

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

January 12, 2015

CALL TO ORDER

Chair Kenny Miller called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Kenny Miller, Cory Behrendt, Brian Budenski and Mark Ceminsky. Supervisor Steve Madden was absent. Planning Commission liaison Al Novacek was present. Township Attorney Chad Lemmons and Township Clerk Mira Broyles were also present. See the attached list for others present.

APPROVAL OF AGENDA

Additions were made to the agenda as follows:

New Business, Item I, Schedule budget meeting
Old Business, addition to Item B – update on Watershed Resources Management
Ordinance Summary procedures from Planning Commission

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to approve the agenda as amended. Motion carried 4-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt to accept the Treasurer's Report dated January 12, 2015. Motion carried 4-0.

The claims and receipt lists were reviewed.

Motion was made by Supervisor Budenski, seconded by Chair Miller to approve the bills and receipts as submitted in the financial report dated January 12, 2015. A roll call vote was taken on the motion. Motion carried 4-0.

Treasurer Wilson asked for a break to allow her time to provide the Board with the correct outstanding invoice list. The Board moved on to other items on the agenda.

DEPUTY SHERIFF'S REPORT

Deputy Sherriff Schmidt stated there had been no criminal activity in Eureka in recent weeks.

PUBLIC COMMENT

Gary Smith, 235th Street, asked that the Board seriously consider how the text amendment proposed by Kenneth Miller would affect the entire township.

CITIZEN BUSINESS

None

CONTRACTOR TIME

Jason and Bryce Otte of Otte Excavating discussed the condition of the roads. It was agreed by the Board that all Board members be authorized to contact Ottes in the event there is need of ice control and a designated Road Supervisor cannot be reached. The Clerk was directed to provide the Ottes a key to the Township storage building.

TREASURER'S REPORT CONTINUED

Treasurer Wilson provided the Board with an updated list of outstanding invoices. A brief discussion was held.

New Laptop for Treasurer. This item was moved forward from New Business. Discussion was held regarding the need for a new laptop computer for Treasurer Marcia Wilson. Supervisor Behrendt offered to provide Treasurer Wilson with a better laptop that he had available at no charge.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Budenski, to authorize Treasurer Wilson to purchase a laptop computer not to exceed \$1,000. Motion carried 3-1. Supervisor Behrendt voted nay because he had offered a computer at no charge.

BUILDING INSPECTOR UPDATE

Building Inspector Darrel Gilmer was not present. Supervisor Ceminsky noted that Mr. Gilmer is attending training this week. He further noted that he had discussed outstanding permits and inspections with Mr. Gilmer and there were no issues to report.

CONSENT AGENDA

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to approve the minutes of the December 8, 2014 Town Board meeting as presented. Motion carried 4-0.

PLANNING COMMISSION UPDATE

Planning Commission liaison Al Novacek reviewed discussions and actions taken at the January 5, 2015 Planning Commission meeting. It was noted that the Planning Commission had not addressed the Watershed Resources Management Ordinance procedure implementation and the Agritourism draft ordinance. Chair Miller noted that the Watershed Resources Management Ordinance would go into effect March 1, 2015 and it was imperative that the Planning Commission meet prior to the Town Board's February meeting with recommendations on implementation of the watershed ordinance.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to direct the Planning Commission to call a special meeting to address only the Watershed Resources Management Ordinance procedures. Motion carried 4-0.

The Board directed the Planning Commission to forward the draft agritourism ordinance to the Board prior to the public hearing.

Supervisor Ceminsky was directed to contact the Planning Commission Chair in regard to the special meeting.

PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS

Permit Requests

Mike Blom, 24174 Dodd Boulevard – Building Permit for new deck. Planning Commission liaison Al Novacek had noted that the Commission had reviewed the application and recommended approval.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt, to approve a building permit for Mike Blom, 24174 Dodd Boulevard, PID #130180001014 to construct a new deck and railing. Motion carried by 4-0.

OTHER BUSINESS

Fire Services Agreement with the City of Lakeville. This item was moved forward from Old Business. Lakeville Fire Chief Mike Meyer discussed the proposed Fire Services Agreement. Discussion was held regarding burn permits and it was decided to put an informational article in the upcoming newsletter regarding permits.

Motion was made by Chair Miller, seconded by Supervisory Ceminsky, to approve the Fire Services Agreement with the City of Lakeville and authorize Board members to execute the document. Motion carried 4-0.

Newsletter. Jody Arman-Jones and Board members discussed the newsletter to be distributed later this month.

Complaints. Discussion was held regarding a previous complaint for property on 250th Street. It was noted that the property owner and tenant on the property had been notified of violations via letter and by visits from the Building Inspector, and measures were being taken to bring the property into compliance with zoning requirements.

Supervisor Ceminsky reported that he and Supervisor Madden had investigated complaints against property on Iceland Path. He noted that the property owner had provided a written response to the complaint and after viewing the property he and Supervisor Madden had determined that the complaint could not be validated.

New complaints were assigned to Supervisors for investigation.

OLD BUSINESS

Chair Miller turned the meeting over to Vice-Chair Behrendt.

