

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

OCTOBER 14, 2014

CALL TO ORDER

Chair Kenny Miller called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Kenny Miller, Cory Behrendt, Brian Budenski, Mark Ceminsky and Steve Madden. Planning Commission liaison Butch Hansen was present. Township Attorney Chad Lemmons and Township Clerk Mira Broyles were also present. See the attached list for others present.

APPROVAL OF AGENDA

Chair Miller added discussion of the Township newsletter by Jody Arman-Jones after the consent agenda.

The minutes of the September 8, 2014 and the September 30, 2014 Town Board meetings were pulled from the consent agenda for discussion.

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to approve the agenda as amended. Motion carried by unanimous vote.

TREASURER'S REPORT

The Treasurer's Report was given by Deputy Treasurer Nanett Sandstrom (*see attached report*).

Motion was made by Chair Miller, seconded by Supervisor Behrendt to accept the Treasurer's Report dated October 14, 2014.

Discussion was held regarding the road contractor's invoice and the Building Inspector's invoice.

Motion was made by Supervisor Budenski, seconded by Chair Miller to approve the claims list. A roll call vote was taken on the motion. Motion carried 5-0.

The outstanding invoices and budget were reviewed.

Motion was made by Chair Miller, seconded by Supervisor Budenski to approve the balance of the Treasurer's Report.

Chair Miller noted that a meeting to conduct a performance review for Treasurer Marcia Wilson had been held prior to the regular Board meeting and it was deemed a wage increase was in order.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt, to raise Treasurer Wilson's hourly wage to \$22.00 effective October 14, 2014. Motion carried by unanimous vote.

A proposed policy for a credit card to be used by the Township Treasurer and Clerk was discussed. It was noted that the credit card would only be used for purchases for the Township, such as office supplies, stamps, printing charges and education fees and will not be used for personal purchases.

Supervisor Behrendt asked that the policy be amended to include a clause that the employee would be held liable if fraudulent or unauthorized purchases are made with the Township credit card.

Motion was made by Chair Miller, seconded by Supervisor Ceminsky, to approve the Eureka Township Credit Card Policy and Procedures. Motion carried unanimously.

A proposed policy for petty cash to be used by the Clerk, Deputy Clerk and Treasurer was discussed. It was noted that the cash would be used only for making change for customers and the balance in the fund would consistently remain at \$100.00.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden, to create a \$100.00 petty cash fund to be used by the Clerk, Deputy Clerk and Treasurer; the purchase of a cash box, and an accounting of the fund monthly. Motion carried by unanimous vote.

PUBLIC COMMENT

None

CITIZEN BUSINESS

None

CONTRACTOR TIME

Discussion was held regarding the condition of the roads and the new culverts on 235th Street. Supervisor Ceminsky discussed the need for grading on road shoulders in preparation for winter. The Road Supervisors indicated they would inspect the roads with the contractor. Storage of road signs in the new township storage building was discussed.

BUILDING INSPECTOR UPDATE

Building Inspector Darrell Gilmer discussed the open permits, noting that he is making an attempt to contact some of the older open permit applicants and will meet with the Clerk to review the status of those permits. He stated he is getting caught up on MNSPECT issues.

CONSENT AGENDA

- A. Minutes of the September 8, 2014 Town Board Meeting were amended on page 4 to add the wording “per the Building Inspector” on the second paragraph, and on page 5 to amend the sentence regarding IT security to read “Additional security was discussed and would be implemented per previous action taken in March, 2014.”

Motion was made by Chair Miller, seconded by Supervisor Behrendt, to approve the minutes of September 8, 2014 as amended. Motion carried by unanimous vote.

- D. Minutes of the September 30, 2014 Special Town Board Meeting were amended on page 2 by adding the wording “but is not an action by the Planning Commission” to the end of the sentence in the sixth paragraph; and by adding the wording “to mitigate disruptions” to the end of the first sentence in the last paragraph on page 2.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski, to approve the minutes of September 30, 2014 as amended. Motion carried by unanimous vote.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to approve the following items on the consent agenda. Motion carried by unanimous vote.

