

**EUREKA TOWNSHIP  
DAKOTA COUNTY  
STATE OF MINNESOTA**

Eureka Town Board Meeting of March 10, 2014

**Call to Order**

Vice Chairman Kenny Miller called the March 10, 2014, Eureka Town Board meeting to order at 7:00pm. Members present were Supervisors Brian Budenski, Mark Ceminsky and Steve Madden, Pete Storlie was ill and not present. Clerk/Treasurer Linda Wilson was present to record the minutes and gave the Treasurer's Report. Fritz Frana was present as Planning Commission Liaison. Township attorney Chad Lemmons was present. See attached sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

**Approval of the Agenda**

The following items were added to the agenda:

Under New Business: C. Legal Paper Subscription - Newsletter  
D. VRWJPO Powers

A motion was made by Supervisor Kenny Miller to approve the March 10, 2014 amended agenda. Motion seconded by Brian Budenski. Motion carried by unanimous vote

**Public Comment Period**

Terri Petter and Dan Storlie, 10132 235<sup>th</sup> St. West addressed the Board with a concern on illegal dumping in the Township. The Township discourages dumping of any kind in business or residential dumpsters. Supervisor Miller was unsure of a policy in place and illegal dumping and storage of personal property in the Township storage container would be addressed at the re-organizational meeting. Supervisor Miller asked Dan Storlie and Terri Petter to draft a letter of their concerns to be addressed by the Board.

**Treasurer's Report Corrections from February 10, 2014**

Checking Account Balance \$1,895.89. Outstanding Checks \$447.76. Savings Account Balance \$434,287.72 CD Account Balances \$71,720.26. The Ledger Balance is \$507,456.11. Total Claims \$21,175.57 and Total Payroll \$2,728.11. Total Disbursements \$23,903.68.

A motion was made by Supervisor Kenny Miller to approve the Treasurer's Report of February 10, 2014 as corrected. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

**Treasurer's Report for March 10, 2014**

Checking Account Balance \$9,198.97. Outstanding Checks \$1654.52. Savings Account Balance \$442,075.62 CD Account Balances \$69,988.44. The Ledger Balance is \$519,608.51. Total Claims \$43,692.43 and Total Payroll \$51,766.30.

A motion was made by Supervisor Mark Ceminsky to approve the Treasurer's Report of March 10, 2014. Motion seconded by Brian Budenski. Motion carried by unanimous vote.

The Town Board reviewed the Claims Lists and Net Pay Account Distribution.

The Clerk presented the following bills for payment:

