

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of February 11, 2013

Call to Order

Chair Brian Budenski called the February 11, 2013, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Mark Ceminsky, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Carrie Jennings was present as Planning Commission Liaison. Township Attorney Jerry Filla was present. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following items were added to the agenda:

Under Open Building Inspection reports: Discussion with Building Inspector

Under Joint Powers Agreement- Sheriff Department: Sheriff Chief Deputy Discussion

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

Terri Petter asked if the Town Board received a letter she dropped off in the drop box on Friday. The Clerk checked the drop box, made copies of the letter and presented it to the Town Board.

Treasurer's Report

Checking Account Balance: \$1,701.43. Outstanding Checks \$23.51. Savings Account Balance: \$471,449.75. CD Account Balances: \$69,988.44. The Ledger Balance is \$543,116.11

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report with the correct date of February 11, 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 1/31/2013	\$4,192.50
MNSPECT	Inspection Service – January 2013	\$913.81
Dakota Electric Association	Town Hall Electric	\$153.70
Frontier Communications	Phone Service Town Hall	\$132.03
Dick's Sanitation	Garbage Service Town Hall-February 2013	\$49.44
Culligan	Water Softener Service	\$23.51
Kelly & Lemmons	Service thru 1/31/2013	\$1,863.77
Goldmine Dezine	Newsletter	\$264.60

Beaver Creek Companies	Town Hall Repair	\$1,622.85
Dakota County Tnship Office	2013 JPA Pump Maintenance	\$1,520.64
T&C Commercial Cleaning	Clean Town Hall January 2013	\$53.56
Ace Hardware	Town Hall Supplies	\$123.10
Ace Hardware	Town Hall Upkeep	\$16.96
Mark Ceminsky	Town Hall Upkeep	\$38.99
Dakota County Financial	Salt/ Sand December 2012	\$71.47
Linda Wilson	Town Hall Supplies	\$22.05
Nanett Sandstrom	Expenses	\$509.59
MN Dept Revenue	Sales & Use Tax	\$24.00
IRS	February Deposit	\$769.10
PERA	Payroll Period 1-1-2013 to 1-31-2013	\$441.01
TKDA	Transfer Task Force	\$1,863.77
Castle Rock Bank	Loan payment #17	\$26,446.19
ALF Ambulance	Administration Fees 2013	\$500.00
Anderson Rock & Lime	Rock Chips	\$271.20
Eureka Sand & Gravel	Sand	\$74.37
Nanett Sandstrom	Payroll Period 1-1-2013 to 1-31-2013	\$1,458.79
Linda Wilson	Payroll Period 1-1-2013 to 1-31-2013	<u>\$957.24</u>
Total Bills Presented		\$44,378.24

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

It was noted that check no. 6786 and 6789 are voided checks.

The following receipts were received in January:

• **Local Permits**

Westwind Education- CUP Review	\$25.00	John Storlie- Driveway permit	\$50.00
Bruce Mohn- Lot Split	\$25.00	Claudette Cole- Lot Split Application	\$25.00
Glowing Hearth- ET13-001	\$70.00	Terri Petter- Text Amendment Application	\$400.00
Dakota Unlimited- Permit 12-23	\$434.11	Terri Petter- Escrow Text Amendment	\$500.00

• **Other Receipts**

Nancy Sauber- Filing Fee	\$2.00	Gloria Belzer- CD of Meeting	\$5.00
Kenny Miller- Filing Fee	\$2.00	Terri Petter- CD of Meeting	\$5.00
Walter Bohr- CD of Meeting	\$5.00	Dakota County- Taxes	\$27,365.70

TOTAL RECEIPTS AS OF JANUARY 31, 2013 **\$28,913.81**

The Town Board reviewed the Financial Reports prepared by the Clerk.

A motion by Supervisor Brian Budenski: To approve the balance of the Financials. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

Outstanding Invoices

The Town Board reviewed the outstanding Invoice report.

Open Building Inspection Permits

The Town Board reviewed the Open Building Inspection Permits.

1. Discussion with Building Inspector

Supervisor Mark Ceminsky reported on the meeting between the Building Inspector, Supervisor Mark Ceminsky and Supervisor Pete Storlie. The history of past permits issued is incomplete. The Building Official suggested that the Town Board pick a cutoff date for complaints or incomplete permits to be acted upon.

A motion by Supervisor Kenny Miller: To investigate the feasibility of a start date to coincide with MNSPECTs starting date as far as their record keeping, To make this the cutoff for open building inspections. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Affidavit of Official Interest in Claims

Supervisor Mark Ceminsky signed the Affidavit of Official Interest in Claim for Beaver Creek Companies, which he is owner and operator.

Supervisor Kenny Miller signed the Affidavit of Official Interest in Claim for Eureka Sand & Gravel, which he is owner and operator.

