

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of February 14, 2011

Call to Order

Chair Brian Budenski called the February 14, 2011, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Nancy Sauber, Brian Budenski, Dan Rogers, Carrie Jennings and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Ken Olstad was present as Planning Commission Liaison. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

The following additions were made to the agenda:

Under: Wat Lao CUP Review- junk complaint follow-up

New Business:

D. Spring Short Course- MAT

A motion by Supervisor Brian Budenski: To approve the agenda as amended. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

Public Comment Period

No public comments.

Treasurer's Report

Checking Account Balance: \$679.97. There are no Outstanding Checks. Savings Account Balance: \$356,248.09. Outstanding Deposit \$5,647.66 (*Deposited 2/2/2011*). CD Account Balances: \$64,843.56. The Ledger Balance is \$427,419.28.

A motion by Supervisor Nancy Sauber: To approve the Treasurer's Report as presented. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

Supervisor Nancy Sauber reviewed the Attorney billing. All billings were appropriate.

The Town Board reviewed the Claims Lists and Net Pay Account Distribution.

Bills and Receipts

The Clerk presented the following bills for payment:

Henry's Excavating	Road maintenance thru 1/31/2011	\$5,940.00
MNSPECT	Inspection Service - January	\$2,851.59
Dakota Electric Association	Town Hall Electric	\$127.06

Frontier Communications	Phone Service Town Hall	\$112.23
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$43.20
T & C Commercial Cleaning	Clean Town Hall – January	\$42.85
Kelly & Lemmons	Legal Services thru 1/31/2011	\$756.25
PERA	Payroll Period 1/1/2011 to 1/31/2011	\$294.30
Nanett Sandstrom	Expenses 1/7/2011 to 1/31/2011	\$232.77
Gold Mine Dezine	Newsletter	\$212.91
Graphic Design Inc.	500 Ballots- March election	\$156.04
Safety Signs	Signs	\$835.18
Dakota County Treasurer	Salt/Sand	\$165.18
Carol Kelly	PC Recorder- 1/1/2011 to 1/31/2011	\$49.53
Nanett Sandstrom	Clerk Payroll 1/1/2010 to 1/31/2011	\$1,698.45
IRS	Additional January Deposit	\$29.55
IRS	February Deposit	\$435.47
MN Dept of Labor	Surcharge 4 th Qtr 2010	\$49.35
Dakota County Township Officers	2011 JPA Pump Maintenance Program	\$1,502.82
City of Farmington	Fire Contract 2010	\$53,167.00
Castle Rock Bank	Loan Payment #13	\$26,446.19
ALF Ambulance	Administrative Fee 2010	\$500.00
Northern Natural Gas	Return Bonds	\$6,500.00
Total Bills Presented		\$102,171.43

A motion by Supervisor Nancy Sauber: To approve Claims List and Net Payroll as presented. The motion was seconded by Supervisor Carrie Jennings. Roll Call vote was taken on the motion. Kenny Miller- Aye, Carrie Jennings- Aye, Brian Budenski- Aye, Nancy Sauber- Aye, Dan Rogers- Aye. The motion carried by unanimous vote

The Town Board reviewed the following financial reports prepared by the Clerk: Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register.

The Clerk was asked to forward the detailed billing from TKDA to all Town Board Members.

The following checks were not listed on the Disbursements register: 6153, 6160. These checks are voided checks.

Supervisor Dan Rogers did not review the financial statements for January. He will review them in February. Supervisor Kenny Miller will review the February financials.

The following receipts were received in January. \$5,647.66 of the receipts was deposited February 2, 2011:

Local Permits

Pronto Heating- Permit ET11-001	\$45.00	Vermillion Kennels- Kennel Lic. 2011	\$100.00
Sundance Exteriors- Permit 11-01	\$4,489.56	Prairie Creek School- CUP Review	\$25.00
Westwind Education- CUP Review	\$25.00		

• **Other Receipts**

Dakota County- <i>Delinq. Tax & Current</i>	\$16,972.19	Pete Storlie- <i>Filing Fee</i>	\$2.00
Carrie Jennings- <i>Filing Fee</i>	\$2.00	Gloria Belzer- <i>Copies</i>	\$8.75
Brian Budenski- <i>Filing Fee</i>	\$2.00		

TOTAL RECEIPTS AS OF JANUARY 31, 2011 **\$21,671.50**

A motion by Supervisor Nancy Sauber: To approve the balance of the Financial Reports. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Contractor Time

Road Contractor Mark Henry was present.

A culvert on 245th Street has been damaged. The end of the culvert has been pulled out of the ground. Road Supervisors will check to see if Scott County plows are responsible for the damage to the culvert. It will need to be repaired in the spring.

Deputy Sheriff-

Deputy Sheriff Jennifer Lenarz stopped in to answer any questions or concerns Township residents may have.

