

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of April 8, 2013

Call to Order

Chair Pete Storlie called the April 8, 2013, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Pete Storlie, Brian Budenski, Mark Ceminsky, Steve Madden, and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Lu Barfknecht was present as Planning Commission Liaison and Township Attorney Chad Lemmons. 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:

After Pay-off Town Hall: Cheryl Schindeldecker- Old Town Hall Property Deed

Other Business- I. Road Right-of-Way Ordinance scheduled for 8:30 pm- guest speaker present

L. Ag Permits and Ag Permit Cards

O. Building Official- issuing citations

A motion by Supervisor Pete Storlie: To accept the agenda for the April 8th Town Board meeting as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Nancy Sauber, 9445 225th St. W. she commented on the Special Planning Commission meeting on March 22, 2013. She commented on the Planning Commission's findings relating to the issues. Nancy also brought to the Town Board's attention that a motion at the Reorganizational meeting on March 2, 2014 about recording discs was not the same as past meetings. The recordings should be kept until after the minutes are approved.

The Town Board's intent on the motion was not to destroy the recording after the minutes are written. As in the past the recording will be kept until the minutes are approved.

Treasurer's Report

Checking Account Balance: \$12,448.74. Outstanding Checks \$10,171.52. Savings Account Balance: \$442,724.65. CD Account Balances: \$70,411.48. The Ledger Balance is \$515,413.35.

A motion by Supervisor Pete Storlie: To accept the Treasurer's Report as stated. 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 3/31/2013	\$9,022.50
MNSPECT	Inspection Service – March 2013	\$478.37
Dakota Electric Association	Town Hall Electric	\$126.79
Frontier Communications	Phone Service Town Hall	\$130.06
Dick's Sanitation	Garbage Service Town Hall-April 2013	\$51.05
Culligan	Water Softener Service	\$23.51
Kelly & Lemmons	Service thru 3/31/2013	\$2,505.00
T&C Commercial Cleaning	Clean Town Hall March 2013	\$53.56
Dakota County Financial	Salt/ Sand February 2013	\$333.68
City of Farmington	Fire Contract 4 th Qtr 2012	\$4,949.00
CliftonLarsonAllen	2012 Audit	\$5,394.80
Cannon Valley Coop	LP Town Hall	\$49.16
Mike Giles	Refund- application fee	\$25.00
Castle Rock Bank	Town Hall Loan- payoff	\$74,487.78
IRS	April Deposit	\$839.51
PERA	Payroll Period 3-1-2013 to 3-31-2013	\$477.83
Jody Arman-Jones	Election Judge	\$70.00
Becky McIntyre	Election Judge	\$70.55
Marlene Swantek	Election Judge	\$56.15
Rose Svoboda	Election Judge	\$80.91
Jack Schabel	Election Judge	\$57.26
Elaine Swedin	Election Judge	\$61.22
Mike Greco	Head Judge	\$135.00
Mary Ann Michaels	Election Judge	\$75.65
Rose Buchanger	Election Judge	\$73.96
Nanett Sandstrom	Expenses 3-1-2013 to 3-31-2013	\$113.72
USPS	Stamps	\$46.00
MN Department of Labor	State Surcharge 1 st Qtr 2013	\$5.25
Castle Rock Materials	Limestone	\$7,394.78
Nanett Sandstrom	Payroll Period 3-1-2013 to 3-31-2013	\$1,503.33
Linda Wilson	Payroll Period 3-1-2013 to 3-31-2013	<u>\$1,105.04</u>
Total Bills Presented		\$109,796.42

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

The following receipts were received in March:

- **Local Permits**

Whittaker Building- Application fee	\$25.00	James Schultz- Ag Preserves Application	\$25.00
One Hour Heating- Permit 13-003	\$70.00	Whittaker Building- Permit 13-03	\$783.32
Dakota Electric- Utility Permit 2013-3-14	\$25.00	Les Jones Roofing- ET13-004	\$105.00

