

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of June 11, 2012

Call to Order

Chair Brian Budenski called the June 11, 2012, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Brian Budenski, Pete Storlie, Mark Ceminsky, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes, Fritz Frana as Planning Commission Liaison. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

A Deputy was present from the Dakota County Sheriff's office to address citizen's questions and concerns.

Approval of Agenda

The following additions were made to the agenda:

Planning Commission, land use permits and related items

D. Planning Commission Update

E. Road Haul Ordinance

A motion by Supervisor Brian Budenski: To approve the agenda of June 11, 2012, as amended. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Public Comment Period

Terri Petter presented the Town Board a letter from an Environmental Specialist from Waste Regulation Environment Management of Dakota County. They inspected her property and reported no smells on the property. She commented that she is not in violation of any solid waste ordinances.

Nancy Sauber commented on the Country Stone vegetation issues on the berm. The Town Board has received a response from Country Stone on their plan to replace the missing trees.

Treasurer's Report

Checking Account Balance: \$1,108.16. Outstanding Checks \$50.00. Savings Account Balance: \$341,960.96. CD Account Balances: \$67,814.65. The Ledger Balance is \$410,833.77.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report as reported. 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.

Bills and Receipts

The Clerk presented the following bills for payment:

| | | |
|------------------------------------|--|------------------------|
| Henry's Excavating | Road maintenance thru 5/31/2012 | \$8,995.00 |
| MNSPECT | Inspection Service – May 2012 | \$408.82 |
| Dakota Electric Association | Town Hall Electric | \$68.89 |
| Frontier Communications | Phone Service Town Hall | \$119.95 |
| Dick's Sanitation | Garbage Service Town Hall- June | \$47.76 |
| Culligan | Water softener- Town Hall may & June | \$52.02 |
| Clerks Lawn Service | Mowing Town Hall May 2012 | \$468.60 |
| Quality Propane | Dust Control 3,000 gallons | \$2,070.00 |
| Kelly & Lemmons | Legal Services thru 5/31/2012 | \$2,983.50 |
| PERA | Payroll Period 5/1/2012 to 5/31/2012 | \$297.11 |
| MN Association of Townships | MAT Spring Short Course- Barb | \$50.00 |
| Anderson Bobcat | Mowing Road Ditches | \$1,320.00 |
| M&R Sign | Signs | \$203.93 |
| ITCO Allied Engineering | Gravel samples | \$600.00 |
| Castle Rock Materials | Limestone Township Roads | \$47,617.59 |
| Becky McIntyre | Paper products/ cleaning supplies | \$55.13 |
| Kenny Miller | Mileage | \$82.70 |
| Mark Ceminsky | Sand for signs/ mileage | \$219.25 |
| State of MN | Withholding 2 nd Qtr | \$268.35 |
| IRS | June 2012 Deposit | \$1,212.35 |
| Nanett Sandstrom | Expenses 5/1/2012 to 5/31/2012 | \$357.24 |
| Castle Rock Materials | Limestone | \$14,896.69 |
| TKDA | Engineering services Madden Mine | \$382.45 |
| Nanett Sandstrom | Clerk Payroll 5/1/2012 to 5/31/2012 | \$1,272.62 |
| Barb Brunick | Office help Payroll 5/1/2012 to 5/31/2012 | \$406.34 |
| Brian Budenski | Officer Payroll 2 nd Qtr 2012 | \$886.89 |
| Mark Ceminsky | Officer Payroll 2 nd Qtr 2012 | \$1,377.51 |
| Steve Madden | Officer Payroll 2 nd Qtr 2012 | \$490.62 |
| Kenny Miller | Officer Payroll 2 nd Qtr 2012 | \$773.67 |
| Pete Storlie | Officer Payroll 2 nd Qtr 2012 | \$905.76 |
| Lu Barfknecht | Planning Commission Payroll 2 nd Qtr 2012 | \$169.83 |
| Fritz Frana | Planning Commission Payroll 2 nd Qtr 2012 | \$169.83 |
| Carrie Jennings | Planning Commission Payroll 2 nd Qtr 2012 | \$292.48 |
| Gayle Klauser | Planning Commission Payroll 2 nd Qtr 2012 | \$56.61 |
| Allen Novacek | Planning Commission Payroll 2 nd Qtr 2012 | <u>\$113.22</u> |
| Total Bills Presented | | \$89,692.71 |

A motion by Supervisor Kenny Miller: To approve the revised Claims List and Net Pay Account Distribution dated 6-11-2012. The motion was seconded by Supervisor Mark Ceminsky. 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.

