

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of May 13, 2013

Call to Order

Chair Pete Storlie called the May 13, 2013, Eureka Town Board meeting to order at 7:04 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Steve Madden, and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Allen Novacek was present as Planning Commission Liaison and Township Attorney Chad Lemmons was present. See attached attendance sheet for additional persons in attendance.

Supervisor Brian Budenski arrived at 8:35 pm.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Moved Transfer Task Force- Jeff Otto up on the agenda, after Lawn Mowing Quotes, scheduled for 8:00 pm.

A motion by Supervisor Pete Storlie: To approve the amended agenda. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

The stop sign at Highview and 250th St, to the south is lying in the ditch. The Road Supervisors and Road Contractor are aware of this. It was determined that the sign is a Dakota County sign, they will be contacted.

Treasurer's Report

Checking Account Balance: \$2,042.54. Outstanding Checks \$73.96. Savings Account Balance: \$335,949.56. CD Account Balances: \$70,411.48. The Ledger Balance is \$408,329.62.

A motion by Supervisor Pete Storlie: To accept the Treasurer's Report for May 13th. The motion was seconded by Supervisor Steve Madden. 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 4/30/2013	\$13,262.50
MNSPECT	Inspection Service – April 2013	\$1,705.19
Dakota Electric Association	Town Hall Electric	\$115.57
Frontier Communications	Phone Service Town Hall	\$129.90
Dick's Sanitation	Garbage Service Town Hall-May 2013	\$50.83
Culligan	Water Softener Service	\$23.51

Kelly & Lemmons	Service thru 4/30/2013	\$2,256.18
T&C Commercial Cleaning	Clean Town Hall April 2013	\$53.56
ECM Publishers	Legal Ads	\$363.00
Castle Rock Materials	Limestone	\$4,838.90
Eureka Sand & Gravel	Class 5	\$321.74
Victor Lundeen	CTAS Checks	\$380.21
Goldmine Dezine	Newsletter	\$183.18
TKDA	Transfer Task Force Study	\$3,698.62
City of Farmington	Fire Contract 1 st Qtr 2013	\$7,455.25
Ace Hardware	Town Hall Supplies	\$10.66
Mark Ceminsky	Expenses	\$119.87
Les Jones Roofing	Refund Permit 13-004	\$65.58
Linda Wilson	Reimbursements	\$144.98
Nanett Sandstrom	Expenses	\$40.13
IRS	May Deposit	\$539.51
PERA	Payroll Period 4-1-2013 to 4-30-2013	\$330.03
Nanett Sandstrom	Payroll Period 4-1-2013 to 4-30-2013	\$1,076.37
Linda Wilson	Payroll Period 4-1-2013 to 4-30-2013	<u>\$777.37</u>
Total Bills Presented		\$37,942.64

Some of Henry's Excavating bill will be distributed from the FEMA account.

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

The following receipts were received in April:

• **Local Permits**

R.J. Daughters- Application fee	\$25.00	K Michael Homes- Application Fee	\$25.00
Terri Petter- CUP Reviews and Dog Kennel	\$130.00	Nicholas Hasking Homes- Application Fee	\$25.00
Better Air- Permit ET13-005	\$95.00	RJ Daughters- Permit 13-05	\$2,292.69
Thomas DePottey- ET13-005	\$105.00		

• **Other Receipts**

Terri Petter – CD of Minutes	\$5.00	Gloria Belzer – CD of Minutes	\$5.00
Gloria Belzer – CD of Minutes	\$5.00		

TOTAL RECEIPTS AS OF APRIL 30, 2013 **\$2,712.69**

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

A motion by Supervisor Pete Storlie: To approve the remainder of the financials. The motion was seconded by Supervisor Mark Ceminsky. The motion carried by unanimous vote.

Budget

The Town Board reviewed the budget.

Planning Commission, land use permits and related items

A. Permits

1. **James Seilner** – 26250 Ipava Ave.- 4 season porch

James Seilner submitted a permit application for a 300 sq. ft. 4 season porch. A permit was not required from the VRWJPO.

A motion by Supervisor Mark Ceminsky: To approve the building permit for 26250 Ipava Ave for the 4 season addition on posts and footings as stated. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

2. **Nicolas Hosking**- 24240 Idalia Ave- pole building

Nick Hosking submitted an application for a 36'x48' pole shed. A permit was not required from the VRWJPO. A driveway permit has been issued for the project.

