

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of June 10, 2013

Call to Order

Chair Pete Storlie called the June 10, 2013, Eureka Town Board meeting to order at 7:05 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Brian Budenski and Kenny Miller. Supervisor Steve Madden arrived at 7:08 p.m. Clerk/ Treasurer Nanett Sandstrom was present when the meeting was called to order, but left at 7:15 p.m. Deputy Clerk/Treasurer Linda Wilson was present in place of the Clerk/ Treasurer. Carrie Jennings was present as Planning Commission Liaison and Township Attorney Chad Lemmons was present. See attached attendance sheet for additional persons in attendance. The meeting minutes were drafted by Clerk/ Treasurer Nanett Sandstrom with the aid of the recording.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Other Business: J. 2. Continue discussion on Ag Tourism
J. 3. 200% Rule

A motion by Supervisor Pete Storlie: To approve the agenda for June 10th as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Gloria Belzer - 24335 Dodd Blvd addressed the Town Board with concerns on the Planning Commission's discussion at the June 3rd Planning Commission meeting on Ag-Tourism. Gloria asked that the Township engage a Professional Planner in developing Ordinance language.

Allen Novacek- 24030 Iberia Ave commented that both the 200% Rule and Ag-Tourism help secure the rights of the citizens. He asked the Town Board to move forward with these amendments.

A citizen submitted a third complaint on Charles Roberts, 26110 Ipava Ave. The building that has been placed within the required setback from the property line has not been relocated. This issue will be addressed under Other Business, J.1.

Dakota County Commissioner Mike Slavik introduced himself and updated the Town Board on County Issues. Mike also serves on the Cannon River Watershed Partnership.

Treasurer's Report

Checking Account Balance: \$3,259.71. Outstanding Checks \$433.77. Savings Account Balance: \$330,923.44. CD Account Balances: \$70,411.48. The Ledger Balance is \$404,160.86.

A motion by Supervisor Pete Storlie: To accept the Treasurer's Report for June 10th. The motion was seconded by Supervisor Steve Madden. 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:

Henry's Excavating	Road Maintenance thru 5/31/2013	\$12,747.50
MNSPECT	Inspection Service – May 2013	\$4,627.91
Dakota Electric Association	Town Hall Electric	\$86.96
Frontier Communications	Phone Service Town Hall	\$130.38
Dick's Sanitation	Garbage Service Town Hall-May 2013	\$50.83
Culligan	Water Softener Service	\$23.51
Kelly & Lemmons	Service thru 5/31/2013	\$2,212.25
T&C Commercial Cleaning	Clean Town Hall May 2013	\$53.56
Clarks Lawn Service	Mowing May 2013	\$491.63
Castle Rock Materials	Limestone	\$26,827.20
Eureka Sand & Gravel	Class 5	\$2,476.95
Valley Tree	Tree removal	\$2,500.00
Dakota County	Election Maintenance	\$300.00
Allied Engineering	Gravel Testing	\$300.00
M & R Sign	Signs	\$749.88
ConTech Construction Materials	Culverts	\$2,600.19
Nanett Sandstrom	Expenses	\$158.80
IRS	June Deposit	\$1,672.92
PERA	Payroll Period 5-1-2013 to 5-31-2013	\$255.29
State of MN Withholding	Payroll Period 5-1-2013 to 5-31-2013	\$349.15
Nanett Sandstrom	Payroll Period 5-1-2013 to 5-31-2013	\$666.02
Linda Wilson	Payroll Period 5-1-2013 to 5-31-2013	\$814.64
Brian Budenski	Supervisor Payroll 2 nd Qtr 2013	\$480.22
Mark Ceminsky	Supervisor Payroll 2 nd Qtr 2013	\$3,089.79
Steve Madden	Supervisor Payroll 2 nd Qtr 2013	\$646.43
Kenny Miller	Supervisor Payroll 2 nd Qtr 2013	\$591.04
Pete Storlie	Supervisor Payroll 2 nd Qtr 2013	\$877.32
Lu Barfknecht	Planning Commission Payroll 2 nd Qtr 2013	\$360.16
Fritz Frana	Planning Commission Payroll 2 nd Qtr 2013	\$295.52
Carrie Jennings	Planning Commission Payroll 2 nd Qtr 2013	\$286.28
Allen Novacek	Planning Commission Payroll 2 nd Qtr 2013	\$277.05
Total Bills Presented		\$66,999.38