• **Other Receipts**

Dakota County- 2012 Aggregate tax	\$17,820.65	Wally Bohrn – CD of Minutes	\$5.00
Terri Petter – CD of Minutes	\$5.00	Julie Larson – CD of Minutes	\$5.00
Mike Greco – CD of Mins/ 1 per month 2013	\$60.00	Castle Rock Bank- Interest CD	\$180.49
Nancy Sauber– CD of Mins/1per month 2013	\$50.00	Castle Rock Bank- Interest CD	\$242.55
Julie Larson– CD of Minutes	\$5.00	Castle Rock Bank- Interest Savings	\$1250.52
TOTAL RECEIPTS AS OF MARCH 31, 2013			\$20,657.53

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

A motion by Supervisor Kenny Miller: To accept the Disbursements and Receipts as presented. The motion was seconded by Supervisor Steve Madden. The motion carried by unanimous vote.

Pay-off Town Hall

At the Annual Town Meeting on March 12th the Town people voted to pay-off the Town Hall loan.

A motion by Supervisor Pete Storlie: To pay of the Town Hall with General Revenue Funds to be reimbursed by Levied Funds from 2013, once received. The balance will be from the General Revenue Fund. The payment will be made by electronic transfer, between the Savings Account and Town Hall Account at Castle Rock Bank. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Old Town Hall Property Deed

Cheryl Schindeldecker, a past Town Board member gave the Town Board with the deed for the Old Town Hall property. She had been given the deed for safe keeping in her safety deposit box by a past Town Clerk. She also gave the Town Board Bridge Easement Documents that have been properly recorded. The documents were turned over to the Clerk.

Contractor Time

Road Maintenance Contractor, Mark Henry was present to discuss road issues. Grading of the roads has taken place. They are holding up pretty good. Some wet spots are appearing. Old signs are being replaced by new signs that were purchased last fall.

Planning Commission, land use permits and related items

A. Permits

1. **Charles and Kathleen Kauffman** – 25506 Ipava Ave.- addition

Joe Reed, contractor was present representing the application. The Kauffman's are requesting to place a 1032 foot addition to the existing home, including a bedroom, bathroom and basement. The Planning Commission forwarded the permit application contingent on Septic Compliance. The septic is non compliant and needs to be replaced. Jerry Sauber, septic installer and Darrel Gilmer, Eureka Septic Inspector are working with the contractor on obtaining a septic permit.

A motion by Supervisor Kenny Miller: To approve the permit with the understanding that a septic permit will also be obtained. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The location new septic will be southwest of the current septic system.

B. Land Use & Zoning Issues

1. Terri Petter- 10132 235th St. W.- ag building

Terri Petter requested a zoning permit to construct a 3264 sq. ft. ag building to store feed for pigs. At this time, no electricity or heat will be in the building, the floor will be dirt. The location of the building meets current setback requirements in the Ordinance.

A motion by Supervisor Mark Ceminsky: To accept Terri Petter's application for a permit at site address of 10132 235th St. W. for an ag building for storage of hog food. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

A Planning Commission member needs to verify setbacks prior to construction of the building.

Monthly Budget

The Town Board reviewed the Monthly Budget. The Escrow Balances on the report were not correct. The Clerk was asked to check on these numbers. The Budget will be reviewed again later in the meeting.

Ordinance Enforcement 7:30 pm

Chief Deputy Tim Leslie was present to address Town Board questions relating to the JPA with the Sheriff Department. There has been a lot of feedback from citizens from the previous agreement that a lot of stuff was not enforceable. The biggest issues are with noise and nuisance.

Tim Leslie commented that he looked through the Noise Ordinances and it looks pretty solid. The Deputies should not have problems enforcing the Ordinance. They do need to witness the violation to take enforcement action.

Citizen that were present and had questions were asked to meet with the Sheriff Representative in the meeting room before leaving the meeting this evening.

The Dakota County Sheriff JPA was moved to Other Business

B. Land Use & Zoning Issues- continued

2. CUP Reviews

a. Mark Nelson- Airstrip

Mark was not present. His CUP review will be moved to the May Town Board meeting.

b. Glory to Glory Christian Center

No representative present. CUP review will be moved to the May Town Board meeting.

