

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
May 22, 2013

Town Board members present were Kenny Miller, Pete Storlie, Steve Madden and Mark Ceminsky. Clerk/ Treasurer Nanett Sandstrom to record the minutes. MAT Attorney Paul Reuvers, Chad Lemmons and Patrick Kelly were also present.

Chair Pete Storlie called the Special Meeting of the Eureka Town Board to order at 7:00 p.m.

Agenda Closed Meeting:

1. Closed meeting under Minnesota State Statute Section 13D.03, subd. 3(b) attorney client privilege) with Attorneys to discuss litigation strategy in the pending lawsuit with Terri Petters/ Fur-Ever Wild Ltd.

Special Meeting Agenda:

1. To go into Closed Session
2. Model Airplane Complaint- Noise and Zoning Complaint letter drafted by Chad Lemmons.
3. CAPX2020

A motion by Supervisor Kenny Miller: To move into closed meeting. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The Town Board moved into closed session at 7:01 p.m.

With a motion by Supervisor Kenny Miller, seconded by Supervisor Mark Ceminsky the Town Board moved back into open session at 8:28 p.m.

Summary of closed session:

1. ***Terri Petter/ Fur-Ever Wild Ltd. Lawsuit***

The Town Board met with the attorneys for the litigation and discussed the direction.

Additional Open session agenda items:

2. ***Model Airplane complaint***

The Town Board reviewed the letter: RE: Noise and Zoning Complaint drafted by Township Attorney Chad Lemmons.

A motion by Supervisor Mark Ceminsky: To accept the letter drafted by Township Attorney Chad Lemmons as written and authorize Chad Lemmons to send it to the property owner. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

3. *CapX2020*

The Town Board has been named in a condemnation of Township roads by CapX2020.

A motion by Supervisor Mark Ceminsky: That Eureka Township joins in with the other Townships on protecting its rights, using the same attorney and engineers as other Townships to save costs. Motion seconded by: Supervisor Steve Madden.

The Town Board discussed the motion.

The Township reserves the right to withdraw at anytime.

The Township Attorney suggested that the Township keep their options open by attending the scheduled hearing on June 28, 2013. If the Township agrees to be part of the lawsuit they should have set budget and should reserves the right to withdraw. A motion should be made to authorize a representative to attend the meeting with an understanding that there is no commitment to spend any money on the lawsuit until further resolution is passed by the Town Board.

Supervisor Mark Ceminsky amended his motion to include: To reserve the right to withdraw at any time. Supervisor Kenny Miller seconded the amendment. Vote was taken on the amended motion. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: That Supervisor Mark Ceminsky and Supervisor Pete Storlie are appointed CapX2020 Town Board liaisons for the potential Township action. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

CapX2020 application for a Right-of-Way permit was received. They submitted Castle Rock's Application. No maps were attached. They also added language that is not part of our permitting process. It was determined that the application is incomplete. They will be notified the application is incomplete and that changes need to be made to the application before it will be accepted.

A motion by Supervisor Steve Madden: To adjourn. Motion seconded by Supervisor Kenny Miller.

Meeting adjourned at 9:07 p.m.