The Town Board reviewed the following financial reports prepared by the Clerk: Current Investments, Statement of Receipts and Balances, Cash Control Statement, Disbursements Register, and Receipts Register.

The following receipts were received in May:

• **Local Permits**

| | | | |
|--|-----------------|--|-----------------|
| Harold Laursen- <i>Permit ET12-006</i> | \$105.00 | Gayle Schleif- <i>Additional Permit 12-01</i> | \$30.00 |
| Bonnema Construction- <i>ET12-007</i> | \$105.00 | J J Construction- <i>Application fee</i> | \$25.00 |
| Dakota Electric- <i>Utility Permit 2012-5-9</i> | \$25.00 | Phillip Cleminson- <i>Application fee</i> | \$25.00 |
| Terri Petter- <i>Applications, balance owed</i> | \$80.00 | Bruce Vogelsgergang- <i>Application fee</i> | \$25.00 |
| Mark Nelson- <i>CUP review</i> | \$15.00 | Joseph Sherre- <i>Application fee</i> | \$25.00 |
| Teri Petter- <i>CUP review & Kennel License</i> | \$130.00 | Joseph Sherre- <i>Permit 12-06</i> | \$149.91 |

• **Other Receipts**

| | | | |
|--|-------------------|--|-----------------|
| Lori Jay- <i>RASP Sign</i> | \$14.81 | Dennis Carlisle- <i>RASP Sign</i> | \$14.81 |
| Dakota County – <i>Delinquent Tax</i> | \$80.14 | Craig Beeler- <i>RASP Sign</i> | \$15.00 |
| Mount Olivet- <i>In Lieu of taxes</i> | \$1,500.00 | Real Tree Church- <i>Key Deposit</i> | \$150.00 |
| Lisa Hawkins- <i>RASP Sign</i> | \$14.81 | Real Tree Church- <i>Damage Deposit</i> | \$500.00 |
| Gayle Schleif <i>RASP Sign</i> | \$14.81 | | |

TOTAL RECEIPTS AS OF May 31, 2012 **\$3,044.29**

A motion by Supervisor Brian Budenski: To approve the balance of the Financials as presented. The motion was seconded by Supervisor Pete Storlie. The motion carried by unanimous vote.

CD

Current CD rates were presented. A CD matures on June 27, 2012. The current rate for a 5 year CD is 2.1%.

A motion by Supervisor Brian Budenski: To invest the \$33, 652.96, The CD that matures on June 27, 2012 in a 60 month CD at 2.1% interest that changes daily. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: If the interest rate before the 27th drops below 2% that we do not renew the CD and hold off until the next Town Board meeting. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

LP Prepay

The current LP Prepay price from Central Valley is \$1.22 per gallon.

A motion by Supervisor Kenny Miller: To lock in the current LP price for the winter. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

500 Gallons of propane at \$1.22 will be purchased for the 2012-2013 heating season.

Outstanding Invoices

The Town Board reviewed the outstanding Invoices. Invoices have been sent to Northern Natural Gas and MN Energy. The Farmington Invoice is waiting for Council approval.

The outstanding Invoice on the Sauber Trust was discussed. Supervisor Pete Storlie will review the Sauber Trust file.

Open Building Inspection Permits

The Town Board reviewed the Open Building Permits Report.

Monthly Budget

The Town Board reviewed the Monthly Budget. A calculation error was corrected on the Extra Budget Funds for Road & Bridge. Currently there is \$35,243.64 Road & Bridge Funds carried over from previous budgets.

Contractor Time

Graveling and dust coating of roads is taking place. 3 culverts are scheduled to be replaced. They are on budget with the projects. County Funds will be used to help with the culvert replacements.

The Town Board discussed future road graveling projects. If there are extra graveling funds available the Road Supervisors proposed to move up the graveling of 225th St. east of Cedar to Denmark and Cedar Ave from County Road 80 south (.5 miles) to be completed this year.