A motion by Supervisor Pete Storlie: To accept the Claims List and Net Pay Distribution. Motion seconded by Supervisor Mark Ceminsky. Roll call vote was taken on the motion: Kenny Miller-aye; Pete Storlie-aye, Mark Ceminsky-aye; Brian Budenski-aye and Steve Madden-aye. The motion passed unanimously.

The following receipts were received in May:

• **Local Permits**

Les Jones Roofing- <i>Permit 13-004</i>	\$174.29	MC Contracting- <i>Septic permit</i>	\$280.00
Slater Construction- <i>Application Fee</i>	\$25.00	Ryan Johnson Const.- <i>Application Fee</i>	\$25.00
Nick Hosking- <i>Driveway application fee</i>	\$450.00	WS&D Permit Service- <i>Permit</i>	\$105.00
Otte Excavating- <i>Septic Permit</i>	\$280.00	Platinum Builders- <i>Three permits</i>	\$315.00
K Michael- <i>Demo Permit</i>	\$279.21	Anderson Construction <i>Application Fee</i>	\$25.00
Cihak Siding- <i>Rework Permits</i>	\$395.00	MEI Minnesota Exteriors- <i>2 permits</i>	\$210.00
Mark Nelson- <i>Airstrip Review</i>	\$15.00	Burnsville Heating- <i>permit</i>	\$50.00
Glory to Glory- <i>CUP Review</i>	\$25.00	Nick Hosking- Permit 13-07	\$764.63
Better Air- <i>Mechanical Permit</i>	\$50.00	Great River - <i>Right of way Permit</i>	\$29,650.00

• **Other Receipts**

Beaver Creek – <i>Newsletter Ad</i>	\$125.00	Nancy Sauber - <i>CD of Minutes</i>	\$.75
Great River Energy – <i>Special Meeting</i>	\$420.00	Silver Cycling- <i>donation</i>	\$100.00
Terri Petter– <i>CD of Minutes</i>	\$5.00	Walter Bohrn - <i>CD of Minutes</i>	\$5.00

TOTAL RECEIPTS AS OF MAY 31, 2013

\$33,773.88

Town Board members had questions on the financials. The Clerk was not in attendance to answer their questions.

A motion by Supervisor Kenny Miller: To table approval on the balance of the financials. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote. (Tabled until the July Town Board meeting.)

Met Council- Jeff Schwarz- Landscape Plan Lift Station Revised Plan 7:30 pm.

Jeff Schwarz, Met Council presented the Town Board with a revised plan. A packet was previously sent to the Town Board for their review. He informed the Board that the original shrub planting is doing well. They have applied additional herbicide to the area to start over with the seeding. They are proposing to plant 8 foot Eastern Red Cedar Trees, which are more conducive to the soils. They will spruce up the current plantings by weeding and adding mulch. They would like to plant Prairie Grass. Upon Board approval they would start this month. The Prairie Grass would be seeded this fall.

The Town Board felt that the building looks fine, it fits well in the community. The green generators are what need to be screened. It was suggested that berm and the shrubs on east side be removed. To place seven trees- south side of the road, up the property line to the north end of the building. A diagram was given to Jeff on what the Town Board would like to see.

The Met Council contracts for continued maintenance.

A motion by Supervisor Mark Ceminsky: for a Resolution to amend the CUP on the Metropolitan Waste Council site on Dodd and 235th amending it to the plan that Chair Pete Storlie presented and highlighted along with paperwork presented by the Met Council representative. Motion seconded by Supervisor Steve Madden.

Supervisor Mark Ceminsky amended his motion to include Resolution Number 20-13-05 for the Resolution of Revising the CUP for Metropolitan Council on the Lift Station L79 Landscaping per

amended drawing presented by Chair Pete Storlie and to include the language that was supplied by the Met Council Representative. The Amended Motion was seconded by Supervisor Steve Madden. Supervisor Brian Budenski offered a friendly amendment: Resolution Number 2013-05. Supervisor Mark Ceminsky accepted the amendment. Vote was taken on the amended motion. Motion carried by unanimous vote.

