

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of March 11, 2013

Call to Order

Chair Brian Budenski called the March 11, 2013, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Mark Ceminsky, Steve Madden, Pete Storlie and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Lu Barfknecht 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

Old Business was moved up before Other Business

A motion by Supervisor Brian Budenski: To approve the agenda of March 11, 2013 as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Terri Petter, 10132 235th St. W. asked when her agricultural building application will be placed on the Town Board agenda. The Planning Commission did not forward it to the Town Board because they felt that there was missing documentation. An email from Brad Becker, Dakota County Soil and Water Conservation District was received addressing issues the Planning Commission had with the permit application. The Town Board told Terri that the Planning Commission needs to approve the permit before it could come before the Town Board.

Brian Ahern, 6215 235th St. was following up on a complaint that originated in October 2012 that has to do with the Noise and Nuisance enforcement/ ruling. He asked if there has been any progress. Brian Ahern had sent the Town Board an email earlier this week. This item will be placed on the April agenda. The Town Board is working on a Joint Powers Agreement with the Sheriff Department which will include enforcement of the Noise and Nuisance Ordinance.

Treasurer's Report

Checking Account Balance: \$2,353.24. Outstanding Checks \$53.56. Savings Account Balance: \$448,490.16. CD Account Balances: \$69,988.44. The Ledger Balance is \$520,778.28.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report as read. 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 2/28/2013	\$8,357.50
MNSPECT	Inspection Service – February 2013	\$56.00
Dakota Electric Association	Town Hall Electric	\$118.64
Frontier Communications	Phone Service Town Hall	\$130.06
Dick's Sanitation	Garbage Service Town Hall-March 2013	\$49.44
Culligan	Water Softener Service	\$23.51
Kelly & Lemmons	Service thru 2/28/2013	\$1,925.73
Terri Petter	Fence permit 12-05- refund	\$363.84
Beaver Creek Companies	Town Hall Repair	\$1,507.50
Ace Hardware & Paint	Town Hall upkeep	\$39.99
T&C Commercial Cleaning	Clean Town Hall February 2013	\$53.56
Blue Earth Interactive	Website hosting 2013	\$348.00
Graphic Design	Ballots	\$122.12
USPS	Bulk Mailing permit	\$200.00
Dakota County Financial	Salt/ Sand January 2013	\$621.10
North Cannon WMO	Member Dues 2013	\$1,573.91
Grainger	Town Hall Upkeep	\$37.19
ECM Publishers	Legal ads	\$329.50
Eureka Sand & Gravel	Ice Control Product	\$391.50
Linda Wilson	mileage & election supplies	\$83.18
Nanett Sandstrom	Expenses 1-1-2013 to 2-28-2013	\$131.02
IRS	February Deposit	\$1,198.42
PERA	Payroll Period 2-1-2013 to 2-28-2013	\$275.49
State of MN	Withholding 1 st Qtr 2013	\$365.43
TKDA	Transfer Task Force	\$1,195.42
Mark Ceminsky	Mileage	\$233.91
Pete Storlie	Mileage	\$11.30
Steve Madden	Mileage	\$11.53
Brian Budenski	Town Board Supervisor 1 st Qtr 2013	\$554.10
Mark Ceminsky	Town Board Supervisor 1 st Qtr 2013	\$1,408.34
Steve Madden	Town Board Supervisor 1 st Qtr 2013	\$523.31
Kenny Miller	Town Board Supervisor 1 st Qtr 2013	\$544.86
Pete Storlie	Town Board Supervisor 1 st Qtr 2013	\$535.63
Lu Barfknecht	Planning Commission 1 st Qtr 2013	\$332.46
Fritz Frana	Planning Commission 1 st Qtr 2013	\$240.11
Carrie Jennings	Planning Commission 1 st Qtr 2013	\$304.75
Allen Novacek	Planning Commission 1 st Qtr 2013	\$240.11
Nanett Sandstrom	Payroll Period 2-1-2013 to 2-28-2013	\$792.48
Linda Wilson	Payroll Period 2-1-2013 to 2-28-2013	\$791.52
Total Bills Presented		\$26,022.46

A motion by Supervisor Brian Budenski: To approve the Net Pay and Claims Lists as presented. Motion seconded by Supervisor Pete Storlie. 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. 6829 is a voided check.

