

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of September 10, 2012

Call to Order

Chair Brian Budenski called the September 10, 2012, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Mark Ceminsky, Steve Madden and Kenny Miller. Supervisor Pete Storlie arrived at 7:06 p.m. Clerk/Treasurer Nanett Sandstrom was present to record the minutes, Butch Hansen as Planning Commission Liaison and Township Attorney Chad Lemmon. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

A Sheriff Deputy will be present to discuss road issues.

A motion by Supervisor Brian Budenski: To approve the agenda of September 10, 2012, as amended. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Public Comment Period

Nancy Sauber complemented Road Contractor Mark Henry and Road Supervisor Mark Ceminsky on the repairs to 225th St once County road 70 was reopened. She reminded the Town Board that the trees on the berms at Country Stone are to be replaced this fall, per their agreement.

Nancy asked when a NCRWMO report would be presented to the Town Board. There have been two meetings, one in April and one in July. She asked what the status of the Water Plan updates. Supervisor Mark Ceminsky commented that he attended the July meeting. They were taken to look at projects they were dealing with due to storm damage. They are working on a statement on what the NCRWMO is about, what they are trying to protect.

There have been three PAC meetings. The Township PAC representative should be reporting back to the Town Board on the meetings.

The stop ahead sign on 225th Street going west needs to be replaced. Road Supervisor Mark Ceminsky reported that an updated sign inventory was taken and the sign reflectivity study completed. A list of signs to be ordered will be created. The sign mentioned will be replaced and moved to enhance the site line.

Ordinance updates: Zoning Ordinance 3, Chapter 3, Section 4- Driveways/Access To Public Right-of-Way, B. 4. Needs to be removed and Ordinance 7- Fees, J. Special Town Board meetings needs to be updated.

Nancy had training information that she requested to be placed on the Township website.

Treasurer's Report

Checking Account Balance: \$2,141.40. Outstanding Checks \$111.73. Savings Account Balance: \$426,442.65. CD Account Balances: \$69,136.28. The Ledger Balance is \$497,608.60.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report as stated. The motion was seconded by Supervisor Kenny Miller. 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 8/30/2012 | \$4,859.60 |
| MNSPECT | Inspection Service – August 2012 | \$1,066.65 |
| Dakota Electric Association | Town Hall Electric | \$149.81 |
| Frontier Communications | Phone Service Town Hall | \$134.53 |
| Dick's Sanitation | Garbage Service Town Hall- Sept. 2012 | \$48.55 |
| Culligan | Water Softener Service | \$23.51 |
| Kelly & Lemmons | Legal Services thru 8/30/2012 | \$1,571.50 |
| Clarks Lawn Service | Mowing Town Hall- August | \$585.75 |
| Castle Rock Materials | Limestone | \$1,876.88 |
| Anderson Bobcat Services, LLC | Tree/ brush removal | \$1,656.00 |
| Sun Newspapeer | legal Ad | \$256.00 |
| Gopher State Sealcoat Inc. | Town Hall | \$1,685.00 |
| Quality Propane Inc. | Dust Control 8/17 | \$3,726.00 |
| MN UI | Wage Detail late fee | \$250.00 |
| Mark Ceminsky | Softener salt, office supplies, mileage | \$1,119.34 |
| MATIT | Insurance | \$2,958.00 |
| Nanett Sandstrom | Expenses 7/19 to 8/30/2012 | \$101.67 |
| Cheryl Schindeldecker | Elections | \$154.41 |
| Bev Topp | Elections | \$75.00 |
| Becky McIntyre | Elections | \$88.33 |
| Mike Greco | Elections | \$259.72 |
| Jody Arman-Jones | Elections | \$83.33 |
| Lori Benson | Elections | \$89.98 |
| Glenda Holz | Elections | \$118.33 |
| Mary Ann Michaels | Elections | \$93.33 |
| Elaine Swedin | Elections | \$73.33 |
| Earl Schindeldecker | Elections | \$65.00 |
| Rose Buchanger | Elections | \$98.33 |
| Nanett Sandstrom | Clerk Payroll 8/1/2012 to 8/31/2012 | \$2,080.75 |
| Linda Wilson | Office Employee 8/23/2012 to 8/30/2012 | \$306.58 |
| Brian Budenski | Supervisor Payroll 3 rd Qtr 2012 | \$717.06 |
| Mark Ceminsky | Supervisor Payroll 3 rd Qtr 2012 | \$3,107.04 |
| Steve Madden | Supervisor Payroll 3 rd Qtr 2012 | \$588.05 |
| Kenny Miller | Supervisor Payroll 3 rd Qtr 2012 | \$518.92 |
| Pete Storlie | Supervisor Payroll 3 rd Qtr 2012 | \$556.66 |
| Lu Barfknecht | Planning Commission Payroll 3 rd Qtr 2012 | \$169.83 |