Sergeant Samuelson from the Dakota Sheriff Department was present to address citizen's comments and concerns. He left some informational flyers for Celebrate Night to Unite.

Budget

Review of the Budget was tabled until the July Town Board meeting.

Contractor Time

Road Maintenance Contractor, Mark Henry was present to discuss road issues. He is in the process of installing the "no truck" signs. Mass graveling is almost complete. This includes a lift on 225th from Denmark to just short of Dodd, Granite Path and northern half of Ipava. Road graveling on Flagstaff and Essex Ave. (7 miles of roadway) a few of the smaller roads still need to be completed. Dust coating has been postponed because of the rain. Frost boils have been dug out of 225th Street. Once the road graveling is completed the culverts will be repaired and old signs will be replaced.

Citizen Business

1. Nancy Sauber- 200% Rule

Nancy summarized discussion on the 200% Rule by the Planning Commission. Nancy included comments on the proposed rule, using her own property as an example to illustrate a loophole. She asked the Town Board what the envisioned the use of the buildings that go beyond the current ordinances would be.

The Town Board will address this item later in the agenda.

2. Terri Petter- exotic animal complaint follow up

The Town Board received correspondence from Township Attorney Chad Lemmons prior to the meeting. The Town Board needed time to review the materials before discussing them. This item will be placed on the July Town Board meeting agenda.

MAT Attorney Paul Reuvers has commented in the past that the complaint received (outstanding use of the property) is not material to the ongoing litigation.

3. Dave Willmott- airplane complaint

Mr. Willmott- 23744 Fairgreen Ave. was present to discuss with the Town Board the airplane complaint. He received a letter from the Township Attorney to set up a meeting with two Town Board members.

Using the airstrip as a private basis is allowed in the Township. The use of the airstrip by a flying club is not a permitted use in the Township. The Town Board would like to see a resolution between Mr. Willmott and his neighbors.

Supervisor Kenny Miller and Supervisor Steve Madden volunteered to be the two Town Board members to meet with Mr. Willmott. This item will be placed on the July Town Board agenda.

4. Petter- 24005 Dodd Blvd- from Building Inspector

Information was received from the Building Inspector on 24005 Dodd Blvd on the use of the property. No complaint form was filed with the Township. The information was received by the Town Board, but no action will be taken at this time.

Planning Commission, land use permits and related items

A. Permits

1. Yvette Mealman – 25201 Cedar Ave- 3 car garage

Ryan Johnson attended the meeting on behalf of Yvette Mealman. Yvette is requesting to build a 884 square foot- 3 car garage and mud room to the existing home. The setback distance was rechecked it is over 100 feet from Cedar Ave. The current house location is closer to the road the proposed garage.

A motion by Supervisor Mark Ceminsky: To approve the building permit application for site address 25201 Cedar Ave South, Property ID 13- 02100-04-010 in the name of Yvette Mealman, Farmington MN as submitted on 5-21-2013 and passed on by the Planning Commission 6-3-2013. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

2. Neil and Tacie Devasir- 8258 257th St W- storage building

Neil Devasir was present to represent his application for a 768 square foot accessory building for pets and lawn and garden equipment.

A motion by Supervisor Kenny Miller: To approve the building permit for Neil Devasir Property ID 13-020100-52-021, 8258 257th St., Farmington. Motion seconded by Supervisor Mark Ceminsky.

B. Planning Commission Report

Carrie Jennings was present as Planning Commission Liaison. At the June Planning Commission meeting a motion was made to request a Committee/ Taskforce to discuss Agri-Tourism. They requested up to 10 members. They would like Professional Planner help and permission to run the language by the attorney. They reviewed documents from other communities to get some insight.

Planning Commission members were not prepared to discuss the 200% Rule, so it was tabled until their July meeting.