- c. Terri Petter- Spirit Ranch I & II, renewal of dog kennel license
Terri Petter was present for the review of the Spirit Ranch I & Spirit Ranch II. No complaints have been received relating to Spirit Ranch I & Spirit Ranch II. The floor was opened for public comments. There were none.

The Town Board acknowledged the yearly review of Spirit Ranch 1 and Spirit Ranch II and the Dog Kennel License with no public comment or questions.

3. Text Amendments

1. 200% Rule

The Town Board reviewed the Planning Commission's recommendation on the 200% Rule. Supervisor Mark Ceminsky commented that there was information that was allowed to be submitted at the Planning Commission meeting, Dakota County Ordinance 50, which was the ordinance they were copying for the 25% rule. The state regulations are also at 25%.

The Township Attorney commented that the 25% is not so much the problem. He suggested limiting the area of all the buildings in addition to the 25% of impervious surface.

Planning Commissioner Butch Hansen suggested a sliding scale according to acreage.

A motion by Supervisor Pete Storlie: To send back to the Planning Commission with direction given to Lu Barfknecht, Planning Commission liaison, Planning Commission member Butch Hansen and advice from the Township Attorney. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Planning Commission Member Candidate Interviews 8:00 pm

Three persons expressed interest on serving on the Planning Commission: Lu Barfknecht, Phil Cleminson and Heather Martin. The Town Board interviewed the two candidates that were present. They vote by ballot for the new member. Lu Barfknecht was elected to serve her second term on the Planning Commission.

2. Zoning Ordinance Amendment- Terri Petter

Terri Petter submitted a letter withdrawing her Zoning Ordinance Text Amendment application.

The Town Board discussed the Township taking on the drafting of a Text Amendment on allowing agri-tourism.

A motion by Supervisor Mark Ceminsky: To have the Planning Commission look at Agri-Tourism, possible Ordinance language, to get their input on what would work in the Township. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote by Supervisor Steve Madden.

- a. Citizen complaint on text amendment

Since Terri Petter withdrew her request, the vote on the text amendment doesn't matter. The Clerk was asked to send a letter to the citizen who made the complaint.

The Township attorney will help draft a clear policy, so recusal issue are not a problem in the future.

The Township attorney will also draft a clear policy on the process on allowing and submitting input for public hearings. It is important to fair and transparent.

He will have these documents ready for the Town Board, Planning Commission Roundtable on May 20, 2013.

Citizen Business

A. Brian Ahern- model airplane complaint

The Township Attorney drafted a memo to address the issue of Model Planes, whose wing spans reach 18 feet, flying out of a grass airstrip maintained by a Eureka homeowner.

The letter will be sent to the homeowner, stating the violation, asking him to contact the Township attorney to discuss a resolution. The Township attorney would report back to the Town Board and report what has been resolved, if anything. The Township attorney will draft a letter for Town Board review. The letter will be sent to the property owner prior to the next Town Board meeting. This item will be added to the May Town Board agenda.

B. Mike Mahoney complaint

Supervisor Brian Budenski reported that he is meeting with Brian Watson, Dakota County Soil and Water on Thursday. He has tried to contact Mahoney's but they have not returned his calls. This item will be added to the May Town Board agenda.

C. Terri Petter and Dan Storlie Complaint

The Township Attorney reviewed the complaint. He commented that discussion on the complaint was not proper at this time. No complaint has been filed against them as a Town. It is being requested that the Town Board file a complaint against them. If that is the case, it should be heard by a court of law, not the Town Board. His advice was that the Town Board should not act on the complaint.

Paula Callis, Attorney representing Eureka citizen's on Jersey Court asked how they get the Town Board to take action to enforce their ordinances. The Town Board will schedule a closed meeting with Township Attorney to discuss this matter.

D. Resolution proposal for County takeover of 245th St. W.

An updated Resolution was not received. Supervisor Brian Budenski will contact Mr. Kaufenberg to get a final draft of his proposed resolution. This item will be added to the May Town Board agenda.

Monthly Budget Continued

The Clerk presented a corrected copy of the monthly budget. The ending year balance on the Escrow Funds had not been carried forward.