| | | |
|--------------------------------|--|--------------------|
| Fritz Frana | Planning Commission Payroll 3 rd Qtr 2012 | \$169.83 |
| Carrie Jennings | Planning Commission Payroll 3 rd Qtr 2012 | \$132.09 |
| Allen Novacek | Planning Commission Payroll 3 rd Qtr 2012 | \$169.83 |
| IRS | September 2012 Deposit | \$1,784.28 |
| PERA | Payroll Period 8/1/2012 to 8/30/2012 | \$441.76 |
| State of MN | 3 rd Qtr 2012 | \$456.34 |
| Darrel Gilmer | 5 septic inspections | \$1,000.00 |
| Dakota County treasurer | 5 Septic | \$200.00 |
| Total Bills Presented | | \$35,666.90 |

A motion by Supervisor Brian Budenski: To approve Claims List and Net Pay Account Distribution as presented. The motion was seconded by Supervisor Pete Storlie. 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 August:

• **Local Permits**

| | | | |
|---|-----------------|--|-----------------|
| Country Stone- <i>Septic Compliance</i> | \$200.00 | James Anderson- <i>Permit 12-14</i> | \$434.69 |
| Alice Catlin- <i>Application fee</i> | \$25.00 | Barb Bachman- <i>ET12-04</i> | \$105.00 |
| Blesner Quality Exteriors- <i>ET12-006</i> | \$60.00 | | |

• **Other Receipts**

| | | | |
|--|----------------|---|-----------------|
| Randy Allen – <i>RASP Sign</i> | \$15.00 | Mike Greco- <i>CD's of minutes</i> | \$30.00 |
| Nancy Sauber – <i>CD of minutes</i> | \$5.00 | Gloria Belzer – <i>CD's of Minutes</i> | \$10.00 |
| Bertie Gelineau – <i>RASP Sign</i> | \$14.81 | Dakota County- <i>DNR PILT 2012</i> | \$502.47 |

TOTAL RECEIPTS AS OF August 30, 2012 **\$1,401.9**

It was noted that check #6645 is a voided check.

The Deputy Clerk will check the bank statement balances rather than a Town Board Supervisor.

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

Monthly Budget

The Town Board reviewed the Monthly Budget. At the August Town Board meeting a motion was made to set up an escrow account for the surplus of Road & Bridge Funds from 2007 to 2011 into an Emergency Road & Bridge Escrow Account. The Clerk explained that the budgeted amounts do not match actual funds received in a fiscal year. There are delinquent taxes and unallocated funds each year. She was not sure that the balance of \$93,607.11 shown in the budget can be escrowed to a Road & Bridge Escrow Account. All monies received into Road & Bridge Funds remains in Road & Bridge Funds unless the Town Board makes a motion to move it to another fund. The balance in the Road & Bridge Fund is reflected on the Current Investments Report.

Deputy Sherriff

A Deputy Sheriff was present to address issues in the Township. The Town Board had questions on ticketing for overweight vehicles and speed limits on Township roads. The Deputy was not able to answer the Town Board's questions. The Deputy will ask a representative from the Sheriff's Department to be present at the October Town Board meeting to specifically address the Town Board questions.

Contractor Time

Road Contractor Mark Henry was present. Road business was discussed. Mark is trying to lineup a side boom mower to rent. Township roads are in good shape. He is continuing to make repairs from road damage due to the storms. The Ditch along Chub Lake Road continues to washout. FEMA paperwork will be submitted this week for reimbursement for storm related repairs.

