

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of May 14, 2012

Call to Order

Chair Brian Budenski called the May 14, 2012, Eureka Town Board meeting to order at 7:07 p.m. Members present were Supervisors Brian Budenski, Pete Storlie, Mark Ceminsky, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes, Attorney Trevor Oliver and Butch Hansen 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:

Other Business Otte Workman's Comp Claim
 Northfield Ambulance meeting

Planning Commission Update- after CUP Reviews

A motion by Supervisor Brian Budenski: To approve the agenda of May 14, 2012, as amended. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Public Comment Period

Katrina Larson presented the Town Board with MNSPECT's evaluation for her building permit and an evaluation calculated by the Minnesota Department of Industries. She does not feel that the Building Inspector is using the schedule adopted by the Township for calculating building permits. Supervisor Pete Storlie offered to talk with the Building Inspector and report back at the June Town Board meeting.

Nancy Sauber complemented the Road Contractor on recent road work and application of dust control. She also asked if the Town Board has communicated with Country Stone about the 3 dead trees and one missing tree on their berm. According to their Settlement Agreement, they are to maintain the berm.

Treasurer's Report

Checking Account Balance: \$1,733.73. Outstanding Checks \$340.00. Savings Account Balance: \$362,916.67. CD Account Balances: \$67,814.65. The Ledger Balance is \$432,125.05.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report of May 14, 2012, as stated. 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.

Bills and Receipts

The Clerk presented the following bills for payment:

Henry's Excavating	Road maintenance thru 4/30/2012	\$4,769.50
MNSPECT	Inspection Service – April 2012	\$3,023.74
Dakota Electric Association	Town Hall Electric	\$100.20
Frontier Communications	Phone Service Town Hall	\$113.88
Dick's Sanitation	Garbage Service Town Hall- March 2012	\$48.17
T & C Commercial Cleaning	Clean Town Hall – March 2012	\$42.85
Kelly & Lemmons	Legal Services thru 3/31/2012	\$1,568.89
PERA	Payroll Period 4/1/2012 to 4/30/2012	\$269.44
ECM Publishers	Legal Ads	\$217.00
Sun Newspaper	Legal Ads	\$195.00
M&R Sign	RASP Signs	\$162.87
Clarks Lawn Service	Mowing- April	\$351.45
Gold Mine Dezine	Newsletter	\$176.76
Nanett Sandstrom	Clerk Payroll 4/1/2012 to 4/30/2012	\$1,449.45
Mark Ceminsky	MAT Training & mileage	\$116.60
Steve Madden	MAT Training	\$50.00
IRS	May 2012 Deposit	\$483.00
Nanett Sandstrom	Expenses 4-1-2012 to 4-30-2012	\$50.38
Quality Propane	Dust Control	\$11,040.00
Katrina Larson	Building Permit 12-02 refund	<u>\$106.39</u>
Total Bills Presented		\$24,335.57

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

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 following receipts were received in April:

- **Local Permits**

Sauber Plumbing- Septic Permit 12-04-10	\$280.00	Bakken Excavating- Septic Permit 12-04-11	\$280.00
Glory to Glory- CUP Review	\$25.00	Julie Larson- Copies of Documents	\$2.00
Mary Ann Boyum- Application Fee	\$25.00	Bob Donnolly- Utility Permit	\$25.00
Katrina Larson- Permits – New Home	\$5,165.50		

- **Other Receipts**

Country Stone – 2011 Road Maintenance	\$2,500.00	Anthony Sloan- Envisioning Report	\$23.00
Dakota County – CCD Payment	\$18,316.21		

TOTAL RECEIPTS AS OF April 30, 2012 **\$26,641.71**

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

Monthly Budget

The Town Board reviewed the Monthly Budget.

Outstanding Invoices

The Town Board reviewed the outstanding Invoices.

Open Building Inspection Permits

The Town Board reviewed the open Building Permits report. The Building inspector answered Town Board questions on the report. This report will be reviewed monthly.

Ag Preserves

- 1. Allen Storlie-** 6987 255th St. W. requested to move 3 parcels: 130150026011 consisting of 40.22 acres, 130150026012 consisting of 40.2 acres and 130150050018 consisting of 26.79 acres from Green Acres into Ag Preserves.
- 2. Calvin & Margaret Pflaum-** 5780 225th St. W. and **Mark & Jessica Pflaum-** 6100 225th St. W. was before the Town Board to re-enroll Parcel 130030001075 consisting of 81.22 acres into Ag Preserves.
- 3. Harold Laursen-** 24644 Essex Ave requested to move Parcel 130130050010 consisting of 158.58 acres from Green Acres into Ag Preserves.
- 4. Delano and Jennifer Tonsager-** 26301 Galaxie Ave requested to move 3 parcels: 130270026011 consisting of 11.04 acres, 130270025011 consisting of 5.52 acres and 130220052011 consisting of 73.92 acres from Green Acres into Ag Preserves.

