

Eureka Township

Dakota County

State of Minnesota

Eureka Town Board Meeting of November 12, 2013

Call to Order

Chair Pete Storlie called the November 12, 2013, Eureka Town Board meeting to order at 7:02 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, Butch Hansen 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: S. Workshop

A motion by Supervisor Pete Storlie: To approve the agenda for the November 12th meeting as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Deputy Sherriff

A Deputy Sherriff was present to listen to audience and Town Board comments and concerns.

Public Comment Period

Nancy Sauber- 9445 225th St. W. presented the Town Board with documents printed off the Township website pertaining to Ag Buildings, Ag Exemptions, permits and Home occupations. *She attached documents.*

Charles Roberts- 26110 Ipava Ave. spoke to the Town Board on the complaint that was lodged against him. His shed will be moved by January 1, 2014.

Treasurer's Report

Checking Account Balance: \$113,817.41. Outstanding checks \$113,259.51. Savings Account Balance: \$339,629.73. CD Account Balances: \$71,284.44. The Ledger Balance is \$410,472.07.

A motion by Supervisor Pete Storlie: To accept the Treasurer's Report of November 12, 2013. 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 10/31/2013	\$7,227.50
MNSPECT	Inspection Service – September 2013	\$750.81
Dakota Electric Association	Town Hall Electric	\$101.28

Frontier Communications	Phone Service Town Hall	\$128.12
Dick's Sanitation	Garbage Service Town Hall- Dec 2013	\$51.63
Culligan	Water Softener Service & Salt	\$23.51
Kelly & Lemmons	Service thru 10/31/2013	\$2,711.26
T&C Commercial Cleaning	Clean Town Hall September 2013	\$53.56
Clarks Lawn Service	Mowing October 2013	\$352.69
Dale Kuchinka	Ditch Mowing spring & Summer	\$2,940.00
MN Dept of Labor	3 rd Qtr Surcharge Report	\$375.62
Eureka Sand & Gravel	Class 5 & river rock	\$613.43
Dakota County Fair	Water- CapX road project	\$82.80
Gold Mine Dezine	Newsletter	\$183.18
ECM Publishers	Legal Ads	\$147.00
Mark Nachreinel	overpayment permit ET13-036	\$2.50
Grainger	light bulbs	\$738.91
Quality Propane	Dust Control- CapX road project	\$100.00
Gloria Belzer	Engraved plate	\$10.30
Dakota County Township Officers	2014 JPA Pump Maint.	\$1,520.64
City of Farmington	3 rd Qtr Fire Contract	\$7,455.25
Contech Construction Products	Culverts	\$780.29
Linda Wilson	Mileage	\$52.55
LaVernes Pumping Service	Pumping Septic system	\$240.00
Nanett Sandstrom	Expenses	\$39.99
Nanett Sandstrom	Payroll Period 10-1-2013 to 10-31-2013	\$866.56
Linda Wilson	Payroll Period 10-1-2013 to 10-31-2013	\$870.52
PERA	Payroll Period 10-1-2013 to 10-31-2013	\$305.32
IRS	Payroll Period 10-1-2013 to 10-31-2013	\$479.63
Beaver Creek Companies	Town Hall Maintenance	<u>\$1,264.50</u>
Total Bills Presented		\$30,469.35

Additional Claims approved at meeting

Northern Natural Gas	Return Escrow Permit #2013-8-21	\$27,500.00
Minnesota Pipeline Co.	Return Escrow Permit #2013-8-20	<u>\$27,500.00</u>
Total Bills 11-12-2013		\$85,469.35

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 and Steve Madden-aye. Supervisor Mark Ceminsky abstained from voting on the motion since one claim was his. The motion passed unanimously by Supervisors voting.