Planning Commission, Land Use Permits and Related Items

A. Permits

1. Larry & Alice Catlin- 24265 Idalia Ave- Accessory building

Not present, tabled until later in meeting

2. Scott & Andrea Borowitz- 8840 235th St W- garage & remodel

Scott Borowitz was present to represent his application. He is requesting to add a garage and remodel the existing garage into a livable space.

VRWJPO permitting process was discussed. The application and fees for the VRWJPO have been sent in. The Town Board reviewed the file.

Mr. Borowitz submitted a letter to the Town Board explaining his situation. It was put in their file. The variance was waived by the Town board under the Fair Housing Act- entitling disabled person the same right to live in the Township as an enabled person. By waiving the variance requirements does not provide undue hardship for the Township. If he was not allowed to do this, he would be forced to leave the Township because of the situation.

A motion by Supervisor Brian Budenski: To approve the Building permit application for 8830 235th St. W. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Dakota County is requiring a Septic Inspection. A Dakota County Septic application was filled out. The Clerk was asked to forward it to Dakota County.

3. Hat Trick- Driveway on Highview Ave

No representative was present. The Town Board reviewed the application and recommendation from the Planning Commission Meeting- width of both driveways needs to be 42 feet. The fee doubled for installing driveways without a permit. The work must be completed within 30 days.

A motion by Supervisor Mark Ceminsky: To approve the permit based on 42 foot wide culverts on the driveway approaches on 225th Street and Highview Ave., with the recommendation of the Planning Commission of doubling the application fee to \$100.00. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To issue the permit to Prairie Creek Community School at 27695 Denmark Ave. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The Clerk was asked to send Dan Regan, Hat Trick a letter notifying him of the Town Board's decision.

B. Land Use & Zoning Issues

1. Bruce & Cheryl Mohn-27605 Pillsbury Ave- Cluster Request

Bruce and Cheryl Mohn were present to represent their Cluster applications. They wish to cluster Building Rights from the SW 1/4 of the NW ¼ of Section 31 to the SW 1/4 of the SW ¼ of Section 31 and from the SE 1/4 of the NW ¼ of Section 31 to the SW 1/4 of the SW ¼ of Section 31.

A motion by Supervisor Brian Budenski: To approve the Building Right Cluster Application for Bruce and Cheryl Mohn at 27605 Pillsbury Ave. Property ID's 130310050011 and 130310051011. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Citizen Business

A. Complaint- 23744 Fairgreen Ave.- model airplanes

This is the second complaint for model airplane noise at this address. The initial complaint was a year ago.

Township Attorney Chad Lemmon commented that the Township could cite the property owner under the Nuisance Ordinance; however before you do that you would need to determine a nuisance is actually occurring. The MPCA has noise standards. It would require the Township to monitor the sight over a period of time to see if the standards are being violated. No action should be taken by the Township until monitoring has taken place and analyzed. To enforce an Ordinance there has to be a standard that everyone has to meet. Daytime standards are 60-65 decibels. This is the most stringent classification.

Supervisor Mark Ceminsky commented that some of the model airplanes are half size scale, they are relatively large. Would flying these planes fall under the Township Airstrip Ordinance? The Township attorney commented that because of the location, proximity to the airport, we should check FAA to see if it has any bearing.

Citizen comments included: That most of the summer, it has been ok. There are a lot of persons from outside the Township flying their airplanes. Dave flying his airplane is one matter. All of Dave's friends flying, all day long, multiple times a week, three to four planes at a time. They come and go all day Saturday, fly in shifts.

Dave Sellner commented that last year he agreed to fly no more than every other day and no more than one day per weekend. He has not been flying more than one day during the week, maybe two and never more than one day on a weekend. It is not all day long. Most planes have been adjusted to props that lower the noise and muffler systems to lower the noise level on gas powered airplanes. He

can ask people not to fly planes that have not been adjusted. He is 3.2 miles from the Airlake Airport. FAA standard is: minimum distance in 3 miles.

The Town Board told the citizen's that the Sheriff needs to be called when the nuisance is occurring, so that they can determine if there is a violation to the Township Noise Ordinance.

Supervisor Kenny Miller will contact the Sheriff Department to obtain a copy of their report on their site visit and he will contact the FAA. A copy of the complaints and Sheriff Report will be forwarded to Mr. Sellner.

