

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Emergency Meeting of December 30, 2013

Call to Order

Chair Pete Storlie called the December 30, 2013, Eureka Town Board Emergency meeting to order at 5:45 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Brian Budenski, Kenny Miller and Steve Madden. Clerk/ Treasurer Linda Wilson was present to record the minutes. Scott Qualle, Building Inspector and Township Attorney Chad Lemmons were also present.

Agenda: Ron Enright Building Permit for a new hangar.

Chad Lemmons, Township attorney notified the attorney for Mr. Enright of the meeting and invited them to attend and received no response. At the time meeting was called to order no one was present to represent Mr. Enright or was Mr. Enright himself present.

Scott Qualle, Building Inspector started the meeting by bringing everyone up to date on permit history. Originally there was a request for a building permit in June/July 2013 to build a hangar; permit was issued July 10, 2013 for Footing and Foundation only in the amount of \$1,449.69 paid by Lakeville Aero LLC on October 1, 2013. Mr. Enright, requested getting his foundation poured before the weather turned so he asked that we separate the footing and foundation from the building permit. Mr. Enright requested an inspection of the plumbing before the plumbing permit had even been submitted to the state for plan review, he was installing the piping under the slab. Scott confirmed he had sent several notices to Mr. Enright cautioning them they were installing at their own risk; he had not inspected or approved the work. They continued to proceed and pour the slab against our instructions. Scott went back to the site, issued a stop work order, ordered people off the site and at that time the frame was being constructed.

After the last TB meeting he was still waiting to issue the building permit for the building, the information he requested from Mr. Enright had not yet been received. It was determined that if Mr. Enright would post some funds to cover the cost of permit, cost of plan review the penalty and fees for plumbing and mechanical plus the attorney fees and Mnspects portion which was \$6423.47 and 50% allowance for overage \$3200.00 they would move forward with the permit. The information reflecting \$9,633.47 plus attorney fees was sent to Mr. Enright and the Township received a check in the amount of \$1185.23.

To date the shell has been enclosed and a door is being installed, building is about 70% completed, and they are continuing to proceed with construction despite the stop work order and no permit. Only the inspection of the footing was requested and done, no other inspections have been requested. We have issued a mechanical permit issued December 10, 2013 in the amount of \$221.25 and Mr. Enright sent a check for \$91.00. The Township still has the permit, inadequate fees.

Chad Lemmons, attorney sent on November 19th an email to James Lockhart, attorney for Mr. Enright - 'Here are the amounts due to lift the red tag. Permit fee \$9,633.47; attorneys fees

\$575.00. As soon as the funds are received it is my understanding the red tag will be lifted.”

The miscellaneous checks the Township is holding should not be cashed per recommendation by Township attorney. Mr. Enright’s attorney has been disputing the fees for the permits and then sending in the amount they feel is owed. Mr. Lemons indicated to Mr. Lockhart that if the actual amount charged was greater than what was actually due the amount would be refunded to him once the final calculations of fees was done.

Mr. Enright is in violation of building his hangar without all of the proper permits and a stop work order being issued. Mr. Lemmons discussed options of an injunction for a restraining order or a criminal citation being issued.

Scott Qualle will contact the Metropolitan Airport Commission to see if there is any current agreements with Eureka Township and MAC.

A motion was made by Kenny Miller to authorize Chad Lemmons to proceed with an injunction or court action filing a citation putting a hold on Mr. Enright’s building permit or use of the building until all permits are in place to our satisfaction. Mr. Lemmons suggested that you authorize Kelly and Lemmons to research whether or not an injunction is appropriate and if we find an injunction is appropriate you authorize us to proceed to obtain the injunction and that would include not only halting construction but also in joining occupancy of the building as well. Also authorize Kelly and Lemmons to research and file a citation if we feel it is warranted. Kenny Miller made an amendment to use the status of our lease powers with MAC at the Lakeville Airport. Motion seconded by Mark Ceminsky. Chairman Pete Storlie summarized the motion to authorize Kelly Lemmons to research the lease agreement with MAC and Eureka Township to determine if an injunction is needed and if it is to file one and to file criminal action if needed to insure that Mr. Enright brings his permit status up to paid and inspections up to date to get a Certificate of Occupancy.

Motion passes by unanimous vote.

A motion was made by Mark Ceminsky to include charges for this meeting, attorneys fees and Mnspect fees are charged to Mr. Enright for this process. Chad Lemmons recommended as authorized by as Chapter 1 Ordinance 8 of the Township ordinances. Motion seconded by Pete Storlie. Kenny Miller added as a friendly amendment, all costs incurred by Eureka Township to bring this permit to a resolution. Motion passes by unanimous vote.

Scott Qualle clarified that until he gets all the information to finalize the plan review he cannot issue the permit.

Pete Storlie indicated that if anyone is contacted by Mr. Enright all communications need to be directed to Mr. Lemmons the Township attorney. Mr. Lemmons will contact Mr. Lockhart and let them know all communications will be directed through his office.

Motion to adjourn the meeting by Brian Budenski. Motion seconded by Mark Ceminsky. Motion passed by unanimous vote.

Meeting adjourned at 6:30p.m.