

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of December 9, 2013

Call to Order

Chair Pete Storlie called the December 9, 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 Linda Wilson 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

Add: Meeting Time after approval of agenda

Contractor time: add CapX 2020

Other Business: Barbara Berning vs. Friedges Holdings (K)

Clerk (B)

Complaint Policy (L)

Town Hall Garage (M)

Building Inspector Contract – add /RFP

Move Planning Commission Update after Contractor Time

A motion by Supervisor Pete Storlie: To approve the agenda for the December 9, 2013 meeting as amended. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Meeting Time

Due to the length of the last two meetings and by the request of the Clerk that our meetings conclude by 10:00pm, Supervisor Storlie made a motion that at 9:30 the meeting would stop and the Board would reevaluate the agenda. If the meeting could be finished by 9:45 and extend to an additional meeting if needed. Motion was seconded by Steve Madden. Mark Ceminsky made a friendly amendment that the meeting is finished by 10:00p.m. Pete Storlie accepted the friendly amendment. Motion carried by unanimous vote.

Deputy Sherriff

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

Public Comment Period

Nancy Sauber- 9445 225th St. W. presented her concerns for the Public Hearing CUP for the Living Waters Church at 22222 Dodd Blvd. This is a permitted and allowed use for the property, for which she is in support of. The application was submitted without a formal site plan which is part of the application process. Both the Board and the Planning Commission have a lack of understanding that if an applicant is willing to abide by any and all reasonable related conditions the township must grant the CUP. Mrs. Sauber felt that it was inappropriate

for Commissioner Hansen to sign in as a speaker at the hearing and also address the issues as a Commissioner for the CUP. She asked that the Board and the Township attorney take measures to see that this does not happen again and address proper procedures and roles for meetings. Nancy Sauber asked at the Planning Commission meeting that she be placed on the agenda under Citizen Business to address Land Use Information, instead she was placed under Citizen Business. The information she wanted to address affected her property and to do differently was a blatant attempt by the Board to silence her, is not right and she demanded to be heard.

Gloria Belzer – 24335 Dodd Blvd. Gloria attended a recent Agri-Tourism Task Force meeting and had concern that the Task Force may be rushing in its definition of Agri-tourism. Bob Patten from the Department of Agriculture, who works with land use, is working on Agri-tourism, it is a growing area in his work and he sees a need to support it.

Gloria addressed what she felt was a juvenile and distasteful, life-size lighted Santa sign mooning the public on Dodd Blvd. Her concern was that she believed the property owner is a contractor hired by the Township to do work on the Town Hall storage building. There are also children, parents and families that enjoy Santa and have to view this every time they drive on Dodd Blvd. near 22260 Dodd Blvd. The Township is currently contemplating a use (Agri-tourism) which would bring tourists to Eureka. Is this the image this community is striving for or just a welcome to the potential Church next door.

Jeff Otto – 25580 Dodd Blvd.- Jeff Otto addressed concerns on background and general information he presented in October on the subject of how a successful task force progresses. At the October meeting it was suggested by the Chair that he was misrepresenting what had been discussed at the September meeting and he suggested he review the minutes which had not been available to the public yet. After review of the draft minutes which reflected support of the way he had categorized things, he provided a follow up to the Board in writing. Mr. Otto felt that he has done nothing but provide information to help the process for the Task Force volunteers for Agri-Tourism, to lay out groundwork for them in their process of researching data. Jeff Otto addressed a letter written by Supervisor Ceminsky, for which he was not copied, basically taking him to task for sharing public information in writing. Jeff provided copies in advance to the Board prior to the October meeting so the Board would know what he would be addressing. In Supervisor Ceminsky's letter he said he didn't recall the Board authorizing Jeff Otto to give direction to the Agri-tourism committee. Jeff felt as a private citizen he was only providing information that would be helpful to the new task force members not directing them to follow any direction from him. Jeff felt he had every right to address the Board, lobby for an issue that might be done in a better way or provide information and the Board had no right to censure any document provided to the public.

Treasurer's Report

Checking Account Balance: \$1,181.65. Outstanding checks -\$93.10. Savings Account Balance: \$257,260.86. CD Account Balances: \$71,284.44. The Ledger Balance is \$329,633.85.

A motion by Supervisor Pete Storlie: to accept the Treasurer's Report of December 9, 2013. The motion was seconded by Supervisor Brian Budenski. Roll call vote was taken on the motion: Brian Budenski- aye; Kenny Miller- aye; Pete Storlie- aye and Steve Madden-aye. , MarkCeminsky - aye. The motion passed unanimously by Supervisors voting.

