

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

Eureka Town Board Meeting of August 13, 2012

**Call to Order**

Chair Brian Budenski called the August 13, 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, Butch Hansen as Planning Commission Liaison and Township Attorney Trevor Oliver. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

The following additions were made to the agenda:

Other Business: G. Borowitz Family

A motion by Supervisor Brian Budenski: To approve the agenda of August 13, 2012, as amended. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

**Public Comment Period**

Nancy Sauber commented that any document presented to the Town Board by a citizen should also be given to the Clerk and placed in the submitter's file. A copy should also be submitted to be placed in the public folder. This is a requirement of the Open Meeting Law.

Dan Rogers commented that Township roads are in good conditions. He praised the work that the Township Road Supervisors are doing.

Charles Liane commented that there are still backup beepers being used in the Brosseth Pit. He also commented that they are crushing from sunrise to sunset, beyond hours allowed in their permit. Supervisor Mark Ceminsky commented that he gave him his phone number and asked him to call him when he believes a violation is taking place, so the issue can be addressed immediately. So far he has not received any phone calls.

The Town Board informed Mr. Liane that a written complaint needs to be submitted to the Town Clerk for the Town Board to take action.

**Treasurer's Report**

Checking Account Balance: \$1,679.34. Outstanding Checks \$56.61. Savings Account Balance: \$473,040.68. CD Account Balances: \$69,136.28. The Ledger Balance is \$543,799.69.

A motion by Supervisor Brian Budenski: To approve the Treasurer's Report of August 13, 2012, as presented. 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:

<b>Henry's Excavating</b>	Road maintenance thru 7/31/2012	<b>\$6,167.50</b>
<b>MNSPECT</b>	Inspection Service – July 2012	<b>\$840.50</b>
<b>Dakota Electric Association</b>	Town Hall Electric	<b>\$185.88</b>
<b>Frontier Communications</b>	Phone Service Town Hall	<b>\$55.12</b>
<b>Dick's Sanitation</b>	Garbage Service Town Hall- August 2012	<b>\$47.37</b>
<b>Culligan</b>	Water Softener Service	<b>\$23.51</b>
<b>Kelly &amp; Lemmons</b>	Legal Services thru 7/31/2012	<b>\$553.75</b>
<b>Clarks Lawn Service</b>	Mowing Town Hall- July	<b>\$511.20</b>
<b>TKDA</b>	Engineering Service Madden Mine	<b>\$179.13</b>
<b>Anderson Bobcat Services, LLC</b>	Tree/ brush removal	<b>\$174.00</b>
<b>M&amp;R Sign</b>	Signs	<b>\$88.58</b>
<b>Contech Construction Products</b>	Culverts	<b>\$1,216.64</b>
<b>Quality Propane Inc.</b>	Dust Control 6/28 & 7/6/2012	<b>\$5,520.00</b>
<b>Solberg Aggregate</b>	Limestone	<b>\$198.05</b>
<b>Dakota Aggregates, LLC</b>	Road Gravel	<b>\$882.66</b>
<b>Goldmine Dezine</b>	Newsletter	<b>\$183.18</b>
<b>Castle Rock Bank</b>	Loan Payment #16	<b>\$26,446.19</b>
<b>Annar Karlson</b>	Escrow refunded Variance	<b>\$500.00</b>
<b>Barb Brunick</b>	Mileage & Reimbursement	<b>\$25.86</b>
<b>Nanett Sandstrom</b>	Clerk Payroll 7/1/2012 to 7/31/2012	<b>\$1,549.04</b>
<b>Barb Brunick</b>	Office Employee 7/1/2012 to 7/31/2012	<b>\$953.85</b>
<b>IRS</b>	August 2012 Deposit	<b>\$719.39</b>
<b>PERA</b>	Payroll Period 7-1-2012 to 7-31-2012	<b>\$446.36</b>
<b>Nanett Sandstrom</b>	Expenses 7-1-2012 to 8-8-2012	<b><u>\$125.30</u></b>
<b>Total Bills Presented</b>		<b>\$47,593.06</b>