The following receipts were received in February:

• **Local Permits**

Professional Contractors- Permit 13-01	\$1,147.47	Eureka Sand & Gravel- Mine Review	\$341.35
Dakota Electric- Utility Permit 2013-2-12	\$25.00	Tiller Corp- Mine Review	\$150.00
Terri Petter- ag exempt application	\$50.00	Mark Hansen- CUP review Airstrip	\$25.00
Chris Nielsen- Sign Permit Application	\$25.00	Darrin Giles- Lot Split Application	\$25.00
Friedges Landscape- Mine review	\$150.00	Boevaag Plumbing- Permit ET13-002	\$85.00
John Storlie- Mine Review	\$150.00	Mary Malecha- Lot Split Application	\$25.00
Ames Construction- Mine Review	\$868.73	Dakota Electric- Utility Permit 2013-2-12	\$25.00

• **Other Receipts**

Nancy Sauber- CD of Minutes	\$10.00	Dakota County – Town Road Allotment	\$18,937.86
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TOTAL RECEIPTS AS OF FEBRUARY 28, 2013 **\$22,040.41**

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

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

Monthly Budget

The Town Board reviewed the Monthly Budget.

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.

Contractor Time

Road Maintenance Contractor, Mark Henry was present to discuss road issues. The 2012 Bridge Maintenance Work Request from Dakota County was given to Mark Henry. Once the projects are completed the form will be signed and sent back to Dakota County.

Citizen Business

- A. Mike Mahoney, 8150 250th St. W. A second complaint was received February 22, 2013 on junk vehicles on Mr. Mahoney's property. Supervisor Brian Budenski will stop in and speak with Mr. Mahoney to discuss what progress has been made.
- B. Terri Petter & Dan Storlie, 10132 235th St. W. A complaint was received on February 22, 2013 on Terri Petter. The nature of the complaint: Violation of Ordinance 3, Section 3, August 2007. Part of this complaint cannot be discussed because of pending litigation. Some of the information

presented is new information. The complaint will be forwarded to the Township Attorney for review. This item will be placed on the April agenda.

Julie Larson, 24510 Highview Ave. commented on the complaint. She commented that there is nothing in the Township Ordinances that allows for these animals. There are no exceptions for fur farms. They are tired of their tax money being spent on lawyers, being drug thru court, the loss of income from buildings that are not classified correctly to get the most tax base for the Township.

- C. Ray Kaufenberg- Ray was recently at an informational open house meeting by Dakota County on the proposed improvements to Dakota County 9, Dodd Blvd. He submitted a draft Resolution “Regarding Dakota County taking over 245th Street, west of Dodd Blvd, in Eureka Township” to the Town Board for their consideration.

Supervisor Brian Budenski and Supervisor Kenny Miller will work on creating a final draft of the Resolution presented for the April Town Board meeting.

Planning Commission, land use permits and related items

A. Permits

1. **Jeff Lee-** 6145 235th St. W.- 4 season Porch

Ron Wittaker was present to represent Jeff Lee’s application for a 12’x 20’ four season porch on his home. An email was received from Travis Thiel dated 3/6/2013 that the VRWJPO will not require them to obtain a VRWJPO permit for the addition.

A motion by Supervisor Mark Ceminsky: To accept and process the permit for site address- 6145 235th St., resident owner- Jeff Lee. To approve the permit application as presented. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

B. Land Use & Zoning Issues

1. **Dave & Mary Malecha-** 9659 280th St. W.- lot split

Dave & Mary Malecha were present to request a lot split of their property for their son to build a house. They are requesting to split 5 acres (Parcel A on Survey) from Existing Parcel (Parcel B on Survey) containing 60 acres and having PIN #130310077012. The property lies within the North Cannon Watershed.

A motion by Supervisor Brian Budenski: To approve the lot split for Dave & Mary Malecha, 9659 280th St. W. Northfield. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

2. **Mike Giles, 23545 Cedar Ave.**

Mike Giles was present to represent his lot split application. He is requesting to split 39.27 acres (Parcel B on survey) from Parcel A having PIN# 130090078010, consisting of 65.31 acres. The property lies within the Vermillion Watershed. The property is Ag/ Green Acres, is exempt from the VRWJPO buffer rule.