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 November 2013	\$4,280.00
MNSPECT	Inspection Service – November 2013	\$ 830.31
Dakota Electric Association	Town Hall Electric	\$ 86.96
Frontier Communications	Phone Service Town Hall	\$ 128.12
Dick's Sanitation	Garbage Service Town Hall- January 2013	\$ 51.50
Culligan	Water Softener Service & Salt	\$ 23.51
Kelly & Lemmons	Service thru 11/30/201	\$2745.50
T&C Commercial Cleaning	Clean Town Hall September 2013	\$ 53.56
EMC Publishers	legal ads	\$ 147.00
M & R Signs	Signs	\$ 540.45
Castle Rock Materials LLC	Limestone	\$2278.08
Safety Signs	Signs	\$ 121.60
Friedges Landscaping Inc.	Town Hall Maintenance Building	\$3900.00
MATIT	Workers Compensation	\$ 374.00
Dakota County Treasurer Auditor	Truth in Taxation 2013	\$ 185.14
Atina Diffley	Agri-tourism Mailing	\$ 322.39
USPS	Postage Stamps	\$ 92.00
USPS	Newsletter postage	\$ 200.00
Linda Wilson	Reimbursement	\$ 214.58
Darrel Excavating	Septic Inspections	\$ 600.00
Dakota County Treasurer Auditor	3 septics	\$ 120.00
Pete Storlie	Mileage	\$ 19.76
Mark Ceminsky	Mileage	\$ 660.49
Nanett Sandstrom	Internet for November	\$ 39.99
Kenny Miller	Mileage	\$ 40.68
Beaver Creek Companies	Town Hall Maintenance	\$ 271.53
PERA	Payroll Period 11-1-2013 to 11-30-2013	\$ 383.45
IRS	December 2013 Deposit	\$2004.21
State of Minnesota	Withholding 4 th Qtr. 2013	\$ 333.26
Nanett Sandstrom	Payroll Period 11-1-2013 to 11-30-2013	\$1058.27
Linda Wilson	Payroll Period 11-1-2013 to 11-30 -2013	\$1080.14
Brian Budenski	Supervisor Payroll 4 th Qtr. 2013	\$ 720.33
Mark Ceminsky	Supervisor Payroll 4 th Qtr. 2013	\$3447.61
Stephen Madden	Supervisor Payroll 4 th Qtr. 2013	\$ 538.70
Kenneth Miller	Supervisor Payroll 4 th Qtr. 2013	\$ 609.51
Peter Storlie	Supervisor Payroll 4 th Qtr. 2013	\$ 946.59
Lu Barfknecht	Planning Commission Payroll 4 th Qtr. 2013	\$ 193.93
Fredrick Frana	Planning Commission Payroll 4 th Qtr. 2013	\$ 198.55
Carrie Jennings	Planning Commission Payroll 4 th Qtr. 2013	\$ 277.05
Allen Novacek	Planning Commission Payroll 4 th Qtr. 2013	<u>\$175.46</u>
Total Bills Presented	\$30,294.21	

A motion was made by Supervisor Kenny Miller that Supervisor Brian Budenski volunteered to follow up with the Clerk and review the missing claim # 2335 and the missing check # 7083. Motion seconded by Pete Storlie. Supervisor Mark Ceminsky abstained from voting on the motion since one claim was his. The motion passed unanimously by Supervisors voting.

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 November:

Local Permits

Chak Siding & Construction-Septic <i>Permit</i> 13-10-22 \$280.00	State of Minnesota-MV Ag Credit \$2,335.71
Carolyn House- <i>Permit</i> 13-22 \$175.42	State of Minnesota –Court Fine \$100.00
Daniel Davis .- Permit # ET13-037 and Permit #ET13-037 \$210.00	General Revenue –Deposit into General Revenue \$9,445.16
Sieben Plumbing – Plumbing Permit \$80.00	Road & Bridge Operating Fund – Deposit into Road & Bridge Operating Fund \$17,282.04
MC Contracting – Septic Permit \$280.00	Road Right-of-Way – Deposit into Road Right-of-Way \$54,272.80
Zumbach – <i>permit</i> \$25.00	Road Right-of-Way – Deposit from Road- Right-of-Way \$5,000.00
Silver Tree Heating –Plumbing permit ET13-039 \$90.00	
Dick Wagman - <i>CUP Application</i> \$45.00	

Other Receipts

Gloria Belzer- <i>CD</i>	\$5.00
Wally Bohrn- <i>CD</i>	\$5.00

TOTAL RECEIPTS AS OF NOVEMBER 30, 2013 \$89,631.13

A motion by Supervisor Pete Storlie: To approve the remainder of the financial. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote of Supervisors voting.

