

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

**Eureka Town Board Meeting of September 8, 2014**

**CALL TO ORDER**

Chair Miller called the September 8, 2014, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Kenny Miller, Mark Ceminsky, Brian Budenski and Cory Behrendt. Steve Madden arrived at 7:20 p.m. Phil Cleminson was present as Planning Commission liaison. Planning Commission Chair Butch Hansen and Planning Commissioner Lu Barfknecht, Township Attorney Chad Lemmons and Town Clerk Mira Broyles 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 under Old Business:

- F. Road Committee
- G. GRE meeting

Motion was made by Chair Miller, seconded by Supervisor Ceminsky, to approve the agenda as amended. Motion carried by unanimous vote.

**TREASURER'S REPORT**

Treasurer Marcia Wilson reviewed the Treasurer's Report. *See attached report.*

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt to accept the Treasurer's Report dated September 8, 2014 as presented. Motion carried by unanimous vote.

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

Inspection charges were questioned by Supervisor Behrendt. Supervisor Ceminsky clarified the current charges for inspections.

Supervisor Behrendt asked that a correction be made to allocate the expenses on the road maintenance bill to the proper accounts in the budget.

Motion was made by Chair Miller, seconded by Supervisor Budenski to approve the disbursements and claims as amended. A roll call vote was taken on the motion. Ayes: Unanimous.

Outstanding invoices were discussed. Chair Miller recused himself from discussion regarding the Sauber Trust and Supervisor Behrendt took control of the meeting. The Township Attorney was directed to review documents to be provided by the Clerk (with assistance from Supervisor Behrendt, as attorney contact) and contact the attorney for the Trust. Supervisor Budenski felt that a phone call could take care of the issue without review of the entire file.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to provide documents regarding the Sauber Trust to the Township Attorney for review. Motion carried on a 3-1 vote. Supervisor Budenski voted nay and Chair Miller abstained.

Discussion of the GRE escrow balance was tabled until later in the meeting.

Treasurer Wilson discussed certification of the 2015 proposed levy which needs to balance with the 2015 budget. She noted there is a discrepancy of \$22,350 between the budget and levy.

Discussion was held regarding where the reduction within the budget will be taken.

Motion was made by Chair Miller, seconded by Supervisor Budenski to reduce the 2015 levy by \$22,350 to match the budget. Motion carried unanimously.

It was noted that discussion would be held later in the meeting to determine where within the budget the reduction would be taken.

### **DEPUTY SHERRIFF REPORT**

Deputy Matt Lowman of the Dakota County Sherriff's Department discussed illegal driving in private fields off of 225<sup>th</sup> Street. He asked that residents call the Sherriff's Department if they see this activity taking place. He also noted that a suspect is in custody in connection with recent burglaries in the area.

### **PUBLIC COMMENT**

Cal Pflaum thanked the Board for having culverts cleaned out. He expressed concern about vehicles that were driving in fields along 225<sup>th</sup> Street and Highview Avenue. He asked that an ordinance be considered to regulate dogs running on private property.

### **CITIZEN BUSINESS**

Nancy Sauber, 9445 225<sup>th</sup> Street West, discussed building right transfers in regard to Ordinance 3, Chapter 3. She expressed concern over the Township being challenged over buildability of lots where building rights are transferred. She also expressed concern over the manner in which the Vermillion River Watershed Joint Powers Ordinance issue was handled at a recent Planning Commission meeting.

### **CONTRACTOR TIME**

Supervisor Budenski discussed the condition of the roads, noting they look good and only touch ups are being done at this time. Supervisor Behrendt discussed the bills submitted by Otte and asked that specific work being done be identified more clearly as line items on their invoices and similar activities be grouped together. It was noted that brush would no longer be picked up by Otte. Discussion was also held regarding the replacement of culverts on 235<sup>th</sup> Street.

### **BUILDING INSPECTOR UPDATE**

Building Inspector Darrell Gilmer provided a brief update on re-reroofs that are currently taking place.

### **PLANNING COMMISSION REPORT**

Planning Commissioner Phil Cleminson gave a report on discussions and actions at the September 2, 2014 Planning Commission meeting. He noted that a special meeting to consider a building permit for Guy Flickinger will be held at 6:30 p.m. on September 11, 2014, followed by a public hearing for Joey Miller at 7:00 p.m.