A motion by Supervisor Kenny Miller: To approve Claims List and Net Pay Account Distribution as presented. 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 July:

• **Local Permits**

<b>Prairie Creek School- CUP Review</b>	<b>\$25.00</b>	<b>Phil Cleminson- ET12-011</b>	<b>\$70.00</b>
<b>Barb Bachman- Permit 12-11</b>	<b>\$694.02</b>	<b>Mike Conboy- Septic 12-07-13</b>	<b>\$280.00</b>
<b>Jake Filer- ET12-019</b>	<b>\$105.00</b>	<b>Dave Sellner- Application Fee</b>	<b>\$25.00</b>
<b>Carol Kelly- ET12-012</b>	<b>\$105.00</b>	<b>Storm Guard Restoration- ET12-013</b>	<b>\$105.00</b>
<b>Jim Anderson- Application Fee</b>	<b>\$25.00</b>		

- **Other Receipts**

<b>Fritz Frana</b> – RASP Sign	<b>\$14.81</b>	<b>Eureka Sand &amp; Gravel</b> - Newsletter Ad	<b>\$125.00</b>
<b>Mark Ceminsky</b> – Newsletter Ad	<b>\$125.00</b>	<b>Friedges</b> - Reimbursement Madden Mine	<b>\$179.13</b>
<b>Dakota County</b> – Current & DelinqTax	<b>\$256,952.22</b>	<b>South Cedar Greenhouse</b> - Newsletter Ad	<b>\$35.00</b>
<b>Friedges</b> - Reimbursement Madden Mine	<b>\$1,023.70</b>	<b>Dale Bachman</b> –Copies	<b>\$8.00</b>

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**TOTAL RECEIPTS AS OF JULY 31, 2012** **\$259,896.88**

The 2<sup>nd</sup> quarter billing statement for Farmington Fire Department was received. A credit balance of **\$9,527.00** remains from over payment made in February.

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.

### **Monthly Budget**

The Town Board reviewed the Monthly Budget.

A motion by Supervisor Mark Ceminsky: In the Road & Bridge 2007 to 2011 Extra Budget category: To move \$27,194.50 out of the \$28,661.34 in Brush & Weed Control (from the same period of time- 2007 to 2011) to zero out the negative balance in Gravel & Gravel Hauling. To move \$20,953.72 out of the \$67,999.61 in Road Maintenance (from the same period of time- 2007 to 2011) to zero out the negative balance in Snow Removal. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: To take the remaining extra in the 2007 to 2011 Budget and place it into a Road and Bridge Escrow Account for future emergencies/storm damage. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

### **Contractor Time**

Additional dust control will take place this week. Scheduled work is taking place. Ditch mowing should take place this month. They are waiting to be scheduled for rental of the equipment.

### **Planning Commission, Land Use Permits and Related Items**

#### **A. Permits**

##### **1. Jim Anderson- 25275 Ipava Ave.- Attached garage**

Jim Anderson was present to represent his application for a 22'x28' attached garage to his home. The garage is a pole type structure, attached to the house by a breezeway. No permit is required from the VRWJPO.

A motion by Supervisor Kenny Miller: To approve the permit for Jim Anderson as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

##### **2. Dave Sellner - 24535 Iberia Ave.- addition to Existing Pole Building**

Dave Sellner was present to represent his application for a 32'x40' addition with 16' sidewalls to the existing pole building on his property. No permit is required from the VRWJPO.

A motion by Supervisor Mark Ceminsky: To approve the application for the permit for Dave Sellner at 24535 Iberia Ave. in Lakeville. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

**3. Prairie Creek Community School- 27695 Denmark Ave. Castle Rock**

Simon Tyler and Steve Wilmot were present to represent Prairie Creek School's application for an outdoor classroom. A letter was received from Dakota County Water Resource Department stating that they have met floodplain requirements and that they are meeting the compensatory flood storage requirement of 2:1 when filing in the floodplain. A contractor has not been selected, once decided they will inform the Clerk who was selected.