A motion by Supervisor Mark Ceminsky: To approve the building permit for an accessory pole building at 24240 Idalia Ave., Property Id 132466004040 as applied for under the building permit. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

Met Council- Lift Station Landscape Plan 7:30 pm

Jeff Schwarz, Project Manager, Met Council on Landscaping Plan was present to discuss the newly proposed landscape plan for the MCES Lift station L79 in Eureka Township (235th St and Dodd Blvd)

The original plantings failed due to lack of maintenance and incorrect type of seeding. They are looking at installing new plantings that are more robust and low maintenance that will provide screening of the lift station from the road. They are looking at planting prairie type grass and replace the shrubs with arborvitae type trees. (10 trees) Maintenance of the prairie grass includes spraying non-native plants and burning every three years.

Dakota County is widening Dodd Blvd. The Town Board suggested that they contact the County on site lines before completing the project. The Town Board was more concerned with screening the generator than the building itself. They also felt that Black Spruce placed on the side of the berm would be a better choice than arborvitae placed on the top of the berm.

Jeff Schwarz will email the Clerk updated information, which will be distributed to the Town Board, if needed this item will be added to the June Town Board meeting.

B. Contractor Time

Road Maintenance Contractor, Mark Henry was present to discuss road issues. Grading and graveling of roads are taking place. Dustcoating will be applied once roads are set up, graded and graveled.

There has been a lot of dumping in Township ditches. The Township is working with Dakota County Sheriff Department in trying to identify garbage and prosecute those responsible.

A citizen commented that trucks from Country Stone are using 225th Street. He was asked to contact Road Supervisor Mark Ceminsky when this activity is taking place.

Planning Commission, land use permits and related items- continued

3. **Christine Coe and James Fraser- 8999 267th St. W.**

Christine Coe and James Fraser submitted an application for a new 2,004 sq. ft. single family home with an attached garage to be located at 8999 267th St. W. A permit was not required from the VRWJPO. Demolition permit 13-06 has been issued for the existing home. A new septic system is being installed. The 2 lots have been combined to meet the minimum lot size requirements.

A motion by Supervisor Kenny Miller: To approve the building permit for Property ID 130290076011, site address: 8999 267th St. W. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. CUP Reviews

1. **Mark Nelson- 5525 265th St. W.**

Mark Nelson was present for renewal of his airstrip located at 5525 265th St. W. There were no public comments.

A motion by Supervisor Kenny Miller: The Town Board reviewed the Conditional Use Permit for Mark Nelson for his personal use airstrip. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote. The \$15 Review Fee was paid to the Clerk.

2. **Glory to Glory Christian Center- 25170 Dodd Blvd**

Dave Engelmann was present to represent Glory to Glory Christian Centers CUP review. No complaints were received on the facility over the past year. There were no citizen comments. Proof of compliance with all applicable Minnesota state reporting requirements for non-public schools for the preceding school year was received by the Clerk.

A motion by Supervisor Kenny Miller: To accept the review of the Conditional Use permit, the compliance data of the school, no complaints were received. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote. The \$25 Review Fee was paid to the Clerk.

Lawn Mowing Quotes 8:00 pm

One lawn mowing quote was received from Clark's Lawn Service. Scott Clark was present to answer Town Board questions. The quote was for \$110 per mowing. The quote did not include spring or fall clean up.

A motion by Supervisor Mark Ceminsky: To accept the quote for charges of mowing per month from Clark's Lawn Service. Motion seconded by Supervisor Kenny Miller for discussion.

Trimming shrubs, bushes and removal of debris is \$60 per hour.

Supervisor Mark Ceminsky amended his motion to also include \$60 per hour plus materials for trimming, yard repair, landscaping maintenance that is authorized. Supervisor Kenny Miller seconded the amendment. Vote was taken on the amended motion. Motion carried by unanimous vote.

Transfer Task Force- Jeff Otto

Jeff Otto presented the Town Board with draft Ordinance Text Amendment Language as prepared by the Transfer Task Force and Township Attorney Jerry Filla's comments on the proposed language. Town Board reviewed and discussed the submitted documents.

A motion by Supervisor Kenny Miller: To accept the document as prepared by the Task Force and attorney and for the Planning Commission to set a date for the public hearing. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

The Planning Commission needs to verify the public hearing date with the Clerk.

