

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of July 8, 2013

Call to Order

Chair Pete Storlie called the July 8, 2013, Eureka Town Board meeting to order at 7:05 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Brian Budenski and Kenny Miller. Supervisor Steve Madden arrived at 7:08 p.m. 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.

The meeting opened with the Pledge of Allegiance.

Chair Pete Storlie read from the Minnesota Association of Townships (MAT) Manual on Town Board agenda.

Approval of Agenda

Other Business, G. Old Business: 4. Joe Miller Complaint follow-up
L. Indentify routine agenda topics
M. Ames Pit Follow up

A motion by Supervisor Pete Storlie: To approve the amended agenda for the July 8, 2013 meeting. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Public Comment Period

Chair Pete Storlie read from the MAT Manual on Citizen Comments at Town Board Meetings.

3 citizens addressed the Town Board, their concerns and comments will be addressed under items already scheduled on the agenda.

Julie Larson, 24510 Highview Ave. read from the citizen's complaint policy of Eureka Township. Julie commented that there are several complaints that have been on the books for years. She encouraged the Town Board to take a stand and make the necessary violations happen.

Treasurer's Report

Checking Account Balance: \$5,148.63. Outstanding Checks \$2,322.07. Savings Account Balance: \$284,668.87. CD Account Balances: \$70,846.59. The Ledger Balance is \$358,342.02.

A motion by Supervisor Pete Storlie: To approve the Treasurer's Report as stated. The motion was seconded by Supervisor Mark Ceminsky. The motion carried by unanimous vote.

Deputy Smith was present to address the Town Board and citizens. He commented that there have been some car break-ins recently. He suggested locking car doors.

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 6/30/2013	\$7,490.00
MNSPECT	Inspection Service – June 2013	\$1,849.67
Dakota Electric Association	Town Hall Electric	\$96.57
Frontier Communications	Phone Service Town Hall	\$127.54
Dick's Sanitation	Garbage Service Town Hall-June 2013	\$62.56
Culligan	Water Softener Service	\$23.51
Kelly & Lemmons	Service thru 6/30/2013	\$5,522.57
T&C Commercial Cleaning	Clean Town Hall June 2013	\$53.56
Clarks Lawn Service	Mowing June 2013	\$539.71
Castle Rock Materials	Limestone	\$58,344.21
Eureka Sand & Gravel	Class 5	\$13,810.46
ECM Publishers	Legal Ad	\$138.00
USPS	P.O. Box	72.00
Allied Engineering	Gravel Testing	\$400.00
Quality Propane	Dust Control	\$19,078.50
Safety Signs	Signs	\$394.80
IRS	July Deposit	\$523.46
PERA	Payroll Period 6-1-2013 to 6-30-2013	\$322.24
M & R Sign	Signs	\$522.79
Mark Ceminsky	Mileage 2 nd Qtr	\$520.37
Nanett Sandstrom	Payroll Period 6-1-2013 to 6-30-2013	\$1,050.75
Linda Wilson	Payroll Period 6-1-2013 to 6-30-2013	\$763.40
Linda Wilson	Mileage & Reimbursements	\$170.83
Nanett Sandstrom	Expenses 6-10-2013 to 7-1-2013	\$105.49
Beaver Creek Co.	Town hall Repairs- Ins. Claim	\$477.31
City of Lakeville	2013 Fire Contract	\$35,270.00
City of Farmington	2 nd Qtr 2013 Fire Contract	\$7,455.25
USPS	Newsletter	<u>\$200.00</u>
Total Bills Presented		\$155,385.55

A motion by Supervisor Pete Storlie: To approve the Claims List and Net Pay Distribution.

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

The following receipts were received in June:

• **Local Permits**

Ryan Johnson Const.-Permit 13-10	\$175.65	Lakeville Aero- Application Fee	\$25.00
K Michael Homes- Permit 13-09	\$4,059.58	Sedgwick Heating- Permit ET13-019	\$50.00
Kenny Miller- sign Permit	\$25.00	Ryan Johnson- Permit 13-11	\$1,480.73
Mark Ceminsky- Sign Permit	\$25.00	All Around Property – ET13-020	\$105.00
John Storlie- Culvert permit DAP B-01	\$400.00	Chiak Siding & Const.- Application fee	\$25.00

Kathleen Hohrman- Application Fee	\$25.00	Brian Budenski- Application Fee	\$25.00
Northern Natural Gas Utility Permit	\$1,075.00	Slater Construction Permit 13-08	\$839.95

• **Other Receipts**

Wally Bohrn – CD Copy	\$5.00	Mount Olivet– In Lieu of taxes	\$1,550.00
Mike Blom – Newsletter Ad	\$35.00	Castle Rock Bank– Interest CD	\$185.46
City of Farmington- Road Repair	\$5,032.43	Castle Rock Bank – Interest CD	\$249.65
Dakota Electric- Road Repair	\$4,976.07	Castle Rock Bank- Interest Savings	\$811.02

TOTAL RECEIPTS AS OF JUNE 30, 2013 **\$21,180.54**

It was noted that check numbers 6950, 6951, 6952 and 6954 are voided checks.