Citizen Business/ Agenda Requests

1. Data Practices Policy as adopted by the Board in 2005 and updated in 2011 and 2012

Nancy Sauber asked that this topic be added to the agenda as a follow-up to the May Town Board discussion on Data Practices. Nancy Sauber read a statement to the Town Board. *See attached statement from Nancy Sauber.* Nancy commented that under the Data Practices Policy, as long as a recording is in existence, no matter what motion is made about its use, it is Government generated information and it falls under the policy. As long as a recording exists the public can request a copy.

Nancy Sauber's statement will be forwarded to the Township Attorney, he will be asked to review the Township's Data Practices policy. Once proper procedures are obtained, they will be followed.

2. Updating of website information

Nancy Sauber commented that there is outdated information on the website. The information on the website will be reviewed and updated.

3. Releasing attorney opinion on taping of meetings

Nancy Sauber requested that the attorney opinion on taping of meetings and on the Madden Mine be released to the public. Some of the information in the documents were not discussed at the meeting and may need to be redacted. Supervisor Kenny Miller will ask Trevor to look at the documents and redact any content that is not public information. The documents will then be released to the public.

Planning Commission, Land Use Permits and Related Items

A. Land Use & Zoning Issues

1. Mary Ann Boyum-24729 Dodd Blvd- lot split

Mary Ann was not present to represent her application for the lot split. The Town Board reviewed the application.

A motion by Supervisor Brian Budenski: To approve the lot split as presented for Mary Ann Boyum, 24729 Dodd Blvd. Lakeville as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

B. Permits

1. Mike Kelly- 5905 235th St. W.

Mike Kelly requested a 16'x 23'6" addition to the master bedroom in his residence. The addition will include a closet and a bathroom with a shower.

A motion by Supervisor Brian Budenski: To approve the Building Permit application for Mike Kelly at 5905 235th St W., Farmington. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

2. Philip Cleminson- 27038 Highview Ave.

Philip Cleminson requested a 400 sq. ft. addition of a family room to his residence. The Town Board reviewed the application.

A motion by Supervisor Pete Storlie: To approve the Building Permit for Philip Cleminson at 27038 Highview Ave., Lakeville. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

3. Annar Karlsen- 10420 235th St. W.

Arnie Karlsen requested a variance for sideline setbacks for a pole barn. He wishes to place the structure 5 feet from the east sideline property line of his property. Township Ordinances require a 30 foot setback. The Clerk was asked to publish the Public Hearing for the next Town Board meeting, July 9, 2012 at 8:00 p.m. Mr. Karlsen will be asked to attend the July Planning Commission for review of his building permit application.

4. Terri Petter- 10132 235th St. W.

Terri Petter submitted an application for the Building that she moved into the Township last year. Scott Qualle inspected the building it is suitable to be moved in. The Move-In Structure fee of \$250 will apply. There will be no foundation permit fee since the building will be anchored to the ground.

Terri Petter has an outstanding permit for a fence installed on her property. The fence permit needs to be paid for before the requested building permit can be granted. Terri Petter paid the Clerk for the fence permit.

A motion by Supervisor Brian Budenski: To approve Building Permit Application for Moving a Building by Terri Petter, 10132 235th St. W., Lakeville. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: Applications by Terri Petter, 10132 235th St. W. the Building Permit Application go back to the Planning Commission for review and signature. The Move in Structure Application go back to the Planning Commission for a signature. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

C. Other

1. Friedges Mine

Supervisor Steve Madden recused himself from discussion on the Friedges mine, since he is the current owner of the property.

Supervisor Brian Budenski, Mr. Friedges and Ron Quanbeck from TKDA walked the property. Ron Quanbeck also reviewed the Site Plan and Reclamation Plan. *See the attached memo dated June 1, 2012 for Ron's recommendations.* Francie Madden, a nearby neighbor of the Friedges Mine sent the Town Board a letter addressing concerns on the Friedges mining request. *See attachment*

from Francie Madden dated May 23, 2012. Francie Madden was present at the meeting. She commented that the setbacks need to be on all four sides of the property.