|   |   |                     |
|---|---|---------------------|
| <b>Henry's Excavating</b>               | <b>Road Maintenance thru February 2014</b>        | <b>\$13,687.50</b>  |
| <b>Solberg Aggregates</b>               | <b>3/8" Clear Lime Rock</b>                       | <b>\$ 527.70</b>    |
| <b>Phillipe Landscaping Materials</b>   | <b>Snow Removal</b>                               | <b>\$ 4,050.00</b>  |
| <b>Anderson Rock and Lime Inc.</b>      | <b>Snow Removal</b>                               | <b>\$ 4,062.50</b>  |
| <b>Eureka Sand &amp; Gravel</b>         | <b>Snow Removal</b>                               | <b>\$ 687.50</b>    |
| <b>Friedges Landscaping</b>             | <b>Snow Removal</b>                               | <b>\$ 4,649.28</b>  |
| <b>Dakota County Financial Services</b> | <b>Salt &amp; Sand December 2013</b>              | <b>\$ 465.65</b>    |
| <b>Dakota County Financial Services</b> | <b>2014 Maint. Accuvotes &amp; Automark</b>       | <b>\$ 300.00</b>    |
| <b>TKDA</b>                             | <b>Agri-tourism Task Force Study</b>              | <b>\$ 673.70</b>    |
| <b>Kelly &amp; Lemmons, P.A.</b>        | <b>Service thru 2/28/2014</b>                     | <b>\$ 2,582.71</b>  |
| <b>Frontier Communications</b>          | <b>952-469-3736-053101-7 Town Hall Phone</b>      | <b>\$ 129.24</b>    |
| <b>Buds &amp; Bytes</b>                 | <b>off site computer repair</b>                   | <b>\$ 850.00</b>    |
| <b>CliftonLarsonAllen LLP</b>           | <b>2013 Audit</b>                                 | <b>\$ 4,575.00</b>  |
| <b>Central Valley Coop</b>              | <b>Propane</b>                                    | <b>\$ 937.80</b>    |
| <b>ECM Publishers</b>                   | <b>Legal Ads</b>                                  | <b>\$ 994.50</b>    |
| <b>Culligan</b>                         | <b>147-00134684-9 Water Softener Service</b>      | <b>\$ 23.51</b>     |
| <b>T &amp; C Commercial Cleaning</b>    | <b>Cleaning Town Hall January 2014</b>            | <b>\$ 53.56</b>     |
| <b>Mark Ceminsky</b>                    | <b>Mileage &amp; Supplies reimbursement</b>       | <b>\$ 898.72</b>    |
| <b>Pete Storlie</b>                     | <b>Mileage 1<sup>st</sup> Quarter</b>             | <b>\$ 46.48</b>     |
| <b>Linda Wilson</b>                     | <b>Mileage &amp; Supplies Reimbursement</b>       | <b>\$ 210.92</b>    |
| <b>USPS</b>                             | <b>Postage – 1 roll stamps</b>                    | <b>\$ 49.00</b>     |
| <b>USPS</b>                             | <b>Permit for Newsletter</b>                      | <b>\$ 220.00</b>    |
| <b>Gold Mine Dezine</b>                 | <b>Newsletter Printing</b>                        | <b>\$ 141.94</b>    |
| <b>PERA</b>                             | <b>Payroll Period 2-1-2014 to 2-28-2014</b>       | <b>\$ 415.82</b>    |
| <b>Internal Revenue Service</b>         | <b>March 2014 Deposit</b>                         | <b>\$ 1,665.33</b>  |
| <b>State of Minnesota</b>               | <b>Withholding 1<sup>st</sup> Quarter 2014</b>    | <b>\$ 370.33</b>    |
| <b>Colette Mumm</b>                     | <b>Payroll Period 2-1-2014 to 2-28-2014</b>       | <b>\$ 751.33</b>    |
| <b>Linda Wilson</b>                     | <b>Payroll Period 2-1-2014 to 2-28-2014</b>       | <b>\$ 1,654.28</b>  |
| <b>Lucretia Barfnecht</b>               | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 193.93</b>    |
| <b>Brian Budenski</b>                   | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 507.92</b>    |
| <b>Mark Ceminsky</b>                    | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 2,999.37</b>  |
| <b>Frederick Frana</b>                  | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 166.23</b>    |
| <b>Carrie Jennings</b>                  | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 212.40</b>    |
| <b>Stephen Madden</b>                   | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 286.28</b>    |
| <b>Kenneth Miller</b>                   | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 332.46</b>    |
| <b>Allen Novacek</b>                    | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 110.82</b>    |
| <b>Pete Storlie</b>                     | <b>Payroll Period 1<sup>st</sup> Quarter 2014</b> | <b>\$ 858.85</b>    |
| <b>Total Bills Presented:</b>           |   | <b>\$ 51,766.30</b> |

A motion was made by Supervisor Kenny Miller to approve the Disbursement Register and Claims List. Motion seconded by Mark Ceminsky. Roll call vote was taken on the motion: Kenny Miller – aye; Brian Budenski – aye; Steve Madden – aye; Mark Ceminsky- aye. Motion passes.

The following receipts were received in February:

**Local Permits**

**Champion Plumbing – Plumbing Permit -\$80.00**

**David Cook – Lot Split Appl. - \$25.00**

**CUP Reviews**

**WATLAO Minnesota - \$15.00**

**Mark Hansen - \$25.00**

**Other Receipts:**

**Nancy Sauber – CD Copy \$10.00**

**Terri Petter – CD Copies \$10.00**

**Donna Pederson – RASP Sign \$ 21.81**

**Great River Energy – Professional Services escrow & Maintenance Escrow - \$14,926.16**

**Frontier Communications – ROW Maintenance Escrow - \$7,119.30**

---

**TOTAL RECEIPTS AS OF FEBRUARY 28, 2014      \$22,232.27**

The Town Board reviewed the remaining Financial Reports –Bill & Receipts prepared by Colette Mumm. Supervisor Kenny Miller made a motion to accept the Receipts Register and Current Investments as reported. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

**Outstanding Invoices**

Nothing address by the Board.

**Open Building Permits**

The Clerk and the current building inspector , Darrel Gilmer are reviewing the permits and addressing inspections. Permit applicants will be notified of the change in building inspector and who to call for inspections. There are two commercial permits that need to be addressed.

**Budget**

The Board felt if the snow continues the budget may have to allocate for funds for snow removal.

**Great River Energy**

Stan Tesser, project manager presented the Board with the CapX Construction Summary. Target date is the end of March for completion of construction a change due to weather conditions. Currently they will be concentrating of removal of mats from the wetlands and general clean up which will extend beyond March. Supervisor Mark Ceminsky addressed several issues of road closures and violations which will be added to the new utility permit billings and final inspections.