The Town Board acknowledged the four requests from the above listed applicants to place the above described properties into Ag Preserves. The application forms were signed by the Chair and notarized by the Clerk.

Contractor Time

1. Graveling

Graveling of Township roads will start this week. The main repairs will be on Highview, Ipava and Denmark, 247th St- east of Cedar, and Fairgreen. Dust coating will be applied to these roads once graveling is completed. There are also plans for spot graveling throughout the Township. They are looking at widening 235th St. at the narrow section (about 600 feet north side of the creek) so the road is a consistent width.

2. Culvert Repairs

There are a few collapsed culverts that need to be repaired. The culverts at Chub Lake were cleaned out before the last heavy rain and are working well.

3. Tree Trimming

There are plans for brush and tree trimming control for sightlines.

4. Right-of-Way for Township Roads

The attorney drafted a memo addressing Right-of-Way for Town Roads. The Town Board discussed the document with the attorney. The document outlines This document will be placed with other Township Policies for future reference.

Planning Commission, Land Use Permits and Related Items

A. CUP Reviews

1. Mark Nelson - 5255 265th St. W.

Mark Nelson was present for the review on his airstrip located at 5255 265th St. W. The floor was opened for public comment. There were no public comments. The annual fee of \$15 was paid.

The clerk realized that the post office box had not been checked for mail. The opening of the gravel bids were delayed until the post office box could be checked for additional submitted bids.

Planning Commission Update

Butch Hansen was present as Planning Commission liaison. They are working on the Road Haul Ordinance, preparing it for a Public Hearing. The Town Board briefly discussed content of the road Haul Ordinance. Liaisons to the Board were selected and training was discussed.

A. CUP Reviews- continued

2. Spirit Ranch I & II – 24005 Dodd Blvd & 10132 235th St. W.

Terri Petter was present for the review of Spirit Ranch I & II. The Township attorney was contacted and had sent the Town Board a memo addressing their questions on the CUP. In 2003 Spirit Ranch I & II were both permitted for the same use. It was determined that the Certification of the CUP sent to the Dakota County Recorder's Office December 4, 2007 reflected what was stated in the minutes, but not the uses stated on Conditional Use Permits No.122 Issued to Spirit Ranch I and No. 123 issued to Spirit Ranch II on April 14, 2003.

The floor was opened for public comment. There was none. The Cup Review was paid to the Clerk and Terri also renewed her kennel permit located at 24005 Dodd Blvd.

At 8:21 pm the Town Board took a short recess.

B. Land and Use & Zoning Issues

1. Madden Mine/ Friedges

Supervisor Steve Madden is the seller of the Madden Mine. He recused himself from discussion and voting on the request to transfer the CUP on the mining operation to a new owner.

Peggy Madden asked the Town Board some questions on the CUP and the proposed mining operation. The issues raised will be addressed as part of the conditions on the permit.

The facility described in Ordinance 6 under Pre-Existing Mineral Extraction Facilities is not the entire property boundary. It doesn't fit the mining area and hasn't for 15 years or longer. The mining has taken place around the described area.

Supervisor Kenny Miller recused himself from the Town Board for discussion on the past mining operation. Kenny Miller is the owner/ operator of Eureka Sand & Gravel, the company the

operated the Madden pit. Kenny commented that the expansion of the original permit was done on a yearly basis at the annual review with Town Board knowledge.

The property consists of 27.26 acres. The area left to be mined consists of 5-6 acres. There are approximately 120,000 to 175,000 yard of remaining material to be removed. There is also a berm of black dirt that was moved onto the property that could be sold. A reclamation plan was submitted showing the area to be mined. The property will be returned to farmland. A business plan was also submitted. It included proposed hours of operation. Mr. Friedges commented that he would be open to shorter hours of operation than proposed.

The Town Board determined that the Pre-Existing mine consists of the property boundaries rather than the legal description for Facility No. 4 in Ordinance 6. The property can continue to be mined under conditions set forth in Chapter 13, Pre-Existing Mineral Extraction Facilities.

A motion by Supervisor Brian Budenski: To approve the transfer of the Madden Pit to Friedges Landscaping as a Pre-Existing Mineral Extraction Facility No. 4. Review of the Business Plan and possibly approval of the permit will take place at the June 11, 2012 Town Board Meeting. Motion seconded by Supervisor Pete Storlie. Discussion on the motion took place.

Supervisor Pete Storlie offered a friendly amendment: that the Conditions will not be open ended, but limited to what is outlined in the ordinance. They will include citizen concerns such as hours of operation, dust control, safety, fencing, and black dirt re-use. Supervisor Brian Budenski accepted the amendment. Vote was taken on the motion. The motion carried by unanimous vote.