Monthly Budget

The Town Board reviewed the Monthly Budget.

Contractor Time

Road Maintenance Contractor, Mark Henry was present to discuss road issues.

Planning Commission, land use permits and related items

A. Land Use & Zoning Issues

1. Claudette Cole- 25900 Highview Ave.- lot split

Claudette Cole requested a lot split of Existing Parcel containing 32.22 acres and having PIN #130210052011 to be split into two parcels: Parcel A consisting of 10 acres and Parcel B, consisting of 22 acres. The parcel is being split for a refinance.

A motion by Supervisor Mark Ceminsky: To approve the lot split for Claudette Cole PIN#130210052011, Parcel A which consisting of 10 acres, which includes the house and outbuildings and Parcel B being Agricultural acreage. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

B. CUP Reviews

1. Hansen- CUP Review Airstrip

Butch Hansen, 26120 Highview Ave. and Mark Hansen, 26190 Highview Ave. were present for the review of the Hansen Airstrip. There were no complaints received or public comments. The annual review fee was paid to the Clerk.

2. Mining CUP Reviews

a. Windmill Mine

Supervisor Kenny Miller recused himself from the Town Board in regards to the Windmill Mine Review. He is the owner/ operator of the Eureka Sand & Gravel the company that operates Windmill Mine. He was present to represent Windmill Mine in their review. The annual fee collected was \$341.35. There were no complaints received or public comments.

b. Storlie Mine Review- 23449 Dodd Blvd. The minimum fee of \$150 was collected. There were no complaints received or public comments.

c. Brosseth Mine Review- representatives from Ames Construction were present for the Brosseth Mine Review. Materials were not removed from the site under their special request earlier this year. If materials are to be removed in 2013, they will contact the Township and let them know. The annual fee collected was \$868.73. There were no complaints received or public comments.

d. Friedges Landscaping Mine Review. The minimum review fee of \$150.00 was collected. There were no complaints received or public comments.

e. Barton Sand & Gravel Mine Review. The minimum review fee of \$150 was due. The Mine review paperwork was received by e-mail and the amount due was not received. The review was tabled until the check is received next month.

Other Business

A. Planning Commission update

Carrie Jennings was present for the Planning Commission update. The Town Board received a cover letter of the February 4, 2013 Planning Commission meeting.

The Ordinance language for the 200% rule was discussed. Supervisor Mark Ceminsky will draft the proposed Ordinance language for the public hearing. Impervious surface will also be defined.

Planning Commission presented research on dual occupancy. The Town Board tabled discussion on this item for now. They will discuss it in upcoming months.

Carrie Jennings asked for clarification on content of Township minutes. An attorney opinion was received on this matter. The Township attorney further clarified what content should be included in the minutes.

1. The Planning Commission requested that the Attorney be present at the two public hearings that are being scheduled.

A motion by Supervisor Brian Budenski: That the Town Board approves the Attorneys presence at the March 7, 2013 Public hearing. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: The Town Board recommends that the Planning Commission convey the finalized date and time of the public hearing for the 200% rule to the

Clerk so the attorney can add it to their schedule. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Allen Novacek submitted comments to the Town Board from the Planning Commission meeting. The Town Board accepted his written comments. They were not discussed at the meeting.

B. Release of Attorney Opinion- text amendment/ clarification of notification of hearing

The following Attorney opinion on text amendment changes was received: The planning commission does not have the authority to change the text submitted by Terri. They can make recommendations, but Terri has to make the change.

If Terri makes any changes to the text at any time the process starts all over with a fresh 60 days. The change is treated as a new application. If Terri makes the change after the planning commission has made its decision, Terri must start the process all over. Once the planning commission acts the 60 day requirement has been met.

The Attorney opinion was discussed.

C. Road Right-of-Way

Township attorney opinion was obtained on road right-of-ways. It has been determined that the Township does not have right-of-way control past what they grade, except in platted areas. The Township cannot grant blanket right-of-way use to Dakota Electric. Dakota County must negotiate with land owners, not the Town Board for right-of-ways. In platted areas the language of the easement must include specific language of granting utilities. The road right-of-way depends on the actual use opposed to a standard width. If it is not documented and dedicated it is what you have been using for 6 years or more plus the ditches you need to maintain.

D. Joint Powers Agreement- Sheriff Department

A memo was received from the Township Attorney, suggesting changes.

A motion by Supervisor Kenny Miller: To have the Attorney draft a Model Joint Powers Agreement to be sent back to the Town Board for review to be forwarded to the Township Insurance Carrier, if their approval is received it will be sent to the Sheriff Department. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

1. Misdemeanor Citations- A memo was received from the Township attorney on issuing misdemeanor citations.

A motion by Supervisor Kenny Miller: To have Legal Council create an Ordinance that will deal with an Administration Hearing Officer as laid out by the Township Attorney. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

2. Sheriff Chief Deputy Discussion

Lakeville Police Department has been patrolling in Eureka Township. Supervisor Steve Madden spoke with Dakota County Sheriff Department and they were not aware that Lakeville is patrolling within the Township. He will talk to the Lakeville Police Department on this issue.