Citizen Business

A. Brian Ahern- model airplane complaint

Supervisor Steve Madden has been in contact with the AMA, he is working on getting guidelines.

A motion by Supervisor Kenny Miller: To have the Township Attorney Chad Lemmons draft a model letter directing the landowner as to his responsibilities to be reviewed by the Town Board prior to it being sent. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote. The letter will be drafted by the end of the week. If a special meeting is called prior to the next regular scheduled meeting, this item will be placed on the Special Meeting Agenda.

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

Supervisor Brian Budenski went over the Resolution language with Ray Kaufenberg. The Clerk made copies of the draft resolution for Board review. This item continued later in the agenda.

C. Terri Petter Exotic Animals

Attorney Chad Lemmons commented that Trevor had looked at this issue as a Fur Farm. Under State Statute a Fur Farm is an Agricultural purpose. Under the Statute 17.351, subdivision 4. fur bearing animals have a specific definition. ("Fur-bearing animal" means a fox, mink, fitch, chinchilla, karakul, marten, nutria, or fisher that is the second or later generation raised in captivity.) Fur bearing animals governed under the statute would be legal. Any other animal keep would not be a fur farming operation.

Attorney Chad Lemmons commented that it is not wise for the Town Board to be dealing with this issue at this time because of the litigation, that Terri Petter is harboring exotic animals. This issue should be discussed in closed session with Attorney Paul Reuvers.

A motion by Supervisor Mark Ceminsky: To set a date for a closed meeting to discuss this issue. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote.

D. Citizen comments and complaint- 235th St & Brosseth Pit (off of Dodd Blvd)

Hauling in and disposing gravel into the Kelly Pit- The citizen questioned if they have permission to haul gravel into the pit. Has the materials being brought in been checked. Are they allowed to do this?

Weight Restriction signs on 225th- Citizen recommended no trucks- local delivery only. The Town Board has discussed placing signs on the roads, but they have not made a final decision on what signs to purchase and install.

A motion by Supervisor Pete Storlie: To authorize Road Supervisor Mark Ceminsky to revive the list of weight restriction signs, to order the signs and have them installed. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Berm around gravel pit- The citizen asked if the 2nd berm is supposed to be completed prior to work is done or completed as they progress. Is anyone checking that the berm is being worked on or is high enough? He is hearing a lot more noise than before. This will be checked on by a Town Board Supervisor.

Notification of meetings for building or CUP permits to be expanded to 2 miles- The citizen asked that the notification policy be amended to include a larger area.

Wedding outdoors June 1, 2013- asked that the gravel pit does not operate that date. Confirmation was received from Pat Mason, Ames Construction that the pit will not operate on this date.

Other Business

A. Joint Powers Agreement Sheriff

A motion by Supervisor Pete Storlie: To call for a Resolution to adopt the amended Joint Powers Agreement between Eureka Township and the County of Dakota for Enforcement of Local Ordinances and directing himself to sign it. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

B. Planning Commission Update

Chris Nielsen Sign Permit- Mr. Nielsen was not present. The Planning Commission had questions about sign placement, setback and materials used. The sign is on a mobile unit that is licensed. There may be a 60 day clause. Planning Commission sent this item back to the Town Board.

Residential Building Lots- possible conflict in Ordinance preventing grand-gathering rights and wording of substandard lots.

Public Hearing for TDR- tentatively set for June 3, 2013 at 8:00 pm

Ag Building card- was discussed to add: VRWJPO letter sign off and Shoreland.

200% Rule- 2 documents were submitted for possible ordinance language or concerns.

C. Agri-Tourism

The Planning Commission felt a task force should be put together. Is this change needed for an Apple Orchard to operate?

Attorney Chad Lemmons commented that tours would need to be part of a standard Agricultural Operation. Agricultural Operations are permitted. (Raising apples) It is a good idea to clarify now what is being allowed or not under agri-tourism. Corn maze- is this part of an agricultural operation?

The Town Board discussed the need for an Ag-Tourism Ordinance text amendment. The Text Amendment would protect and be fair for the entire Township.

Ag-Tourism and 200% Rule will be added to the Roundtable meeting agenda to discuss the process on moving forward.