The Town Board reviewed the updated Site Plan dated June 11, 2012. The new plan shows setbacks on all four sides of the property. They also reviewed the updated Business Plan and Francie Madden's concerns.

Mr. Friedges commented that he did not specify a seeding mix, because the property may be used as crop land rather than seeding it with grass.

A motion by Supervisor Pete Storlie: To approve the Land Use and Zoning Request Application by John Friedges at 10500 225th St. W. with the conditions set forth in the existing CUP and the agreed upon hours of operation in the Business Plan Draft #2. Motion seconded by Supervisor Brian Budenski.

Discussion followed. There are misc. bills incurred by the Township in connection with the request. Mr. Friedges agreed to reimburse the Township for expenses incurred.

Mr. Friedges is planning on putting asphalt millings on the driveway for the gravel mine.

Vote was taken on the motion. Motion carried by unanimous vote.

D. Planning Commission Update

Fritz Frana was present as Planning Commission liaison. He updated the Town Board on Planning Commission business.

E. Road Haul Ordinance

Road Haul Committee members Fritz Frana, Jeff Otto and Butch Hansen were present to discuss the Road Haul Ordinance.

Attorney Review procedure: All communications to and from the attorney will go through the Town Board Attorney contact person- Kenny Miller. Kenny will forward them to the Attorney and copy them to the Clerk. Responses from the Attorney will be directed back to Kenny, the entire committee and the Clerk. If a follow up question or response is needed from the committee it can be sent directly to the Attorney, cc to Kenny Miller and the Clerk. (No further questions from the committee can be sent to the Attorney without going through the attorney contact person- Kenny Miller)

A motion by Supervisor Mark Ceminsky: To pass the Road Haul Ordinance on to the Attorney for review and to schedule a public hearing. Motion seconded by Supervisor Kenny Miller. A friendly amendment was offered by Supervisor Kenny Miller: To use the procedure outlined for Attorney review. Supervisor Mark Ceminsky accepted the amendment. Motion carried by unanimous vote.

Supervisor Kenny Miller will check with the Township Attorney to see if a public hearing needs to be held on the proposed Ordinance. If a public hearing is required the Planning Commission will hold the hearing on June 25, 2012 at 7:00 p.m.

Other Business

A. Newsletter

Jody Arman- Jones was present to discuss the next Newsletter. It will be published after the July Town Board Meeting.

B. Building Inspector Business

1. Country Joe Miller

The Building Inspector sent a letter to Country Joe Miller after a site inspection at 22222 Dodd Blvd. He was driving by and noticed that the garage doors on the center building were removed and windows were being installed in their place. He stopped and visited with Joe Miller to find out the use of the building. Scott checked with the Clerk and all three buildings were built for Ag use. Joe indicated that Building 1 (North most building) is used for garage sales, has freezers and dry food storage. Building 2 is for the race team and occupied by them. Building 3 is used by his son, Joe Jr. for personal race car storage and Ag equipment storage. *See attached letter sent from Scott Qualle to Joe Miller dated May 11, 2012*

Supervisor Pete Storlie and Supervisor Mark Ceminsky as Town Board Building Inspector contacts asked the Building Inspector to inform them by e-mail or a phone call when an out of the ordinary inspection takes place, so they are aware of the situation. If a letter is being sent, to email a copy to the clerk, so it can be forwarded to them.

The Building Inspector has not received a response to the letter from Joe Miller. A response was request by May 23, 2012.

Scott commented that the Board does not have the authority to direct the Building Inspector in regards to administration of this building code. The Building Code is very specific. Under his license he must administer the code properly. (MN Rule Chapter 1300 0120 Part 1) Any person who intends to construct, enlarge, alter, move, repair, demolish or change the use of a building shall obtain a permit from the Building Official prior to commencing that activity. All of the Buildings have under gone a change of use according to the property owner compared to what is in the file. They were all constructed as Ag structures. The Building Inspector's duty is to bring them into the code as it exists today.

The Building Inspector will send a follow up letter to Mr. Miller indicating that he has not received a response. If no response is received then it will be turned over to the attorney.

2. Septic non-pump

The Clerk received an updated list from Dakota County on non-pumped septic systems. The report was given to the Town Board. The first 19 names on the list have had a second notice sent on 1-11-2011. Two of the person's on the list have been pumped. Records have been sent by the Clerk to the County on these two systems. The remaining names on the list are new and have not received letters from the Township.