## **CONSENT AGENDA**

The following items were removed from the Consent Agenda:

2. Minutes of the August 11, 2014 Town Board meeting
3. Jeffrey and Andrea Krapu, 24315 Dodd Boulevard – Residential Building Right Transfer Application

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt to approve the following item on the Consent Agenda. Motion carried by unanimous vote.

1. Minutes of the June 10, 2014 Round Table meeting.

The minutes of the August 11, 2014 Town Board meeting were discussed and amendments were made to page two (the wording “the planning commission and review of” removed from paragraph 5); page four (the wording “now that a Clerk is established, per previous arrangements all work was done with the Clerk present”; “Chair Behrendt was changed to “Supervisor Behrendt” and the wording “and administration with the Clerk”) was added at the end of the last sentence of paragraph four under Other Business; on page five, under Great River Energy Cap X2020 Wetland Conservation Act – Notice of Decision, the sentence was reworded to read “An update was provided on the Chub Lake to Hampton segment of the Great Rive Energy project by Brian Watson, DCSWCD”.

Motion was made by Chair Miller, seconded by Supervisor Ceminsky to approve the minutes of the August 11, 2014 Town Board meeting as amended. Motion carried by unanimous vote.

## **PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS**

### **Permit Requests**

#### Jeffrey and Andrea Krapu, 24315 Dodd Boulevard, Residential Building Right Transfer Application.

Discussion was held regarding the building right transfer request for Jeffrey and Andrea Krapu. Jeff Otto, who chaired a past task force that worked on building right transfers, provided an overview of building right transfers vs. building permit applications, noting it is not the legal obligation of the township to show that a property is buildable at the time of a building right transfer.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to approve a building right transfer application for Jeffrey and Andrea Krapu, 24315 Dodd Boulevard, noting the transfer does not guarantee future buildability for the property. Motion carried by unanimous vote.

#### Matthew Sullivan, 10535 170<sup>th</sup> Street West. Building Permit Application for Garage.

It was noted that the Planning Commission had required Mr. Sullivan to provide definitive dimensions of the proposed garage. Mr. Sullivan stated the dimensions of the garage will be 32’ x 60’.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt to approve a building permit to construct a garage for Matthew Sullivan, 10535 170<sup>th</sup> Street West. Motion carried by unanimous vote.

### **Land Use and Zoning Items.**

Dan and Char Adelmann, 6631 225<sup>th</sup> Street. Verification and transfer of building rights. The Adelmans were not present. The item was tabled indefinitely.

Donovan Palmquist, 27607 Grenada Avenue

Mr. and Mrs. Palmquist discussed the addition to their home located at 27607. Building Inspector Gilmer explained code requirements that must be met to constitute the addition as one structure. The Palmquists explained the use of their property. Attorney Lemmons explained the definition of a home occupation.

Motion was made by Chair Miller, seconded by Supervisor Budenski to recognize the use of the building on the Palmquist property, 27607 Grenada Avenue, as a home occupation if the building is one structure per the Building Inspector and adheres to building code requirements. Motion carried 5-0.

## **OTHER BUSINESS**

### **Newsletter**

Jody Arman-Jones requested the Town Board consider a change in the manner in which the Township newsletter is delivered to residents and property owners. She suggested the Board consider utilizing the Township website or move to an online version. Various means of notification were discussed as well as hard copies being made available for residents upon request. The Board agreed that a change should be made.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to notify residents in the next edition of the newsletter that future editions would be electronic and offer the option of receiving a hard copy. Motion carried by unanimous vote.

## **OLD BUSINESS**

### **Complaints**

#### 22401 Highview Avenue

Supervisor Ceminsky reviewed the report regarding a complaint against 22401 Highview Avenue, noting the complaint was unwarranted as vegetation is present on the site as well as berms in place for erosion control. He also noted that the property owner stated he would install silt fencing if needed.

#### 24565 Iceland Path

Supervisor Ceminsky reviewed the report regarding a complaint against 24565 Iceland Path. He stated that Ordinance 3, Chapter 9 was repealed by Ordinance 2010-1, therefore the Township is silent on junk cars on private property and the complaint is unwarranted.