A motion by Supervisor Kenny Miller: To issue the permit to Prairie Creek Community School at 27695 Denmark Ave. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

**B. Land Use & Zoning Issues**

**1. Met Council CUP Review- Sanitary Sewer Lift Station and Facility at 9101 225<sup>th</sup> St W.**

Kyle Falden, Met Council was present for the CUP review. He brought current contact information for Met Council. They have a 24/7 contact number. There was discussion on the maintenance of the berms on the property. Supervisor Pete Storlie will review the Landscape Plan that was approved when the CUP was issued. He will meet with a Met Council representative for an onsite inspection of the property.

A motion by Supervisor Kenny Miller: To schedule a review for the Met Council Lift Station at 9101 225<sup>th</sup> St. W. in one year at the August 2013 Town Board Meeting. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

The floor was open for public comment. A citizen commented the site is an eye sore.

**Citizen Business**

**A. Truck Traffic on 235<sup>th</sup> St. W. (Between Dodd & Highview)**

**Doug Houser-** 9130 235<sup>th</sup> St. commented on the truck traffic on 235<sup>th</sup> St. W. Since the construction on County Road 70 has started there has been 7-10 trucks going down the road every day. The road is not designed for the heavy trucks. There are no road restrictions on the road. He requested that the road be graded and additional dust control applied. He asked that a road restriction be placed on the road to stop this in the future. He suggested signs stating that it is not a truck route, local deliveries only.

Town Board Road Supervisors are looking into the criteria to obtain a Road Study of Township roads. This would need to take place to place road restrictions, such as a lower speed limit or weight restrictions on Township roads.

**B. Berms along 235<sup>th</sup> St. W.**

Mr. Houser commented that the berm that was recently constructed in front of his property is not a required berm. He asked when the required berm is to be put in place and how far. He played a

recording of the noise from his property. He hears this noise all day long. He does not think the berm is fully developed in this section they are working. The entire berm is a weed bed. The silt fence is still in place.

The Town Board asked Mr. Houser to submit a written complaint.

Mr. Brosseth was asked to attend the Town Board meeting to discuss this issue. He was unable to attend. Supervisor Mark Ceminsky spoke with Shawn Dahl of Ames Construction. They are willing to mow the berms. The landowner has put a halt on it.

The Town Board needs to review the Site Plans, Development Agreement and IUP. Ames Construction and Kelly Brosseth will be asked to attend the next Town Board meeting to address the complaint.

### **C. Follow-up on Bachman and Applewood Orchard complaint**

Supervisor Kenny Miller and Clerk Nanett Sandstrom met with Dale Bachman and John Daniels and reviewed documents and building plans on file that related to the complaint. Bachman's was originally permitted as a Retail Commercial Business in 1964. Bachman's application and plans indicated Commercial Retail sales. The building permit was issued as a commercial building.

Applewood Orchard submitted a letter to the Town Board. They have been in business since 1999. The Town Board reviewed the operation in 2004. A building permit was issued in 2004 for a Seasonal Retail Business.

Nanett Sandstrom as Zoning Administrator suggested that the Building Inspector be asked to inspect the building for current use, to see if the use is consistent with the permitted use as an Ag Building. The Town Board felt the building needs to be checked to see if the building meets standards for retail customers being inside the building.

Attorney Trevor Oliver will check ordinances in 1999 for compliance with the use as outlined in Applewood's letter.

A motion by Supervisor Brian Budenski: To have Supervisor Pete Storlie call MNSPECT to contact Applewood Orchard to look at the pole building with the coolers in it that is being used for retail sales. Motion seconded by Supervisor Pete Storlie. Motion carried with one dissenting vote.

### **D. Citizen request for follow up on Mahoney**

Supervisor Kenny Miller has been unable to make contact with Mr. Mahoney. The Attorney was asked to make a formal request for attendance at a Town Board meeting to discuss the complaint on his property.