Kenneth Miller, Text Amendment. It was noted that Mr. Miller had amended the portion of the application that indicated Ordinance 6, Chapter 3, Principal Use language. The text amendment will address only Ordinance 6, Chapter 7, Section 2K, Accessory Use.

Supervisory Ceminsky stated that he had received calls from citizens concerned over the proposed text amendment. He stated he feels, based on those calls, another public hearing should be held and letters should be mailed to all Eureka residents, at the expense of the township.

Supervisor Behrendt discussed the change to the application and stated he had also received calls from citizens indicating they were not in favor of the proposed text amendment. He went on to discuss his questions and concerns which included:

- Material being used is 100% from the mining operation
- The permitting process and changes that could be made to the permit for an accessory use
- Fees – in that an accessory use could not exceed the primary use
- Truck barrel maintenance – on site cleaning

Attorney Lemmons was asked to discuss the definition of accessory use and the permitting process should the original permit need to be amended. He also stated that he did not believe the 60 day rule applied to this application because it is not an amendment to the Zoning Ordinance.

Mr. Miller was asked if he would extend the 60 day rule whether or not it was applicable to his application. Mr. Miller indicated he would not agree to an extension.

Motion was made by Supervisor Ceminsky to hold another public hearing on the proposed text amendment with notification to all Township residents via letter from the

Township, and the Township be responsible for expenses. Motion failed due to lack of a second.

Further discussion was held.

Motion was made by Supervisor Ceminsky to hold another public hearing for the proposed text amendment. Motion failed for lack of a second.

After further discussion, Vice Chair Behrendt indicated if Supervisor Ceminsky's first motion was reinstated, he would second the motion.

Motion was made by Supervisor Ceminsky, seconded by Supervisory Behrendt to hold another public hearing on the proposed text amendment with notification to all Township residents via letter from the Township, and the Township be responsible for expenses. The vote was 2-1 with Supervisory Budenski voting nay. (Chair Miller was recused)

Attorney Lemmons stated that the motion failed due to the lack of majority vote of the quorum present at the meeting. The Board directed Attorney Lemmons to provide information to substantiate that opinion and forward to the Clerk to be distributed to the Board as soon as possible.

Motion was made by Vice Chair Behrendt, seconded by Supervisor Ceminsky to direct the Town Clerk to notify the applicant via letter that the Town Board intends to take an additional 60 days from December 8, 2014 (when the applicant amended his application) to make a decision on the proposed text amendment. Motion carried 3-0. (Chair Miller was recused)

Watershed Resources Management Ordinance Summary. Supervisory Ceminsky discussed a meeting he attended regarding water quality in the VRWJPO. He stated he would contact Mark Zabel and Travis Thiel regarding their review of the Township's new water resources management ordinance.

Motion was made by Chair Miller, seconded Supervisor Ceminsky, to approve the Watershed Management Regulations Summary Ordinance to be published in the legal newspaper. Motion carried 3-1. Supervisor Behrendt voted nay.

Attorney Update – GRE. Attorney Lemmons stated he had forwarded invoices to the attorney for GRE and is waiting for a reply.

Motion was made by Supervisor Budenski, seconded by Supervisor Behrendt, to direct the Township Attorney to notify GRE they have 15 days to pay invoices or a claim will be submitted against their security bond. Motion carried 4-0.

Attorney Update – Enright Hangar. Attorney Lemmons a final demand for payment had been forwarded to Mr. Enright's attorney who had asked to see the December minutes

of the Town Board. He further stated he will proceed with legal action to collect payment.

NEW BUSINESS

Cleaning Services Quote for Town Hall. Discussion was held regarding the need for increased cleaning services at Town Hall and a quote from T & C Cleaning Service.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to approve a quote by T & C Cleaning dated January 1, 2015 for services at Town Hall. Motion carried 4-0.

Deputy Clerk Review / Recommendation. Clerk Broyles discussed the six month review for Deputy Clerk Murphy as well as plans for increased responsibilities and a proposed salary increase.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to approve an hourly wage increase for Deputy Clerk Cheryl Murphy to \$22 per hour beginning February 19, 2015. Motion passed 4-0.

Hours for March Township Election. Discussion was held regarding the hours for the polls to be open for the March 10th Township Election.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to have the polls open from 7:00 a.m. to 8:00 p.m. for the March 10, 2015 Township Election. Motion passed by 4-0.

IT UPDATE. Supervisor Behrendt provided an update on the progress of the website by TownWeb and other IT issues. Discussion was held regarding the need to purchase a new color printer and the option to have the copy machine made network compatible to serve as a printer.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski, to authorize the purchase of a network board for the copy machine and the purchase of an ink jet printer, both purchases not to exceed \$700. Motion carried 4-0.

Table for Professional Advisors. A brief discussion was held regarding the purchase of a table to be used by the Township Attorney during meetings. It was determined that an additional table would not be necessary.

Sound System. Discussion was held regarding issues with the current microphone and sound system. Supervisor Budenski agreed to contact Kelly Broseth regarding his services to correct issues with the Town Hall sound system.

Budget Meeting. The Board agreed to hold a special meeting to discuss the 2015 budget on February 4, 2015 at 6:00 p.m.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to adjourn the meeting at 10:16 p.m.

Respectfully submitted:

Mira Broyles, Township Clerk