

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of September 9, 2013

Call to Order

Chair Pete Storlie called the September 9, 2013, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Pete Storlie, Mark Ceminsky, Brian Budenski, Kenny Miller and Steve Madden. Clerk/ Treasurer Nanett Sandstrom was present to record the minutes, Lu Barfknecht was present as Planning Commission Liaison and Township Attorney Chad Lemmons was present. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Other Business: L. Acknowledge Lawsuit

M. No Truck Resolution

N. CapX2020- Add as a standing agenda item at 7:30 pm

A motion by Supervisor Pete Storlie: To approve the amended agenda. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

Sheriff Deputy

A Sheriff Deputy was present to discuss the enforcement of no truck signs on Township roads. With the Joint Powers Agreement in place, the Sheriff Department is going through the process with the courts, getting the Ordinances entered. They will then be able to enforce the Township Ordinances. The Sheriff Department needs a clear definition on the signs. They need to determine what statute they will be enforced under. The Township Attorney will communicate with the Sheriff Department on this issue.

Public Comment Period

Ray Kaufenberg- 24510 Dodd Blvd. asked what the Town Board has found out about getting galvanized poles placed through Eureka Township by CapX opposed to the rust colored ones they have initially proposed. He asked if the Attorney had drafted a petition and submitted it to the PUC. The letter was sent to the PUC, a response has not been received.

CapX2020/ Great River Energy

Stan Tessmer, Great River Energy was present to provide a status update and answer any questions on the project. They are currently clearing the sites. The access preparation will start next week. Placing galvanized poles in the Township was discussed.

Contractor Time

Road Contractor Mark Henry was present to discuss road maintenance and projects.

Treasurer's Report

Checking Account Balance: \$31,670.61. Outstanding checks \$2,093.03. Savings Account Balance: \$477,136.38. CD Account Balances: \$70,846.59. The Ledger Balance is \$577,560.55.

A motion by Supervisor Pete Storlie: To approve the Treasurer's Report as read. The motion was seconded by Supervisor Mark Ceminsky. 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 8/31/2013	\$12,477.50
MNSPECT	Inspection Service – August 2013	\$4,925.99
Dakota Electric Association	Town Hall Electric	\$112.67
Frontier Communications	Phone Service Town Hall	\$130.77
Dick's Sanitation	Garbage Service Town Hall-August 2013	\$51.70
Culligan	Water Softener Service & Salt	\$23.51
Kelly & Lemmons	Service thru 7/31/2013	\$3,258.24
T&C Commercial Cleaning	Clean Town Hall August 2013	\$53.56
Clarks Lawn Service	Mowing August 2013	\$470.25
ECM Publishers	Road legal Ads	\$1,704.00
Castle Rock Materials	Limestone	\$3,610.69
Eureka Sand & Gravel	Class 5	\$1,795.21
Custom Office Products	Office Supplies	\$110.05
Safety Signs, LLC	Signs	\$151.20
Mark Ceminsky	Reimbursement	\$76.20
Quality Propane	Dust Control	\$9,401.00
MATIT	Insurance	\$2,958.00
MN Dept of Labor	Surcharge Report	\$279.60
Linda Wilson	Mileage & Reimbursement	\$154.01
IRS	September Deposit	\$1,536.57
PERA	Payroll Period 8-1-2013 to 8-30-2013	\$337.92
Nanett Sandstrom	Payroll Period 8-1-2013 to 8-30-2013	\$1,154.56
Linda Wilson	Payroll Period 8-1-2013 to 8-30-2013	\$735.44
Nanett Sandstrom	Expenses	\$39.99
State of MN	Withholding 3 rd Qtr	\$284.62
Mark Ceminsky	mileage	679.70
Pete Storlie	mileage	\$11.30
Brian Budenski	Supervisor Payroll 3rd Qtr 2013	\$480.22
Mark Ceminsky	Supervisor Payroll 3rd Qtr 2013	\$2,478.04
Steve Madden	Supervisor Payroll 3rd Qtr 2013	\$523.31
Kenny Miller	Supervisor Payroll 3rd Qtr 2013	\$572.57
Pete Storlie	Supervisor Payroll 3rd Qtr 2013	\$572.57
Lu Barfknecht	Planning Commission Payroll 3rd Qtr 2013	\$304.75
Fritz Frana	Planning Commission Payroll 3rd Qtr 2013	\$277.05
Carrie Jennings	Planning Commission Payroll 3rd Qtr 2013	\$230.87
Allen Novacek	Planning Commission Payroll 3rd Qtr 2013	<u>\$277.05</u>
Total Bills Presented		\$52,240.68

