

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of October 9, 2012

Call to Order

Chair Brian Budenski called the October 9, 2012, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Mark Ceminsky, Steve Madden, Kenny Miller and Supervisor Pete Storlie. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Carrie Jennings as Planning Commission Liaison. Building Inspector Scott Qualle. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following was added to the agenda: Other Business- Mahoney Update

A motion by Supervisor Brian Budenski: To approve the agenda as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Gloria Belzer had a list items that she requested an update on: Country Joe Miller building, Buffington, Mahoney and Liane Building. Chair Brian Budenski commented that all of the items are at the Attorney. If there are any updates they will be given later in the agenda.

Nancy Sauber commented that there is a NCRWMO PAC meeting on October 10th. She asked if the Town Board has received any reports from Carol Cooper, the citizen appointed by the Town Board to represent the Township at the meetings. Nancy also asked the status of the ruling from the Judge on the Nonconforming Use.

Treasurer's Report

Checking Account Balance: \$494.38. Outstanding Checks \$131.61. Savings Account Balance: \$395,341.23. CD Account Balances: \$69,563.35. The Ledger Balance is \$465,267.35.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report as presented. The motion was seconded by Supervisor Mark Ceminsky. The motion carried by unanimous vote.

The Town Board reviewed the following financial reports prepared by the Clerk.

It was noted that check #6655 is a voided check. Checks 6690 and 6691 are also voided checks.

Outstanding Invoices were discussed. Farmington Administration contacted the Clerk about the amount owed on the graveling of 220th St. W. The check for the amount owed should be received shortly.

The following receipts were received in September:

• Local Permits

Bruce Lindahl- Permit #12-15	\$693.55	Arvig Ent.- Utility Permits 2012-9-10 & 11	\$2500.00
Blesner Quality Exteriors- ET12-015&16	\$210.00	Jill Woerhle- Application fee	\$25.00
Champion Plumbing- Permit 12-017	\$80.00	William Funk - Permits	\$230.00
Bruce & Cheryl Mohn- Clusters	\$50.00		

• Other Receipts

Nancy Sauber — 5 CDs of minutes	\$25.00	MATIT- Insurance Claim	\$227.31
Hollis Larson — RASP Sign	\$18.51	Castle Rock Bank- Interest Savings	\$1,220.70
Mark Ceminsky- RASP Signs	\$18.51	Castle Rock Bank- Interest CD's	\$428.07

TOTAL RECEIPTS AS OF SEPTEMBER 30, 2012 **\$2,898.58**

A motion by Supervisor Brian Budenski: To approve the balance of the Financials as presented with the exception of the Claims Lists and Net Pay. The motion was seconded by Supervisor Kenny Miller. 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 9/30/2012	\$7,989.00
MNSPECT	Inspection Service – September 2012	\$1,691.22
Dakota Electric Association	Town Hall Electric	\$110.85
Frontier Communications	Phone Service Town Hall	\$131.34
Dick's Sanitation	Garbage Service Town Hall- October 2012	\$49.79
Culligan	Water Softener Service	\$23.51
ECM	Legal Ads	\$42.00
Kelly & Lemmons	Legal Services thru 9/30/2012	\$1,304.25
Dakota Aggregates	Road Gravel	\$3,100.62
City of Lakeville	2012 Fire Contract	\$34,240.00
Dakota Fire Control	Fire Extinguishers & Installation	\$333.80
M&R Sign	RASP Signs	\$37.02
Gopher State Sealcoat	Crack fill Developments	\$12,700.00
Castle Rock Contracting	Clear trees 235 th St W	\$1,500.00
Northfield Ambulance	Ambulance Assessment 2012	\$336.00
Quality Propane Inc	Dust Control	\$1380.00
Linda Wilson	Stamps	\$45.10
USPS	Newsletter mailing	\$200.00
Nanett Sandstrom	Expenses 9/1 to 10/6/2012	\$1058.93
Mark Ceminsky	Expenses- shelving & blind	\$304.29
IRS	October Deposit	\$461.89
PERA	Payroll Period 9/1/2012 to 9/30/2012	\$312.96
Bob Donnolly	Return unused escrow	\$325.00
ARVIG Enterprises	Refund overcharge utility permits	\$50.00
Real Tree Church	Escrow and key deposit return	\$650.00
Nanett Sandstrom	Clerk Payroll 9/1/2012 to 9/30/2012	\$1,057.17
Linda Wilson	Office Employee 9/1/2012 to 9/30/2012	\$751.28
Total Bills Presented		\$70,186.02

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

Monthly Budget

The Town Board reviewed the Monthly Budget.

