Allen Novack

Alice Storlie

Cindy Murphy

Address

6905 255<sup>th</sup> St. W.

23690 Jersey Ct.

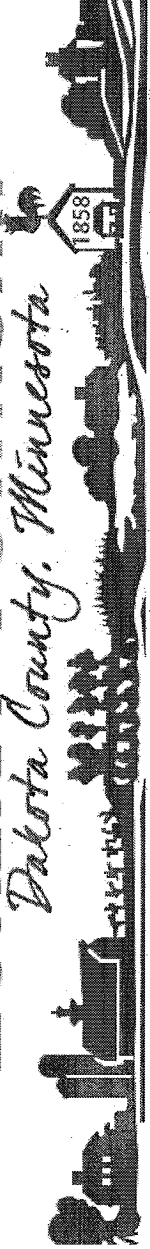
24030 I-bank Ave

10210-235<sup>th</sup>

9110 225<sup>th</sup> St. W.

# EUREKA TOWNSHIP

Dakota County, Minnesota



## Town Board Meeting

Public Comment Sign-In

Tuesday, November 13, 2018

7:00 PM

Printed Name

Address

Nancy Sauber

9445

225th St. W. Lk. Orl.

Allegi Maltz

8875

225th St W.

Bill Funk

23690 Jersey Ct.

**Treasurer Report November 13, 2018**

**Bank Balance**

October 31, 2018

Checking Account	\$1,703.18
Outstanding Checks	\$1,107.51
Savings Account	\$325,440.17
CD Account	\$104,995.60

Total Investments
<b>\$430,435.77</b>

**ACCOUNT BALANCES** \$433,246.46

Petty Cash In  
Cash Box

\$100.00

**TOTAL INCLUDING CASH** \$433,346.46

	CD Matures	Original Investment
\$39,321.58	6/29/2021	5 yr
\$40,516.49	6/27/2022	5 yr
\$25,157.53	6/22/2023	5 yr
<u>\$104,995.60</u>		

**TOTAL DISBURSEMENTS**

Total Oct Claims	\$131,496.53
Total Oct Payroll	\$6,115.64
	<u>\$137,612.17</u>

*[Handwritten signature]*

*DJP*

*[Handwritten signature]*

*[Handwritten signature]*

Date Range : 11/1/2018 To 11/14/2018

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
11/13/2018	Internal Revenue Service	fed tax deposit due in Nov	3664	\$1,419.92	100-41421-115-212	Treasurer	\$9.24
					100-41421-122-212	Treasurer	\$139.90
					100-41421-125-212	Treasurer	\$32.72
					100-41425-115-212	Clerk	\$27.63
					100-41425-122-212	Clerk	\$240.72
					100-41425-125-212	Clerk	\$56.30
					100-41422-115-212	Deputy	\$260.15
					100-41422-122-212	Deputy	\$404.38
					100-41422-125-212	Deputy	\$94.58
					100-41410-122-214	Elections	\$125.04
					100-41410-125-214	Elections	\$29.26
11/13/2018	PERA	Nov 18 payroll pmt	3665	\$614.51	100-41421-121-212	Treasurer	\$157.96
					100-41422-121-212	Deputy	\$456.55
11/13/2018	MN Department of Labor and Industry	Bldg permit Surcharge JUNE0370352018	3666	\$292.31	100-41975-129-211	Surcharge	\$292.31
11/13/2018	Kelly & Lemmons, P.A.	Oct legal Bill	3667	\$1,881.86	100-41615-304-216	Legal Services	\$1,881.86
11/13/2018	Otte Excavating Inc.	Oct 18 Road bill	3668	\$34,530.00	201-43122-313-201	Unpaved Streets	\$33,815.00
					201-43230-313-236	Waste (Refuse) Collection	\$715.00
11/13/2018	TKDA	Professional services invoice 002018003731	3669	\$1,148.55	240-41960-314-223	Planning and Zoning	\$1,148.55
11/13/2018	Darrel Gilmer	building inspections Nov 18 Bill	3670	\$8,273.91	100-42401-312-210	Building Inspections Administration	\$8,273.91
11/13/2018	Anderson Rock and Lime Inc.	Gravel July and Oct	3671	\$77,665.38	201-43133-224-201	Gravel/ Hauling/ Related Work	\$77,665.38
11/13/2018	Dakota Aggregates, LLC	Road Gravel	3672	\$603.90			