A motion by Supervisor Pete Storlie: To approve the Claims List and Net Pay. Motion seconded by Supervisor Kenny Miller. 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 August:

• **Local Permits**

Bill Funk-Permit 13-15	\$175.38	Chad Miller Const.- Septic 13-08-14	\$280.00
Great River Energy- Utility Permit	\$1,075.00	American Residential- Permit ET13-028	\$105.00
D.A. Distribution- Permit ET13-026	\$50.00	Bill Funk- Permit 13-17	\$201.28
WS & D- Permit ET13-026	\$105.00	Performance Plumber- Permit ET13-022	\$80.00
J.B.- Driveway permit DAP13-03	\$100.00	Andrea Borowitz- Permit 12-16	\$371.23
Bjorklund Const.- Permit ET13-027	\$105.00	Kathleen Hohrman- Permit 13-14	\$538.11
Glen Benson- Permit 13-16	\$616.29	Sauber Plumbing- Permit ET13-023 & 024	\$230.00
J.B. - Permit 13-18	\$6,648.96		

• **Other Receipts**

Terri Petter- 2 CD's	\$10.00	Julie Larson- CD	\$5.00
Great River Energy- Escrow Utility	\$27,500.00	Ames Construction- Special Meeting	\$539.35
Great River Energy- Road Gravel	\$115,000.00	MN Assoc. of Township- Ins. Claim	\$504.00
Terri Petter- CDs	\$20.00	Gloria Belzer- CD	\$5.00
Gloria Belzer- CD	\$5.00	Dakota County- Conservation Credit	\$1,612.91
Paula Callies Law- CD	\$5.00		

TOTAL RECEIPTS AS OF AUGUST 30, 2013 **\$4,921.25**

It was noted that checks number 7010, 7011, 7012 and 7013 are voided checks.

A motion by Supervisor Kenny Miller: To accept the balance of the financial reports. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To decline to list with the Yellow Pages at \$312. 25. Motion seconded by Supervisor Pete Storlie. Motion carried by unanimous vote.

The Affidavit for Conflict of Interest issues with Supervisor Kenny Miller, owner/ operator of Eureka Sand & Gravel was signed.

Outstanding Invoices

The Town Board reviewed the outstanding invoices.

Open Building Inspection Permits

The Town Board reviewed the Open Building Inspection Permits

Budget

The Town Board reviewed and discussed the budget.

Road Right-of-Way Escrow- MN Pipeline/ Great River Energy

At the August Town Board meeting the Town Board approved returning the \$27,500.00 Escrow from MN Pipeline's completed utility permit #2013-5-16. MN Pipeline pulled another permit in September and asked that the escrow be retained for that permit. Check number 6988, issued on 8/15/2013 for \$27,500 was voided. The corrected Disbursements for the August 12, 2013 are \$52,863.43.

Planning Commission, land use permits and related items

A. Permits

1. **Alan & Glenda Michaels-** (Maxine Storlie) lot split- 26480 Galaxie Ave.
Glenda Michaels and Maxine Storlie were present to represent the lot split application.

Michaels are requesting to split off .5 acres of property from Parcel 130270004011 consisting of 2.5 acres. The .5 acres is directly behind Maxine Storlie's property. She will be purchasing the .5 acres from Michaels.