The Town Board asked that he meet with concerned neighbors and try to come to an agreement.

B. Complaint- Brosseth Mine

A letter was received from Ames Construction addressing the complaint dated "year 2012" lodged against Kelly Aggregates located at 9235 235th St. W. All four complaints were addressed. *See attached response from Ames Construction dated September 5, 2012.*

Condition 19 of the Interim Use permit: Weed Control: The operator shall control noxious weeds and mow or harvest other vegetation as needed and preserve the natural buffers of native plant species to maintain reasonable appearance of the site. They planted MNDOT #340 native seed.

There was discussion on the maintenance of the berms and mowing. Supervisor Mark Ceminsky was asked to contact Dakota County Conservation Officer to see if they can identify the plantings and advise on maintenance of the planting.

C. Trucks on 235th St. W.

There was a verbal complaint of gravel trucks using 235th St. W. Ames construction was contacted and they spoke with the truck drivers and the trucks were directed not to use Township roads. The Town Board is looking into posting all Township roads against truck use.

Planning Commission, Land Use Permits and Related Items- continued

A. Permits

1. Larry & Alice Catlin- 24265 Idalia Ave- Accessory building

Alice Catlin was present to represent her application for a 12'x20' accessory building with a wood floor/ anchored to the ground. She was asked to provide an anchoring diagram to the Building inspector.

A motion by Supervisor Kenny Miller: To approve the Building Permit application for Larry & Alice Catlin at 24265 Idalia Ave. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

D. Complaint- 26110 Ipava Ave. - building too close to property line.

The Town Board received a complaint that a building has been placed too close to the property line. Setback requirements are 30 feet from the property line.

The Clerk was asked to send a letter to Mr. Roberts notifying of the Ordinance violation and asking him to relocate the building.

At 9:15 pm the Town Board took a recess. The meeting resumed at 9:30 pm.

Other Business

A. Planning Commission Update

Butch Hansen was present as Planning Commission liaison.

The Planning Commission schedule a Public Hearing for Monday, October 1, 2012 at 7:30 pm.

Sign Ordinance information was forwarded to the Town Board from the Planning Commission. The Planning Commission asked the Town Board to look at the information and give them direction on what they want done.

Butch Hansen, Allen Novacek and Jeff Otto are meeting to discuss and research TBR's.

B. Discussion- Road Maintenance Contract

The Town Board discussed putting the Road Maintenance Contract out for quotes rather than bids.

A motion by Supervisor Brian Budenski: At the October 9, 2012 Town Board meeting the Town Board will be taking quotes from Road Contractors for Road Maintenance Contract. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

The Clerk was asked to send the information out to all persons that have shown interest in the last 5 years. The deadline for the receipt of the quotes will be Tuesday, October 2th at 2:00 pm.

A motion by Supervisor Pete Storlie: To accept Henry Excavating's extension to continue honoring his present prices until November 1, 2012. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

C. Sign off on Utility permits- Ames Construction/ Elko New Market

Supervisor Mark Ceminsky inspected the sites for the Utility permits relating to the Elko/ New Market interceptor line. He signed of the permits. Chair Brian Budenski signed off on the permits for bond release.

D. MET Council Berm maintenance

Supervisor Pete Storlie has not met with the MET Council representative to inspect the site.

E. Conex

Supervisor Mark Ceminsky asked to purchase shelving to organize inventory in the Conex. He asked for 2 shelving units: 8 foot long x 8 foot high, four shelves on each unit. Approximate cost \$700.

A motion by Supervisor Mark Ceminsky: To approve the purchase of 2 units of steel shelving at Menards, 4 shelves each for the conex, rough price \$679.32 plus tax. Motion seconded by Supervisor Pete Storlie. Mark amended his motion to under \$800.00. Pete accepted the amendment. Motion carried by unanimous vote.

F. Ordinance Fee schedule correction

The Clerk asked that the State Surcharge amount on the fee schedule be corrected in next Ordinance update. The current Ordinance states the Surcharge is \$.50. It is actually \$5.00. It was recommended to put “plus State Surcharge” rather than to specify an amount.

G. Ins audit- purchase 2 Fire Extinguishers

During the Insurance audit it was noted that there are no Fire Extinguishers in the Town Hall. Supervisor Kenny Miller will check into purchasing of 2 Fire extinguishers for the Town Hall.