Scott Qualle spoke with Michael Rutten of Dakota County on enforcement. He suggested the following: 1. Don't issue any new permits until the system is inspected or pumped. 2. Issue citations for failure to comply with the Ordinance. 3. Revoke or threaten to revoke Certificate of Occupancy.

The First notice- septic non pump letter will be update to correctly reflect the septic code.

A motion by Supervisor Mark Ceminsky: To send out letters on the list in presented from Gregory and Laura Lindwall to the end of the list and have the Building Official perform inspections on properties from the top of the list to Michael and Sara Hart. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

C. Town Hall Use

Supervisor Kenny Miller updated the Town Hall Use agreement as discussed at the May Town Board meeting.

The MAT Insurance agent Kristen McCullough was contacted about the Town Hall use. Single Use events do not need Insurance coverage. Reoccurring Use should provide proof of insurance coverage.

The Town Board discussed rental fees. A motion by Supervisor Brian Budenski: To set Town Hall Rental at \$200 for residents and \$250 for non residents starting June 12, 2012. The security deposit will be equal to the rental fee. There will be a \$25 charge for each additional hour or fraction of an hour. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

There is one reservation for Town Hall Use on the books. This person will be grandfathered into the old fee schedule.

A motion by Supervisor Brian Budenski: To approve the Single Event Town Hall Building and Grounds Rental Application and the Regularly Scheduled Users Town Hall and Grounds Rental Application with the exception for the rent to be negotiated on the Regularly Scheduled Users Town Hall and Grounds Rental. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

D. Cycling Club

There was a conflict with the Cycling Club using the Town Hall grounds. There were parking issues. The dates of their use were emailed to the Town Board. A Certificate of Insurance needs to be provided to the Township. If they ask to use the Town Hall grounds next year, they will be asked to fill out a rental application. They are storing a trailer on the Town hall grounds. Supervisor Brian Budenski will ask them to remove the trailer.

E. Ordinance conflict- horse boarding

The Clerk received an email from a citizen about boarding horses. There is a conflict in the Ordinances on horse boarding. The Clerk contacted the Township Attorney about the conflict. The Ordinance needs to be updated. The Town Board directed the Planning Commission to review the Ordinance language. The Clerk will place this item on the July Planning Commission agenda and forward the attorney's email to the Planning Commission.

F. Old Business

1. Ostlie Ditch

Supervisor Mark Ceminsky met with Mr. Ostlie on his ditch drainage issue. The Township will clean out the bottom of the ditch. Mark created a document documenting his findings and discussions with Mr. Ostlie. *See attachment: Ditch Drainage Issue, Thomas R Ostlie dated June 7, 2012.*

2. Volunteer Road Committee appointments

There have been no citizen volunteers for the Road Committee.

3. Hat Trick

Hat trick received the certified letter. As a follow-up Supervisor Brian Budenski spoke with Dan Regan from Hat Trick. He told him to attend the July Planning Commission meeting.

4. Liane- Move-in Building Permit

The Clerk received an email from Dakota County. They are checking with the County Attorney to see if she will support any enforcement action. The Clerk forwarded this information to the Township Attorney.

5. Mahoney

The Mahoney complaint has reached the County level. Supervisor Kenny Miller has not been able to contact Mr. Mahoney.

6. Country Stone

All documentation has been received from Country Stone per the Settlement Agreement. The Township Attorney will be asked to move forward with obtaining the Judge's opinion on the non conforming issues in the Township.

Minute Approval

Town Board Meeting of May 14, 2012

One typo was corrected. A motion by Supervisor Brian Budenski: To approve the minutes of the Town Board Meeting of May 14, 2012. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

New Business

Supervisor Pete Storlie questioned the payment of meetings. He felt that if two meetings were held one night that Town Board members should be paid for both meetings. Supervisor Pete Storlie also questioned what determines which meeting is used to decide the pay for the evening.

Town Board policy is that Town Board members can be paid of only one meeting per night.

The Clerk will check with Minnesota Township Association manual on the payment of meetings.

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

The Meeting adjourned at 11:37 p.m.