

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of October 15, 2013

Call to Order

Chair Pete Storlie called the October 15, 2013, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Brian Budenski, Kenny Miller and Steve Madden. Clerk/ Treasurer Nanett Sandstrom was present to record the minutes, Carrie Jennings was present as Planning Commission Liaison and Township Attorney Chad Lemmons was present. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Other Business: P. Add Discuss hours

A motion by Supervisor Pete Storlie: To approve the agenda for the October 15, 2013 meeting as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Nancy Sauber asked that the Stakeholder of the VRWJPO meeting be put on the Township website. The procedure for posting on “What’s New” on the website is not under policies.

Gloria Belzer spoke to the Town Board on the upkeep of the recognition Board in the Town Hall.

Carrie Jennings commented at she feels the complaint policy is not being followed.

Treasurer’s Report

Checking Account Balance: \$42,338.21. Outstanding checks \$13,001.31. Savings Account Balance: \$464,944.72. CD Account Balances: \$71,284.44. The Ledger Balance is \$565,566.06.

A motion by Supervisor Brian Budenski: To approve the Treasurer’s Report as reported. The motion was seconded by Supervisor Mark Ceminsky. The 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:

Henry’s Excavating	Road Maintenance thru 9/30/2013	\$10,430.00
MNSPECT	Inspection Service – September 2013	\$2,205.56
Dakota Electric Association	Town Hall Electric	\$110.80
Frontier Communications	Phone Service Town Hall	\$128.10
Dick’s Sanitation	Garbage Service Town Hall-August 2013	\$51.83
Culligan	Water Softener Service & Salt	\$32.13
Kelly & Lemmons	Service thru 9/30/2013	\$3,354.75

T&C Commercial Cleaning	Clean Town Hall August 2013	\$53.56
Clarks Lawn Service	Mowing September 2013	\$352.69
Dakota Fire Control	Fire extinguisher inspection	\$47.00
Castle Rock Materials	Limestone	\$110,790.32
Eureka Sand & Gravel	Class 5	\$641.45
Metro Sales	Service copier	\$325.83
MATIT	Litigation costs	\$5,000.00
Central Valley Coop	LP	\$224.05
M&R Sign	signs	\$3,507.55
Quality Propane	Dust Control	\$16,441.50
Darrel Excavating Inc.	Septic Inspections	\$875.00
USPS	Newsletter mailing	\$200.00
Office of State Auditor	CTAS update	\$300.00
PERA	Payroll Period 9-1-2013 to 9-30-2013	\$285.26
Nanett Sandstrom	Payroll Period 9-1-2013 to 9-30-2013	\$967.02
Linda Wilson	Payroll Period 9-1-2013 to 9-30-2013	\$656.61
Nanett Sandstrom	Expenses	\$227.48
Dakota County Treasurer	4 septic	\$160.00
IRS	Payroll Period 9-1-2013 to 9-30-2013	450.01
USPS	stamps	\$46.00
Jacobson Engineers	Survey Town Hall	<u>\$2,150.00</u>
Total Bills Presented		\$160,014.50

Additional Claim approved at meeting

Central Valley Cooperative	500 gallons Prepay LP @ 1.529	<u>\$764.50</u>
		\$160,779.00

A motion by Supervisor Pete Storlie: To approve the Claims List and Net Pay. Motion seconded by Supervisor Kenny Miller. Roll call vote was taken on the motion: Brian Budenski- aye; Kenny Miller- aye; Pete Storlie- aye, Mark Ceminsky-aye; and Steve Madden-aye. The motion passed unanimously.