The following receipts were received in October:

• **Local Permits**

Zimmerman Stucco-Permit 13-20	\$331.14	Decks Unlimited- Permit 13-16	\$60.00
Lakeville Aero LLC- Permit 13-21	\$1,449.69	Vermillion Kennels-Kennel Lic.	\$100.00
Chad Miller Const.- Application fee	\$25.00	Custom Remodeling-permit	\$105.00
JB Outfitters- Plumbing & HVAC	\$290.00	Farmington Plumbing- ET13-032	\$125.00

Tammy Johnson- Driveway permit	\$933.00	Graham Dee- Application Fee	\$25.00
Minnesota Exteriors- ET13-033	\$105.00	College City Design- Permit 13-19	\$1,348.68
EWING Group LLC- CUP Application	\$25.00	Cihak Siding- Application Fee	\$25.00
EWING Group - CUP Application	\$375.00	Chad Harmer- Application Fee	\$25.00
Living Waters Church- CUP Escrow	\$500.00	Riccar Heating- HVAC Permit	\$95.00
Dakota Electric- Permit 2013-10-22	\$175.00	Home Energy Center- HVAC Permit	\$97.50
Glowing Hearth & Home - ET13-034	\$50.00	Sheridan Law- lot split Application	\$25.00

• **Other Receipts**

Mike Blom - Newsletter Ad	\$125.00	Eureka Sand & Gravel- Newsletter Ad	\$135.00
Gloria Belzer- CD	\$5.00	Wally Bohrn- CD	\$5.00
Ackerman Furniture- Newsletter Ad	\$125.00		

TOTAL RECEIPTS AS OF OCTOBER 31, 2013 **\$6,685.01**

A motion by Supervisor Pete Storlie: To approve the remainder of the financial. Motion seconded by Supervisor Steve Madden. Supervisor Mark Ceminsky abstained from voting, due to the payment to Beaver Creek Co. Motion carried by unanimous vote of Supervisors voting.

The Affidavit for Conflict of Interest issues with Supervisor Kenny Miller, owner/ operator of Eureka Sand & Gravel & Supervisor Mark Ceminsky, owner/ operator of Beaver Creek Co. were signed.

Road Right-of-Way Permit closures- return escrow

Two Road Right-of-Way Permits were closed out by Road Supervisor Mark Ceminsky:

Northern Natural Gas Road Right-of-Way Permit #2013-8-21 return escrow amount of \$27,500.00.

Minnesota Pipeline Co. (Koch Pipeline) Road Right-of-Way Permit #2013-8-20 return escrow amount of \$27,500.00.

A motion by Supervisor Mark Ceminsky: To approve returning the Escrow for Northern Natural Gas Permit and Koch Pipeline Permit a total for both of \$55,000. Motion seconded by Supervisor Pete Storlie. Roll call vote was taken on the motion: Brian Budenski- aye; Kenny Miller- aye; Pete Storlie- aye and Steve Madden-aye; Mark Ceminsky-aye. The motion passed unanimously.

Outstanding Invoices

The Town Board reviewed the outstanding invoices. It was determined that Joe Jr. was not responsible for the unpaid permit. He was not the owner at the time the permit was pulled. Dave Sellner permit is expired, Township costs were paid. Hart permit was paid.

A motion by Supervisor Mark Ceminsky: To remove the Joe Miller, Dave Sellner and Michael & Sarah Hart from the outstanding invoices. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Contractor Time

Road Contractor Mark Henry was present to discuss road maintenance and projects. Road ditch drainage issue on the Friedge/ Country Stone property was discussed. The issued is due to the ditch from the property being lower that the Township road ditch. Supervisor Mark Ceminsky will contact the property owners to discuss the drainage issue.

Open Building Inspection Permits

The Town Board reviewed and discussed the Open Building Inspection Permits with Building Inspector Scott Qualle.

Outstanding Complaint Report

The Town Board reviewed and discussed the Outstanding Complaint Report.

Budget

The Town Board reviewed and discussed the budget.

Road Maintenance Quotes

One Road Maintenance Quote was received. It was from Mark Henry Excavating, Farmington, MN. A motion by Supervisor Steve Madden: To accept the quote as stated. Motion seconded by Supervisor Mark Ceminsky. Discussion followed. Supervisor Brian Budenski offered a friendly amendment from November 2013 to June 30, 2013. Supervisor Steve Madden and Supervisor Mark Ceminsky accepted the amendment. Vote was taken on the motion, it passed 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.