A motion by Supervisor Mark Ceminsky: To approve Mike and Anne Giles lot split, address 23545 Cedar Ave as per application dated 2/12/2013. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

C. Text Amendments

1. 200% Rule

The Planning Commission held a public hearing on March 4, 2013. They have scheduled a Special Planning Commission meeting on March 22, 2013 at 5:30 pm to draft a recommendation to the Town Board. This item was tabled until the April Town Board meeting.

2. 60 day Extension- Zoning Ordinance Amendment- Terri Petter

The Planning Commission held a public hearing on March 7, 2013. They have scheduled a Special Planning Commission meeting on March 22, 2013 at 5:30 pm to draft a recommendation to the Town Board.

60 Day Rule. (Expires March 24, 2013) Under State Statute §15.99, Subd. 3(f) the Town Board has the right to extend the deadline for a period not to exceed 60 days, unless approved by the applicant. The Clerk drafted Resolution 2013-01 A Resolution Extending the Time that the Town Board has to act upon Text Amendment Request by Terri Petter.

A motion by Supervisor Kenny Miller: To pass Resolution #2013-01 Extending the Time that the Town Board has to act upon Text Amendment Request by Terri Petter. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

A written notice will be sent to Terri Petter by March 24, 2013.

3. Martha and Jim Shultz, 23790 Hamburg Ave.- Ag Preserve

Martha Schultz was present to represent her application to move Parcel 13-00900-77-013 consisting of 73.22 acres from Green Acres into Ag. Preserves. They are initiating expiration at this time also.

A motion by Supervisor Brian Budenski: To put into Ag Preserve Parcel 13-00900-77-013, 73.22 acres. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Old Business

A. Misc. Updates

1. Charles Roberts- 26110 Ipava Ave- setback issue

The Town Board directed the Building Inspector to issue a citation to Mr. Roberts. The Township Attorney has provided a citation document to the Building Inspector, Scott Qualle. The Town Board has not heard from the Building Inspector if the citation has been issued.

Wally Bohrn was present at the meeting and addressed the Town Board on the complaint. He feels that there has been no progress in bringing the property into compliance with the Township Ordinances.

The Town Board told Mr. Bohrn that they will inform him in writing when the citation has been issued.

2. Building Inspector

Supervisor Mark Ceminsky and Pete Storlie reported to the Town Board that they have not heard back on the information requested. They will communicate with the Building Inspector this month to clear up some pending issues.

Other Business

A. Planning Commission update

Lu Barfknecht was present as Planning Commission liaison. The Town Board received a cover letter from Chair Carrie Jennings of the March 5, 2013 Planning Commission meeting.

There was discussion on the issuing of the letter sent out to residents within 1,000 feet on the proposed Text Amendment by Terri Petter. Supervisor Brian Budenski commented that he had directed the Clerk to send out the letter at the last Town Board meeting. Although the letter is not required such a letter has been sent out in the past as a courtesy to neighboring properties.

B. Split Approvals

A motion by Supervisor Kenny Miller: To distribute to the Planning Commission the e-mail dated Monday, March 11, 2013 from Chad Lemmons on Lot Split Approval. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

C. Transfer Task Force Phase 1 Summary Report

Jeff Otto, chair of the Transfer Task Force committee was present to present the Phase 1 Summary Report to the Town Board. Sherri Buss, TKDA was present at the Town Board meeting to address any questions the Town Board may have.

A motion by Supervisor Kenny Miller: To accept the Transfer Task Force Phase 1 Summary Report. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The citizens at the Annual Meeting will be asked about moving into Phase 2 of the study.

D. Ordinance 7 Fee Schedule- Driveways and Approaches

Ordinance 7 needs to be updated for the new driveway permit. The Clerk will draft an Ordinance amending the fee schedule for the April Town Board meeting.

E. Employee Review Date

Closed Town Board meeting for employee review was scheduled for Monday, March 18, 2013 at 7:00 pm.

F. Joint Powers Agreement- Sheriff Department

The Draft Joint Powers Agreement from the Township Attorney was received. The Town Board discussed the draft. There were concerns that the Sheriff Department has the freedom to change the fee schedule without the Township authority. (Paragraph 6) They felt that the Town Board should approve the amount of increase before it goes into effect. The Township Attorney will be asked to draft language that the Town Board reserves the right to negotiate increase.

The Township Attorney made several changes to the liability section of the Agreement.

G. Administrative Citations

The Town Board received a draft of some Administration Citation Regulations from the Township Attorney. The Town Board discussed the document.