Other Business

A. Quote for Gravel

Supervisor Kenny Miller recused himself from the Town Board on this matter, due to a conflict of interest. He is the owner/ operator of Eureka Sand and Gravel, one of the companies submitting quotes for gravel.

Two quotes were received for Class 5 gravel: Dakota Aggregates, delivered price at \$6.95/ton and Eureka Sand and Gravel, delivered price at \$6.98/ton.

Both submitters had persons in attendance to represent their quotes. Kenny Miller, owner operator of Eureka Sand and Gravel was asked if he was willing to drop his quote to \$6.95/ton. He was willing to match Dakota Aggregates quote. The Town Board discussed issues relating to gravel in the Township.

A motion by Supervisor Brian Budenski: To accept Eureka Sand & Gravel quote for Class 5 Gravel at \$6.95/ton. Motion seconded by Supervisor Mark Ceminsky for discussion. Vote was taken on the motion. The motion passed with one dissenting vote by Supervisor Pete Storlie.

Road Right-of Way Ordinance 8:30 pm

Drea Doffing, A Utility Engineer that works on Utility projects from start to finish including permitting process with cities and townships. Drea spoke on the benefits of having a Road Right-of-Way Ordinance. The permit fee helps protect the roads when large utilities use Township roads for heavy hauling. The proposed fee schedule is a standard fee schedule for many municipalities.

Quote for Limestone

One quote was received for Limestone from Castle Rock Materials, \$10.75/ton delivered.

A motion by Supervisor Brian Budenski: To approve the quote from Castle Rock Materials for \$10.75/ ton Class 5 Limestone. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Dust Control Quotes

Two quotes were received for Dust Control: Envirotech at .774/gallon for Magnesium Chloride and Quality Propane at .77/gallon Magnesium Chloride.

A motion by Supervisor Pete Storlie: To accept Quality Propane quote for dust control at .77/gallon applied. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

C. Street Sweeping Quotes

One quote was received for Street Sweeping: Reliakor at \$102.16 /hour.

A motion by Supervisor Mark Ceminsky: To accept Reliakor as the street sweeper. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

D. Ditch Mowing Quotes

Two quotes were received for Ditch Mowing: Anderson Bobcat Services at \$37.50/mile and Dale Kuchinka at \$35.00/mile.

A motion by Supervisor Brian Budenski: To approve the Ditch Mowing Quote from Dale Kuchinka for 40 miles at \$35/mile. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

At 9:09 pm the Town Board took a short recess.

E. Driveway Fee Schedule Ordinance

A motion by Supervisor Pete Storlie: To accept Ordinance 2013-01 An Ordinance amending Town Ordinance 7, Fee F. Motion seconded by Supervisor Mark Ceminsky. Motion carried with one dissenting vote by Supervisor Steve Madden.

F. Preserving Old Record Books

The Historical Society has a process for preserving old records. Further research is needed. This item will be added to the May Town Board agenda.

G. Planning Commission Update

Lu Barfknecht was present as liaison from the Planning Commission meeting. They are looking at Roundtable agenda items. She will take the 200% Rule and Ag Tourism back to the Planning Commission for discussion.

H. Newsletter

Jody Arman-Jones, editor of the Eureka Newsletter was present to discuss content of the next Newsletter.

I. Road Right-of-Way and Large Utility Projects impacting Township Right-of-Ways

Road Right of Ways

Road Right-of-Ways- The Township attorney commented that the Resolution creating the Township Road Right-of-way needs to be recorded in the Dakota County Recorder's Office. He recommended retaining an abstract, to review the records to verify what Road Right-of-Ways have been recorded. Any that has not been recorded that the Township adopts a Resolution adopting those Road Right-of-Ways in the near future. The Resolution should be recorded, so the roads are legal. As long as you retain the road you have the right to do so. (this is under the exception to the statute) It would be better to pass the proper resolution and record it, to verify legal rights to maintain the roads.

The Township could pass a Township Resolution adopting the complete road system. To do this the township would need to determine what roads it has, what section they are located in, if they are on the section line, half section or quarter section line and provide a legal description of the road. This resolution would need to be adopted and recorded. The Resolution would indicate that the township has been maintaining the roads for at least 6 years. This would not automatically give the township a 66 foot Road Right-of-Way. You still only have the amount Road Right-of-Way that you maintain.