A motion by Supervisor Brian Budenski: That Eureka Township file an injunction against CapX2020, otherwise Great River Energy from putting up any rust colored poles in Eureka Township. To have enough time to propose to the PUC through the appropriate procedure. Galvanized pole blend with the color of the sky 8 months of the year in MN. Motion seconded by Supervisor Kenny Miller for discussion. Supervisor Kenny Miller abstained from voting, due to a possible conflict of interest. Vote was taken on the motion. Two supervisors voted in favor of the motion, two opposed. The motion failed.

Mike Kelly- 9493 267th St. W. – complaint follow-up 8:15 pm

Mike was present to address this issue. Supervisor Pete Storlie met onsite with the 2 property owners. They have come to an agreement. A berm will be placed along the property line from the south fence post going north approximately 100 feet a foot high. Work will take place in the spring. The complaint will be closed.

Planning Commission, land use permits and related items

A. Lot Splits

1. Heintz Trust- Lot Split

Dan Sheridan, a representative from Sheridan Law Firm was present to represent the lot split for the Judith M. Heintz Living Trust. They are requesting to split Parcel 13-00100-26-017 consisting of 143.95 acres. *Proposed addition to Parcel B, having PIN#13-00100-26-014, consisting of .31 acres. Proposed addition to Parcel C, having PIN#13-00100-25-011, consisting of .52 acres. Proposed addition to Parcel D, having PIN# 13-00100-25-012, consisting of .31 acres. Proposed addition to Parcel G, having PIN# 13-00100-26-016, consisting of .27 acres.*

A motion by Supervisor Kenny Miller: To approve the lot split with the following condition: The approval of the split is subject to combination of Parcel B with that parcel identified as PID 13-00100-26-014 into one Tax Parcel. The approval of the split is subject to combination of Parcel C with that parcel identified as PID 13-00100-25-011 into one Tax Parcel. The approval of the split is subject to combination of Parcel D with that parcel identified as PID 13-00100-25-012 into one Tax Parcel. The approval of the split is subject to combination of Parcel G with that parcel identified as PID 13-00100-26-016 into one Tax Parcel. If the combination is not completed within one calendar year commencing with the date this resolution is adopted, then in that event, the resolution shall be deemed void. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Graham and Angela Dee- 27285 Galaxie Ave.- lot split

Graham and Angela Dee requested to split 3.8 acres from Parcel 13-03400-25-011 consisting 71.87 acres. The parcel contains a 40 foot wide access to Galaxie Ave. Graham Dee was present to represent the application. The created lot will be for the building permit application they have also submitted at the meeting.

A motion by Supervisor Kenny Miller: To approve the lot split as presented at 27285 Galaxie Ave, PID 13-03400-25-011. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Permits

1. Graham and Angela Dee- 27285 Galaxie Ave.- New House

Graham and Angela Dee requested to build a 3,100 sq. ft. two story home at 27285 Galaxie Ave on the newly created lot. The lot is in the North Cannon River Watershed District.

A motion by Supervisor Kenny Miller: To approve the building permit application as presented. With the condition that the lot split must be filed prior to obtaining the permit. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Chad Harmer- 23450 Hamburg Ave.- New House

Chad Harmer requested to build a new house at 23450 Hamburg Ave., PID 13-00900-06-015 Chad was present to represent the application. The property is in the Vermillion River Watershed. VRWJPO will consider his application at their December Board meeting.

The Town Board asked Chad to represent his application after the VRWJPO has approved their Building permit.

3. Eureka Township storage building- 25043 Cedar Ave.

Butch Hansen was present to represent the Building permit application for the 36 x 36 foot garage with 10 ft sidewalls at the Town Hall. A VRWJPO permit is not needed.

A motion by Supervisor Mark Ceminsky: To approve the building permit application for the new Town Hall garage as presented with the PID 13-002100-02-040 as requested in the permit application. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote.