Planning Commission Interviews

Cheryl Groves resigned her commission membership due to family medical issues in a letter dated November 7, 2010. The Ordinance states it shall be the duty of the Chairperson of the Planning Commission to notify the Town Board promptly of any vacancies occurring in the membership. This was accomplished by Cheryl and also by Nanett sending out Cheryl's resignation letter and again by Ken Olstad notifying the Board at its November 2010 meeting. The opening was posted for response in time for the December Board Meeting. There were no applications. The opening was posted in time for the January Town Board Meeting. There were still no applications. Now, in time for this meeting there have been two applications for the Board to consider. Mark Ceminsky applied January 31st for Cheryl's position, for the remaining part of her tenure, and David Peterson applied on February 1st for the same position. On February 1st Nanett asked both to attend the meeting tonight, 2/14/2011, in accordance with the posting request. Today, on February 14th at about 8:17 am, David Peterson e-mailed that he was not able to attend this meeting after all due to a family medical situation that called him out of state. After consultation with Patrick Kelly, Township Attorney, in an attempt to be transparent, fair and equitable, it is recommended that the Board interview Mark Ceminsky tonight. It will then give the same opportunity for an interview and additional information-gathering to David Peterson at the March 14th Town Board Meeting, since a family medical emergency made his attendance here tonight impossible. At that March Meeting, the Board would hope to find at least one of the candidates qualified and can appoint a person to serve what remains of Cheryl Grove's term., that is April 2011 and continuing thru April 2012.

The Town Board interviewed Mark Ceminsky for the open Planning Commission position. Mark owns his own business, a General Contracting Company for residential and light commercial contracting, which basically does additions and larger remodeling projects. He also does landscaping, interior design, and space planning. He started the business in 2001. He has an in-home office at his residence. The work takes place at individual jobsites.

Other Business

A. CUP Reviews

1. Hansen- CUP Review Airstrip

Mark and Butch Hansen were present for the review of the Hansen Airstrip. No complaints have been received. Butch commented that one runway is probably 95% done.

Supervisor Carrie Jennings suggested that the Township purchase a CD from the County of digital air photography, so that properties can be reviewed in detail. CDs are \$25.

2. Wat Lao- CUP Review

No representative was present. The Clerk has sent e-mails and mailed letters. Confirmation was received on the delivery of the letters. Dan Rogers was asked to stop in and visit with Wat Lao officials.

3. Mining CUP Reviews

a. Windmill Mine- Eureka Sand & Gravel

Kenny Miller, Owner/Operator, was present for the review. The Town Board received a copy of the 2010 Annual Review for Eureka Sand & Gravel, Windmill site. The Annual Review fee of \$312.93 was received. The Blending machine is not on the equipment list submitted. Kenny commented that he would send an updated equipment list. TKDA's final sign-off and the final revised site plan (*Dated 12/28/2010*) have not been received. Supervisor Nancy Sauber will contact TKDA. An onsite review by Supervisors, to be sure that the use is in compliance with the site plan and the conditions, will take place in June. This will allow more than ample time for the paving, the fence, etc., to be installed. The fence along the adjacent property line (between Gary Smith and Eureka Sand & Gravel) is not in place. Gary Smith surveyed the property line. The fence will be placed on the property line, in keeping with one of the conditions placed on the IUP. It is Kenny's responsibility to spray for weeds on his berms; thistles have been a problem.

b. Storlie Pit

No one was present to represent the Storlie Pit. The Town Board received a copy of the 2010 Annual Review for the Pre-Existing Mineral Extraction Facility for the Storlie Gravel Pit at 23449 Dodd Blvd. The minimum annual fee of \$150.00 was received as no material was removed in 2010. No complaints were received on the operation in 2010.

c. Barton Sand & Gravel

No one was present to represent the Barton Sand & Gravel Pit. The Town Board received a copy of the 2010 Annual Review for the Pre-Existing Mineral Extraction Facility for the Barton

Sand and Gravel Co.'s facility at 10005 235th St. W. The annual fee of \$150.00 was received. No complaints were received on the operation in 2010.

d. Brosseth Mine-Ames Construction

No one was present to represent the Brosseth Mine. The Town Board received a copy of the 2010 review of the Level 3 Brosseth Mining Permit. The Annual Fee of \$327.17 was received. No complaints have been received on the operation in 2010.

Resolution 2009-2, A Resolution granting an Interim Use Permit for an Aggregate Extraction and Processing Operation in the Town of Eureka, has been filed. The Development Agreement and Interim Use permit have not been filed with Dakota County.

Item H. refers to the number of vehicles accessing the property. Their response was just employee trips. The number of ins and outs of trucks needs to be added.