A motion by Supervisor Kenny Miller: To approve the financial reports as presented, with updates on the voided checks. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

June Financial Questions

Supervisor Kenny Miller had questions on June Financial Reports. His questions were answered by the Clerk prior to the meeting.

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

Outstanding Invoices

The Town Board reviewed the outstanding invoices.

Northern Natural Gas has responded to their most recent invoice. Supervisor Brian Budenski will contact Northern Natural Gas on the invoice.

Open Building Inspection Permits

The Town Board reviewed the Open Building Inspection Permits

Road Committee recommendation for Road & Bridge Funds

There is a surplus of \$74,380.21 in the Road & Bridge Fund from 2007 to 2012. The Road committee recommended moving \$20,000 into the snow removal fund, \$8,000 for ditch cleanout and \$10,000 for gravel and \$36,700 into escrow for Chub Lake Hill.

A motion by Supervisor Pete Storlie: To take the \$74, 380.24, approximate surplus and move \$20,000 into the Snow Removal Budget for 2013, \$8,000 into ditch cleanout for 2013, \$10,000 into gravel placement for 2013 and the approximate remaining \$36,800 into an escrow account for Chub Lake hill rebuild. Motion seconded by Supervisor Brian Budenski for discussion. Vote was taken on the motion. Motion carried by unanimous vote.

Budget

The Town Board reviewed and discussed the budget.

Citizen Business

1. Nancy Sauber- 9495 225th St. W.

Commented on June Town Board meeting. Her comments included Data Practice procedures in relating to complaints, the follow up of complaints and meeting agendas.

Nancy commented that the new ordinance language adopted for accessory buildings does not have any regulation for non-Ag properties greater than 11 acres.

Nancy asked for corrections to the June Town Board minutes relating to comments she made. She submitted a written document of the language she wished to insert.

2. Wally Bohrn- 26162 Ipava Ave- complaint follow-up

An Order for an unapproved accessory structure was issued to Charles Roberts, 26110 Ipava by Scott Qualle, Eureka Township Building Inspector on March 13, 2013. No response was received from Mr. Roberts. The Township Attorney will check with the Dakota County District Court to see make sure it has been filed and the file has been opened.

3. Noise & Nuisance issue on 245th St.- model airplanes

Supervisor Kenny Miller commented that there has been scheduling issues with Mr. Willmott. He will continue to try and get a meeting setup with Mr. Willmott on this issue. This item will be placed on the August Town Board meeting for follow-up.

4. Complaint- Funk- 23690 Jersey Court

Mr. Funk was present at the meeting to discuss the complaint. The Town Board received a complaint against Mr. Funk on the location of the septic system he had installed in the fall of 2012. It was determined that the septic was approved and inspected by Dakota County, not the Township. Supervisor Brian Budenski will follow up on this item. It will be added to the August agenda for follow up.

Planning Commission, land use permits and related items

A. Permits

1. Ron Enright- – 9721 Frontier Lane

Ron Enright is requesting to build a 60'x90' aircraft hangar on lot 186 at Airlake Airport. Mr. Enright presented a letter explaining his situation at the airport. Mr. Enright is requesting sewer and water from Lakeville. Town Board members had concerns that if they allow Lakeville to provide sewer and water to the hangar that they will annex the property. Supervisor Brian Budenski will follow up on this item. It will be added to the August Town Board agenda.

A motion by Supervisor Kenny Miller: To approve the building permit for Mr. Enright with the sewer and water hookup to be studied in the future. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

2. **Rollo and Kathleen Hohrman- 27030 Fairgreen Ave**
Kathy Hohrman was present to represent her application for a 16' x 24' 3 season porch.

A motion by Supervisor Kenny Miller: To approve the permit for Kathy and Rollo Hohrman at 27030 Fairgreen Ave. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Other Zoning

1. **Brian Budenski- 24235 Highview Ave**
Supervisor Brian Budenski recused himself from the Town Board on this matter. Brian Budenski requested to split 2.93 acres from Parcel 130160026016 consisting of 40.53 acres. Brian was not present at the July Planning Commission to represent his application, so the Planning Commission tabled the request. Brian requested approval from the Town Board without Planning Commission review.