C. Land Use & Zoning Issues

1. CUP Review

Dick Wagaman- Dick's Gunsmithing

Dick Wagaman, 25791 Dodd Blvd (Property ID#13-01900-010-58), Conditional Use Permit for DGI Gunsmithing was up for review. Mr. Wagaman's review runs concurrent with his 3-year Federal License. He provided the Town Board with a copy of his Federal Firearm License which expires on June 1, 2016. There have been no changes to the business over the last 3 years. There were no complaints received over the last 3 years and no public comments. The \$45 review fee was paid to the Clerk.

2. CUP Application

AG Star/ Living Waters Church 22222 Dodd Blvd

Mel Smith, representing Farmer Mac and Ag Star and Paul Hilla was present to address the Town Board. They have submitted an application for a CUP for a church at 22222 Dodd Blvd. The Planning Commission has scheduled a public hearing on the application. The Township Building Inspector has inspected the storage building on the property. It was built as an Ag exempt building. The Building can be brought up to code to be used as a church building.

The Planning Commission recommended that they come before the Town Board for clarification on whether the Building inspector could view the home and provide an inspection report on what changes need to be made to bring the house up to code for the new planned use.

A motion by Supervisor Mark Ceminsky: To deny the Conditional Use Permit at this point that is signed and approved by the Planning Commission. Motion seconded by Supervisor Kenny Miller. The Town Board discussed the issuance of the CUP and the 60 Day Rule issues that pertain to approving the permit. The Township attorney recommended tabling any actions until the proper hearing have occurred at the Planning Commission level. A 60 day extension can be granted. The applicant also has the right to waive the 60 Day Requirement. Supervisor Mark Ceminsky withdrew his motion.

A motion by Supervisor Mark Ceminsky: The Town Board will table the application based on getting a waiver from them on the 60 day clock. The waiver would have to be received this evening by the close of this meeting otherwise they will look at denial of the permit. Motion seconded by Supervisor Pete Storlie for discussion. Motion carried by unanimous vote.

Mel Smith agreed to a waiver and presented it to the Clerk.

There was discussion on the requirements for sending out notice of the public hearing. There was concern that letters to adjacent property owners may not have been sent out as required by Township Ordinance. It was decided to reset the public hearing for a later date.

Other Business

A. Planning Commission Update

Butch Hansen was present as Planning Commission liaison.

1. Septic Ordinance Language

Language was submitted to the Town Board for attorney review.

A motion by Supervisor Pete Storlie: To send the information gathered from the Planning Commission on the septic ordinance to the Township Attorney for review and input. Motion seconded by Supervisor Mark Ceminsky with the following friendly amendment: Also have the attorney write a portion for escrow amounts. Supervisor Pete Storlie accepted the amendment. Motion carried by unanimous vote.

B. Ag Tourism update

Butch Hansen updated the Town Board on the Ag Tourism progress. They are requesting to hold an open house to get input from citizens. They asked for a budget of \$1,000 for a mailing.

A motion by Supervisor Brian Budenski: To approve up to \$1,000 to allow the Ag Tourism Task Force to hold a public open house. Motion seconded by Supervisor Pete Storlie. Supervisor Mark Ceminsky offered a friendly amendment: To do a mailing and posting notice, not to publish in the newspaper. There was Board consensus on the amendment. Motion carried by unanimous vote.

C. Charles Roberts- 26110 Ipava- complaint follow-up

The trial was scheduled. Prior to its being held, Mr. Roberts pled guilty. He paid a \$100 fine and court costs in addition to agreeing to move the trailer in question by January 1, 2014. It is an ice fishing house. If he moves it back onto the property he will move it within conformance of the building code, to meet proper setbacks. If he does not violate any other Township Ordinances in the next year the matter will be expunged from his record.

D. Palmquist- 27607 Grenada Ave- complaint follow-up

Supervisor Mark Ceminsky inspected the property. There are no advertising signs on the property. The pottery work and steel work takes place in a building separate from the home. The kiln is located in another building. There is a separate warehouse and another building out in the woods. Permits issued allowed personal use for a pottery studio in the house. It is not within the house. They are doing stuff on the property that is being marketed over the internet. There are 2 grain bins on the property that are being used as non ag use. Ag buildings being used for another use must be compliant with codes.

The Town Board determined that this is not a home occupation, because business is taking place outside of the home.

An application has been received for a Building permit by the Palmquists. They have waived the 60 day requirements.