Discussion was held regarding a potential business operating from the property without a permit. Aerial views of the property taken from the Dakota County website were provided by Lu Barfknecht.

The item was tabled pending further investigation of the property by Supervisors Ceminsky and Madden.

#### 10132 235<sup>th</sup> Street and 24005 Dodd Boulevard

Supervisor Ceminsky reviewed the report regarding a complaint against 10132 235<sup>th</sup> Street and 24005 Dodd Boulevard. He noted there were no vendors or signs at the time of the inspection. Supervisor Budenski noted that signs regarding a sale are currently on the site. Discussion was held regarding vendor sales taking place on the property.

Supervisor Ceminsky left the meeting for an appointment at 10:00.

Motion was made by Chair Miller, seconded by Supervisor Behrendt to direct Clerk to send a letter to the property owner that vendor sales is not allowed in the Township. Motion carried on a 3-1 vote. Supervisor Budenski voted nay.

## **IT Update**

Supervisor Behrendt discussed IT support from Buds and Bytes. It was decided that the Clerk would request remote support when needed, rather than the company having open access. Supervisor Behrendt noted that he is currently taking care of the website administration but this activity will eventually be taken over by the Clerk and Buds and Bytes. Additional security was discussed and would be implemented per previous action taken in March, 2014. Supervisor Behrendt stated he would like to complete the physical inventory of office equipment along with the Clerk. He further noted that a printer in the office needs to be installed, the Township domain name needs to be renewed by April, 2015, and the need for a contract with a vendor that handles data backup. Additional information will be provided at an upcoming meeting.

Motion was made by Supervisor Behrendt, seconded by Chair Miller to direct the Clerk to work with Supervisory Behrendt to initiate an agreement with Buds and Bytes for back up services and authorize technical services as needed. Motion carried on a 4-0 vote.

## **Petter Use Issue**

Township Attorney Lemmons provided an update on the Petter lawsuit, noting the case had been dismissed. He stated a closed meeting would need to be held if discussion is warranted regarding the filing of a new case. Further discussion was tabled to the next meeting to possibly set a closed meeting date.

## **Ordinance Update Status**

Discussion was held in regard to updating the current Code Book.

Supervisor Behrendt moved, Chair Miller seconded a motion to direct the Township Attorney's office to update the Code Book by consolidating the ordinances into final form. Motion carried on a 4-0 vote.

## **Road Committee**

Discussion was held regarding the Road Committee. Supervisor Behrendt stated that he does not currently have time to coordinate the Committee. Planning Commission Chair Hansen stated that he knows of residents that would be interesting in participating on a Road Committee. The Board directed Mr. Hansen to provide a list of names at the next meeting. It was also requested that the October newsletter mention the need for members.

## **GRE Meeting**

Township Attorney Lemmons stated that he has requested meeting dates with Great River Energy but has had no response.

## **NEW BUSINESS**

### **Denmark Avenue Maintenance / Castle Rock**

The Clerk was directed to send a letter to the Castle Rock Board to discuss sharing maintenance of Denmark Avenue.

### **Metropolitan Council Request for Forecasts**

Discussion was held regarding a request by the Metropolitan Council for 2020-2030 forecasts.

Motion was made by Supervisor Budenski, seconded by Chair Miller to direct the Clerk to notify the Metropolitan Council that the Town Board is in agreement with their projected forecasts. Motion carried on a 4-0 vote.

### **Account with Grainger's**

Chair Miller noted that the Township currently has an account with Grainger's Supply for office equipment and supplies.

### **Castle Rock Debit Card, Office Expenses, Petty Cash**

Discussion was held regarding the need for a debit card for miscellaneous expenses and the need for petty cash in the office in the event change is needed for permit fees. The Clerk and Treasurer were directed to provide a cash control report for these items at the next meeting.

### **Budget Adjustment**

Discussion was held regarding a reduction in the 2015 budget.

Motion was made by Supervisor Behrendt, seconded by Chair Miller to deduct \$22,350 from the gravel/lime rock hauling portion of the budget. Motion carried on a 4-0 vote.

### **Adjournment**

Motion was made by Supervisor Madden, seconded by Chair Miller to adjourn the meeting at 10:47 p.m.

Respectfully submitted:

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Mira Broyles, Clerk