A motion by Supervisor Kenny Miller: To approve the lot split at 26480 Galaxie Ave., PIN#130270004011 with a condition that the property being split be combined for tax purposes within one year at the Dakota County Recorder's Office. The motion was seconded by Supervisor Steve Madden. The motion carried by unanimous vote.

Other Citizen Business

A. Ron Enright- Sewer and Water at Airlake

Supervisor Brian Budenski has been in contact with the City of Lakeville and Mr. Enright. At this time there is nothing to report on this issue.

B. Citizen Complaint- Charles Roberts- Firing of hand gun

The complaint was filed with the Town Board. The complainant was present and addressed the Town Board on this issue. To issue a misdemeanor the Sheriff needs to witness the act. The Township Attorney recommended that the complainant contact the Dakota County Attorney's Office and inquire about filing a terrorist threat complaint, which would be a felony.

C. Citizen Complaint- 9493 267th St. W.- Animal confinement

The Town Board received a complaint of animals being confined too close to a neighboring residence. Supervisor Steve Madden will check into the complaint and report back at the October meeting. A similar complaint was filed in August 2003.

Other Business

A. Planning Commission Update

Lu Barfknecht was present as Town Board liaison. He summarized the Planning Commission meeting. The Planning Commission asked for direction on notification of County Shoreland Septic Permits issued and putting in place an Ordinance requiring an escrow account at the time of sales.

A motion by Supervisor Pete Storlie: To direct the Planning Commission to keep moving forward with research to see if there is a need for it in the Township. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

If a Planning Commissioner needs to setup a meeting with the County Officials to discuss this issue they will be compensated for the meeting.

B. Text Amendment- Agri-tourism

A motion was made at the Planning Commission meeting, not to proceed with the language which is currently written based on citizen concern as well as attorney comments with 3 in favor, one opposing and one abstaining member.

The Town Board discussed the need of the proposed text amendment, and how to move forward based on the Planning Commission's recommendation. The Township attorney commented that the Township needs a definition of Ag-tourism in its ordinance, some kind of guideline that landowners and future boards can follow. If they want to consider it, then you need a new ordinance. It needs to be cleaned up and cleared up.

A motion by Supervisor Mark Ceminsky: To put together a 6 person panel representing both sides, either pro or against the Ordinance to review the information collected from two public hearings. (at least 2 local farmers that engage in Agri-tourism type businesses) To review it based on what was submitted on the Agri-tourism proposal. To come back in 60 days with information for the Board on what changes they feel are needed and progress working together. Motion seconded by Supervisor Kenny Miller. Supervisor Mark Ceminsky amended his motion to have the committee submit monthly reports to the Town Board on their progress. Supervisor Kenny Miller offered a friendly amendment: To consider the number of received applicants and give them a 60 day extension allowance. Supervisor Mark Ceminsky accepted Supervisor Kenny Miller's amendment. The amended motion carried by unanimous vote.

A motion by Supervisor Pete Storlie: To run an ad in the Official Newspaper calling for members of a committee. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote.

C. Accessory Building size

The Town Board discussed suggested language with the Town Board. The proposed language deals with tracts that are non ag and 11 acres or larger. There is a cap on the maximum size of the building (10,000 sq ft). A property owner could submit an application for a conditional use permit for a building over 10,000 sq ft, subject to review by the Planning Commission and approval by the Town Board. In no event any landowner can create an impervious surface greater than 25% of the overall area. The attorney will provide language for the October Town Board meeting.

D. Discussion- Road Maintenance Contract

Supervisor Kenny Miller is reviewing the road maintenance contract he will finish putting together the information for the October Town Board meeting.

E. Fee Schedule Ordinance 7

The Clerk presented draft Ordinance changes of the fee schedule. She asked for guidance on language, fee amounts and escrow. After further research she felt the amounts proposed at the August Town Board meeting needed to be adjusted and language clarified.

