

**EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA**

Eureka Town Board Meeting of February 10, 2014

Call to Order

Chair Pete Storlie called the February 10, 2014, Eureka Town Board meeting to order at 7:00pm. Members present were Supervisors Brian Budenski, Mark Ceminsky, Steve Madden, Kenny Miller and Pete Storlie. Clerk/Treasurer Linda Wilson was present to record the minutes, Deputy Colette Mumm was present for the Treasurer's Report. Carrie Jennings was present as Planning Commission Liaison. Township attorney Chad Lemmons was present. See attached sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of the Agenda

The following items were added to the agenda:

Under Other Business: O. - TKDA Fees

A motion was made by Supervisor Pete Storlie to approve the February 10, 2014 amended agenda. Motion seconded by Brian Budenski. Motion carried by unanimous vote

Attorney Chad Lemmons opened the meeting with a statement that there was an allegation received by the Township and that allegation has been referred to the Dakota County Attorney's Office and the Dakota County Sheriff's Office. For that reason there will be no mention of the allegation at this meeting for discussion by Mr. Lemmons' recommendation to the Board.

Dakota County Deputy

Deputy Smith reported that the Township has had some additional dumping issues at 265th and Denmark. Carrie Jennings indicated that a resident had issues with snowmobiles on private property, the Deputy would look into the issue.

Public Comment Period

Mark Ceminsky, 7226 235th Street W. Farmington - addressed the Board, presenting a written statement relating to false statements that have been made during Planning Commission meetings specifically directed by Commission Carrie Jennings. He requested the Eureka Town Board address the false statements and slander. He would also like to have the Township Board look into Township Data Practices.

Treasurer's Report

Checking Account Balance \$1,895.89. Outstanding Checks \$447.76. Savings Account Balance \$434,287.72 CD Account Balances \$71,720.26. The Ledger Balance is \$507,456.11. Total Claims \$21,175.57 and Total Payroll \$2,728.11.

A motion was made by Supervisor Pete Storlie: To approve the Treasurer's Report. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

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 January 2014	\$10,820.00
Dakota County Financial Services	Salt & Sand November 201	\$ 144.05
M & R Signs	Signs	\$ 21.81
ALF Ambulance	Ambulance Administrative Fee 2014	\$ 500.00
TKDA	Transfer Task Force Study	\$ 673.70
MNSPECT, LLC	Inspection Services January 2014	\$ 219.81
Kelly & Lemmons, P.A.	Service thru 1/31/2014	\$ 3,057.50
Dakota Electric Association	370799-9 Town Hall Electric	\$ 136.26
Frontier Communications	952-469-3736-053101-7 Town Hall Phone	\$ 135.72
Culligan	147-00134684-9 Water Softener Service	\$ 23.51
DSI/LSI	Town Hall Garbage Ser. February 2014	\$ 51.63
T & C Commercial Cleaning	Cleaning Town Hall January 2014	\$ 53.56
Metro Sales Inc.	6034A Ricoh MP Copier Purchase New	\$ 3,946.00
Mark Ceminsky	Disposal of Electronics	\$ 119.32
Colette Mumm	Reimbursement mileage/tax forms	\$ 65.94
PERA	Payroll Period 1-1-2014 to 1-31-2014	\$ 476.56
Internal Revenue Service	February 2014 Deposit	\$ 730.20
Colette Mumm	Payroll Period 1-1-2014 to 1-31-3014	\$ 994.99
Linda Wilson	Payroll Period 1-1-2014 to 1-31-2014	\$ 1,733.12
Total Bills Presented:		\$ 23,903.68

A motion was made by Supervisor Pete Storlie to approve the Disbursement Register and Claims List. No second on the motion. Roll call vote was taken on the motion: Kenny Miller – aye; Brian Budenski – aye; Steve Madden – aye; Pete Storlie aye; Mark Ceminsky recused himself from the vote as he has a billing on the list.