The Affidavit for Conflict of Interest issues with Supervisor Mark Ceminsky, owner/operator of Beaver Creek Co. was signed.

Outstanding Invoices

Report not ready at this time.

Open Building Inspection Permits

Board reviewed the report from MnSpect. No comments or additions from the Board

Open Complaints

Report not ready at this time.

Budget

The Board reviewed and discussed the budget. Supervisor Storlie asked that the report be corrected in formatting the numbers on report. Supervisor Miller asked if the Township could get reimbursement from the attorney fees incurred from The CapX2020 project. Supervisor Pete Storlie asked that the Clerk pulls the attorney bills back to May 2013 for CapX billings to be reviewed by Supervisor Storlie for charges the Township could get reimbursement from.

Contractor Time

Road Contractor Mark Henry was present to discuss road maintenance and projects. He addressed issues on the roads since the recent ice storm, sanding and chipping of roads. Garbage continues to be a daily issue, collecting the illegal dumping on Township roads.

CapX 2020 Complaint

A motion was made by Brian Budenski to file an injunction against Great River Energy and the CapX2020 project installation of the rusty colored poles that are laying in the Township. Motion seconded by Pete Storlie. Brian presented a four page document for review. Pete restated Brian's motion to have the attorney file an injunction on the four-page letter and that Brian Budenski and Ray will follow through and take the lead. Motion passes 3 to 1 with Kenny Miller abstaining.

Supervisor Pete Storlie made a motion that authorizes Brian Budenski to converse with Chad Lemmons on as needed basis to get the injunction filed. Motion seconded by Mark Ceminsky. Motion passes by Supervisor vote, Kenny Miller abstained from voting.

Planning Commission Update

Butch Hansen was present as Planning Commission liaison. Commission Hansen reported on land building right issues and the public hearing. **Leland Dilley**, has building rights, no issues with the application recommend to Town Board for letter; **David Cook** – has a building right and wants to cluster two properties, Planning Commission asked the Cook's to appear at the Town Board Meeting – they are presenting their cluster application this evening; **Larry Zumbach** – 3 sided structure, the Planning Commission sent forward as a new construction permit but later they felt he should have applied for a moving permit. The Planning Commission verified a piece of property for **Paul Ulmen**, a shared building right they would like to move, and suggested he work it out with other land owner. **Donovan Palmquist** still needs additional permits for the grain elevators to bring his property into compliance, the Commission can then address his new permit for a new structure.

Public Hearing – 22222 Dodd Blvd – The Planning Commission made some motions for the Town Board to address for the approval of the CUP for Living Waters. The Planning Commission asked that the attorney give them support for the finding of fact and assist in the process.

Chad Lemmons spoke that currently this property is a residential use and the proposal is to change it to a church. Under the Eureka Township zoning code a church is a conditional use and the church has the right to file for a conditional use permit. Chad stated that the ordinance reflects the change of use and conditional use permit are one and the same. If you are going to allow the church to change the use you have to regulate the conditions. You have to do it all at once, under the conditional use permit.

Chad suggested that the Board send Living Waters Church a letter that their present application is incomplete and specify the things they need to do before an additional public hearing is held.

A motion was made by Mark Ceminsky that the Board send the applicant a letter saying why their application is incomplete, what the steps are that they need to do and the Planning Commission will hold another public hearing but the applicant will not incur any additional fees. Motion seconded by

Brian Budenski. Motion passed by unanimous vote. Pete Storlie asked that Butch Hansen work with the Clerk to draft that letter

Land Use & Zoning

Westwind CUP Review - Ron Griffith 19144 Iteri Avenue and Mike Overt

A motion by Supervisor Kenny Miller to approve the Westwind CUP annual review. Motion seconded by Mark Ceminsky. Motion passed by unanimous vote.

Leland Dilley – Denmark Ave.-Building Right

The Town Board tabled this item, Mr. Dilley was not available.

David Cook – 24485 Denmark Ave. –Cluster of Properties

Mr. Cook and his daughter were present to represent their application for a cluster of his two properties. They are moving a grandfathered property right from a 6 acre parcel to a 34 acre parcel. A motion by Mark Ceminsky to approve the cluster with the addition of the signature of the Planning Commission on the application and they building right is moved from the 6 acres Parcel ID 130130004010 and move it on to property ID 130130005010. Motion seconded by Kenny Miller. Motion passed by unanimous vote.