H. Newsletter

Jody Arman-Jones was present to discuss the October Newsletter.

I. Roads

1. Road surveys for speed limit & weight

A Resolution for a Speed Study of Township Roads was presented to the Town Board for adoption. The Town Board removed 2 sections of roads from the resolution: 240th between Dodd to Highview and 235th between Dodd to Highview. *See attached Resolution #2012-05*

The Town Board can set weight limits on Roads by resolution. For it to be enforceable, proper sized signs must be installed. (24”x30”) Weight limit restrictions on Township Roads were discussed. The Town Board discussed placing “No Trucks” on all Township Roads. Established truck routes would be on County Roads only. Supervisor Kenny Miller will talk to the Township attorney to find out legalities and to draft a Resolution for 240th St. from Barton’s Gravel Pit to the West Township line and 225th St from Dodd to Highview.

A motion by Supervisor Brian Budenski: To approve Resolution #2012-05 A Resolution Requesting the Minnesota Commissioner of Transportation to perform a Speed Zone Study on the 5 thru roads listed on the Resolution. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

2. Road Committee meeting

The Road Committee held its first Meeting on August 28, 2012. Draft minutes of the meeting were included in the September Town Board packet. The next meeting will be held on September 25, 2012 at 7pm. The Town Board discussed some Road Committee questions.

3. FEMA Update

Supervisor Mark Ceminsky reported that the FEMA paperwork will be signed-off this week. The Township is looking at \$67,000 in repair costs due to storm damage. FEMA will reimburse 75%. If the State adopts the FEMA plan, they will reimburse 25%.

Supervisor Mark Ceminsky will put together a binder for FEMA for future use.

There was discussion on passing a Resolution to pay a Supervisor overtime pay for working on Special road projects such as with FEMA.

4. 235th St Update

Castel Rock Tree Contracting cut the trees on 235th St on Saturday. They will grind the stumps this week. Dakota County Road & Bridge fund will be used to reimburse the Township for some of the costs.

5. Sign Update

Road Supervisor Mark Ceminsky and Road Contractor Mark Henry did the Sign reflective Study. The book has been turned over to the Clerk. There are a bunch of signs that need to be ordered and replaced. The street marker signs need to be checked, There are many that need to be replaced.

6. Blacktopping

Quotes were obtained from McNamara and Bituminous or Holyoke and Upper 240th St. The quotes exceed the budget for Blacktopping of Roads. A quote will be obtained from Prior Lake Blacktop.

7. Ditch Repair- Hamburg Ave to Chub Lake Crossing

TKDA's estimated cost for a design for the ditch on Hamburg Ave. to Chub Lake Crossing is \$3,300.

A motion by Supervisor Brian Budenski: To spend up to \$3,300 in designing the road right-of-way ditch south of 267th Street by TKDA, our Professional Service that the township has a contract with. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

J. Northfield Ambulance Meeting

Supervisor Steve Madden reported on the Northfield Ambulance Meeting on August 29, 2012. Response times are down. They have built a new facility. There is an open house scheduled for October 23, 2012, 4-7 pm.

Minutes

A. Town Board meeting of August 13, 2012

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board Meeting minutes of the meeting of August 13, 2012. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Clerk/ Treasurer Presentation

The Clerk

A motion by Supervisor Mark Ceminsky: To dispose of the broken electronics that were bought for use by the Township. A friendly motion and second by Supervisor Kenny Miller: To recycle. The friendly amendment was accepted by mark. Motion carried by unanimous vote.

The Clerk is trying to organize the file room. She is looking at the same type of shelving as the conex. 2 shelves would go above the file cabinets on each side of the room. She also asked for a power switch for the counter in the lobby, a blind for the office window between the office and the lobby and metal storage cabinets for the conference room to store the vacuum, cleaning supplies paper products. Purchasing a rug doctor and tables for election was also discussed.

The Clerk as directed to rehire TC Cleaning Service and to have them clean the carpet in the Town hall.

A motion by Supervisor Kenny Miller: To authorize up to \$1,600 for metal furniture and blinds. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Mark Ceminsky.

The Meeting adjourned at 11:08 p.m.