

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of July 14, 2014

Call to Order

Chair Miller called the July 14, 2014, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Kenny Miller, Mark Ceminsky, Steve Madden, and Cory Behrendt. Supervisor Brian Budenski was absent. Lu Barfknecht was present as Planning Commission Liaison and Planning Commission Chair Butch Hansen, and Township Attorney Chad Lemmons were also in attendance. See attached sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following Items were added to the agenda:

Other Business:

L. Ordinance Book update

M. Rules and Policies

N. Town Hall maintenance

O. Town Hall IT

P. Discussion regarding keys to the Town Hall building

Q. North Cannon

R. Shipping container

S. Behavior of audience at Planning Commission meetings

T. Newsletter

Motion was made by Supervisor Miller, seconded by Supervisor Ceminsky to approve the agenda for the July 14, 2014 Town Board meeting as amended. Motion carried by unanimous vote.

Install Town Clerk

Supervisor Cory Behrendt discussed three final applicants for the position of Town Clerk. He indicated that after interviews of the top three applicants had been conducted, he and Supervisor Brian Budenski were recommending Mira Broyles for the position.

Motion was made by Supervisor Miller, seconded by Supervisory Behrendt to adopt a resolution immediately swearing in Mira Broyles as Town Clerk. Roll call vote was taken on the motion. Aye: Supervisor Miller, Supervisor Behrendt, Supervisor Ceminsky, Supervisor Madden. Nay: None

Treasurer's Report

Treasurer Marcia Wilson reviewed the Treasurer's Report. (Attached)

Motion was made by Supervisor Ceminsky, seconded by Supervisor Miller to accept the Treasurer's Report dated June 30, 2014 as presented. Motion carried by unanimous vote.

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

Supervisor Mark Ceminsky questioned the claim from Anderson Bobcat Services. It was noted by Chair Miller that discussion had been held at a previous meeting regarding this item. Supervisor Ceminsky also questioned the entry for Country Joe Homes. Treasurer Wilson indicated she had inadvertently omitted the description from that entry. She noted the claim is for lumber used for the storage building. Supervisor Ceminsky noted that \$135 should be billed to GRE.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to approve the claims list as amended. A roll call vote was taken on the motion. Ayes: Unanimous.

The Treasurer presented bills for payment totaling \$2,548.42. See attached list dated July 10, 2014.

Supervisor Ceminsky asked for clarification on the Outstanding Invoices regarding General Corrosion Corp. Utility permits. Treasurer Wilson responded. Supervisor Ceminsky noted that the permits have not been cancelled as noted on the report.

Motion was made by Supervisor Ceminsky seconded Chair Miller to remove the wording "canceled not issued" in regard to General Corrosion Corp. on the Outstanding Invoice Report. The motion carried by unanimous vote.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to approve the outstanding invoices. The motion carried by unanimous vote.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to approve the receipts register as amended. The motion carried by unanimous vote.

Items H and I under Other Business were moved forward so discussion could be held while Treasurer Marcia Wilson was present.

H. MER Utility Permit – Escrow

Treasurer Wilson explained the refund of the escrow to Minnesota Energy.

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steve Madden to refund the escrow in the amount of \$2,750.00 for Minnesota Energy for Utility Permit number 1385725. The motion carried by unanimous vote.

I. LP Contract

Treasurer Wilson discussed the proposed LP contract with Central Valley Coop.

Motion was made by Supervisory Mark Ceminsky, seconded by Supervisor Steve Madden to enter into a contract with Central Valley Coop prepaying for 600 gallons of LP at \$1.709 per gallon. Motion carried by unanimous vote.

PUBLIC COMMENT

Cal Pflaum 5780 225th St. W. expressed concern over the 225th Street Bridge culvert which flooded due to not being cleaned out. He stated that his crops had been damaged due to the flooding.

CONTRACTOR TIME

Jason Otte, Otte Construction discussed various road maintenance issues.

SHERRIF'S REPORT

A Dakota County Deputy Sherriff discussed recent burglaries occurring in the area, usually between the hours of 8:00 a.m. and 1:00 p.m. He suggested that residents take extra precautions to lock their homes, sheds, etc. He asked that any suspicious activity be reported immediately to the Sherriff's Department.

Supervisor Mark Ceminsky asked that the Sherriff's Department monitor more closely bicyclists in the area, as he has witnessed dangerous situations in recent weeks.