The Township Attorney reviewed the Ordinance. There is nothing in the Ordinance on minor subdivisions. The practice for plat approval is that it should be heard by the Planning Commission as a public hearing. This is not an absolute requirement. It does allow the Town Board to proceed on an application without a recommendation from the Planning Commission. The standard practice on split approval is to go to the Planning Commission first, get their recommendation- approval or disapproval and then go to the Town Board. This is not an absolute requirement.

A motion by Supervisor Steve Madden: To accept Brian Holdings LLC, 24235 Highview Ave., Lakeville MN 55044 lot split. Motion seconded by Supervisor Kenny Miller. The motion passed with three to one vote.

2. **22222 Dodd Blvd- Use of property**
Melanie Smith was present representing the current owner of the property. She has gathered background information on the property and presented it to the Town Board. The two potential interested buyers of the property were present and had questions for the Town Board.

The concrete business asked if the outbuilding could be used to store equipment for their business. They would not be operating the business or storing materials at this location. They do not do any business in Minnesota.

The Township allows home occupancy businesses that operate out of the house. You cannot use an accessory building. Personal property may be stored, but you cannot put business equipment in an accessory building, it is outside of the ordinance. An accessory building cannot be used to operate a business, to store business equipment or business supplies.

Scott Peterson, Living Waters Church is interested in purchasing the property for a church. The church would be located in the building. They asked if the house could be used as an office and ministry for small groups.

The Town Board asked that they submit an application to the Planning Commission with their intent.

Other Business

A. Town Hall Storage Building

Moved to August Town Board agenda.

B. Planning Commission Update

Allen Novacek was present as Town Board liaison. He summarized the Planning Commission meeting. Wild parsnip, an obnoxious weed in the township ditches was discussed. Supervisor Brian Budenski, Township Weed Inspector was asked to check into wild parsnip control. Allen spoke on Ag- Tourism Text Amendment discussion at the Planning Commission meeting. No hearing date was set. Planning Commission Chair Lu Barfknecht submitted a summary of the meeting which included details of Ag-tourism.

C. Ag-Tourism Text Amendment

Information was received from the Planning Commission on the text amendment. The Planning Commission requested a task force be put together.

A motion by Supervisor Mark Ceminsky: To send the proposed definition of Agricultural Operations with the only change: “and agricultural tourism” and to send the proposed definition of Agricultural Tourism onto the Planning Commission to have a public hearing. Ordinance 3, Chapter 2 (Zoning Districts), Section 1 (Agriculture Districts), B.11 in the Code Book. He recommended the following changes: hours 10 a.m. to 7 p.m. on Sundays, on street is allowed on one side of the road. Motion seconded by Supervisor Pete Storlie for discussion. *See attached document for specific language.*

The Town Board discussed on street parking. Vote was taken on the motion. The motion carried with three votes in favor and two dissenting votes.

D. Transfer Ordinance

Jeff Otto, Transfer Task Force Chair informed the Town Board of a couple updates to the proposed Ordinance language. The 60 day comment period expires July 22, 2013. If the Town Board approves the language, the language will be sent to the Met Council for their review. They will act upon the language after the 60 day comment period expires. If the Met Council approves the language, it will then become official after being published in the local newspaper.

A motion by Supervisor Pete Storlie: To enact Ordinance No. 2013-04, A Ordinance amending Ordinance 3, Chapter 3. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To adopt the Summary of Ordinance No. 2013-04 for publication, with the change on the signature line. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

At 9:05 p.m. the Town Board took a recess. The meeting resumed at 9:15 p.m.

E. Sheriff Agreement

A motion by Supervisor Pete Storlie: To sign the Joint Powers Agreement with Dakota County for Ordinance Enforcement Services. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. Chair Pete Storlie signed the agreement.

The Town Board needs adopt a fine schedule. The Dakota County Sheriff Department sent a example schedule that applies in other Townships. This item will be addressed at the August Town Board meeting.

F. Newsletter

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

G. Old Business

1. **Charles Robert-** 26110 Ipava Ave- setback non compliance

Item already addressed under citizen business.

2. **Terri Petter/ Dan Storlie Complaint Follow-up**

After discussion with the Township Attorney, based on the fact of receiving a complaint of possible litigation against the Township and in reference to the Dakota County Sheriff report of December 15, 2011, stating that the case is more a Federal or State Statute issue than a Township Ordinance issue, the Town Board has been advised not to discuss this matter any further at a public meeting. A closed meeting will be scheduled to discuss it. This matter will be placed on the August Town Board agenda for resolution at that time.