Larry Zumbach – 25400 Cedar Ave.-3 sided Horse shelter

Larry and Rosemarie Zumbach were present to represent their application for a building permit to build a 3-sided portable horse shelter. The Planning Commission originally gave their recommendation for the Town Board to approve his application. There was confusion as to whether Mr. Zumbach should have applied for a move-in building permit. A motion was made by Pete Storlie to have Brian Budenski contact the building inspector on Larry Zumbach referring to a move in permit for the 3-sided shelter. Motion was seconded by Supervisor Kenny Miller. Motion passed by unanimous vote.

Other Business

Planning Commission land use and permits-Kelly Lemmons Attorney

Kenny Miller made a motion to allow him, as attorney contact and another Board member to discuss with Chad Lemmons or anyone in his office, due to turnover in our Clerk/Treasurer staff and the zoning questions and confusion and lack of continuity regarding permitting, land use, building rights etc. to bring the attorney into the process and have them attend every meeting and review for completeness and correct all permit applications and guide the Commission and the Board in using the proper procedures for handling and granting all of the permits to be approved. The Board can make sure the appropriate costs are transferred to the applicants. Mr. Lemmons feels that his office would be willing to address this for the township but we need to explore the costs and timing, it is a request for a motion research the feasibility to do that. Motion seconded by Mark Ceminsky. Steve Madden –nay vote. Motion passes by 4 to one vote by Supervisors.

Clerk

Nanett Sandstrom has resigned her position as Clerk/Treasurer for the Township. The Town Board had two special meetings to discuss her position and a transition process plan. When the Clerk resigns her position the Deputy Clerk position also ends. Linda Wilson was appointed as interim Clerk Treasurer. Currently the Clerk/Treasurer position is one position and the Board needs to decide if they want to separate those two positions, if so this issue will need to go on the elections ballot for the March elections for the Township. A motion was made by Kenny Miller to put for a vote at the March elections

the separation of the Clerk/Treasurer position to be two separate positions to be put on the ballot. Motion seconded by Pete Storlie. Motion passes by unanimous vote.

Kenny Miller and Pete Storlie met with Nanett Sandstrom to address her role, if any in this transition process. Nanett offered some parameters to help in this transition. Nanett offered to work as a Deputy Clerk Treasurer, do the Treasurer duties, she would not attend meetings, she would train any replacement Clerks or assist Linda Wilson in her duties. One issue was the salary, the Board had agreed to pay a certain amount and Nanette felt she should be paid at least what she was currently making with the Township, not less, even though her duties would be diminished.

The other option was to hire Collette Mumm, the Treasurer from Castle Rock Township to assist in the financial duties, appointed as Deputy Clerk/Treasurer but only do the financial reports not meetings and recordings.

A Short Recess was called and then Chairman Pete Storlie resumed the meeting.

A motion was made by Kenny Miller to extend to Nanett the offer to work at her current salary with the conditions that she has set with a review in January. Motion seconded Steve Madden. Vote was taken on the motion. Two supervisors voted in favor, three supervisors voted against. Motion fails.

A motion was made by Pete Storlie to contact Colette Mumm from Castle Rock Township about being appointed Deputy Clerk Treasurer on an interim basis. Motion seconded by Mark Ceminsky. Pete Storlie withdrew his motion.

Supervisor Kenny Miller agreed to contact Nanett Sandstrom with the Board's option of staying on as Deputy Clerk/Treasurer at the \$20.00 per hour compensation, if she agrees she would stay on, otherwise she would again be resigned from the position.

A motion was made by Supervisor Pete Storlie that if Nanett declines our initial offer that two Board members meet with Colette Mumm, from Castle Rock about her interest in being appointed Deputy/Clerk Treasurer for Eureka Township and Pete would volunteer and if Brian would want to also meet with her offering compensation of \$20.00 per hour. Motion seconded by Brian Budenski. Vote was taken on the motion. Four supervisors voted in favor of the motion, one opposed. The motion carried.

Joe Miller -22260 Dodd Blvd. – Complaint - A report From Scott Qualle was not available. Item tabled until January meeting.

Donovan Palmquist – 27607 Grenada Ave. – Complaint – Mr. Palmquist not present at meeting. Item tabled until next meeting.

Building Inspector Contract /RFP

Chad Lemmons, attorney was reviewing language and would make a copy available to the Board for the January meeting..

A motion was made by Mark Ceminsky that we send the information to the 2007 list of inspectors as well as our Septic Inspector. Motion seconded by Pete Storlie. Motion passed by unanimous vote.