The Clerk presented a spreadsheet showing actual unused amounts for Road & Bridge 2007 thru 2011. These amounts are what should have been used to track unspent Road & Bridge Funds rather than budgeted amounts. The Clerk commented that the 2012 balance will be calculated in January, after the balance of the 2012 Levy and FEMA reimbursement are received. A better account of the Road & Bridge Fund balance will be available in January.

The Town Board discussed placing the amounts into an Emergency Road & Bridge Escrow or keeping it in the Road & Bridge Fund. The Road Committee will continue working on a more detailed budget for Road & Bridge. They will bring back a proposal to the Town Board before the Budget meeting. The Town Board decided to wait on creating an Escrow account for an Emergency Road & Bridge Fund.

The Town Board reviewed the Open Building Inspection reports. There were no questions.

Chair Brian Budenski signed off on the MinCann Pipeline project permits, the Bob Donnolly Right-of-Way permits and the Hat Trick Driveway permit. All 3 projects had site inspections completed and signed off by the inspecting Supervisor. The MinCann Bond was released and the balance of the Donnolly escrow was returned.

Contractor Time

Road Contractor Mark Henry was present.

The 235th St. road project was completed. An unknown cross pipe culvert was discovered and replaced. A final lift of gravel will be added next spring.

The ditch mowing is completed for the year. 40 hours were allotted and used. All roads were completed, that the Township had permission to cut, except for a half mile near Mount Olivet Retreat Center and in the developments.

The trees were removed that were contracted to be removed. The stumps still need to be removed.

Planning Commission, Land Use Permits and Related Items

A. Permits

1. Michael and Jill Woehrle- 24215 Idalia Ave- addition to home.

Michael and Jill Woehrle were present to represent their application for a 24'x20' addition, each level. They are adding a great room and rec. room to the rear of the home it includes a basement and upper level room. A VRWJPO permit was not required for the project.

A motion by Supervisor Brian Budenski: To approve the Building Permit application for 24215 Idalia Ave. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Bill Funk- 23690 Jersey Court- attached garage

Bill Funk was present to represent his application to add an attached garage. The Planning Commission reviewed the application according to the established policy- to look at an application concurrently with the VRWJPO. The VRWJPO did not complete their application process prior to the Town Board meeting. The next VRWJPO meeting is October 25, 2012.

The Town Board informed Mr. Funk that they cannot approve the permit until the VRWJPO process has been completed. Mr. Funk can ask for a Special Meeting to approve of the permit application prior to the next Town Board meeting. He can send the building plans to the Building Inspector for plan review prior Town Board approval. Mr. Funk was informed that if he chose to do so, he would be responsible for plan review fees even if the permit was not approved by the VRWJPO and or Town Board.

Citizen Business

A. Complaint- 23744 Fairgreen Ave. - model airplanes

Brian Ahern- 6215 235th St. W. was present to discuss the model airplane complaint. Additional information on the complaint was sent to the Town Board prior to this meeting. The Township Attorney was asked to advise and give counsel on the Noise and Nuisance Ordinance. No information has been received from the Township Attorney.

The Sheriff Department has been called on the complaint. Mr. Ahern commented that the Sheriff said he can talk to Mr. Willmott, but can't issue a ticket without confirmation from the Town Board that there is a violation. Supervisor Kenny Miller was asked to contact the Township Attorney to get an opinion.

Supervisor Mark Ceminsky contacted the FFA. The property located at 23744 Fairgreen Ave. is less than 2 miles from Air Lake Airport. Mr. Willmott is required to contact the FFA prior to flying the model airplanes. There are limits to the height he can fly and spectators.