- E. Minutes of the September 10, 2014 Town Board Public Hearing
- F. Minutes of the September 11, 2014 Special Town Board Meeting
- G. Adopt Resolution Appointing Election Judges for the General Election

NEWSLETTER

Jody Arman-Jones and the Board discussed the draft newsletter.

PLANNING COMMISSION UPDATE

Planning Commission Chair Hansen gave a report on discussions and actions at the October 6, 2014 Planning Commission meeting.

Attorney Lemmons discussed the possibility of a moratorium in regard to the manufacturing of medical marijuana.

The recruitment of a road committee was discussed and it was determined that an article will be placed in the newsletter asking for interested residents to submit a letter of interest prior to November 10, 2014. Supervisor Budenski and Planning Commission Chair Hansen indicated they would work with the committee once it is established.

The possibility of asking Dakota County to take over assigning address numbers was discussed. It was noted that Ordinance 2009-3 would need to be repealed. The Clerk was directed to contact the County and provide information at the November Board meeting.

The Planning Commission was directed to review their policies and procedures handbook and offer feedback and suggestions to the Board.

PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS

Permit Requests

Brian Storlie, 24310 Cedar Avenue, building permit for single family home. Discussion was held regarding the proposed building permit and it was noted that the Planning Commission had reviewed the plans and recommended approval subject to the submittal of a septic plan. The Building Inspector reviewed the septic plan and indicated it was acceptable.

Motion was made by Supervisor Behrendt, seconded by Supervisor Madden, to approve a building permit for Brian Storlie, to build a single family house, improve a driveway and install a septic system and well at 24310 Cedar Avenue, PIN 130150026011. Motion carried by unanimous vote.

Matthew and Dana Sullivan, 24320 Dodd Boulevard, building permit for shed/garage. Discussion was held regarding the proposed building permit and it was noted that the Planning Commission had reviewed the plans and recommended approval subject to the submittal of revised building plans. The revised plans were submitted.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden, to approve a building permit for Matthew and Dana Sullivan to construct a shed/garage at 24320 Dodd Boulevard, PIN #13-01800-01-019. Motion carried by unanimous vote.

Bill Funk, 23690 Jersey Court, building permit for pole barn. Discussion was held regarding the proposed building permit and it was noted that the Planning Commission had reviewed the application and recommended approval subject to the submittal of building plans. The plans were submitted.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Budenski, to approve a building permit for Bill Funk, 23690 Jersey Court, PIN # 13-64000-01-050, to construct a 30x40x10 pole barn subject to the building not being a livable structure and there being no effect on the adjoining property or it's feedlot status. Motion carried by unanimous vote.

Organica Gardens. Dale Liene, Jamie Warndahl and Craig Andrews representing Organica Gardens, discussed their plans for a medical marijuana manufacturing operation at 24797 Highview Avenue. They stated they had inadvertently missed the Planning Commission meeting and would be willing to pay the fee for a special meeting to review their detailed plans with the Commission. They stated that the State had accepted their application for the operation and a decision would be made on December 3rd, therefore time is of the essence in getting a decision from the Township.

Discussion was held regarding a moratorium to allow time to review the possibility of a medical marijuana manufacturing operation in conjunction with current ordinances.

Motion was made by Supervisor Madden, seconded by Supervisor Ceminsky to refer the proposal by Organica Gardens to operate a medical marijuana manufacturing operation at 24797 Highview Avenue to the Planning Commission for further review and information gathering. Motion passed on a 3-2 vote. Chair Miller and Supervisor Behrendt voted nay.

Planning Commission Chair Hansen asked that the Township Attorney attend the Planning Commission meeting to be scheduled to review the Organica Gardens proposal.

Chair Miller called for a brief recess of the meeting at 9:19 p.m.

The meeting reconvened at 9:26 p.m.

The agenda was reviewed and items of timely importance were moved forward.

Disciplinary Action for Planning Commissioner Carrie Jennings

Chair Miller asked for input from Board members in regard to disciplinary action for the grievances filed against Planning Commissioner Jennings.

Supervisor Behrendt stated he felt there had been no intent by Commissioner Jennings to violate the open meeting law and no discipline is warranted. He further stated that in regard to the meeting disruption, broader guidance is warranted, as everyone is guilty of that offense at one time or another.