The following receipts were received in January:

Local Permits

Genz-Ryan Plumbing – Plumbing Permit #
Larry Zumbach – Building Permit # 14-01
Tami Johnson-Bldg. Permit Application Fee \$25.00

Dakota Electric – Utility Permit #2014-1-01
MWD Heating & Cooling-Mech. Permit #ET14-002
Donovan Palmquist-Bldg. Permit App. Fee \$25.00

CUP Reviews

Dakota Aggregates -\$700.14
Eureka Sand & Gravel - \$308.18
Frieges Landscaping - \$150.00

John Storlie - \$150.00
Tiller Corporation - \$150.00

Other Receipts:

Tim Murphy – RASP Sign \$16.95
Guy Flickinger – RASP Sign \$16.95
Gloria Belzer – CD Copy \$5.00
Charles (Butch) Hansen – Candidacy Filing \$2.00

Larry Zumbach – RASP Sign \$16.95
Nancy Sauber – Copies \$ 3.30
Pete Storlie – Candidacy Filing \$2.00
Cory Behrendt – Candidacy Filing \$2.00

Brian Budenski – Candidacy Filing - \$2.00

Deposit from General Revenue - \$28,000.00

Dakota County – Balance of 2013 current & delinquent taxes - \$19,515.24

TOTAL RECEIPTS AS OF JANUARY 31, 2014 **\$50,821.53**

The Town Board reviewed the Financial Reports prepared by Colette Mumm.

Correction to be made on the Receipts Register for Check # alignment #37770 to be at the bottom of the page. Supervisor Mark Ceminsky made a motion to accept the Receipts Register and Current Investments as reported. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Outstanding Invoices

No list presented for meeting. Clerk reported no changes from last month. Frontier Communications, Terri Petter and Sauber Trust still outstanding. Supervisor Storlie asked this item be put on the March Agenda and to have a list for the members to review.

Open Building Permits

No current building inspector for the Township. MNSPECT should have a final update and a report should be given at the March Town Board Meeting.

Budget

No documents were provided for review.

Great River Energy

Stan Tesser, project manager presented the Board with the CapX Construction Summary. All foundation and structures are complete and the crew is working on Conductors/Shield/Fiber Optic now through March. Construction and completion in Eureka Township is targeted for April 1. The Board asked that Stan Tesser keep the Township and the Sherriff informed of any road closures or last minute glitches during the construction process. Supervisor Pete Storlie requested Mr. Tesser be at the March Town Board meeting for an update.

Road Contractor

Mark Henry, Road Contractor was present to report on the current road issues. He asked that the snowmobile issues be addressed with snowmobile clubs and the County.

Planning Commission Update

Commission Carrie Jennings reported that the Planning Commission will be presenting the permit request for Donovan Palmquist retroactive for two grain bins for the Board's approval to include late fees for the permit. Mr. Palmquist has also been in discussion with the Planning Commission for an application to build an addition on to his existing structure. Questions will be reviewed by the Township attorney regarding the non-conforming use of the property before moving forward with this permit.

The Planning Commission set a public hearing date of March 27, 2014 for the Living Water Church; they will present a total package of information to be reviewed by the March Planning Commission meeting.

Carrie Jennings and Allen Novacek reviewed the language for Move-In Permits. The Planning Commission felt that the ordinance should have changes but there was no agreement on final language. The Planning Commission would like direction from the Board on how to proceed with this ordinance.

The Commission reviewed the old ordinance book from 8/30/2004 in relation to the new ordinances and had questions for the attorney as to this book and could to be used for reference since the new ordinance stated that it supersedes the old ordinances.

Land Use & Zoning Permits

Donovan Palmquist – 27606 Grenada Ave. – building permit

Donovan Palmquist was present to represent his application for a building permit for grains bins that were constructed in 2004. Permit fees will be doubled

A motion was made by Supervisor Mark Ceminsky to approve the permit retro with the associated fees for the two grain bins applied for on property ID 130330001077 Donovan Palmquist and Colleen Riley. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

IT Follow-Up

Chris Buckley with Buds & Bytes presented a project proposal with options for meeting the technology needs of the Township. The services of Buds & Bytes was initiated several months ago to address virus issues on the office computers and most recently major shut down of all office equipment. Mr. Buckley did a review of the current technology on the Eureka Township equipment, the data that is currently stored and the hard drive data. The initial consultation presented a long list of items that need to be addressed, most crucial is existing security, web-site and email and eliminate the viruses, and correct the domain names.