PLANNING COMMISSION REPORT

Lu Barfknecht, Planning Commission liaison, gave a report on the Westwood School permit application review by the Planning Commission. It was recommended that the Township Attorney review the temporary structure request in accordance with Township ordinances. The Board held a discussion regarding the temporary structure request.

Ms. Barfknecht also noted the following:

Char Adelman was advised to appear before the board to discuss the verification and transfer of building rights.

Living Waters Baptist Church was reviewed and approval was recommended unanimously.

Storlie-Leine Transfer of Building Rights - Storlies were advised to discuss the transfer of building rights with Board.

PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS

A. Permits

1. **Dan and Char Adelman** – Verification and Transfer of Building Rights – Discussion was held and the Township Attorney was directed to review the matter. Adelmans were not present. This item was tabled until the next meeting.

2. Living Waters Building Permit:

Living Waters Baptist church has applied for a building permit to convert a house to a commercial office, with ADA compliant access and ADA compliant bathrooms on both upper and lower levels. They have

also applied for a temporary sign to read: Future Home of Living Waters Church. It was noted that the Building Inspector had reviewed and recommended approval of the permit.

Motion was made by Supervisor Cory Behrendt, seconded by Supervisor Mark Ceminsky to approve a Building Permit for Living Waters Baptist Church to convert a house to a commercial office, with ADA compliant access and ADA compliant bathrooms on both upper and lower levels, subject to the project architect consulting with the Building Inspector. Motion carried by unanimous vote.

Motion was made by Supervisor Cory Behrendt, seconded by Supervisor Mark Ceminsky to approve a sign permit to read “Future Home of Living Waters Church”, subject to the project architect consulting with the Building Inspector. Motion carried by unanimous vote.

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steve Madden to refund the remaining balance of the escrow to Living Waters Church after permit fees have been paid. Motion carried by unanimous vote.

3. Westwood School – Temporary Structure – School Room

Westwood School has applied for a building permit for a temporary school room to be used during modification of their building.

Commercial Building Inspector Gary Staber recommended the Township Attorney review the building permit application in conjunction with the Town Ordinance for the temporary classroom. He noted that it may be necessary for a new application to be completed for the temporary classroom.

John Holman, Westwood School Board member, discussed the need for and the plans for the proposed temporary building to be used for a classroom until the permanent structure is completed.

Township Attorney Lemmons reviewed ordinance in regard to temporary structures. It was his opinion that a temporary classroom would not be allowed.

A discussion was held which included; the permit process, code compliance, possible need to revise the conditional use permit due to changes to the original structure, proposed use of the structure and condition of the existing foundation, change from residential to commercial use, change to the footprint, possibility of revising the current conditional use permit due to increased intensity of use, the possibility of an interim use permit rather than a conditional use permit, and the potential for increased number of students.

Motion was made by Chair Kenny Miller, seconded by Supervisor Cory Behrendt to require Westwood School to revise their conditional use permit. Motion failed. Supervisor Steve Madden and Supervisor Mark Ceminsky voted nay.

Motion was made by Chair Kenny Miller, seconded by Supervisor Mark Ceminsky to direct Westwood School to provide updated plans and documentation regarding the suitability of the use of the four season porch for a classroom. Motion carried by unanimous vote.

4. Donovan Palmquist – Building Addition – Breezeway

It was noted that a written opinion had been requested from Building Inspector Darrell Gilmer. Mr. Gilmer was not present at the meeting. Supervisor Steve Madden indicated he would follow-up with the Building Inspector on this item prior to the next meeting.

5. Storlie-Leine Property – Verification and Transfer of Building Rights

Joan and Alan Storlie, 6985 255th Street West, discussed plans and building rights for their property. Chair Kenny Miller explained the process for a clustering agreement application.

OTHER BUSINESS

A. Old Town Hall Property Sale to Diffleys

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steve Madden to adopt a Resolution stating the Township has no further use for the old Town Hall site and the Town Board authorizes the Chair and Town Clerk to execute the necessary documents for the sale of the property. Motion carried by unanimous vote.

B. Agritourism Task Force Update

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steven Madden to move forward with the Agritourism draft ordinance submitted by Tina Diffley on July 10, 2010, with review by the Township Attorney, then to a public hearing before the Planning Commission, subject to revision after comment by the public. Vote was taken on the motion. Motion failed. Supervisor Cory Behrendt and Chair Kenny Miller voted nay.