B. Roberts Complaint- 26110 Ipava Ave- Ordinance violation- setback of building from property line
The complainant forwarded a photo to the Town Board in response to their letter informing Mr. Roberts that the building needed to be moved. The Clerk spoke to the complainant and was informed that the shed has not been moved..

A motion by Supervisor Kenny Miller: To send the Building Inspector to property, he may or may not choose to bring protection. Motion seconded by Supervisor Mark Ceminsky. Vote was taken on the motion. The motion carried with one dissenting vote. The Clerk was asked to forward the information on the complaint to the Building Inspector.

C. Rental Complaint - 24005 Dodd Blvd

The Township office received a phone call on a rental complaint on Thursday. They were told to contact the Township Building Official. The complaint was added to the agenda per the Building Inspector request.

On Friday the Building Official was contacted again by the tenant. They explained the situation, he felt it was a tenant/ landlord issue and he would not be involved in such an issue. The complainant indicated that there were life safety issues on the property. (No fire separation between the two dwelling units in the home. (Appears to be a duplex unit) No carbon monoxide detectors, exposed fuse panel, a furnace that appears to be recently installed – no permit issued, broken window, one with no glazing at all.) Scott agreed to an inspection of the property through MNSPECT, not as a Eureka Township Inspector. The complainant was told they would be responsible for inspection fees. At the time of the inspection the Building Inspector did not know who the property owner was. When questioned by Supervisor Mark Ceminsky about the inspection, the Building Inspector stated that he told the Sheriff that he was there on Eureka Township business. A copy of the inspection report will be sent to the Town Board.

A motion by Supervisor Pete Storlie: To hold a Closed Meeting for a Building Inspector performance review. Motion seconded by Supervisor Mark Ceminsky. A meeting was scheduled on Thursday, October 18, 2012 at 6:30 pm. Motion carried by unanimous vote.

D. Legality of Duplex in the Township

The Residence located at 24005 Dodd Blvd appears to be a duplex. There is a separate dwelling upstairs that runs down a stairway to the front porch of the building. Which is apparently all part of the upstairs tenant space. The downstairs and basement is the other tenant's space. The building has been rented as a multi-occupancy building. By Township Ordinance only single family dwellings are permitted in the Township. This issue will be added to the November Town Board agenda.

Other Business

A. Road Maintenance Quotes

Three Road Maintenance quotes were received: Rud Construction, Henry's Excavating and Otte Excavating. The Town Board reviewed the quotes and eliminated Rud Construction's quote.

The Town Board discussed past years performance for Henry's Excavating and Otte Excavating. There was discussion on negotiating for a better price. There were comments that the current grading plan is out of date.

A motion by Supervisor Steve Madden: To move accept and move forward and decide which quote to accept. Motion seconded by Supervisor Mark Ceminsky. After further discussion Supervisor Steve Madden withdrew his motion.

A motion by Supervisor Steve Madden: To accept Mark Henry Excavating's quote. Motion seconded by Supervisor Pete Storlie. Vote was taken on the motion. 4 Supervisors voted in favor, Kenny Miller voted against the motion. Supervisor Kenny Miller commented his vote was strictly on the dollar amount in front of them tonight. It smells an awfully like a bid, not a quote.

Supervisor Mark Ceminsky asked that a copy of the quote request be attached to the minutes for a timeline.

B. Weight Limits on Roads

Supervisor Kenny Miller received a definition on the no truck/ weight limit on trucks from Township Attorney Trevor Oliver. To impose weight limit restrictions the Town Board would need a valid

reason as to the road strength to restrict load capacity. “No Truck” routes would need to be established by an Ordinance. The reason for no truck routes need to be stated for it to be defensible. Exceptions must also be placed in the Ordinance. The Town Board agreed that there are Township roads should be designated as “No Trucks”. An Ordinance will be drafted and it will be decided which roads will be designated as no truck roads. A separate meeting will be scheduled on this issue.

At 9:11 pm the Town Board took a 10 minute recess.

C. Building Inspector

1. Mitch Larson permit follow-up

Supervisor Mark Ceminsky met with Mitch Larson and discussed his concerns with his building permit evaluation.