Carrie Jennings commented on pay compensation for various tasks performed by Supervisors. She felt that the policy language should be updated to state the pay rate for these tasks. Chair Pete Storlie commented that 2 years ago at the Reorganizational meeting pay rates were set. A motion was made at this year's Reorganizational Meeting to continue the same compensation for the current year.

Other Business

A. Joe Miller 22222 Dodd Blvd questions

Melanie Smith was present representing the current owner of the property. She has two potential buyers of the property, a church and a construction company/ concrete business.

Churches are allowed as Conditional Use in the Township. Construction/ concrete businesses are not a permitted use and the non conforming use would not transfer to it. A text amendment to the Ordinances to allow this type of business could be submitted. You must be the property owner to do so.

The property has been registered as a Non Conforming use. Township Ordinances detail how it transfers to future owners and what can be done.

Lisa Phillips, a potential buyer of the property commented that they own a small concrete floor business that operates outside of MN. The building would be used to store trailers and equipment. The Town Board suggested reading the Ordinances and see how this type of business would fit in.

There may be issues with property line setbacks in relationship to the location of the buildings on the property and the adjoining property. The setbacks of the buildings on the two parcels do not meet current Ordinance language. The parcel split occurred in 1991. Dakota County Property and Taxation can research the history of the split and who approved it. The dates of the building permits for the property need to be researched.

B. Outstanding Invoice Policy

It was noted that a Large Utility Permit was issued to Northern Natural Gas and they have an outstanding Invoice. Town policy does not allow for permits to be issued to persons with outstanding invoices.

Supervisor Brian Budenski will contact Northern Natural Gas on their outstanding invoice.

A motion by Supervisor Mark Ceminsky: To bill every month for any outstanding invoices. Motion seconded by Supervisor Kenny Miller. Supervisor Pete Storlie offered a friendly amendment to add 15 to 18% administration fee for each month billing. Supervisor Mark Ceminsky and Supervisor Kenny Miller accepted the amendment. Motion carried by unanimous vote.

C. Scott Borowitz Permit

The confusion on the bill has been cleared up. The amount owed on the permit is \$340.92. Supervisor Pete Storlie will contact Scott Borowitz about getting the permit squared away.

D. Dakota County 5 year plan

Dakota County is looking for input on their 5 year CIP plan. Documents received from Dakota County were distributed to Town Board as an informational item.

E. CapX2020

Supervisor Mark Ceminsky and Supervisor Pete Storlie are representing the Township in this issue. CapX has put in an application for their construction permit. Mark Ceminsky is working with CapX in obtaining the permit. The Town Board discussed hours of operation. CapX wants to work 7 days a week, 7:00 am until the sun goes down.

A motion by Supervisor Mark Ceminsky: To make hours of operation for large utilities, that we following mining operation times for hours of operation, Monday thru Friday times and Saturday times as in our Ordinances. Motion seconded by Supervisor Brian Budenski. Pete Storlie offered a friendly amendment that we specify the hours, not just mining operation, to put the start and finish time on the permit. Supervisor Mark Ceminsky and Supervisor Brian Budenski accepted the amendment. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: Allow Saturday hours from 7 am to noon. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

CapX has served the Township with court papers for condemnation. Dakota County is fighting the condemnation. MAT suggested that the Townships join together with neighboring Townships. CapX needs to prove to the courts that their easement is consistent with existing road easements.

Township Attorney Chad Lemmons does not see the need for all the Townships to combine. It is all a fact issue. It could be that none of the roads in Eureka would be affected. Each Township is unique. Until CapX has presented construction plans you will not know. The Township should file an objection immediately. The construction plan will be obtained as part of discovery.

A motion by Supervisor Kenny Miller: To ask Chad Lemmons to file paperwork with the courts and immediately file for discovery to get a set of the Plans that the Township can meld into the permitting issues. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

The Town Board took a recess.

F. Roads

Dakota Electric was billed for road repairs on 245th. City of Farmington was billed for repairs on 220th St. A utility permit was issued to Coke Refineries for work on Ipava Ave. Mid America is in the process of obtaining a permit for repairs along Highview Ave.

