

## EUREKA TOWNSHIP

### EMERGENCY BOARD OF SUPERVISORS MEETING

December 12, 2013 Minutes

Meeting called to order at 7:36 am By Pete Storlie Eureka Chair

Members in attendance; Mark Ceminsky, Pete Storlie Steve Madden, Brian Budenski, Kenny Miller and township Attorney, Chad Lemmons.

Topics and discussions as noted;

**1. GRE Permit emergency meeting scheduled for Temporary Restraining Order against Eureka Township by GRE on Thursday, December 18, 2013.**

Discussions held on response letter from Great River Energy's attorney in regards to Eureka Townships letter of permit violations on Eureka Townships Road Right-of-Way Permit issued to Great River Energy on August 1, 2013.

Mark provided pictures and details to Eureka Township Attorney, Chad Lemmons. Discussion on where we go from here. Do we go to court? Accept their plan to cure breach (violations) of permit. Kenny Miller has recused himself from any comments.

Motion made By Pete Storlie, Mark Ceminsky second,

Motion; Eureka Township accepts Great River Energy's plan to cure breach (violations) of Eureka Townships Road Right-of-Way Permit issued to Great River Energy on August 1, 2013, with the following;

1. All applicable permits are posted at/on each active working site.
2. Hours of operation for permit to be in office/work trailers.
3. All Hazardous waste/petroleum spillage cleaned up immediately.
4. Follow all applicable permits, PUC permit, Eureka Township Right-of-Way Permit and Ordinances.
5. Maintain hours of operation as permitted in Eureka Townships Road Right-of-Way Permit issued to Great River Energy on August 1, 2013.
6. Communicate issues honestly to Eureka Township. Main contact Road Supervisor Mark Ceminsky , back up Road Supervisor Pete Storlie.
7. Extending hours of operation due to emergency, GRE must speak directly to Road Supervisors, leaving a message does not constitute making contact with Road Supervisor

Roll Call vote taken on motion

Pete Storlie aye, Steve Madden aye, Brian Budenski aye, Mark Ceminsky aye

Kenny Miller recused himself. Motion Passed

## **2. Construction trailers**

Discussion on construction trailer/offices, are permits required? Brian Budenski is to contact Scott Qualle with MNSPECT to check. Brian will follow up with the Board of Supervisors and the Eureka Township Attorney.

## **3. Injunction for GRE/CAPX2020 Poles.**

Discussion of the Eureka Township emergency injunction to change color of transmission poles from naturally oxidizing poles to galvanized poles. To move forward with injunction the township would have to have a meritorious defense. The township would be looking at attorney fees approximately in the range of \$40,000 to \$50,000, plus posting a bond to cover the expenses incurred by Great River Energy which could range from several hundred thousand dollars to several million dollars if the township lost its injunction to change the pole color. This could possibly bankrupt the township. Chad Lemmons Eureka Township attorney advises not to pursue this injunction.

Motion made by Mark Ceminsky to stop proceeding on injunction to change pole color,  
seconded by Steve Madden

Roll Call vote taken

Pete Storlie aye, Steve Madden aye, Brian Budenski aye, Mark Ceminsky aye

Kenny Miller recused himself. Motion Passed

## **4. Brian Budenski and Ray Kaufman will apply as citizens for a hearing to amend color of poles with PUCCapital Improvements**

Motion to Adjourn by Mark Ceminsky, second Steve Madden

Motion passed

Meeting Adjourned at 8:55am