Supervisor Carrie Jennings suggested that TKDA look at the documents pertaining to the monitoring wells. There are temperature variances of 3 degrees Centigrade during the month of December. This variance may be normal; she was not sure. They are also measuring diesel range organics in either two different ways or they have gotten some hits that aren't significant. Sometimes it's not applicable; other times it's less than a certain number. They might be getting some diesel range organics.

It was questioned if the NPDES, Air Emission Quality, and Water Appropriation Permits are not only in place and but also maintained. The Clerk was asked to check with Ames Construction.

e. Madden Pit reclamation

Kenny Miller, prior operator of the Madden Pit, made comments on the current status of the Madden Pit. The property has been split by the trust. The reclamation has been completed to the plan on the front portion of the property. The rear piece still has gravel to be mined, approximately 5 acres. The rest of the pit has been rough-graded. It is largely un-reclaimed, open for mining.

A citizen asked if there is still equipment on the property. Kenny Miller commented that during reclamation there was equipment on the property, but that there no longer is equipment on the property.

Other Business

1. Planning Commission Update

a. The Planning Commission recommended a few changes to the Dog Kennel Ordinance before it goes to public hearing. The number of dogs should be increased to 6 or more to require a private Dog Kennel Operator's License. It was also felt that 10 days is too short a time period to physically remove or dismantle a kennel if the Kennel Operator's License is revoked. They suggested 30 days. They also suggested that the fees increase with the number of dogs. The annual fee is set forth in Ordinance 7.

Supervisor Carrie Jennings has concerns with dog waste. There should be a plan for disposal of dog waste/removal from property.

If the language “dogs under 6 months old” is inserted, they must be of the offspring of dogs living on the property. The \$100 license fee will remain. This is the type of use that could result in complaints. Should that be the case, someone would have to be sent to inspect. The fee is justifiable.

The Town Board was provided with a draft copy ordinance of the swimming pool ordinance with changes suggested by the Planning Commission. The Town Board discussed the proposed changes with Planning Commission Chair Ken Olstad. The following suggestions will be added to the proposed ordinance: 1. a 48” wall of an above-ground pool constitutes a fence. 2. Adding additional alternatives to an alarm. 3. To allow for installation of the fence after filling the pool, if filling the pool is necessary for completion of installation.

Supervisor Carrie Jennings expressed concerns about the draining of pools and the impact to the environment. Carrie suggested that the MPCA’s best management practices for pool water discharge in Minnesota should be referenced in the ordinance. Pool water may not be discharged onto an adjoining property.

It is not clear to the Commission if the ordinance applies to only new pools, with existing pools being grandfathered. It is the Town Board’s intent to grandfather existing pools.

Ken Olstad will contact the Building Inspector for possible language and list of alternative devices for alarm systems. This language may be added after the public hearing.

The Planning Commission scheduled the Public Hearing on the Pools & Kennels ordinances on March 3, 2011, at 6:30 p.m.

Comprehensive Plan Review Meeting

The Met Council Community Development Committee has scheduled a meeting for review of Eureka’s Comp Plan on February 22, 2011, at 1:00 pm. Supervisor Kenny Miller will represent the Township.

2. North Cannon River Watershed Management Organization

Supervisor Carrie Jennings updated the Town Board on the NCRWMO meeting. A summary of the meeting will be sent to the Supervisors. *See attached report.*

3. Subdivision Resolution

A Subdivision Resolution drafted by the Township Attorney was presented for Town Board adoption. The Resolution supports the Ordinance 2010-5, An Ordinance for the Purposes of Regulating the Subdivision of Land within the Town of Eureka, adopted December 13, 2010.

A motion by Supervisor Brian Budenski: To approve Resolution 2011-02, A Resolution of the Town Board Requiring Local Approval before the Dakota County Auditor may Divide a Tax Parcel in Eureka Township. The motion was seconded by Supervisor Nancy Sauber. The motion carried by unanimous vote.

The Clerk will forward the Ordinance and the Resolution to Dakota County Property Records and to the VRWJPO.

4. Update on Septic Responses

The Clerk presented the Town Board with an updated septic compliance list. Approximately half of the persons on the list have contacted the Clerk and have either pumped or been placed on a pump list for the spring. Further action on non-pumped septic systems will be pursued in the spring.

5. Illegal Fire Question

The Town Board discussed the options outlined by the Attorney.

Supervisor Dan Rogers and Supervisor Brian Budenski will talk with Farmington Fire Department about fire charges. This subject will be discussed at the Annual Meeting in March.

6. Misc. Updates

a. Mahoney Complaint Follow-up

Dan Rogers presented the Town Board with pictures of the property that he took from 250th St. The Town Board also looked at aerial photos of the property on the Dakota County website. The Clerk was asked to send a certified letter to the Mahoneys informing them that an administrative warrant will be obtained from Dakota County District Courts if they fail to make an appointment with the Town Board for an inspection of the property. The letter will be sent to Supervisor Nancy Sauber for review before being sent.