Supervisor Steve Madden will contact the Sheriff Department and ask Sheriff Bellows to attend the April Town Board meeting at 7:30 pm.

H. Road Committee Report

The Road Committee found documentation on Township Road Right-of-Ways. Most roads are recorded as 4 rods wide. This is also shown on the Section map dated 1988. There is documentation on 225th St. where George Johnson and his neighbor gave the Road Right of Way to 225th St.

The road committee's recommendation to the Town Board is to acknowledge that it has been established that the Township has Road Right-of-Ways. The Township needs to look into adopting a Road Hauling Ordinance. A draft Ordinance, based on Castle Rock's Ordinance was distributed to the Town Board for their consideration.

A motion by Supervisor Mark Ceminsky: On Road Right-of-Ways, with the documentation, going back to 1870 that Eureka Township accepts that it has Road Right-of-Ways throughout the Township, throughout all the sections within the Township of Eureka on established roads as of March 11, 2013. Motion seconded by Supervisor Pete Storlie. A friendly amendment was offered by Supervisor Kenny Miller: A 4 rod Right-of-Way unless platted otherwise. (Eureka Estates, Rice Lake, 235th St and cart ways- 2 rods wide or 33') Supervisor Mark Ceminsky and Supervisor Pete Storlie accepted the amendment. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: To accept the Road Committee's recommendation that Eureka Township establish an Ordinance Regulating Road Right-of ways and Large Utility Projects affecting Township Road Right-of-Ways, this includes the Application and Fee Schedule. Motion seconded by Supervisor Mark Ceminsky. Supervisor Mark Ceminsky offered a friendly amendment: Look at using the draft Ordinance the Jeff Otto and the former Task Force and Castle Rock worked on previously for the Ordinance. Supervisor Pete Storlie accepted the amendment. Motion carried by unanimous vote.

I. Northfield Ambulance Report

Supervisor Steve Madden reported on the Northfield Ambulance meeting. A copy of the meeting documents were provided to the Town Board.

A motion by Supervisor Kenny Miller: To have Supervisor Steve Madden, Town Board Ambulance Contact Supervisor to vote yes on the issue with the Northfield Ambulance Association. Motion seconded by Supervisor Mark Ceminsky. Supervisor Brian Budenski offered a friendly amendment: The Township continues to be part of the Northfield Ambulance Joint Powers Agreement. Supervisor Kenny Miller and Supervisor Mark Ceminsky accepted the amendment. Motion carried by unanimous vote.

J. Annual Meeting

The Town Board discussed the Annual Meeting presentation for the March 12, 2013 Annual Meeting.

K. Town Hall Lot

The Town Board has two Real Estate valuations: \$51,000 and \$58,000. The Market Value according to Dakota County is \$54,000. It is a substandard lot.

A motion by Supervisor Brian Budenski: That the Town Board approves the Old Town Hall lot PID#130220028010 a buildable lot. Motion seconded by Supervisor Kenny Miller. Supervisor Kenny Miller offered a friendly amendment: “recognizes that” rather than “approves”. Supervisor Brian Budenski accepted his amendment. Motion carried by unanimous vote.

The Town Board is also going to propose paying of the Town Hall loan early. The current balance is \$74,015.93. The payoff date is August 20, 2014. There are 3 payments left.

The Town Board briefly discussed the proposal for building a garage at the new Town hall site. This proposal will be put before the citizens at the Annual Meeting on March 12, 2013.

Minutes

A. Town Board meeting of February 11, 2013

A motion by Supervisor Kenny Miller: To accept the Eureka Town Board Minutes of February 11, 2013, as presented. Motion seconded by Supervisor Brian Budenski. Supervisor Pete Storlie abstained from voting on the minutes, he was not present at the meeting. Motion carried by unanimous vote of Supervisors voting.

New Business

A. Reorganizational Meeting date

The Reorganizational Meeting of the Eureka Town Board was scheduled for Monday, March 25, 2013 at 7:00 pm

B. Planning Commission appointment

The Clerk will post the opening for the Planning Commission on the website. Letters of Interest will be accepted until Thursday, April 4, 2013 at 2:00 pm.

C. Local Watershed Comments

The Request for Comments on Possible Amendments to Rules Governing Metropolitan Area Local Watershed Management, Minnesota Rules, Chapter 8410 will be posted on the Eureka Township website.

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

The Meeting adjourned at 10:04 p.m.