A map could also be prepared and recorded or a combination of both.

A motion by Supervisor Mark Ceminsky: To move forward on Registering Township Roads with the County, through Dakota County Title as recommended by the Township Attorney. Motion seconded by Supervisor Kenny Miller, with a friendly amendment to check on costs first. Supervisor Mark Ceminsky accepted the friendly amendment. The Township Attorney will obtain complete price quotes. Motion carried by unanimous vote.

Large Utility Projects impacting Township Right-of-Ways

A draft Ordinance Regulating Township Road Right-of-Ways and Large Utility Projects Impacting Township Right-of-Ways was presented to the Town Board for their consideration.

Ordinance 7, Chapter 2 Fees, W. Utility, Excavation, or Roadway Obstruction Permits will be amended and Ordinance 4, Chapter 3 Utility Installation, Section 1.

A motion by Supervisor Mark Ceminsky: To take the Ordinance Regulating Township Road Right-of-Ways and Large Utility Projects Impacting Township Right-of-Ways as drafted and use it to amend Ordinance 4, Chapter 3, Section 1. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: To amend Ordinance 7, Chapter 2, Established Fees, W., to amend W. with the 2013 FEE SCHEDULE, RIGHT-OF-WAY FEE WORKSHEET-LOCAL/LARGE/PUC/PIPELINE UTILITY PROVIDERS, a three page document as presented. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: To accept the permit applications, one for Local Utility Providers and one for Large Utility/PUC/Pipeline Utility Projects as applications for Road Right-of-Way permits. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

J. Zoning Administrator Hours

The Town Board discussed adding hours for the Township Office to be open and or adding additional hours for her to work. Employee review is scheduled for next week. This will be discussed at the Employee Review.

K. Reorganizational Meeting

1. Township Financial Reporting Form- Audit

The Township Financial Reporting Form has been submitted to the State Auditor's Office by the Audit firm. The Clerk has submitted the State Auditor Data File electronically to the State Auditor's Office as required.

Supervisor Mark Ceminsky asked for clarification on the audit. The Clerk was asked to contact the audit firm to get answers for his questions. This item will be added to the agenda in May.

2. Attorney review date and closed meeting on Terri Petter issues.

The Township attorney will check with Paul Reuvers on a date for the review and meetings.

3. **Code Book**

The Clerk commented that the Ordinances need to be better organized in the Code Book. Attorney Jerry Filla will assist the Clerk on updating the Code Book.

L. Ag Permits & Ag Permit Cards

Ag Permits

The Town Board discussed making Ag Exempt permits over-the-counter permits.

A motion by Supervisor Pete Storlie: To send the Agricultural Building Permit Application to the Planning Commission to turn the process into an over-the-counter permit. Motion seconded by Supervisor Mark Ceminsky for discussion.

Guidelines: Ag Building Permit process becomes an Over-the-counter permit. The application would include all the required benchmarks, ie. Vermillion Watershed, Shoreland letter, setback measured, etc. The fees can also be reviewed as part of the process. Vote was taken on the motion. Motion carried by unanimous vote.

Ag Permit Cards

A draft of a Permit card to be issued when an Agriculture Permit is issued was presented to the Town Board for their consideration.

A motion by Supervisor Mark Ceminsky: To forward the Permit Card, along with the Agricultural Permit Application to the Planning Commission to get their consensus on it. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

M. Dakota County Sheriff JPA

A final draft of the Dakota County Sheriff Agreement was presented to the Town Board for their consideration. The Attorney will make a few noted corrections to the agreement. A clean copy will be presented, to be adopted at the May Town Board meeting.

N. Building Official Issuing citations

Supervisor Steve Madden commented that he does not feel that the Building Official should have the authority to write citations. He should only be able to write citations with permission of a Town Board Supervisor or a vote from the Town Board.

The only citations he has written have been directed by the Town Board. He has the authority to write Building Code Citations. The Building Inspector Supervisors have been working on a putting a policy in place for contacting the township.