Supervisor Nancy Sauber will forward the pictures to the Township Attorney for his information as to what is on the property.

b. Commercial/Industrial Study

The Town Board discussed accepting surveys that came in past the deadline date. The Town Board agreed that late surveys will be accepted. Those surveys with the numbered corner torn off, however, will not be accepted, since there can be no assurance that these submissions were not duplicates. The numbering was the only way the Township had of being sure that one and only one survey was received from each address mailed to. There was no record of who received which survey.

A task force meeting will be held to discuss the data. This meeting will be after the Annual Meeting. The results will be published in the April Newsletter.

c. Kelly Aggregate Sign

Supervisor Brian Budenski discussed the sign permit with the Building Inspector, and they have come to an agreement on the issuance of the permit. Scott Qualle will make an inspection, including the setback from the midline of Dodd Blvd.

d. Buffington

Documents were received on February 3, 2011, from Mark Buffington. The notice of Appeal was dated May 21, 2010. The Septic Notice was dated January 28, 2011, and the MNSPECT contract letter was dated February 1, 2011. The Clerk forwarded copies of these documents to the Town Board when they were received. Mark requested copies of documents. Copies of the documents will be provided under Data Practices at a charge of 25¢ per copy. The Clerk was asked to estimate the cost for the copies. Once he has paid for the copies, they may be made and given to him.

The correspondence from Mr. Buffington will be forwarded to the Township Attorney for review and any necessary response.

e. Other

County Speed Study

Supervisor Kenny Miller checked with the County as directed, and reported that the Township is entirely within its powers in placing lower speed limit signs in certain areas of the Township: 240th St. (between 8674 and 9230), 235th Street (Highview Ave. to Dodd Blvd) and Highview Ave. (between 240th and 24545 Highview Ave.) In these areas, the houses are within the 300-foot average per 1/4 mile required to enforce the 35-mile-per-hour speed limit. The placement of signs must be done by Resolution of the Town Board. The Township Attorney will be asked to draw up the Resolution for the Board to approve.

Ordinances to Sheriff

A response was received from the Township Attorney on the Ordinances to be sent to the County. He suggested sending the entire Road section, so there is not confusion on what is missing. The Clerk will forward the Ordinances to the County per the Township Attorney's suggestion.

Ordinances

No language has been drafted yet for the Membrane Structure Ordinance. The minutes wherein the Town Board discussed and agreed on the ordinance will be sent to the Township Attorney, so that he may proceed with drafting the ordinance.

Policy for Website for "Dumping Reward"

The Attorney will be asked to draft a policy.

7. Annual Meeting Preparation

The Town Board discussed the Annual Meeting Presentation. Supervisor Dan Rogers will review the reports for accuracy before they are entered into the presentation.

Minutes

A motion by Supervisor Brian Budenski: To approve the January 10, 2011, Town Board meeting minutes as presented. The motion was seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

The following additional corrections were made to the January 25, 2011, Special Town Board Meeting minutes: Add to the agenda: “and start preparation for the Annual Meeting Presentation.” At the bottom of page 1 add: Information on this can be presented at the Annual Meeting, if appropriate. Chair Brian Budenski is working on a PowerPoint presentation for the meeting based on Jeff Otto’s PowerPoint from the previous year.

A motion by Supervisor Nancy Sauber: To approve the Special Town Board meeting minutes of January 25, 2011, as amended. The motion was seconded by Supervisor Carrie Jennings. The motion carried by unanimous vote.

New Business

A. Solid Waste Practices in Township/Town Buildings

The Clerk received a survey from Hank Tressel, Chair of Dakota County Township Officers Association, on Solid Waste Practices in Township/Town Buildings. The Town Board discussed the survey. The Township is interested in a container and learning more about how to improve recycling in the building. The Clerk will complete the survey and return it.

B. Land Stewardship Project

The Town Board reviewed the letter from the Land Stewardship Project.

C. Woodland Ridge Homeowners’ Association request

The Town Board discussed the request. Supervisor Carrie Jennings volunteered to talk with George Silverness, President of the Association, and he can report to the members.

D. MAT Spring Short Course

There are 3 breakout sessions this year that might interest Town Board members: Fire protection in Townships, managing and working with Fire Departments; Gravel road maintenance, stabilization and dust control; Signs- more than reflectivity- Maintenance, Posts and potential Removal. Supervisor Nancy Sauber is planning on attending the short course in Rochester.

Clerk/Treasurer Presentation

Larson Allen is in the process of auditing the Township books. There is wording that needs to be inserted into all contracts that the Township enters into with contractors. The language will be forwarded to Supervisor Nancy Sauber to be sent to the Township Attorney as an addendum to existing contracts where appropriate.

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

Meeting adjourned at 11:04 p.m.