**Road Contractor**

Mark Henry, Road Contractor was present to report on the current road issues and snow removal with the recent storm. Extra help for snow removal was authorized and several local companies, Phillipe Landscaping, Anderson Rock & Lime and Freidges Landscaping were hired to get the roads open.

**TKDA Fees**

Sherri Buss, representative from TKDA addressed their new fees for 2014, a moderate increase this year. TKDA has a standing contract with Eureka Township; services by the hour, and every year there is an option to continue with them as the Township Planner., they have not raised their rate for Eureka Township for four years. Board will review the rates and discuss at the reorganizational meeting to be put on the April agenda.

### **Building Inspector**

Darrel Gilmer was present to finalize a contract proposal presented to him to assume the responsibilities of Township building inspector. He is currently listed with the State as the Eureka Township temporary building inspector. He introduced Benny Svien to the Board, Mr, Svien has been asked to contract with the Township for Building Inspector for Commercial permits. The Clerk will give Mr. Svien a contract for his review. The Board was to review and sign Darrel Gilmer's agreement at the reorganizational meeting and the commercial inspector will be a separate stand alone agreement with Benny Svien.

A motion was made by Supervisor Mark Ceminsky to table the building services agreement with Darrel Gilmer and Benne Svien until the reorganizational meeting on March 25th. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **Planning Commission Update**

Commission Fritz Frana reported that the Planning Commission will be presenting the permit request for Brian Johnson for a storage building, and also a lot split for David Cook which they recommend the Board approve.

Attorney Jerry Filla attended the Planning Commission meeting and addressed several questions posed to the legal team referencing the old ordinance book from 8/30/2004 in relation to the new ordinances and could this book could be used for reference since the new ordinance stated that it supersedes the old ordinances.

The Planning Commission set a public hearing date of March 27, 2014 for the Living Water Church. Chairman Lu Barfknecht drafted a letter addressing additional items that The Planning Commission would like more detail – Septic Plan, Lighting, Turn Lanes, Signage and a timeline when completion and ready for use.

### **Land Use & Zoning Permits**

**Brian Johnson – 23911 Hamburg Ave.-** Brian Johnson was present to represent his application for a building permit to build a new storage building. The board had no issues.

A motion was made by Supervisor Mark Ceminsky to approve the permit for Brian Johnson at 23911 Hamburg Ave. PID # 13-00900-60-030 for a storage building. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **Friedges Landscaping CUP**

Rick Lopez, project manager was present to represent the CUP review for Friedges Landscaping. Fees have been paid the public had no issues, certificate of insurance is current. The Board accepted the CUP.

**Joe Miller -22260 Dodd Blvd.** – Joey Miller was present to address issues of the use of his property and work that was being done without permits. Mr. Miller indicated he hadn't received all the information from the old building inspector and wanted more clarification as to what was needed for his buildings to secure building permits on work that has already been completed. The Clerk presented the information to Mr. Miller regarding the concerns of Nancy Saber and Timothy Kuntz adjourning landowners presented at the February 10<sup>th</sup> meeting.

At the February 10, 2014 Town Board meeting Nancy Sauber, 9445 225<sup>th</sup> St. W. Lakeville and Timothy Kuntz , husband and attorney with LeVander, Gillen & Miller law firm in S. St. Paul who also resides at 9445 225<sup>th</sup> St. W. Lakeville addressed the Board regarding the land use at Joe Miller's property 22260 Dodd Blvd. and the illegal uses being conducted in the accessory buildings at the 22260 Dodd Boulevard property. Nancy Sauber

presented to the Board, ordinance excerpts and pictures for the Board to review as well as documentation from Attorneys LeVander, Gillen & Miller and her written comments to be made part of the public record.

Timothy Kuntz attorney with LeVander, Gillen & Miller law firm who resides at 9445 225<sup>th</sup> St. W. Lakeville addressed the Board regarding the land use at Joe Miller's property 22260 Dodd Blvd.

A motion was made by Supervisor Kenny Miller to hear a response from Joey Miller and his attorney addressing the land use at 22260 Dodd Blvd. and address at the April meeting. Motion seconded by Supervisor Mark Ceminsky. Motion carries by unanimous vote.

### **Election Judges**

Two additional judges were added for the elections – Rose Svoboda and Mary Ann Michaels.

A motion was made by Supervisor Brian Budenski to approve the two new judges and add to the roster, Rose Svoboda and Mary Ann Michaels. Motion seconded by Supervisor Mark Ceminsky. Motion carries by unanimous vote.