Date Range: 11/1/2018 To 11/14/2018

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/13/2018	Dakota Electric Association	Oct Electric Bills	3673	\$176.11	201-43133-224-201	Gravel/ Hauling/ Related Work	\$603.90
11/13/2018	DSI/LSI	acct# 007602 Oct bill	3674	\$80.28	100-41940-381-220	General Government Buildings and Plant	\$155.49
11/13/2018	Culligan	bill Acct 10134684	3675	\$34.17	100-41940-381-220	General Government Buildings and Plant	\$20.62
11/13/2018	T & C Commercial Cleaning	Cleaning Town Hall	3676	\$130.00	100-41940-384-220	General Government Buildings and Plant	\$80.28
11/13/2018	K Schroeder Masonry	Oct Invoice	3677	\$340.00	100-41940-382-220	General Government Buildings and Plant	\$34.17
11/13/2018	Frontier Communications	Acct 952046903736 053101 7 Oct bill	3678	\$179.39	100-41940-315-220	General Government Buildings and Plant	\$130.00
11/13/2018	ECM Publishers	postings	3679	\$287.00	100-41335-316-220	Cleaning/ maintenance	\$340.00
11/13/2018	Minnesota Association of Townships	2 day conference for Tim Murphy	3680	\$165.00	100-41940-321-213	General Government Buildings and Plant	\$179.39
11/13/2018	Concrete Pressure Lifting	Concrete work at town hall	3681	\$580.00	100-41615-304-213	Legal Services	\$287.00
					100-41330-308-212	Boards and Commissions	\$165.00
					100-41940-401-220	General Government Buildings and Plant	\$580.00



Date Range : 11/1/2018 To 11/14/2018


<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/13/2018	Bills Handyman Services	clean entryway	3682	\$520.00	100-41335-401-220	Cleaning/ maintenance	\$520.00
11/13/2018	Almens Glass and Lock	Door repairs townhall	3683	\$608.65	100-41940-401-220	General Government Buildings and Plant	\$608.65
11/13/2018	Fredrickson Enterprises LLC	gutter work town hall	3684	\$450.00	100-41940-401-220	General Government Buildings and Plant	\$450.00
11/13/2018	Dakota Fire Control	Fire Extinguisher inspection	3685	\$142.35	100-41940-223-220	General Government Buildings and Plant	\$142.35
11/13/2018	Lakeville Trophy Co	Engraved plates for wall	3686	\$491.51	100-41940-434-219	General Government Buildings and Plant	\$491.51
11/13/2018	M & R Sign	Signs invoice	3687	\$23.21	100-43127-810-225	Signage	\$23.21
11/13/2018	Ralph Fredlund	Mileage for training class	3688	\$78.48	100-41330-331-222	Boards and Commissions	\$78.48
11/13/2018	Robert Finke	Mileage October	3689	\$89.32	100-41425-331-222	Clerk	\$89.32
11/13/2018	Marcia Wilson	Mileage Sept and Oct 2018	3690	\$43.06	100-41421-331-222	Treasurer	\$43.06
11/13/2018	Ranee Solis	Mileage October	3691	\$29.43	100-41422-331-222	Deputy	\$29.43
11/13/2018	Valerie Kehr	Election miles	3692	\$10.90	100-41410-331-214	Elections	\$10.90
11/13/2018	Susan Rogers	Election mileage	3693	\$3.27	100-41410-331-214	Elections	\$3.27

Date Range : 11/1/2018 To 11/14/2018

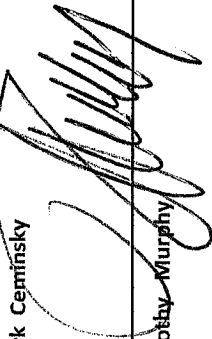
<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/13/2018	Elaine Swedin	Election Judge miles	3694	\$7.09	100-41410-331-214	Elections	\$7.09
11/13/2018	Cindy Murphy	Election Mileage	3695	\$33.79	100-41410-331-214	Elections	\$33.79
11/13/2018	Mary Ann Michels	Election Judge miles	3696	\$4.36	100-41410-331-214	Elections	\$4.36
11/13/2018	CardMember Services	Acct 6018 Email service	3697	\$28.00	100-41421-325-212	Treasurer	\$28.00
11/13/2018	CardMember Services	Acct 6512 Office supplies	3698	\$130.82	100-41425-204-212	Clerk	\$130.82
11/13/2018	CardMember Services	Ranee Solis account postage	3699	\$400.00	100-41425-322-212	Clerk	\$400.00
<b>Total For Selected Claims</b>							<b>\$131,496.53</b>

Date Range : 11/1/2018 To 11/14/2018

Date      Vendor      Description      Claim #      Total      Account #      Account Name      Detail

Charles Hansen		City Council/Town Board						Date
Donovan K Palmquist		City Council/Town Board						11/14/18

Lucretia Barfknecht		City Council/Town Board						Date
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Mark Ceminsky		City Council/Town Board						Date
Timothy Murphy		City Council/Town Board						11/14/18