A motion by Supervisor Pete Storlie: To direct the building inspector to review the file for 27607 Grenada Ave for permits and to visit the site for possible permit violation and to report back in December. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

E. Willmott- 23744 Fairgreen Ave- model airstrip complaint follow up

Supervisor Kenny Miller reported that Mr. Willmott and the neighbors are still in negotiations.

F. Miller- 22260 Dodd Blvd

Attorney Carol Cooper was present representing Joey Miller. Joey Miller was also present. They were present to discuss building code Violations. The use of the front 30 feet of the northern most building use has changed in the past year. There are no longer any racing activities in the

building. The front 30 feet contains offices used for Joey's business. The south building has not gone under any change in structure or use. They are asking for clarification why the Township thinks that the use of the south building has changed. There is agricultural equipment stored in the both of the buildings. Joey does not farm at the current location, but does farm at another location.

Building Inspector Scott Qualle commented that since May 2012 they have been trying to gain access to buildings to see if they are still meeting Ag exemption. All three buildings were built under Ag exemption. He was told by Joe Miller that the south most building is being used for Ag and personal storage, which would not be Ag activity. They Township Attorney believes that they have a right to apply for an administrative warrant if that is what it takes to gain access to the building.

Windows and offices were built in the northern building without obtaining a permit. Joey commented that when all three buildings were on the same property and used by the racing team, there were offices in the north most building. He moved the offices to the middle building when the 22222 Dodd Blvd property was being foreclosed on. The offices are used for personal business. Joey is willing to work with the Township to get inspections and a permit for the offices. He will allow the Building Inspector access to the entire building. He will not allow access to the southern building.

There is a non conforming use registration for 22222 Dodd Blvd. All three buildings are listed under the non conforming use. Joey commented that the southern building is agricultural use. Joey asked for a copy of the non conforming use registration on the property. The Clerk provided these to Mr. Miller.

The Building inspector commented that there are two issues, whether the use is compliant with zoning ordinances and the building code.

A motion by Supervisor Kenny Miller: To table this until the results of the inspection of the property is available at the next meeting. Motion seconded by Supervisor Brian Budenski. Discussion followed. Supervisor Kenny Miller modified his motion: If the Building Inspector is denied access to both buildings that he is authorized to go to the Township Attorney to an administrative warrant to access the building. Motion seconded by Supervisor Brian Budenski. Vote was taken on the motion. Four Supervisors voted in favor of the motion, one opposed. The motion carried.

G. Lift Station- landscape plan

The Met Council planted 6 foot Cedar Trees, they are actually 4 feet tall with a stem at the top. The CUP was for 8 foot trees. The Met Council checked with 3 nurseries and they basically do not stock trees taller than 6 foot. They are a very fast growing tree. There is nothing that can be done at this time, because of the season.

At 10:30 pm the Town Board took a short recess.

H. Road maintenance Contract

The road committee reviewed the draft Road maintenance Contract. They combined the winter and summer contract into one.

A motion by Supervisor Kenny Miller: To accept the Road Service Contractor Services Agreement with the dates that are shown- November 2013 to the 30th day of June 2014. The dates will be changed for next year. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

I. Building Inspector Contract

Supervisor Pete Storlie is working with the Minnesota Township Association on drafting a new Building Inspector Contract. This item will be added to the December Town Board agenda.

J. Building Inspector RFP

Supervisor Pete Storlie has modified the Building Inspector RFP previously used. Putting out the RFP was discussed. The RFP will be published in the newspaper.

The Building Inspector granted the Township with a 30 day extension on his contract. The new contract will start January 31, 2014. Supervisor Pete Storlie will redo the dates on the RFO, based on when it is published in the paper. The draft contract will be reviewed and be ready for the January Town Board meeting.

K. Dakota County Hwy 9 Road Project update.

Supervisor Pete Storlie met with the County. He updated the Town Board on the project and timeline.

L. Emergency Preparedness planning

Supervisor Pete Storlie felt that an emergency preparedness plan should be put in place in the Township. He asked that Supervisor Steve Madden check with the County and see what plan they have in place.