The Town Board discussed the differences between the State’s calculation and the Building Inspectors calculation with Building Official Scott Qualle. Mark and the Building Inspector will meet with Larson’s to present them with the information gone over at tonight’s meeting.

There was also an issue with the boulder retaining walls installed. The Town Board briefly discussed the issues with the retaining wall. Supervisor Mark Ceminsky commented that Mitch had agreed to modify the retaining wall to meet codes.

2. Non Compliant Septics- misdemeanor citations

The Building Inspector was directed by the Town Board to issue misdemeanor citations for non compliant septics in August. The Building Inspector commented that he has sent several e-mails and has attempted to contact the Township Attorney several times and has not heard back from him. Supervisor Kenny Miller will contact the Attorney on this item.

D. Septic Inspector absence

An interim Septic Inspector- Bob Freiermuth Sr. has been obtained in Darrel Gilmer’s absence. He will fill in until Darrel is able to resume working.

E. Planning Commission Update

Carrie Jennings was present as Planning Commission liaison. She updated the Town Board on Planning Commission business. They held the Public Hearing on the Ordinances, there were no public comments. They are reviewing the Planning Commissions Procedures and Policy manual.

F. Ordinance Changes from Public Hearing

The Ordinance changes presented at the Public Hearing were reviewed by the Town Board.

A motion by Supervisor Kenny Miller: To approve changes to Ordinance 3, Chapter 3, Section 4, Ordinance 3, Chapter 4, Section 12, Ordinance 3, Chapter 7, Section 4 and Ordinance 7, Relating to Fees- Subchapters J., CC., EE., FF. and , GG. (Ordinance 2012-02 An Ordinance Amending The Town Zoning Ordinance (Ordinance 3) and Fee Ordinance (Ordinance7)) Motion seconded by Supervisor Brian Budenski. Vote was taken on the motion. 4 Supervisors voted in favor of the motion, Supervisor Steve Madden voted against the motion. The motion carried.

G. Resolution 2012-06

A motion by Supervisor Kenny Miller: To approve the Resolution 2012-06 A Resolution of the Town Board defining segments of Town Roads as “Rural Residential Districts” and Establishing Speed Limits. The motion was seconded by Supervisor Pete Storlie. Vote was taken on the motion with 4 Supervisors voting in favor of the motion and Supervisor Steve Madden opposing the motion. The motion carried.

A motion by Supervisor Kenny Miller: To publish a synopsis of the Ordinance changes. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

H. TBR’s (Transfer of Building Rights)

The committee is recommending that the Town Board appoint a Taskforce. The three committee members would like to be part of the Taskforce. They are proposing at least 2 open houses. They would like to have a recommendation by the Annual Meeting in March.

A motion by Supervisor Brian Budenski: The Town Board agrees to at least a 5 member Taskforce to look into the transfer of housing rights in the Township. To authorize Butch Hansen, Jeff Otto and Allen Novacek to meet with our Professional Services, TKDA, hopefully Sherri Buss and to come up with a budget for the next month’s meeting. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Letters of Interest for the Task Force must be submitted to the Township Office by Thursday, November 1, 2012 by 12:00 p.m. for interview at the November 5, 2012 Planning Commission Meeting.

I. Newsletter

Jody Arman-Jones was present to discuss Newsletter content.

J. Old Town Hall Lot

A motion by Supervisor Mark Ceminsky: To approve that the old Town Hall site is a buildable lot. Supervisor Brian Budenski offered a friendly amendment that Supervisor Kenny Miller contact Nicolai’s at Castle Rock Bank for a real estate appraisal, to allow up to \$1,000. Supervisor Brian Budenski seconded the motion. Motion carried by unanimous vote.

K. Garage at Town Hall

A cost estimate for a proposed budget for a proposed maintenance garage based off the architectural plans was submitted. The Town Board decided to obtain an estimated cost of a pole type structure also to be submitted to the citizens at the Annual Meeting.

L. Cleaning Service

Coreen Auge, T&C Commercial Services is willing to resume Town Hall cleaning duties. The cost per cleaning will be \$50.

