

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Town Board Meeting of January 14, 2013

**Call to Order**

Chair Brian Budenski called the January 14, 2013, Eureka Town Board meeting to order at 7:05 p.m. Members present were Supervisors Brian Budenski, Mark Ceminsky, Pete Storlie, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Lu Barfknecht was present as Planning Commission Liaison. Township Attorneys Chad Lemmons and Jerry Filla were present. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Deputy Smith was present to address those in attendance. There were no citizen or Town Board concerns to address.

**Approval of Agenda**

The following items were added to the agenda:

Other: H. Policy reminder

I. 200% Rule

J. Liaison Responsibility

G. Road Committee Report add: Dodd Blvd update

K. Farmington Fire Department

A motion by Supervisor Brian Budenski: To approve the agenda as amended. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

**Public Comment Period**

Carrie Jennings, 8919 280<sup>th</sup> St. W. read comments to the Town Board on the Special Town Board Roundtable meeting held on January 7, 2013.

Nancy Sauber, 9445 225<sup>th</sup> St. W. also read comments to the Town Board on the Special Town Board meeting held on January 7, 2013.

**Treasurer's Report**

Checking Account Balance: \$2,055.71. Outstanding Checks \$580.31. Savings Account Balance: \$469,535.94. CD Account Balances: \$69,988.44. The Ledger Balance is \$540,999.78.

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.

The Clerk presented the following bills for payment:

<b>Henry's Excavating</b>	Road Maintenance thru 12/31/2012	<b>\$6,365.00</b>
<b>MNSPECT</b>	Inspection Service – December 2012	<b>\$1,174.78</b>
<b>Dakota Electric Association</b>	Town Hall Electric	<b>\$97.21</b>
<b>Frontier Communications</b>	Phone Service Town Hall	<b>\$131.38</b>
<b>Dick's Sanitation</b>	Garbage Service Town Hall-January 2013	<b>\$49.59</b>
<b>Culligan</b>	Water Softener Service	<b>\$23.51</b>
<b>Kelly &amp; Lemmons</b>	Service thru 12/31/2012	<b>\$3,550.00</b>
<b>ECM Publishers</b>	Legal ads- election	<b>\$70.00</b>
<b>Bob Freiermuth</b>	Septic Inspections	<b>\$400.00</b>
<b>Dakota County Treasurer</b>	2 septics	<b>\$80.00</b>
<b>T&amp;C Commercial Cleaning</b>	Clean Town Hall December 2012	<b>\$53.56</b>
<b>Metro Sales</b>	Collection Fees	<b>\$19.79</b>
<b>Grainger</b>	Light Bulbs	<b>\$295.33</b>
<b>Contech</b>	Culverts	<b>\$1,704.56</b>
<b>Linda Wilson</b>	Mileage	<b>\$101.57</b>
<b>Nanett Sandstrom</b>	Expenses	<b>\$247.72</b>
<b>IRS</b>	January Deposit	<b>\$987.97</b>
<b>PERA</b>	Payroll Period 12-1-2012 to 12-31-2012	<b>\$540.44</b>
<b>MN Dept of Labor</b>	State Surcharge 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> Qtr	<b>\$489.87</b>
<b>USPS</b>	Newsletter Mailing	<b>\$50.00</b>
<b>Central Valley</b>	Tax on LP	<b>\$21.62</b>
<b>Dakota County Township</b>	Dues 2013	<b>\$1,090.68</b>
<b>Plunkets Pest Control</b>	Rodent Control	<b>\$433.00</b>
<b>Beaver Creek Companies</b>	Town Hall Repairs	<b>\$2,153.47</b>
<b>TKDA</b>	Hamburg Ditch Repair	<b>\$1,727.59</b>
<b>Nanett Sandstrom</b>	Payroll Period 12-1-2012 to 12-31-2012	<b>\$1,982.67</b>
<b>Linda Wilson</b>	Payroll Period 12-1-2012 to 12-31-2012	<b>\$916.94</b>
<b>TKDA</b>	Transfer Task Force Study	<b><u>\$1,739.23</u></b>
<b>Total Bills Presented</b>		<b>\$26,497.48</b>
Additional Bill Approved at meeting:		
<b>USPS</b>	Stamps for Newsletter	<b><u>\$300.00</u></b>
<b>Total Bills Approved</b>		<b>\$26,797.48</b>

Claims 2053 and 2054 are voided claims.