The following receipts were received in September:

- **Local Permits**

Koch Pipeline-ROW Permit	\$3,500.00	Chris Brula- Ag Permit	\$50.00
Maxine Storlie- Lot Split Application	\$25.00	Bohn Well Drilling-Septic 13-09-20	\$280.00
College City- Application fee	\$25.00	Bohn Well Drilling-Septic 13-09-21	\$280.00
Northern Natural Gas- ROW Permit	\$1,300.00	Donovan Palmquist- Application Fee	\$25.00

- **Other Receipts**

Northern Natural Gas-9 ton asses	\$5,000.00	Castle Rock Bank- Interest CD	\$186.44
Northern Natural Gas- Escrow	\$27,500.00	Castle Rock Bank- Interest CD	\$251.41
Dakota County- DNR Pilt Dist	\$736.74	Castle Rock Bank- Interest Savings	\$1,081.60
Wally Bohrn- CD	\$5.00		

TOTAL RECEIPTS AS OF SEPTEMBER 30, 2013 **\$40,246.19**

A motion by Supervisor Pete Storlie: To approve the remainder of the financial reports. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The Affidavit for Conflict of Interest issues with Supervisor Kenny Miller, owner/ operator of Eureka Sand & Gravel was signed.

Central Valley- LP Prepay

The contract price for prepay LP through Central Valley is at 1.529 per gallon. In the past we have prepaid 500 gallons. Total price of \$764.50.

A motion by Supervisor Kenny Miller: To approve the prepay amount for Central Valley LP. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Outstanding Invoices

The Town Board reviewed the outstanding invoices.

Joe Miller Jr., 22260 Dodd Blvd was present, he inquired about the outstanding invoice he received. He purchased the property in 2009, after the permit was issued. He feels he is not the responsible party.

Open Building Inspection Permits

The Town Board reviewed and discussed the Open Building Inspection Permits.

Outstanding Complaint Report

The Town Board reviewed and discussed the Outstanding Complaint Report.

Charles Robert refused the offer to straighten the problem out and to take year probation and it would be dismissed. He is requesting a jury trial. It has been scheduled for October 30th at 9:00 am.

Budget

The Town Board reviewed and discussed the budget.

Contractor Time

Road Contractor Mark Henry was present to discuss road maintenance and projects. The haul route upgrades have been completed, dust proofing and signage. The culvert at the end of Cedar has been replaced and the ditch cleanout on 225th St. There is a lot of ditch cleanout needed in Eureka Estates.

The Road Contractor Contract was briefly discussed. Mark Henry agreed to continue maintaining Township roads until the new contract is issued.

A motion by Supervisor Pete Storlie: Agreement to extend the terms of Mark Henry's contract. Motion seconded by Supervisor Kenny Miller with the friendly amendment to extend it until November meeting. Supervisor Pete Storlie accepted the friendly amendment. Motion carried by unanimous vote.

CapX2020/ Great River Energy

Stan Tessmer, Great River Energy was present to provide a status update and answer any questions on the project. Stan presented the Town Board with a handout of an overview of the project including scheduling updates.

Planning Commission, land use permits and related items

A. Land Use and Zoning Issues

1. Atina Diffley- Buildable Lot Verification

Atina presented a Warranty Deed dated March 30, 1967 showing the legal description for Parcel ID #13-02100-28-010, a parcel containing 29 acres. The current legal description of the property is the same as the description on the Warranty deed.

A motion by Supervisor Kenny Miller: To create a letter of affirmation of the building right of the parcel submitted, that there is a clear deed and a clear trail to it being an existing lot and it has not been modified. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

2. Prairie Creek CUP review

Simon Tyler was present to represent Prairie Creek School in the review of their CUP. There have not been any changes to the school over the past year. They have decided not to move forward with the outdoor classroom at this time.

3. Lift Station CUP- landscape plan

The trees that have been placed at the lift station as part of their revised landscape plan are 6 foot tall they agreed to place 8 foot trees. Supervisor Pete Storlie has emailed Jeff at the Met Council and they are going to get the correct size of tree in place.

Citizen Business and Complaints

A. Kelly- 9493 267th St. W. regarding citizen complaint

Supervisor Kenny Miller recused himself from discussion, due to a conflict of interest in this issue. Amy Kelly was present to address the animal confinement complaint that was presented at last month's Town Board meeting. She commented that the fence has been in place for 22 years, since 1991. It should be grandfathered under the 2004 Non Conforming se rules.