D. 200% Ordinance

Added to the Roundtable meeting agenda

E. Preserving Old Record Books

Supervisor Mark Ceminsky reported that there are limited firms that deal with old records. Supervisor Mark Ceminsky will proceed with obtaining a quote on costs. This item will be added to the July agenda.

F. Audit Questions

Response to the audit questions asked at the April Town Board meeting was distributed to the Town Board. There were no further questions.

G. Town Hall Storage Building

Moved to July 8, 2013 Town Board meeting

H. DNR Bridge & Culvert Permits

The DNR has voided the existing permit. They have created a new permit. For each use it will cost the Township \$100.

I. Quit Claim Deed- Denmark Ave- Dakota County

Attorney Chad Lemmons reviewed the Quit Claim Deed and made some modifications. It is a Resolution Transferring the Easement Rights to Dakota County.

A motion by Supervisor Kenny Miller: To create a Resolution directing Chair Pete Storlie and Clerk Nanett Sandstrom to sign the Quit Claim Deed conveying the Township rights to Denmark Ave to Dakota County in the Deed attached hereto. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Attorney Chad Lemmons will set up framework for a New Agreement with Castle Rock on sharing the remaining portion of Denmark Ave.

J. CapX2020

The Township met with Stan Tessmer, Project Manager for CAPX2020 in a Special Meeting May 8, 2013. The Fee schedule was discussed at the meeting.

Condemnation Filing, Great River Energy- The Town Board discussed the filing with the Township Attorney. Attorney Chad Lemons will take a closer look at the petition to see what their intent is in dealing with Town roads.

Resolution 2013-04 proposal for County takeover of 245th St. W.- continued

A motion by Supervisor Kenny Miller: To pass the Resolution with the amendments that is hand written in. Motion seconded by Supervisor Brian Budenski. Supervisor Brian Budenski offered a friendly amendment that the document will be retyped and cleaned up. Supervisor Kenny Miller accepted the amendment. Vote was taken on the amended motion. Motion carried by unanimous vote.

Minutes

A. Town Board Meeting of April 8, 2013

A motion by Supervisor Steve Madden: To accept the Minutes. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Special Town Board Meeting of April 16, 2013

A motion by Supervisor Mark Ceminsky: To approve the minutes of April 16th. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

C. Special Town Board Meeting May 8, 2013

A motion by Supervisor Steve Madden: To accept the minutes. Motion seconded by Supervisor Kenny Miller. Supervisor Brian Budenski abstained from voting, he was not present at the meeting. Motion carried by unanimous vote of Supervisors voting.

Old Business

A. Misc. Updates

1. Non Pump Septics.

Notices went out from the Building Inspector. Citations will be issued for remaining non-compliant septics.

2. Liane- Move-in Building Permit

The Town Board discussed whether to move forward with taking action on this issue. It was Board consensus to not press the issue at this time.

3. Mike Mahoney complaint follow-up

Supervisor Brian Budenski stopped in and visited with Mrs. Mahoney. Mike will be out of Town for another 6 months. He has not finished cleaning up the property. Information on this complaint will be sent to the Township Attorney and he will draft a letter to be sent to Mr. Mahoney.

4. Chris Nielsen- sign permit

The signed application was dated 2-7-2013. If this is a zoning application a 60 Day Rule may apply. Chris Nielsen told the Zoning Administrator that he was not going to proceed with the application. No formal withdrawal has been submitted.

Claims List and Treasurer Report Correction

The Clerk found an error in the PERA Payment approved in the Claims List. The correct amount owed is \$330.03. The corrected Total Claims submitted is \$36,088.90. Total Disbursements for May 2013 is \$37,942.64.

A motion by Supervisor Pete Storlie: To accept the approved treasurers Report for May 13, 2013 and amended Claims List for may 13th. Motion seconded by Supervisor Steve Madden. Role call vote was taken on the motion. Brian Budenski-aye; Kenny Miller- aye; Pete Storlie- aye, Mark Ceminsky-aye; and Steve Madden-aye. Motion carried by unanimous vote.

Clerk / Treasurer Presentation

Non Compliant Septics- The Clerk received the new non compliant septic list from Dakota County. 1st non-compliant letters will be sent out to all non compliant septic owners on this list.

Closed Meeting Date- Terri Petter Lawsuit

Doodle poll will be sent out for the closed meeting date. The airplane complaint letter will be added to the agenda.

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

The Meeting adjourned at 10:52 p.m.