A motion by Supervisor Mark Ceminsky: The fee is \$600 plus a \$1,000 escrow for items E., K., L., Q., U., V. and X. Item O. Variances \$600 fee plus \$500 escrow. CC. Special Meetings \$600 plus \$500 escrow to cover minutes and any other legal postings required. Motion seconded by Supervisor Pete Storlie. Vote was taken on the motion. The motion carried 4 to 1.

She will update the proposed language and fees as discussed and present it to the Town Board for approval at the November Town Board meeting.

F. Cost Share Agreement Dakota County Election Equipment

A motion by Supervisor Mark Ceminsky: To approve the August 16, 2013 Election Boards proposal on election equipment. Motion seconded by Supervisor Brian Budenski. Motion carried by unanimous vote. The Agreement was signed.

G. Office Max Credit Card

Supervisor Kenny Miller presented information on obtaining an Office Max credit card. The Town Board decided to check with Castle Rock Bank on obtaining a credit card through the bank.

H. Eureka Sand & Gravel- Emergency road gravel needs

The Town Board discussed recent emergency road gravel needs in the Township with Kenny Miller of Eureka Sand & Gravel.

I. Building Inspector Contract

The current Building Inspector Contract expires December 31, 2013.

A motion by Supervisor Pete Storlie: That the Town Board does not resign the current contract. If the Town Board does sign another contract with MNSPECT, that it is a contract that represents both sides and is fair with opt out clauses for both sides as well. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

J. Building Inspector RFQ

The Town Board felt it was in the best interest of the Township to put out an RFQ. Supervisor Pete Storlie will check with Farmington and Supervisor Brian Budenski will check with Lakeville.

K. Email Policy Reminder

All emails need to be sent thru the Clerk or Deputy Clerk, not directly to Town Board members.

L. Acknowledge Lawsuit

The Township was served with a lawsuit, Ralph A. Fredlund and William A. Funk vs. Eureka Township Board of Supervisors. Subject matter: Terri Petter/ keeping of Exotic Animals. MAT attorney has been assigned to represent the Township in the lawsuit.

M. No Truck Resolution

This item was discussed earlier in the agenda as part of the discussion with the Sheriff. The attorney will make changes to his draft resolution as discussed. The draft will be sent to the Sheriff office for review and comments.

N. CapX2020

A letter was received from Attorney Chad Lemmons stating that Supervisor Mark Ceminsky negotiating with CapX on the permits was in the best interest of the Township. Copies of the letter will be distributed to Town Board members.

Minute Approval

A. Town Board Meeting of August 12, 2013

The following typo was found at the bottom of page 9. \$45 per hour was approved. The draft minutes state \$5. Under Approval of Agenda- Old Business Item 1. Was changed to: "Accessory Building Ordinance"

A motion by Supervisor Pete Storlie: To approve the minutes from the Town Board meeting of August 12, 2013 with corrections. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

B. Special Town Board Meeting of August 19, 2013

A motion by Supervisor Mark Ceminsky: To accept the minutes from August 19, 2013 Special Town Board meeting as written. Motion seconded by Supervisor Pete Storlie. The motion carried by unanimous vote.

C. Special Town Board Meeting of August 26, 2013

D. A motion by Supervisor Mark Ceminsky: To accept the minutes from Special Town Board meeting of August 26, 2013. Motion seconded by Supervisor Kenny Miller. Supervisor Brian Budenski abstained from voting, he was not present at the meeting. The motion carried by unanimous vote.

Clerk/ Treasurer Presentation

A. MNsure- Health Ins

The Township is required to inform all employees about the existence of Marketplaces such as MNsure. The information received will be given to Township employees.

B. Voluntary Group Life Insurance Plan

Information was received from PERA on Voluntary Group Life Insurance Plan.

C. Special Meeting Pay- Linda

The Clerk asked for clarification on paying Linda Wilson for attending Special meetings.

A motion by Supervisor Mark Ceminsky: That Linda receives \$70 pay per Special Meeting, same as the rest of the Board. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Mark Ceminsky.

The Meeting adjourned at 10:52 p.m.