### **E. Katrina Larson follow-up**

Supervisor Pete Storlie has not contacted the Building Inspector on this item. He will contact the Building Inspector and talk to Katrina Larson.

**F. Real Tree Church Town Hall rental- Sat. August 11**

Becky McIntyre of Real Tree Church requested to use the Town Hall on Saturday, August 11<sup>th</sup> for choir auditions and practice. Their contract does not address use outside of Sundays.

A motion by Supervisor Kenny Miller: To include extra days as requested as part of the \$25 per event price. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

**G. Scott Borowitz family**

Borowitz’s son was injured in a swimming accident and they need to make their home handicap accessible. A variance will be required to for the addition. Supervisor Pete Storlie asked the Town Board to waive the fees for the permit and variance. He spoke with the Building Official and he is willing to waive his fees. The Township Attorney will check on legalities with this suggestion.

A motion Supervisor Kenny Miller: To accelerate the Variance and Building Permit process at no charge. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

At 9:00 pm the Town Board took a recess. The meeting resumed at 9:15 pm.

**Other Business**

**A. Planning Commission Update**

**1. Hat Trick Driveway**

No representative was present at the Planning Commission meeting for the Hat Trick application.

Road Contractor Mark Henry and Road Supervisor Mark Ceminsky looked at the driveways installed at the Hat Trick property. The width of the driveway is not adequate for the trucks. Rip rap should be installed to hold the soil in place.

The Township Attorney was asked to send Hat Trick a letter requesting them to attend the next Planning Commission meeting.

**2. Moving Buildings Within or into Eureka Township revised Ordinance language**

The Planning Commission will schedule a Public Hearing for the Ordinance revisions at the September Town Board Meeting.

**3. Tower/ Wind Ordinance**

The Planning Commission asked permission to merge the Tower and Wind Ordinance into one Ordinance since they both address height issues.

**4. Road Haul Ordinance**

It was discussed that the goal of this Ordinance to require an escrow to cover damage to Township roads for heavy use of the roads and to set parameters on haul roads they are allowed to use.

The Township Attorney is looking into Township authority in regulating Township road use. The Ordinance needs to be enforceable.

The Road Committee will continue to work on Draft Ordinance language for the Road Haul Ordinance.

**5. Horse conflict language in Ordinance**

The Planning Commission suggested changing the word “boarded” to “kept”. A Public Hearing will need to be held on the proposed Ordinance change.

**6. Fences**

Carrie Jennings was tasked to contact Building Official Scott Qualle on Ag fence regulations.

**7. Sign Ordinance**

Fritz Frana was tasked to contact an Attorney that was at MAT Training that has knowledge in Sign Ordinances for guidance in reviewing the Township Sign Ordinance.

**8. Taskforce for TBR (Transfer of Building Rights)**

The Town Board discussed whether a task force should be put together to study TBRs.

A motion by Supervisor Mark Ceminsky: Not to form a Task Force at this time for a TBR Study. To form an Advisory Committee of three people to report back to the Town Board with information to determine if a Task Force should be put together to study the feasibility of TBRs in the Township. The Advisory Committee is to report back to the Town Board by the end of the year. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

**B. Septic non compliance**

The Clerk presented a list of non complaint septic systems. There are 13 persons on the list that have been sent 1<sup>st</sup> notices. 2<sup>nd</sup> notice of non compliance will be sent to these property owners.

There are 14 property owners on the original non compliance list that have not brought their systems into compliance. The Township attorney suggested issuing misdemeanor citations by MNSPECT for misdemeanor prosecution in Hastings court. (Requiring appearance in court in 3-5 weeks if they fail to bring their system into compliance with Township Ordinances)

A motion by Supervisor Kenny Miller: To send out misdemeanor citations to the 14 property owners on the top half of the report to start legal action. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote.

**C. Data Practices Requests/ Meeting Recordings**

The Town Board received a memo from the Township Attorney on the release of meeting recordings.