### **Ordinance Review Follow-Up**

Attorneys Chad Lemmons and Jerry Filla were reviewing the Township ordinances; the Clerk provided the missing documents. Mr. Lemmons reported that the review was complete and they would report at the April meeting.

### **Old Town Hall Parcel**

Tabled until the April Meeting.

### **Employees Review Date**

Date will be set at the April Town Board meeting.

### **IT Update**

Chris Buckley with Buds & Bytes sent a project update and proposal with details outlining the technology needs of the Township.

A motion was made by Supervisor Kenny Miller to authorize Buds & Bytes to purchase and install a new modem ( \$395.00) for security purposes and sign the township up for the allowed net.net Cloud services for data storage ( \$39.20 per month). Motion was seconded by Brian Budenski with a friendly amendment for Buds and Bytes eliminate the viruses, and correct the domain names.

### **Castle Rock Denmark Ave. Maintenance**

Supervisor Miller would like to negotiate with Castle Rock Township to split the maintenance on Denmark Ave. Supervisor Ceminsky has contacted Castle Rock for a meeting to discuss with Castle Rock to discuss maintenance issues.

### **Record Log**

The Board discussed whether the Township had a policy to address the office files, what is public and what is private information for citizens to request copies of and a tracking log. Attorney Chad Lemmons reported that the Township has a right to keep a log of what records have been requested, it is not required. A person does not have to identify themselves in order to obtain documents.

A motion was made by Supervisor Mark Ceminsky to have a record log that is kept by the Clerk of requested documents for each file. Motion was seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **Dodd Blvd.**

**Windbreak-** Supervisors Mark Ceminsky reported that since Dakota County 's reconstruction of Dodd that the Township have a conversation and address a resolution to Dakota County to have a windbreak constructed to address drifting issues. Add to April Agenda.

**Road Committee** – The Board would like to continue with the Road Committee and continue discussions with Dakota County.

### **Annual Meeting Agenda & Meeting Review**

Supervisor Miller is making plans with the Clerk and Treasurer for final presentation for annual meeting, due to the illness of Supervisor Storlie who may not be able to attend.

### **Town Records**

**Shredding of Documents** – Attorney Chad Lemmons indicated that there was a retention schedule. He felt that the retention of electric data was acceptable, paper copies did not necessarily need to be retained. The Township should contact their insurance provider (MAT) to see what their requirements are for retention of documents for legal purposes. Chad Lemmons will research and report to the Clerk.

### **Destruction of Documents -**

Supervisor Miller asked that we find out about a document destruction company . Add to the April agenda.

### **Planning Commission Openings**

Currently there are two openings for the Planning Commission. The Newsletter has an article addressing this with required applications due to the Clerk by April 10.

### **Mail Delivery**

The Clerk requested that mail be received at the office instead of having a post office box. The mail would be delivered every day; no one would have to be paid mileage and time to get the mail. The post office does not have to have mail sorted until 10:00 each day which sometimes delays bills and bids from coming to the Township on due dates. The Board will address the options at the April meeting.

### **Legal Paper for Township**

The This Week newspaper is the legal paper for notices for the Township. If there is a resident in the Township not receiving this paper they can request from the newspaper company. This will be addressed in the newsletter and also with Buds & Byres for a statement on the website.

### **VRWJPO**

Supervisor Mark Ceminsky talked with Soil & Water Conservation and recommends were that the Township take over the VRWJPO and administer the permitting themselves.

A motion was made by Supervisor Ceminsky that the Township takes back the permitting of the VRWJPO. No seconded. Mark Ceminsky withdrew his motion.

Supervisor Ceminsky was tasked with what it would take for the Township to take back these responsibilities. It was also requested that Board member responsible for the VRWJPO get a copy of the Water Monitoring Report from the VRWJPO. Add to the agenda for April meeting.

## **Minutes**

### **Town Board Meeting of February 10, 2014**

A motion was made by Supervisor Brian Budensky to approve the Town Board Minutes from February 10, 2014 as amended, accepted hand written corrections. Motion seconded by Steve Madden. Motion carried by unanimous vote.

Attorney Chad Lemmons was asked by the Board if draft minutes should be on the web site, he indicated no, they are not official minutes until adopted by the Board.

Mr. Lemmons also addressed if a Board member is on the Election Ballot, can they vote at the Board of Canvass meeting. He indicated yes, they have the power to act.

A motion to adjourn the meeting was made by Supervisor Brian Budenski. Motion seconded by Supervisor Kenny Miller.

The Meeting adjourned at 9:15pm.