E. Appoint Election Judges

The Clerk presented the following persons to be Election Judges for the March Township Election: Mike Greco, as Head Judge, Elaine Swedin, Rose Svoboda, Jack Schabel, Marlene Swantek, Jody Arman Jones, Mary Ann Michaels, Rose Bucheger, Becky McIntire, and Linda Wilson.

A motion by Supervisor Brian Budenski: To approve the 10 Election Judges for the March 12, 2013, Township Election. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

F. Set Board of Canvass Date

A motion by Supervisor Brian Budenski: To hold the Board of Canvass Meeting Thursday, March 14, 2013 at 7:00 pm. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

G. Countertop extension

Two quotes were received for the countertop extension and gate: Hoffman's and Beaver Creek Companies Inc. The quote for Beaver Creek Companies came in at a lower price. Supervisor Mark Ceminsky recused himself from discussion on the bids because of a conflict of Interest. He is the owner of Beaver Creek Companies Inc.

A motion by Supervisor Brian Budenski: To approve the Beaver Creek proposal ET-13-103 for Administrative Area Cabinet and gate for \$1,224.00. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

H. NCRWMO Report

Supervisor Mark Ceminsky reported on the NCRWMO. The NCRWMO is proposing increasing the membership dues. They are proposing to increase each Township's dues by \$450.00.

A motion by Supervisor Mark Ceminsky: To approve the \$7500 NCRWMO increase, this would increase Eureka's dues by \$450.00 from the previous dues of \$1,670.08 to \$2,226.77. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

I. Road Committee report

Road Committee member mark Ceminsky reported on the Road Committee meetings. Mark talked about the Chub Lake Crossing and Capital Improvements regarding Chub Lake Crossing. The committee is working on road right-of-ways and also presented suggested changes to the Driveway Permit Application. They are also in the process of identifying culverts that are in need of repair or cleaned out.

A motion by Supervisor Brian Budenski: To approve the Driveway Permit Application as presented by Mark Ceminsky of the Road Committee. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote. Driveway fees will be discussed at the April Town Board meeting.

J. Speed Zone Study

The Township received the Speed Zone Study report from Dakota County. Dakota County does not recommend placing speed limits on the roads. It is the Town Board discretion to place weight limits and no truck use on Township roads. The Road committee will work on a list of roads.

K. Terri Petter fence permit

At the January 14, 2013, Town Board meeting the Town Board determined that Ag Fences do not require a Building Permit.

A motion by Supervisor Mark Ceminsky: To return the money that Terri Petter spent on obtaining a fence permit. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

L. Revised Ag Permit language

Supervisor Mark Ceminsky presented proposed language for Ag permits to the Town Board for their approval.

A motion by Supervisor Brian Budenski: To approve the Ag Building Permit Application as presented by Supervisor Mark Ceminsky. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

M. Transfer Task Force Report

Jeff Otto presented the Transfer Task Force Report to the Town Board. Jeff Otto was asked to make a presentation at the Annual Meeting on March 12, 2013.

A motion by Supervisor Kenny Miller: To allow the Transfer Task Force 30 days to correspond with legal counsel to resolve issues as they see fit. (Through Supervisor Kenny Miller, Town Board attorney contact) Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

N. Annual Meeting Preparation

Supervisor Brian Budenski will meet with the Township Clerk to go over the PowerPoint presentation from last year. Annual meeting items were briefly discussed.

Minutes

A. Special Town Board meeting January 14, 2013

A motion by Supervisor Kenny Miller: To approve the Special Town Board meeting minutes of January 14, 2013, as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Town Board meeting of January 14, 2013

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board Minutes of January 14, 2013, as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

C. Special Town Board meeting January 23, 2013

A motion by Supervisor Mark Ceminsky: To approve the Special Town Board Meeting minutes for January 23, 2013. Motion seconded by Supervisor Steve Madden.

The Clerk noted two typing errors in the document. Supervisor Mark Ceminsky amended his motion to include the corrections. Supervisor Steve Madden accepted the amendment. Motion carried by unanimous vote.

New Business

A. Special Closed meeting question

Planning Commission member Butch Hansen asked for a Special Closed meeting of the Town Board, the Vice Chair and Chair of the Planning Commission on an administrative issue. Carrie Jennings asked if there needs to be an agenda shared prior to the meeting. The Town Board was unsure if a closed meeting can take place as requested. The Township Attorney will be contacted on proper meeting procedures

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Mark Ceminsky.

The Meeting adjourned at 10:12 p.m.