The Township attorney commented for a structure to be grandfathered as a non conforming use. It would have had to conform to current ordinances at the time it was constructed. It would have to meet Ordinance 20, (1990) requirements: 9.2 4. Animals may not be confined in a pen, feedlot or building within 175 feet of any residential dwelling not owned or leased by the owner of the animals. If the fence was built in 1991 and it is closer than 175 feet from the neighboring structure then it was not allowable under the zoning code and therefore is not entitled to non conforming treatment.

The barn is also located closer than 175 feet from the neighboring house. Kenny Miller commented that he does not have an issue with the horses being in the barn. The pen being located within 80 feet of his home is the issue. The manure runoff into the yard and the horses being close to the house is the issue at hand.

Supervisor Steve Madden and Supervisor Pete Storlie will meet with the two parties to discuss a possible solution to this issue for the next Town Board meeting.

Ag Tourism Task Force Commitment

Jeff Otto read a statement he prepared on Ag Tourism Task Force Commitment; *see attached document from Jeff Otto dated 10/3/2013.*

The Town Board discussed Mr. Otto's comments and asked for Attorney opinion before interviewing the 10 Task Force Applicants. The Township attorney advised against appointing anyone that is part of an ongoing litigation. They may not be fair and open minded. They could try and craft a document that could be used for litigation purposes, not to advance the needs of the Township.

A motion by Supervisor Kenny Miller: To accept the two Planning Commission members that applied to the task force: Fritz Frana and Butch Hansen. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

All applicants were given the opportunity to recuse themselves prior to starting the interview process. Interviews were given by last name. Applicants included: Cory Behrendt, Phil Cleminson, Atina Diffley, Jeannie Fredlund, Bill Funk, Mark Parranto, Terri Petter and Nancy Sauber. The Town Board voted by paper ballot for their 4 top choices. The Clerk tallied the votes and the results were read.

A motion by Supervisor Pete Storlie: To appoint Cory Behrendt, Mark Parranto, Atina Diffley, and Phil Cleminson to the Agri tourism task force committee. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The task force was asked to set up meeting dates and was given some direction to get started. The Clerk was asked to provide background information.

Citizen Business & Complaints- continued

B. Ordinance Item- Nancy Sauber

Nancy had questions on the Ordinance language for Accessory Building sizes. She presented and discussed her questions with the Town Board. This item will be discussed later in the agenda.

C. Willmott model airstrip complaint

Supervisor Kenny Miller reported on the progress with the airstrip complaint. There are concerns by both parties on enforcement. The Township attorney commented that a violation of the agreement would be considered a nuisance. The agreement would include acceptable uses, any other use would not be acceptable and therefore be a nuisance. The Township would be allowed to enforce it as a nuisance violation. This item will be placed on the November Town Board agenda.

D. Citizen Complaint- Pottery Business- 27607 Grenada Ave

The Town Board received a complaint indicating that a pottery business with a showroom is located at 27607 Grenada Ave.

This business is not a registered non conforming business.

Mr. Palmquist was present at the meeting and addressed the Town Board. He commented that they have a showroom, but it is not a public showroom. There are no signs. It is a private studio.

The Town Board discussed if this is a home occupation. The building being used is not attached to the house, it is 20 feet away. Accessory buildings cannot be used for home occupations. Supervisor Mark Ceminsky and Supervisor Brian Budenski will meet with Mr. Palmquist and inspect the property. Background information on the property will be pulled from the clerks records.

Other Business

A. Planning Commission Update

Planning Commissioner Carrie Jennings presented the Town Board with a summary of the October Planning Commission meeting.

B. Newsletter

Jody Arman Jones, editor of the Eureka Newsletter was present and discussed the draft newsletter.

C. Township Election Hours

The Clerk suggested extending election hours for the March Township Election. Minimum hours are 10:00 am to 8:00 pm.

A motion by Supervisor Kenny Miller: To move the election hours in March to 7:00 am to 8:00 pm. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

D. Accessory Building size language/ Impervious surface definition

The following definition is from the MPCA: "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads.

A motion by Supervisor Kenny Miller: To amend Ordinance 1, Chapter 4 Definitions to include the definition of impervious surface from MPCA. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To add to the accessory building size language, non Ag use buildings on Ag property be subject to the same size limitations as non Ag property buildings. Motion seconded by Supervisor Brian Budenski. Vote was taken on the motion. 4 Supervisors voted in favor of the motion, one was opposed. The motion carried.