The Road Committee submitted their recommendation for the \$74,380.21 surplus in the Road Funds from 2007 to 2012. Their recommendation was to take \$20,000 and put it towards the snow budget, moving \$8,000 to ditch cleanout and \$10,000 to gravel and placement and \$36,800 into escrow for Chub Lake hill. Decision on this was tabled until the July Town Board meeting.

G. Road Tour Date

Road Tour will be scheduled in the fall. A date will be set at the August Town Board Meeting.

H. MAT Summer Short Courses

Information on the short course was provided to Town Board members. Attendance is encouraged.

I. Linda Wilson- Notary

A motion by Supervisor Pete Storlie: To authorize Linda Wilson to become a notary and the Township will pay the standard notary fees. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

J. Housekeeping Issues

1. Charles Roberts- 26110 Ipava Ave- setback non compliance

The Building Inspector sent a citation on March 13, 2013. Supervisor Brian Budenski will check with the Building Inspector to see where he is at in the process.

Wally Bohrn is having issues with Mr. Robert's dog on his property. He has not had satisfaction with the Sheriff Department on the issue. Supervisor Steve Madden will check with the Sheriff Department and get back to Mr. Bohrn.

2. Silver Cycling Donation

Silver cycling sent the Township a donation of \$100 for use of the Town Hall parking lot.

3. Agri-Tourism

The Town Board reviewed the information submitted on Ag-Tourism. Supervisor Pete Storlie read into record a proposed definition on Agricultural Tourism. He felt this definition would be a good starting point.

The Town Board did not agree with the Planning Commission's recommendation of creating a task force.

A motion by Supervisor Mark Ceminsky: To send this back to the Planning Commission to work on and set a public hearing. Motion seconded by Supervisor Pete Storlie. After discussion Supervisor Mark Ceminsky withdrew his motion.

A motion by Supervisor Pete Storlie: That the definition and all the information gathered from the public hearing be directed back to the Planning Commission again as a starting point for the Ag-Tourism Ordinance and they propose back to the Town Board and at some point a public hearing be held to move forward with this. Motion seconded by Supervisor Mark Ceminsky. Vote was taken on the motion, motion passed with a vote of 3 to 2.

4. 200% Rule

The Town Board discussed the proposed 200% Rule language before them. Nancy Sauber was allowed to make additional comments on the proposed language.

A motion by Supervisor Mark Ceminsky: To accept the proposal as written for Ordinance 3, Chapter 4, Section 7.C. Motion seconded by Supervisor Pete Storlie. Discussion continued.

Supervisor Mark Ceminsky amended his motion as follows: To allow a cap of no more than maximum of 5,000 square feet on 2 to 5.999 acres and a maximum of 10,000 square feet on 6 to 10.999 acres. Supervisor Pete Storlie accepted the amendment. Vote was taken on the amendment. Motion passed 4 to 1.

K. Fees for Special Meetings and Public Hearings

The fees charged for special meeting does not cover the costs of the meetings. This item was tabled until the July Town Board meeting.

L. Northfield Ambulance

Northfield Ambulance is dissolving the Association. They are asking for the Township to approve and execute an amendment to the current Joint Powers Agreement. A copy of the Agreement was given to the Township Attorney for review. A decision will be made at the July Town Board meeting.

Minute Approval

A. Town Board Meeting of May 13, 2013

A motion by Supervisor Pete Storlie: To approve the Eureka Town Board Meeting minutes of May 13, 2013. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Roundtable Minutes of May 20, 2013

A motion by Supervisor Mark Ceminsky: To approve the minutes for the Special Town meeting of May 20, 2013. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

C. Special Town Board Meeting May 22, 2013

A motion by Supervisor Kenny Miller: To approve the minutes. Motion seconded by Supervisor Pete Storlie. Supervisor Brian Budenski abstained from voting, he was not present at the meeting. Motion carried by unanimous vote of Supervisors voting.

Supervisor Steve Madden submitted written notice and read it into record that he will not attend the Planning Commission as Town Board liaison in July. Supervisor Kenny Miller will attend the meeting as Town Board liaison.

A motion by Supervisor Steve Madden: To adjourn. Motion seconded by Supervisor Brian Budenski.

The Meeting adjourned at 10:40 p.m.