A motion by Supervisor Brian Budenski: To approve the Claims Lists and Net Pay Account Distribution as presented. (There was no second made) 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.

Supervisor Mark Ceminsky signed the Affidavit of Official Interest in Claim for Beaver Creek Companies, which he is owner and operator.

The following receipts were received in December:

• **Local Permits**

<b>Wat Lao-</b> <i>CUP Review</i>	<b>\$15.00</b>		<b>\$25.00</b>
<b>Cheryl Ackerman-</b> <i>Kennel License</i>	<b>\$100.00</b>	<b>Darrel Gilmer-</b> <i>Refund overpayment</i>	<b>\$200.00</b>
<b>Kline Corp-</b> <i>ET12-032</i>	<b>\$50.00</b>	<b>Gayle Schleif-</b> <i>Septic Permit 12-12-15</i>	<b>\$280.00</b>
<b>Gardner Builders</b> <i>Permit 12-22</i>	<b>\$1,876.88</b>	<b>Charles Hansen-</b> <i>Zoning Compliance</i>	<b>\$50.00</b>
<b>Arnold Bing Plumbing-</b> <i>ET12-031</i>	<b>\$80.00</b>	<b>Dave Sellner-</b> <i>Plan Review 12-13</i>	<b>\$217.21</b>

• **Other Receipts**

<b>Dakota County-</b> <i>2<sup>nd</sup> half taxes 2012</i>	<b>\$189,000.00</b>	<b>Castle Rock Bank – Interest CD</b>	<b>\$181.55</b>
<b>Terri Petter-</b> <i>2 Meeting recordings</i>	<b>\$10.00</b>	<b>Castle Rock Bank – Interest Savings</b>	<b>\$1,027.69</b>
<b>Dakota County–</b> <i>Road Rebuild</i>	<b>\$5,416.49</b>	<b>Castle Rock Bank – Interest CD</b>	<b>\$243.54</b>
<b>State of MN–</b> <i>Ag Credit</i>	<b>\$6,795.62</b>		

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**TOTAL RECEIPTS AS OF DECEMBER 31, 2012** **\$205,543.98**

The Town Board reviewed the Financial Reports prepared by the Clerk.

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.

**Planning Commission, land use permits and related items**

**A. Land Use & Zoning Issues**

**1. Bruce Mohn-** 27605 Pillsbury Ave.

Bruce & Cheryl Mohn requested to split 3.26 acres from parcel 13-03100-50-011 which consists of 104.05 acres. A Cluster from this parcel was approved by the Town Board on September 10, 2012.

A motion by Supervisor Kenny Miller: To accept the lot split proposed by Mr. Mohn, Parcel A consisting of 104.05 Acres, Property ID# 13-03100-50-011. Parcel B is being split away consisting of 3.26 acres. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

**2. Charles Hansen-** 26120 Highview Ave.

Charles Hansen was present to represent his application for a Zoning Compliance permit to build a 10,180 sq. ft. addition to his Ag Building. An Ag Exemption form was completed.

A motion by Supervisor Mark Ceminsky: To accept the Ag Building permit application for 26120 Highview Ave, Property ID # 13-02800-030-25 for Charles Hansen. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

**3. Hendricks-** 22465 Dodd Blvd- work without a permit

Mr. Hendricks added a roof/ entry to his home without a permit. The Building Inspector was out and spoke with Mr. Hendricks about obtaining a permit for the work. AT this time Mr. Hendricks has not submitted an application for the work.

## **Other Business**

### **A. Planning Commission Update**

Lu Barfknecht was present as Town Board liaison. 200% Rule information was forwarded to the Town Board for their consideration. Lu asked how the Town Board wanted them to proceed with Dual Occupancy. Discussion on Town Board thoughts on Dual Occupancy followed. If the Planning Commission plans to present changes to the Ordinance, a Public Hearing will need to be held.

### **B. Joint Powers Agreement- Sheriff Department**

The Township Attorney was asked to review the proposed Joint Powers Agreement.

### **C. Newsletter**

Content and mailing of the newsletter was discussed. A survey from the Transfer Task Force will be included in the Newsletter. A motion by Supervisor Brian Budenski: To have the Clerk purchase First Class stamps not to exceed \$300 for the 1<sup>st</sup> Quarter Newsletter mailing. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **D. Budget Meeting Date**

The Budget meeting was set for Wednesday, January 23, 2013 at 7:00 pm.