A motion by Supervisor Brian Budenski: To follow the Town Board policy allowing the public to obtain copies of meeting recordings. There will be a \$5 charge for each CD. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

Town Board and Planning Commission members may request a meeting recording at no charge. Once minutes are approved the recordings will be erased and no longer available for distribution.

## **D. Roads**

### **1. FEMA**

Road Supervisor Mark Ceminsky is working with FEMA on the storm damage that occurred between June 14<sup>th</sup> and June 21<sup>st</sup>. The proposed estimate for repairs is around \$65,000. Once numbers are approved they will reimburse the Township for 75% of the costs. The other 25% would come from the State if they adopt the FEMA Resolution.

### **2. 235<sup>th</sup> St. update- expansion**

Supervisor Pete Storlie has contacted the property owner to get permission to remove the trees along 235<sup>th</sup> St. A letter will be sent to the property owner for signature.

The County will reimburse the Township for some of the costs of the road work with Road and Bridge funds. Mark Henry will complete the work on 235<sup>th</sup> Street.

### **3. Tree Removal**

Three quotes were received for tree removal. FEMA will pay for partial removal of the large Cottonwood tree on Highview Ave. because of storm damage to the tree.

Supervisor Mark Ceminsky will contact the DNR for permission to remove the 2 large Cottonwood trees on their property.

A motion by Supervisor Brian Budenski: To contact Castle Rock Tree Service to complete the job as estimated. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **4. 225<sup>th</sup> St signage- vehicle weight**

Tabled until a Road Study is completed

### **5. Asphalt roads**

A bid was received on crack seal coating in Eureka Estates, Rice Lake Height and the Town Hall parking lot. Upper 240<sup>th</sup> and Holyoke Path have alligatoring- cracking of the road surface. A bid for milling these two roads will be obtained.

A motion by Supervisor Brian Budenski: To approve Gopher State Inc. bid for crack seal of the Town Hall parking lot, Jersey Ct Addition and Eureka Estates except for Upper 240<sup>th</sup> St. and Holyoke Path, a total amount of \$14,385. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **6. Road Committee Meeting- set for Monday, August 28, 2012 at 7:00 pm.**

## **E. Misc Updates**

### **1. Storm damage Town Hall**

There was minor storm damage to the Town Hall. The Insurance Company has been contacted and the estimated storm damage is \$477.31. Making a claim will not affect our insurance rates.



A motion by Supervisor Kenny Miller: To apply for insurance coverage on the building and contact the original contractor who has done previous repair work on the building for a price estimate. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Supervisor Kenny Miller will contact Bachmans on replacing the tree that snapped off in the storm.

## **2. Deputy Clerk/ Treasurer Position**

An ad was placed in the paper for the job opening. The Clerk will prescreen applicants and a formal interview will take place by 2 Town Board members. The pay, hours and review date was discussed. Starting pay rate will be \$12 per hour with a review in 30 days. 8-20 hours per week.

## **Minutes**

### **A. Town Board meeting of July 9, 2012**

A motion by Supervisor Brian Budenski: To approve the Eureka Town Board Meeting minutes of the meeting of July 9, 2012, as presented. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

### **B. Public Hearing July 9, 2012**

A typing error was corrected on the Public Hearing minutes of July 8, 2012.

A motion by Supervisor Brian Budenski: To approve the Public Hearing of July 9, 2012 as presented. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

### **C. Special Meeting July 30, 2012**

A motion by Supervisor Pete Storlie: To approve the Special Town Board Meeting on July 30, 2012. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

### **D. Special Meeting August 3, 2012**

A motion by Supervisor Mark Ceminsky: To preserve the recording of the Special Town Board meeting of August 3, 2012. Meeting called to order at 4pm. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

A motion by Supervisor Brian Budenski: To approve the Special Town Board Meeting minutes of August 3, 2012, as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

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

The Meeting adjourned at 11:31 p.m.