A motion was made by Supervisor Mark Ceminsky to accept the proposal from Buds & Bytes and have them proceed with the recommended work through the project proposal. Motion seconded by Supervisor Brian Budenski. Supervisor Pete Storlie made a friendly amendment not to exceed the cost on the proposal for the month. Mark Ceminsky accepted the friendly amendment. Motion carried by unanimous vote.

Building Inspector

Darrel Gilmer was present to review a contract proposal presented to him to assume the responsibilities of Township building inspector. He is currently listed with the State as the Eureka Township temporary building inspector. Mr. Gilmer will review the contract proposal documents as well as the current open building permits.

A motion was made by Supervisor Pete Storlie to continue with Darrel Gilmer as the Township's temporary building inspector official through March meeting. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

CUP Reviews

1. **Wat Lao Minnesota** – CUP Review Temple.

A representative was present from Wat Lao Minnesota for review of the temple CUP. He thanked the Board offered an invitation for them to visit the Temple. There were no complaints or public comments. The annual review fee of \$15.00 was paid to the Clerk.

2. **Hansen** – CUP Review Airstrip

Butch Hansen, 26120 Highview Ave. and Mark Hansen, 26190 Highview Ave. were present for the review of the Hansen Airstrip. There were no complaints or public comments. The annual review fee \$25.00 was paid to the Clerk.

3. **Windmill Mine Eureka Sand and Gravel** – CUP Review

Supervisor Kenny Miller is the owner/operator of the Eureka Sand & Gravel the company that operates the Windmill Mine. He was present to represent Windmill Mine in their review. Supervisor Pete Storlie reported that there was a complaint against Great River Energy, who has a lay down yard on his premises and Kenny Miller was cooperative and worked to resolve the issue with GRE using his yard. There was not violation on Eureka Sand & Gravel. There were no other comments received or public comments. The annual fee was paid to the Clerk of \$308.18.

4. **Storlie Mine Review** – CUP Review

John Storlie, 23449 Dodd Blvd. was present for the review. NOTE: Dakota Aggregates will be the new lessee starting January 1, 2014. The minimum fee of \$150.00 was collected. There were no complaints received or public comment.

5. **Brosseth Mines- Dakota Aggregates** – CUP Review

Representatives from Ames Construction were present for the Brosseth Mine Review. There were no complaints or public comments. They introduced a new staff member, Stacy Hanover. There were some issues with noise and dust that were addressed immediately and they also shut down their operation for a wedding in the area. The fee of \$700.14 was paid to the Clerk.

6. **Freidges Landscaping** - CUP Review

No representative was present. Tabled until March, fees have been collected in the amount of 150.00.

7. **Tiller Corporation –Barton Sand & Gravel-** CUP Review

No representative present. There were no complaints or public comments; fee of \$150.00 was collected.

County Commissioner

Mike Slavik, District 1, County Commissioner addressed the Board and residents in attendance and gave a Dakota County update to include: Elections Equipment; Nitrate Study for Water; County Road 9- Dodd Road Project. Mr. Slavik is currently the Chairman of the VRWJPO (Home # - 651-437-4637) for citizen concerns.

Record Log

The Board discussed whether the Township had a policy to address the office files, what is public and what is private information for citizens to request copies of and a tracking log. Attorney Chad Lemmons will research for the Board. Follow-up in March.

Ordinance Review Update

Attorney Jerry Filla has reviewed the Township ordinance and felt they were very well organized. Chad Lemmons stated they still needed Resolution 59, which the Clerk had already sent. Follow-up at the March Board meeting.

Town Hall Maintenance

Supervisor Mark Ceminsky recused himself from the conversation. The Board felt once the weather stabilized they could address the maintenance needing to be done. The Board will talk about in May.

Dakota County CDA – Community Development Block Grant

The Board discussed the application from the Dakota County CDA and there was discussion of applying for funding for Township projects. Supervisor Steve Madden will research and complete the application by February 28, 2014. Board will follow-up in March.

Appoint Election Judges

The Clerk presented the following persons to be Election Judges for the March Township Election: Valerie Kehrer, as Head Judge, Elaine Swedin, Earl & Cheryl Schindeldecker, Marlene Swantek, Jack Schabel, Mary Reisinger, Rose Bucheger and Jody Arman-Jones.