### **E. Ag Fence**

The Town Board discussed Ag Fences. Under Township Ordinances, fences are defined as a structure. Under current Township Zoning Ordinances a fence is an accessory use to an Agricultural Use.

Under Statute State Statutes a fence does not meet the definition of an agricultural building. The Attorney commented that there is no portion of the Building Code that defines how a fence is constructed. The Township Attorney recommended striking fence from the definition of structure and to pass a separate ordinance that requires a building permit for a fence.

The Building Inspector needs to show where in the Uniform Building Codes that fences are controlled. The Town Board asked the Attorney to talk with the Building Inspector on the fence issue.

### **F. Transfer Task Force Report**

Jeff Otto was present to report on the Transfer Task Force progress.

A motion by Supervisor Kenny Miller: To ask the Township Attorney, either Jerry Fikka or Chad Lemmons to meet with the Task Force on February 11, 2013, prior to the Town Board Meeting. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote. The meeting will be posted at 6:30 pm.

## **Old Business**

### **1. Charles Robert- 26110 Ipava Ave**

Building Inspector Scott Qualle has been in contact with Mr. Roberts. Mr. Roberts commented that he is receptive to solving the problem. The Building has not been moved to be brought into

compliance with Township Ordinances. Mr. Roberts was to attend tonight's meeting to discuss the issue.

Since Mr. Roberts did not attend the Town Board meeting to discuss the issue and no progress has been made to bring the building into compliance with Township Ordinances the Town Board decided to move forward with the next step of enforcement.

A motion by Supervisor Mark Ceminsky: To move forward with issuing a citation on the complaint on the shed. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote.

The Township Attorney will be asked to contact the Building Inspector and guide him in issuing the citation.

**Other Business-** continued

**G. Road Committee Report- Budget recommendations**

The Road Committee submitted a recommendation to the Town Board for line item breakdowns for the 2014 budget. They asked that Town Board members review the recommendation for the Budget Meeting.

**Dodd Blvd update-** The Road Supervisors are meeting on January 28<sup>th</sup> with Brian Sorenson, Dakota County Transportation Department on the Dodd Blvd proposed improvements on how they will affect the township and impact on Township roads.

**H. Policy Reminder**

The Clerk was asked to email a reminder to Town Board and Planning Commission of proper procedures for communications between Town Board and Planning Commission members.

**I. 200% Rule**

Planning Commission forwarded information they gathered on the 200% Rule. The Town Board reviewed and discussed the information provided.

A motion by Supervisor Mark Ceminsky: To direct the Planning Commission to hold a Public Hearing to change the zoning on the 200% rule to 25% impervious surface on 10 acres or less. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote.

**J. Liaison Responsibility**

Road Supervisors asked that all road issues be directed to them, the responsible persons to deal with these issues. They should be the only ones giving direction to the Road Contractor.

**K. Farmington Fire Department**

The Farmington Fire Department agreed to do two fire inspections per year.

**Other Business**

**2. Chris Nielsen-** advertising sign application

Mr. Nielsen did not submit the sign application as requested by the Town Board. The Clerk was asked to send a certified letter to Mr. Nielsen.

### **3. Building Code Books**

To meet compliance requirements for MN Building Codes, the Township is required under State Statutes to have a Code Book available at the Town Hall.

A motion by Supervisor Brian Budenski: To have the Clerk purchase 2 MN Building Code books through the State and have them shipped, to spend up to \$110. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **4. Public Statements during Public Comment period**

There was discussion whether statements made during the public comment period need to be entered into record. The Township attorney will be contacted to see if the comments need to be attached or if it is up to the Town Board's discretion to include these comments in the minutes.

## **Minutes**

### **A. Town Board meeting of December 10, 2012**

A motion by Supervisor Brian Budenski: To approve the Town Board meeting minutes of December 10, 2012 as presented. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **B. Special Town Board meeting of December 19, 2012**

A motion by Supervisor Kenny Miller: To approve the Special Town Board Minutes of December 19, 2012, as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

### **C. Round Table meeting of January 7, 2013**

A motion by Supervisor Kenny Miller: To approve the Round Table Minutes of January 7, 2013, as presented. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

## **New Business**

### **A. Review Ag Permit Application**

Supervisors Mark Ceminsky and Pete Storlie have spoken with the Building Inspector and feel that there are changes that could be made to the Ag permit application to streamline the permitting process. They will review the application and bring suggested changes back to the Town Board at the February meeting.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Kenny Miller.

The Meeting adjourned at 9:31 p.m.