3. **Mahoney follow-up**

Supervisor Brian Budenski is in the process of following up with the MPCA on this issue. The Clerk was asked to send a letter to the complainant as a follow-up. This item will be placed on the August Town Board agenda.

4. **Country Joe Miller Complaint follow-up**

The last response from Country Joe Miller indicated that if the Building Inspector called and made an appointment, they would let him in for an inspection. Supervisor Brian Budenski contacted Building Inspector Scott Qualle and he has not followed up on this. He said that he will set-up an inspection and let Brian know when it is. The inspection will be of both properties, all three accessory buildings.

H. Northfield Ambulance- Amendment to JPA

The JPA Amendment was provided to the Town Board at the June Town Board meeting. The Town Board discussed the document. Supervisor Steve Madden will contact the organization for further information and report back to the Town Board at the August Town Board meeting.

I. Fees for Special Meetings & Public Hearings

There are several places in the Ordinance Fee schedule for Special Meetings or Public Hearings that the fees listed do not cover the costs of the meetings. In recently adopted Road Right-of-Way

Ordinance amendment fees for meetings were set at \$600.00 plus publication fee. The clerk recommended increasing the fess to match the \$600 fee in the Road Right-of- Way amendment.

A motion by Supervisor Kenny Miller: To advance the fees to \$600 per meeting, plus publication costs. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

J. CDA Agreement

Dakota County is asking for the Township's continued participation in community programs. The Dakota County Community Development Block Grant Program Agreement expires this year. The new agreement runs from 2014 to 2016.

A motion by Supervisor Brian Budenski: To approve the Community Development Agency (CDA) Agreement for the Township's participation in the Dakota County programs. Motion seconded by Supervisor Kenny Miller. Motion carried with one dissenting vote. The agreement was signed and will be returned to Dakota County.

K. Item moved up on the agenda

L. Identify routine agenda items

A motion by Supervisor Kenny Miller: To create an outstanding complaint file to be reported as part of the Budget Report. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: To move the Citizen Business Request down on the agenda to Other Business. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: To charge the monthly interest charge on outstanding invoice balances at 1.5% per month, 18% annually. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

M. Ames Pit Follow-up

There were two complaints- hauling outside material in and the secondary berm.

Supervisor Pete Storlie visited the site. The material being hauled onto the property is a piece of property that is not part of the mine. There is nothing preventing him from doing so. The secondary berm is not required. They voluntarily put the berm in to help with the noise. They are not required to extend it. The Clerk was asked to send a letter to the complainant that they are not in violation of their IUP.

Pat Mason sent an e-mail to the Township informing them that night hauling under their special agreement will be starting at 6:30 p.m. Monday, July 8, 2013. They have not hauled any gravel under this special agreement prior to this request. They currently have permission to night haul until July 30, 2013. Because of rain delays they are asking for an extension.

A motion by Supervisor Pete Storlie: To extend Ames Pit for night hauling for the 494 project only that was preapproved to extend thru the end of August. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Minute Approval

A. Town Board Meeting of June 10, 2013

A motion by Supervisor Kenny Miller: To amend the June 10, 2013 to include Nancy Sauber suggested changes. Motion seconded by Supervisor Brian Budenski. Motion carried with one dissenting vote.

A motion by Supervisor Kenny Miller: To accept the minutes as amended. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

B. Emergency Town Board Meeting of June 27, 2013

A motion by Supervisor Pete Storlie: To approve the minutes of the Emergency Town Board meeting of June 27, 2013. Motion seconded by Supervisor Mark Ceminsky. Supervisor Brian Budenski abstained from voting on the motion, he was not present at the meeting. The motion carried by unanimous vote.

Clerk/ Treasurer Presentation

A. CTAS Upgrade

A motion by Supervisor Kenny Miller: To approve the \$300 fee to participate in the upgrade of CTAS program. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

B. Septic Tank Pump Notice

A motion by Supervisor Kenny Miller: To use Laverne's Pumping to pump the Township septic system. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

C. Lakeville School District Election

Lakeville School District is requesting to use the Eureka Town Hall for a Special School District Election, November 5, 2013. Char Friedges, City of Lakeville Clerk will administer the election.

A motion by Supervisor Kenny Miller: Allow Lakeville School District to use the Eureka Town Hall free of charge for their Special Election on November 5, 2013, they are responsible for the cleanup of the Town Hall. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

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

The Meeting adjourned at 10:09 p.m.