A motion by Supervisor Mark Ceminsky: To add to the language regarding the proposed language to deal with tracts that are non Ag. and 11 acres or larger and accessory buildings on Ag property 11 acres or more that there is a cap of a maximum size of accessory building of 10,000 square feet on the property of non Ag accessory building. Motion seconded by Supervisor Pete Storlie. Vote

was taken on the motion. 4 Supervisors voted in favor of the motion, one was opposed. The motion carried.

The Town Board took a short recess.

E. Township Road Maintenance Contract

The Town Board reviewed and discussed the submitted Road Contractor Service Agreement presented for discussion.

The following was changed to read: 1. **SERVICES PROVIDED.** During the term of this agreement the contractor agrees to perform the following services as listed below and all services listed on **Exhibit A.**

3.1 should read: Contractor shall grade all Town aggregate roads as directed by Town to keep...
Delete last sentence: "Grading shall occur..."

3.2 should read: "Contractor shall apply, and spread gravel as directed by Town to keep all Town aggregate roads in a reasonably passable and safe condition.
Delete last sentence: "Contractor shall also..."

3.3 should read: Contractor shall repair and maintain by grading, graveling, and performing such work as may be directed by the Town to keep all Town road shoulders properly maintained.

1.6 add: "as directed by the Town."

Add: 1.10. **Emergency Road Repairs:** Contractor will provide emergency road repairs as directed by Town as described in **Exhibit A.**

Road Contract will be added to the agenda of the Special Meeting on Tuesday, October 22, 2013.

F. Township Road Bids

A motion by Supervisor Mark Ceminsky: To put out for quote for Road Maintenance Quote for Township Roads. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

G. Town Hall Maintenance

Supervisor Mark Ceminsky recused himself from Town Board for discussion on this matter as owner and operator of Beaver Creek Co.

A motion by Supervisor Kenny Miller: To hire Beaver Creek to do ongoing building maintenance of a \$5,000 per calendar year cap. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

H. Fee schedule

A motion by Supervisor Kenny Miller: To enact ordinance 2013-05 pertaining to amending Town Ordinance Fees. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To publish the summary of Ordinance 2013-05 amending Ordinance 7 Fee schedules. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

I. Building Inspector Contract

Supervisor Pete Storlie is reviewing the standard MAT contract.

J. Building Inspector RFP

Supervisor Pete Storlie has been working on updating the RFP previously used. This item will be added to the Special Meeting on Tuesday, October 22, 2013.

K. Municipal Delegation Agreement with MN Department of Labor

The Clerk was directed to sign the agreement and to return it to the Building Official.

L. Old Town Hall Property

The property is listed. The Town Board discussed possible transfer of the Building Right and selling the property to the neighbors.

M. New Garage

The plans for the new garage were presented and discussed.

A motion by Supervisor Mark Ceminsky: To move forward with putting out quotes with the Township General Contractor for the project for the new Town Hall garage. Motion seconded by Supervisor Brian Budenski. Vote was taken on the motion. 4 Supervisors voted in favor, one opposed. The motion carried.

N. Over weight on Township Roads

The Township does not have any ordinances regulating moving over weight items on Township roads. The Road Committee will be asked to look into this.

O. Policies and Procedures for Office/ Clerks and Hours

A motion by Supervisor Pete Storlie: To Direct the Clerks, Nanett and Linda to start on Policies and Procedure manual rough draft for the November meeting. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

The Town Board discussed the number of hours Linda is allowed to work in the office.

P. Copy Machine Replacement (New budget Item)

The Town Board discussed the replacement of the copy machine. Supervisor Kenny Miller will check into leasing vs. purchasing.

Minute Approval

A. Town Board Meeting of September 9, 2013

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board meeting of September 9, 2013. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

Clerk/ Treasurer Presentation

A. Certified Government Program

The Town Board was not interested in participating in the program.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Steve Madden.

The Meeting adjourned at 12:14 a.m.