Discussion was held regarding a draft ordinance submitted by Tina Diffley, dated July 10, 2014. It was the opinion of the Task Force members present that the Task Force was not in unanimous agreement in regard to the proposed ordinance amendment.

The Township Attorney was directed to review and amend the draft ordinance prior to the next Board of Supervisors meeting.

C. VRWJPO Water Ordinance Revision

Planning Commission Chair Butch Hanson stated he will set up a joint meeting for the Planning Commission and the Board with Brian Watson, Dakota County Soil and Water Conservation District and Mark Zabel, Dakota County Soil and Water Conservation District.

D. GRE Damage Charges

E. GRE Road Damage Inspection

Discussion was held regarding damage charges submitted by GRE. Township Attorney was directed to set up meeting with the GRE attorney to try and resolve the issue of damages. Supervisor Mark Ceminsky indicated he would work with the contractor Otte Construction prior to the meeting.

F. Planning Commission Member Actions

Chair Miller discussed the process defined by Ordinance in regard to violations by a commission member.

Planning Commission Chair Hansen requested a special meeting of the Board of Supervisors to address a policy violation issue with a member of the Planning Commission. The Township Attorney was directed to draft a letter notifying the Planning Commission member of the scheduled meeting.

G. June Complaint Report

Supervisor Steve Madden will provide a report at the August meeting

J. Barb North Final Pay

Discussion was held regarding the final pay request from former Town Clerk Barb North . It was noted that all equipment owned by the Township had been returned. Chair Miller stated he would direct Treasurer Wilson to mail a final pay check to Ms. North.

K. Town Hall Storage Building

Planning Commission Chair Butch Hansen discussed the status of the Town Hall storage building construction. He noted that the cost for tubing to be placed in the flooring will be approximately \$600 and requested payment prior to the next Board meeting.

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steve Madden to approve payment for the cost of tubing for the storage building to be made promptly upon submittal of the bill to the Town Treasurer. Motion carried by unanimous vote.

Motion was made by Supervisor Mark Ceminsky, seconded by Supervisor Steve Madden to approve payment of submitted invoices for electrical and concrete work on the storage facility prior to the next Board meeting. Motion carried by unanimous vote.

L. Joe Miller Complaint

Issue to be placed on August Town Board meeting.

L. Ordinance Update.

Township Attorney Lemmons noted the latest codification of the Township Ordinance Book has been completed and will be forwarded to the Town Clerk.

N. Town Hall Maintenance

Discussion was held regarding the trimming of shrubs around the Town Hall building. It was clarified that the lawn maintenance contractor is also responsible for trimming the shrubs as necessary.

O. Town Hall IT

Supervisor Mark Ceminsky noted that the Township's website needs to be updated. Supervisor Cory Behrendt noted that he will work with the Town Clerk and Buds and Bytes on the update as well as other pending IT issues.

P. Keys to Clerk's Office

Discussion was held regarding who should hold keys to the Clerk's office in the Town Hall building. It was the consensus of the Board that the Clerk, Treasurer and Deputy Clerk should be the only key holders to the office.

Q. North Cannon

Supervisory Mark Ceminsky noted there will be a meeting in Randolph regarding cost share issues for North Cannon WMO.

R. Shipping Container

Discussion was held regarding the sale of the shipping container after the completion of the storage building. It was noted that bids for the container would not be officially considered until after the completion of the building.

S. Audience Behavior

Supervisor Steve Madden noted that there had been inappropriate behavior by an audience member at a recent Planning Commission meeting. Discussion was held regarding the role of the Chair to gain control of the meeting and direct the audience to adhere to protocol or leave the meeting.

T. Newsletter

Jodi Arman-Jones discussed the upcoming newsletter and noted she would have an updated draft sent out to the Board for approval.

NEW BUSINESS

A. Minnesota Pipe Line Company Letter

A letter from Minnesota Pipe Line Company, LLC dated July 3, 2014 regarding Minnesota Pipe Line Reliability Project MPUC Docket No. PL-5/CN-14-320 was briefly discussed.

ADJOURNMENT

Motion was made by Supervisor Madden, seconded by Supervisor Behrendt to adjourn the meeting at 11:05 p.m. Motion carried by unanimous vote.