M. Community Development

Supervisor Pete Storlie attended a community development meeting. (parks) He reported to the Town Board on the meeting. Pete felt that community development might be something to look into. It was suggested that the Planning Commission check into this.

N. Copy machine replacement

A proposal was received by Metro Sales for a different copy machine. The Town Board reviewed the proposal. New machine Lease- \$87.46 month and maintenance 3,000 copies per quarter = base charge \$76 per quarter. Extra copies- \$.0253.

A motion by Supervisor Mark Ceminsky: To lease a new machine and purchase a service maintenance agreement. Motion seconded by Supervisor Brian Budenski with the friendly amendment: with the numbers presented before the Board. Supervisor Mark Ceminsky accepted the friendly amendment. Discussion followed. Supervisor Mark Ceminsky amended his motion to change the number of copies to 6,000 per quarter. Motion carried by unanimous vote.

O. Transfer Building Procedure

The Town Board the discussion on the need for a procedure for Transfer of Building rights. Jeff Otto was present and was asked to write a procedure for the Zoning Administrator to follow. The Ordinance outlines to procedure.

P. Transfer Building Costs on Fees for research

The Town Board discussed that it is the applicant's responsibility to do the research. There should not be any research costs by the Zoning Administrator.

Q. Policies and Procedures for Office/ Clerks and Hours

Creating a Policies and Procedures for the Office/ Clerks was discussed. The Clerk did not have anything put together yet.

R. Workshop- Deicing

The County is holding a deicing workshop. There is no charge for this workshop.

A motion by Supervisor Pete Storlie: To authorize Supervisor Mark Ceminsky to attend the deicing workshop at Special meeting fee. Motion seconded by Supervisor Steve Madden. Supervisor Mark Ceminsky abstained from voting on the motion. Three Supervisors voted in favor of the motion, one opposed. The motion carried.

S. Quotes for Town Hall garage

The Town Board reviewed the quotes received on the Town Hall garage.

A motion by Supervisor Mark Ceminsky: To move forward on the Town Hall garage, accepting the proposal from Friedges, option 2 on excavating. The proposal from Joey Miller for the amount of \$23,115.00 on 4 foot center posts on vinyl. Accept Tommy Electric's proposal, the main proposal plus the options for the boiler and upgrade to 200 panel circuit and increase the size of the wire. Accept the Burnsville Concrete proposal for the \$8,649 and \$5.50 per square foot for the concrete drive, but not the class 5. Accept Citywide Insulations proposal at \$6,350. A total cost of \$55,839. (Does not include inside steel) Motion seconded by Supervisor Pete Storlie for discussion. Discussion followed. Motion carried by unanimous vote.

T. Building Inspector Update

1. Non compliant Septics

Currently there are two non compliant septics on the Building Inspector list. Scott visited both of the property owners today and the both had indicated that they had their systems were pumped last year. He left notice that we still need confirmation of the pumping date.

2. Mahoney property

Nick Qualle, from MNSPECT was out and inspected the property. They did not find anything that seemed to be out of compliance. Mr. Mahoney has cleaned up the property and brought it into compliance.

3. Enright hangar Update

Building Inspector Scott Qualle informed the Town Board on the Enright hangar permit. Mr. Enright has not obtained the permit for the hangar. He has only paid for the permit for the slab. Work done does not meet building codes. A stop work order has been placed on the building.

4.

The Town Attorney and Building Inspector agreed on the following: To allow him to complete the shell and install the heaters with the following understanding that none of the work done so far or the submitted plans have been accepted by the building inspector. If he proceeds to

complete the shell and install the heaters, he is doing it at his own risk, with the possibility that he may be ordered to remove it in the future. There is no guarantee of occupancy on the property. Mr. Enright will also be told he must provide an escrow to pay for the building inspector, attorney fees and penalty on the building permit.

A. Town Board Meeting of October 15, 2013

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board meeting of October 15, 2013 as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Special Town Board Meeting of October 22, 2013

A motion by Supervisor Brian Budenski: To approve the Special Town Board meeting minutes of October 22, 2013 as presented. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

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

The Meeting adjourned at 12:20 a.m.