A motion by Supervisor Brian Budenski: To hire T& C Cleaning to clean the Town Hall on a monthly basis at \$50 per month. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

M. Appoint Linda Wilson as Zoning Administrator

A motion by Supervisor Brian Budenski: To appoint Linda Wilson as Zoning Administrator for Eureka Township. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

N. Appoint Election Judges for the November Election

A motion by Supervisor Brian Budenski: To appoint the 14 Election Judges on the sheet titled "Election judges currently scheduled for the General Election November 2012". Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote. *See attached.*

O. Damaged Tree- Town hall Lot

Supervisor Brian Budenski offered to donate a tree to replace the broken off tree on the Town Hall lot. He thinks that he can get someone to donate moving it with a tree spade.

P. Attorney follow-up items

There is no new information from the Attorney on Buffington, Country Joe or Mahoney. Supervisor Kenny Miller will contact the Attorney for follow-up.

Supervisor Mark Ceminsky spoke with the Supervisor at Country Stone. 11 trees have been ordered for the berm. There are 9 dead trees, so they are planting 2 extra trees.

Q. Roads

1. Asphalt on Upper 240th St & Holyoke Path

Three Quotes were received for asphalt repair on Upper 240th Street and Holyoke Path. The Town Board discussed repairing the roads.

A motion by Supervisor Brian Budenski: To have Supervisor Mark Ceminsky contract Bituminous Roadways for Option #2- a 2" overlay with patching not to exceed \$74,000 for Upper 240th Street West and Holyoke Path in Eureka Estates. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

The shouldering will be done by the Road Contractor.

2. Update on FEMA

FEMA has approved total project costs of \$57,221.75. Supervisor Mark Ceminsky signed off on the paperwork on September 27, 2012. This amount does not include all the wages (\$1,300) submitted. The paperwork goes to the State for payment. Additional paperwork would need to be sent to try to get the additional amount submitted.

3. Signs

Road Supervisor Mark Ceminsky created a sign list from the sign inventory log. There are roughly \$4,100 in signs that need to be ordered. Installation would be \$2,600-\$2,700. Posts do not need to be ordered at this time.

A motion by Supervisor Mark Ceminsky: To order all the signs needed on the 2 quotes received, no more than \$5,000. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The critical signs will be posted right away. The remainder of the signs will be replaced as weather permits.

4. Box Culvert cleanout on 235th Street

Road Supervisor Mark Ceminsky spoke with Travis Thiel, VRWJPO Watershed Specialist about the work on 235th Street. They discussed the buildup of silt in the box culvert on 235th St. and the need to clean it out. Mark Ceminsky contacted the DNR. The Township has a DNR permit to cleanout culverts in the Township. The project must be completed by October 15, 2012.

A motion by Supervisor Mark Ceminsky: To remove the silt at the box culverts at 235th St. W. per request of the Vermillion River Watershed on a time and material basis. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

5. Update Road Speed Study

The Signed Resolution was sent to Chad Erickson, East Area and Speed Zones Mn/DOT Metro District - Traffic Engineering. He acknowledged receipt of the Resolution and commented that speed studies are very weather dependent (winter often halts them altogether), so depending on scheduling, it may be as late as next spring until we hear from them.

6. Broken Culvert end on 245th St at the Scott County Line

The culvert end has been ordered. It should be ready this week to be picked up and installed.

R. Met Council- Lift Station Landscape Plan

Supervisor Pete Storlie met with the Met Council, they are willing to amend their Landscaping Plan to place pine trees on the berm and seed it with a different planting mixture. Pete will continue to work with them on this. They will be asked to submit a new landscaping plan in the spring.

Minutes

A. Town Board meeting of September 10, 2012

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board Meeting of September 10, 2012 minutes. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Clerk/ Treasurer Presentation

Sentence to Service

The Clerk received notice from Dakota County on the Sentence to Service program. There is a cost for a crew this year. Town Board members did not express interest in using this service.

The Town Board asked the Planning Commission to work on the No Truck Ordinance.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Kenny Miller.

The Meeting adjourned at 12:13 a.m.