Chair Miller stated he also felt Commissioner Jennings' action was inadvertent yet ill advised. He state that in regard to the meeting disruption, he felt the long and extensive discussions that have been held through the public hearing and follow up meetings is enough admonishment.

Supervisor Ceminsky stated he felt that Commissioner Jennings had violated the open meeting law and should be removed from the Planning Commission for just cause. In regard to the meeting disruption, he felt a reprimand is warranted.

Supervisor Madden stated he agreed with the comments made by Supervisor Ceminsky.

Motion was made by Chair Miller, seconded by Supervisor Budenski, to issue a verbal reprimand to Commissioner Jennings for both grievances filed against her and a recording of this meeting be kept, as well as the minutes being a written record. An individual voice vote was taken on the motion. Chair Miller and Supervisor Budenski voted aye and Supervisors Behrendt, Ceminsky and Madden voted nay. Motion failed 2-3.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden, to remove Planning Commissioner Jennings from the Planning Commission. An individual voice vote was taken on the motion. Supervisors Ceminsky and Madden vote aye and Chair Miller, Supervisors Behrendt and Budenski voted nay. Motion failed 2-3.

Joey Miller, 22260 Dodd Boulevard, Alteration of a Non-Conforming Use – Planning Commission Findings of Fact

Chair Miller noted that a public hearing had been held on September 11, 2014 regarding a non-conforming use at the property owned by Joey Miller at 22260 Dodd Boulevard, then followed up by discussion and findings of fact at their regular meeting on October 6, 2014.

The findings of fact were reviewed and discussed by the Board and Planning Commission liaison Butch Hansen. Mr. Hansen acknowledged that the conclusion reached by the Planning Commission was the non-conforming uses and the expansion of the home building offices altered a non-registered, non-conforming use; the racing operation existed and did not intensify; the home building operation existed, but did not intensify and it is a non-registered use. Mr. Hansen further acknowledged that the Commission does not believe Mr. Miller needs an alteration to his non-conforming use.

Carol Cooper, Attorney for Mr. Miller submitted a letter dated October 9, 2014 in which she pointed out errors and misstatements that she felt had been made during the discussion and findings of fact process during the October 6, 2014 Planning Commission. She also submitted a letter dated October 14, 2014 to the Town Board, in which she requested the Board remand the issue back to the Planning Commission for further discussion due the issues pointed out in the October 9, 2014 letter.

Discussion was held regarding the home building business names (Joe Miller Homes dba Youngfield Homes), offices located in the northern building and should a permit be applied for that operation. Chair Miller described what he had seen when he inspected the property between 2002-2004.

Attorney Lemmons discussed documents that had been submitted to the Planning Commission. The documents had been sent to Attorney Lemmons for review after the meeting. The Clerk was directed to forward those documents to the Board prior to the November meeting.

Motion was made by Supervisory Ceminsky, seconded by Supervisor Madden, stating that a registered non-conforming use of the race operation has not intensified; the office space has not intensified but the alteration will require a permit with double fees; the offices were moved to the northern most building and no alterations are to be made to the non-conforming use going forward from this date.

Further discussion was held which included: the date of the lot split from Living Waters Church and the use of the building transferred prior to the lot split, and the need for record of ownership of building number one. Attorney Lemmons stated he would have the County property and tax records examined from 2000 forward.

Supervisory Ceminsky tabled his motion until the next Town Board meeting to allow the Township attorney time to review County records.

Sale of Storage Container

Bids for the storage container were reviewed.

A motion was made by Supervisor Ceminsky, seconded by Supervisor Budenski, to accept a bid by Charley Terpstra in the amount of \$1,400 for the storage container on the condition a check is received and the container is removed from Township property by October 21, 2014. Motion carried by unanimous vote.

Storage Building

Discussion was held regarding shelving or racks to be installed in the storage building. A contained area for records was also mentioned. Chair Miller stated that a proposal needs to be submitted for the items.

IT Update

Supervisor Behrendt provided a brief update on IT issues being addressed by Chris Buckley, Buds and Bytes.

The remainder of items listed the agenda were tabled until the November meeting.

A motion was made by Supervisory Ceminsky, seconded by Supervisor Behrendt to adjourn the meeting at 10:55 pm.

Respectfully submitted:

Mira Broyles, Township Clerk