Chairman Pete Storlie stopped the meeting at 9:30 to evaluate the agenda items. A motion was made by Mark Ceminsky to continue the meeting for an additional 15 minutes for Great River Energy. Motion seconded by Pete Storlie. Motion 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. Also present was Graham from Aldridge Electric.

The Board addressed several issues (violations) of the permit – Hole 19-welders working until 10:30 at the lay down yard; concrete pouring after hours; lack of communication from Great River Energy indicating they were having difficulties; lack of enough silt fencing; no move-in permits for the office trailers at the lay down yard, site 33-34 broken hydraulic hoses and garbage.

Brian Budenski will contact Scott Qualle regarding GRE having the move-in permits for their structures at the lay down yard.

A motion by Supervisor Pete Storlie to have Chad Lemmons, attorney issue a letter that if GRE continues to violate their permit Eureka Township will revoke their permit and site the ordinance of the moving in permit in the letter and send the letter to GRE and the appropriate people as soon as possible. Motion seconded by Brian Budenski. Supervisor Kenny Miller abstained from voting, due to a possible conflict of interest. Vote was taken on the motion. Four Supervisors voted in favor of the motion. The motion carried.

Office Copier

The Board reevaluated the price of buying vs. leasing a copier with a maintenance agreement. A motion was made by Brian Budenski that the Township purchases a new copier with a maintenance agreement. Motion seconded by Mark Ceminsky. Motion passed by unanimous vote.

Newsletter

Jodi Arman-Jones was not available but asked the Board to submit articles they want to see. The newsletter is scheduled to be published around the middle of January.

10:00pm Mark Ceminsky made a motion that the meeting continue to address the remaining agenda items. Motion seconded by Kenny Miller with a friendly amendment to adjourn at 10:30pm. Mark accepted. Motion passes by unanimous vote.

Agri-tourism Task Force Report

Butch Hansen presented a document to the Board –Ordinance 3 Chapter 2: Zoning Districts .The Agri tourism Task Force will hold an open house on December 12the 6:30-8:30pm. They will have handout sheets to include a working definition, a questionnaire and a comment sheet as well as the zoning districts.

Jeff Otto – Summery Procedures of Building Rights Transfer

Jeff presented a draft document of the Building Right Transfer Summary Page 1 that the Planning Commission recommended approval of. The other two pages of procedures, application and fees is still a work in progress by Jeff Otto. Jeff will have the additional documents ready and will present for review at the January Planning Commission meeting.

A motion was made by Peter Storlie to accept the Eureka Township Residential Building Right Transfer Summary by Jeff Otto for action. Motion seconded by Mark Ceminsky. Motion passes by unanimous vote.

Freidges Holdings vs. Barbara Berning

Supervisor Mark Ceminsky will take the lead and follow up with soil and water regarding the water runoff which is causing erosion. The Township is not directly involved but will continue to follow the original complaint.

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. The building pad is now completed. The Township does not have a building permit issued to date and there were concerns about changes that the Building Inspector was making. Currently the building is on hold, Butch Hansen felt that the frost was now too deep to continue building. He will be storing the lumber at his personal residence, the trusses are on hold and he notified the Building Inspector that the building construction will be put on hold, to many issues. The permit was issued to the Township on and picked up in the mail on Saturday 12-14, 2013

A motion by Supervisor Mark Ceminsky to not pay for the permit, it was not issued on a timely basis, there were too many changes in the 30 days, the general contractor specifically told the inspector the project was not going to get done, don't issue the permit. Motion seconded by Steve Madden. Motion passes by unanimous vote.

Complaint Policy

The policy was addressed with the Planning Commission at their December meeting asking for their input, if they might be able to help us research the complaints to address in a more timely manner. Pete Storlie read the policy and evaluated that the complaints have not been addressed by following the policy that is currently written. Pete will work with the Clerk to make sure the proper steps are being followed in addressing citizen complaints.

Town Board Meeting Minutes of November 12, 2013

A motion by Supervisor Steve Madden to approve the Eureka Town Board meeting minutes of November 12, 2013 as corrected. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Special Town Board Meeting minutes of November 20, 2013

A motion by Supervisor Steve Madden to approve the Special Town Board meeting minutes of November 20, 2013 as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Special Town Board Meeting minutes of November 27, 2013

A motion by Supervisor Steve Madden to approve the Special Town Board meeting minutes of November 27, 2013 as presented. Motion seconded by Mark Ceminsky. Motion passes by unanimous vote.

A motion by Supervisor Mark Ceminsky to adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting adjourned at 10:20p.m.