A motion was made by Supervisor Kenny Miller to approve the nine election judges for the March 11 2014 Township elections. Motion was seconded by Supervisor Mark Ceminsky. Supervisor Miller amended his motion to include additional judge Mary Reisinger to make list complete. Mark Ceminsky seconded Kenny Miller's amended motion. Motion carried by unanimous vote.

Set Board of Canvass Date

A motion was made by Supervisor Kenny Miller to hold the Board of Canvass Meeting Thursday March 13, 2014 at 7:00pm. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

Set Reorganizational Meeting Date

A motion was made by Supervisor Mark Ceminsky to hold the reorganizational meeting on Tuesday, March 25, 2014 at 7:00pm. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

Review Election Equipment

The Board reviewed literature from American Made Election Equipment to purchase new election voting booths and signage.

A motion was made by Supervisor Kenny Miller that they authorize an expenditure up to \$2500.00 to purchase the new election booths and signage. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Old Town Hall Parcel

Tabled until the March Meeting. The Board is not accepting any offers made on the property at this time, they are currently gathering information.

Castle Rock Denmark Ave. Maintenance

Castle Rock Township has lost about a mile of road not being taken over by Dakota County to tie County 78 to 240th Street to Highway 3. Supervisor Miller would like to negotiate with Castle Rock Township to split the maintenance on Denmark Ave. Supervisor Ceminsky and Storlie will contact Castle Rock to set up a meeting to discuss maintenance issues. Follow-up at the March meeting.

Annual Meeting Preparation

Annual meeting items were briefly discussed. The Road Committee is meeting this week to prepare presentation on the roads. Supervisor Miller will prepare attorney information and expenses; Supervisor Budenski will present noxious weeds; and Steve will report on Fire, Sherriff, and ambulance service. Lu Barfknect will be preparing documentation on building permits and miscellaneous issues and Pete Storlie will report on the building inspector.

Silvercycling

Send a letter to Silvercycling to explain why they are unable to commit this year for use of the Township parking lot for their race.

TKDA Fees

TKDA sent their new fees for 2014, a moderate increase this year; they have not raised their rate for Eureka Township for four years. Board will review old and new rates and follow-up at the March meeting on how they want to proceed.

MNSPECT Invoice

The Board reviewed the bill presented from MNSPECT and questioned the fees.

A motion was made by Supervisor Mark Ceminsky that the Board hold off paying the bill until the Board has reviewed the charges or the attorney can review the fees based on the State Statute and the Township permitting fees. Motion was seconded by Pete Storlie. Attorney Chad Lemmons indicated he wanted to talk with the new building inspector to see how the fees were determined. Motion carried by unanimous vote.

Mr. Lemmons added that the fees incurred for Joe Miller should be directed back to Joe Miller for payment after investigation of the bill.

A motion was made by Supervisor Pete Storlie to have the Clerk email MNSPECT the invoice will not be paid until the Board has further investigation whether they match the files received. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Agri-tourism Task Force Report

Commission Butch Hansen reported that the committee has draft language from Sherri Buss to be reviewed. The committee will not have anything solid before the annual meeting but could provide an update at that time.

Minutes

Town Board Meeting of January 13, 2014

Two corrections were made to the minutes. A motion was made by Supervisor Mark Ceminsky to approve the Town Board Minutes from January 13, 2014 as amended. Motion seconded by Steve Madden. Motion carried by unanimous vote.

At 9:30 Supervisor Mark Ceminsky made a motion to extend the meeting a little longer to have the Clerk provide the minutes for the January 30, 2014 meeting. Motion seconded by Supervisor Pete Storlie. Two votes cast by Supervisor Miller-aye and Supervisor Ceminsky- aye. Supervisor Storlie asked to have a 5 minute recess. Supervisor Storlie resumed the meeting after a 5 minute recess.

Special Town Board Meeting January 30, 2014

Corrections and additions were added. A motion was made by Supervisor Pete Storlie to approve the Special Town Board minutes of January 30, 2014 as amended. Motion seconded by Steve Madden. Motion carried by unanimous vote.

A motion to adjourn the meeting was made by Supervisor Mark Ceminsky. Motion seconded by Supervisor Kenny Miller.

The Meeting adjourned at 9:45pm.