Old Business

A. Misc. Updates

1. Liane- Move-in Building permit

This item was placed on the April agenda from last year. Scott Qualle will be asked to send Mr. Liane a letter letting him know that he needs to obtain a permit, pay the penalty and get it inspected.

2. Septic Non-compliance citations

This item was placed on the agenda for the April meeting from last year. The Building Official has the authority and forms to send the citations. The Clerk will check the most recent non pump list for updates before sending the list for citations to the Building Inspector.

3. Transfer of Building Rights- Phase 2

The Towns people at the Annual Meeting voted to move forward with Phase 2 on the Transfer of Building Rights. The current members of the Task Force will be asked to continue onto Phase 2. They are looking at 4-5 months to complete the process.

A motion by Supervisor Kenny Miller: To authorize the Transfer of Building Rights Committee to use Kelly and Lemmons to draft the Ordinance change with oversight by the Board. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

4. Met Council Lift Station Landscaping Plan

Since it is spring, Supervisor Pete Storlie will be in contact with the Met Council on updating their Landscaping plan at the Lift Station.

Minutes

A. Town Board Meeting of March 11, 2013

The following corrections were made to the March 11, 2013 Town Board Meeting Minutes: Page 5- C.2. Kenny Miller made the motion, Steve Madden seconded the motion. Page 6- Building Inspector, Sentence to read: ... "have not heard back on the information requested."

A motion by Supervisor Pete Storlie: To approve the Eureka Town Board Minutes of March 11, 2013, as amended. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

B. Board of Canvass March 14, 2013

A motion by Supervisor Brian Budenski: To approve the Board of Canvass of March 14, 2013 as presented. Motion seconded by Supervisor Mark Ceminsky. Supervisor Kenny Miller and Supervisor Pete Storlie abstained from voting on the motion, they were not present at the meeting. Motion carried by unanimous vote of Supervisors voting.

C. Reorganizational Meeting Minutes March 25, 2013

A motion by Supervisor Brian Budenski: To approve the Reorganizational Meeting of March 25, 2013. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

New Business

A. Silver Cycling

Silver cycling asked to use the Town Hall parking lot for upcoming events. Calendars of the events along with Insurance Certificates were presented.

A motion by Supervisor Kenny Miller: To approve the use, with the dates on the flyer. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Town Hall Storage Building

Supervisor Mark Ceminsky recused himself from discussion on the Town Hall Storage Building, because he is a bidder on the project.

Supervisor Pete Storlie proposed moving forward with the plan to build the garage. A three member committee to include: John Storlie, Butch Hansen and Kenny Miller. A plan will be draft and brought to the May Town Board meeting for Boards approval before moving forward.

C. Eureka Sand & Gravel/ Windmill

The CapX power line is going across the back of the Windmill property, owned by Kenny Miller. They are using the back of his property for storage of poles and pipes. They have the authority to do so as a utility company. They have asked that Kenny lease part of his front property for an office trailer, employee parking and equipment parking. A similar accessory use was approved by the Town Board March 10, 2008. Kenny was asking for an accessory use of his gravel permit to allow for the utility company use. Berms will be constructed along the eastern edge of the property. Kenny Miller will be responsible for any issues that may come up with the use of his property. They will operate under current mining hours.

A motion by Supervisor Brian Budenski: To grant CapX2020 the use of Kenny Miller's, Windmill Mine as a lay down yard for 12 months and that Mr. Miller will be held accountable for any issues that might come up concerning the temporary use of his property. Supervisor Mark Ceminsky offered a friendly amendment: That they are responsible to obtain any permits that are required for their move in trailer or trailer offices. Supervisor Brian Budenski accepted the amendment. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Clerk / Treasurer Presentation

A. Refund Request Text Amendment Application- Terri Petter

The Clerk asked for clarification on the Terri Petter withdrawal of the Text amendment application. Ms. Petter asked for the application fees to be refunded. If there are any remaining escrow funds, they will be returned.

B. Lawn Mowing Quotes

The lawn mowing quotes will be obtained and will be awarded at the May Town Board meeting.

A motion by Supervisor Steve Madden: To adjourn. Motion seconded by Supervisor Mark Ceminsky.

The Meeting adjourned at 11:08 p.m.