Supervisor Brian Budenski will meet with Mr. Friedges to work on details of the permit.

Other Business

A. Gravel Bids

The Clerk received two bids for Class 5 Road Gravel:

Eureka Sand and Gravel Bid \$7.65/ ton

Dakota Aggregate Bid \$7.00/ ton

One bid was received for Limestone:

Castle Rock Materials bid \$10.50/ ton.

Supervisor Kenny Miller recused himself from the Town Board on awarding the gravel bids.

A motion by Supervisor Brian Budenski: To approve Castle Rock Materials limestone bid of \$10.50. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: To accept the bid from Dakota Aggregates at a price of \$7.00/ ton delivered for class 5 modified gravel. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Road Committee appointments

Butch Hansen from the Planning Commission offered to be on the Road committee. No citizens have stepped forward.

C. Meeting Recordings

The Township Attorney was asked to draft a memo on Township meeting recordings. The Town Board discussed the memo with the attorney. The Town Board decided that recordings of the minutes will not be made for the general public. They will only be used by the Clerk to draft the minutes. Copies of public hearing recordings and minutes kept by motion of the Town Board will be available for the public. This policy is adopted at the Town Board Reorganizational meeting each year.

The Town Board packet will not be made available to the general public prior to the meeting. Per the Open Meeting Law a copy will continue to be available for public review at the meeting.

D. Town Hall Use Agreement

The proposed updated Town Hall Use Agreement was discussed. Items to be changed were discussed. The Agreement will be updated according to Town Board discussion.

E. Otte Workman's Comp Claim

This is an old claim that has resurfaced. (December 08) The Township was advised by their Insurance Company and attorney not to pay the claim. Otte Excavating is a sub contractor of the Town. He was not an employee of the Town. The Township does not have an obligation to pay the claim. Even if they chose to, it would not be appropriate use of Township funds.

F. Non Pump Septic Systems

The Building Inspector was present to discuss the non pump septic systems and procedures to bring them into compliance. The Clerk has put in a request for the non-pump list from the County. Once it is received the Town Board will decide how to proceed.

G. RFQ for Engineering Services

It was decided that the Township can use quotes for pending Engineering services. TKDA will be used for the Friedges Mine Reclamation Plan review, because they are familiar with the Township mining ordinance. Putting out an RFQ for engineering services was tabled.

H. Permit Information Check List

A motion by Supervisor Steve Madden: To approve the Eureka Township Zoning, Building, Conditional Use and Variance Application Supplemental Information, Permit Information Check List as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote. (Mark Ceminsky's version)

I. Northfield Ambulance meeting

Northfield Ambulance asked to use the Eureka Town Hall for their upcoming meeting on Wednesday, May 30th from 7:00- 9:00 pm. Supervisor Steve Madden is the Ambulance liaison and will open the Town Hall and attend the meeting.

Minutes

A. Town Board meeting of April 10, 2012

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board meeting of April 10, 2012, as presented. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

B. Special Town Board Meeting of April 12, 2012

A motion by Supervisor Pete Storlie: To approve the Special Town Board meeting of April 12th. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

C. Town Board Meeting of April 10, 2012, continued on April 12, 2012

A motion by Supervisor Brian Budenski: To approve Eureka Town Board continued meeting on April 12, 2012. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

D. Special Town Board Meeting of April 30, 2012

A motion by Supervisor Kenny Miller: To approve the open portion of the Special Town Board Meeting of April 30, 2012. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Old Business

A. Misc Updates

1. Hired office help

Barb Brunick has been hired to work in the Township office with the clerk. She will attend Planning Commission meeting and draft the minutes.

2. Ostlie Ditch problem

This issue will be addressed once right-of-way issues in the Township are addressed.

3. Hat Trick

Supervisor Brian Budenski has attempted to contact them several times. There are two issues, the land use and driveway. This issue will be turned over to the Township Attorney for follow up.

4. Liane- Move-in Building Permit

A letter was sent to Mr. Liane about obtaining a building permit for the building he moved onto his property. He was asked to attend the June Planning Commission meeting. IF he does not put in his application for the June meeting, this item will be sent to the Township Attorney.

5. Mahoney

Supervisor Kenny Miller has not been able to get in contact with Mr. Mahoney. The County contacted Supervisor Brian Budenski and told him that they would be stopping in to visit with Mr. Mahoney also. Supervisor Kenny Miller will try and make contact with Mahoney's again this month.

A motion by Supervisor Pete Storlie: To adjourn. Motion seconded by Supervisor Brian Budenski.

The Meeting adjourned at 11:14 p.m.