

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**EUREKA TOWN BOARD MEETING**

**MARCH 9, 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 Lu Barfknecht was present along with Planning Commission Chair Butch Hansen, Planning Commissioners Al Novacek and Carrie Jennings.

**APPROVAL OF THE AGENDA**

Additions to the agenda were made as follows:

Old Business: Addition of item F. Ordinance Update

The annual review of mining permits was set for 8:00 p.m. in an effort to accommodate the applicants present.

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky 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 Chair Miller to accept the Treasurer's Report dated March 9, 2015. Motion carried 4-0.

The claims and receipt lists were reviewed. Supervisor Behrendt questioned an item on the Attorney's bill that Attorney Lemmons stated would be corrected. Supervisor Budenski questioned Supervisor Ceminsky's charge for attending a special Planning Commission meeting on January 20<sup>th</sup>. Supervisor Ceminsky stated he had been directed by the Board to attend the Planning Commission meeting. Clarification was given by Treasurer Wilson in regard to two voided checks. Supervisor Ceminsky asked for clarification on the Otte's Excavating invoice.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt to accept the claims and distribution list. A voice vote was taken on the motion. Ayes: 4-0.

A brief discussion was held regarding outstanding invoices. The Clerk and Treasurer were directed to research the Enright file for payment history and place on the April agenda.

Discussion was held regarding preparation for the Township annual meeting.

## **DEPUTY SHERRIFF REPORT**

Deputy Sherriff Matt Lohman noted that some dumping had occurred, and a report of someone driving in private fields had been reported.

**PUBLIC COMMENT** None

**CITIZEN BUSINESS** None

## **CONTRACTOR TIME**

Jason and Bryce Otte of Otte Excavating discussed dumping that had taken place on Essex. They noted that road signs have been ordered and that grading of the roads will begin soon. Supervisor Ceminsky requested that the specific roads that are being graded be listed on Otte's billing statements.

## **BUILDING INSPECTOR UPDATE**

Building Inspector Darrell Gilmer noted that the Cook home is now under construction. He also noted that he is prepared to handle watershed permits, and will be following up on open roof permits now that the snow is melting.

## **PRESENTATION BY DAN SALZER, SCANNELL PROPERTIES**

Dan Salzer of Scannell Properties made a presentation in regard to an Alternative Urban Areawide Review for property adjacent to Eureka Township in the City of Lakeville.

## **ANNUAL REVIEW OF GRAVEL PERMITS AND LANDING STRIP CONDITIONAL USE PERMIT**

*(item moved forward from New Business)*

Brosseth Gravel Pit and Storlie Gravel Pit. Pat Mason and Kelly Brosseth were present and noted that the two gravel pits have merged operations. The Board reviewed the submitted documents and it was noted there had been no formal complaints or concerns. It was acknowledged the annual review was complete.

Barton Sand and Gravel. The submitted documents were reviewed and it was noted that the pit has been inactive for the past year. It was acknowledged that the annual review was complete.

Hansen Landing Strip Conditional Use Permit. The Board reviewed the submitted documents. Mr. Hansen noted that the landing strip continues to be a work in progress. It was acknowledged that the annual review was complete.

## **CONSENT AGENDA**

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky, to approve the minutes of the February 9, 2015 Town Board meeting. Motion carried 4-0.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to approve the minutes of the February 24, 2015 Special Town Board meeting. Motion carried 3-0. Chair Miller abstained.

Motion was made by Chair Miller, seconded by Supervisor Ceminsky, to approve the minutes of the March 3, 2015 Special Town Board meeting. Motion carried 2-0. Supervisors Behrendt and Budenski abstained.

## PLANNING COMMISSION UPDATE

Planning Commission liaison Lu Barfknecht reviewed discussions and actions taken at the March 2, 2015 Planning Commission meeting.

## PLANNING COMMISSION – LAND USE, PERMIST AND RELATED ITEMS

Heintz – Building Right. Discussion was held regarding if there is a building right on property described as *the West 337 feet of the East 1237 feet of the North 300 feet of the NW ¼ of Section 1, Township 113, Range 20, Dakota County, Minnesota* . It was determined that no building right existed.

Motion was made by Chair Miller, seconded by Supervisor Budenski, to direct the Clerk to send a letter to Ms. Heintz confirming that the above described property is not eligible for a building right under Eureka Township Ordinances, as the lot was created after 1982. Motion carried 3-0. Supervisor Behrendt abstained.

John Friedges – Text Amendment. Mitchel Trundel representing Friedges Landscaping discussed a proposed text amendment to Ordinance 6, Section 2, Performance Standards. Discussion was held regarding the possible need for a public hearing. Attorney Lemmons indicated that a public hearing would not be required however the Board could choose to order that a public hearing be held. Discussion continued in regard to a precedent being set during the application process of a previous text amendment application. Chair Miller recused himself and turned the meeting over to Vice Chair Behrendt. Responsibility of paying for a public hearing was discussed and Attorney Lemmons noted that the Board can request the applicant to pay for the hearing but cannot require the applicant to do so. Mr. Trundel stated that he did not have the authority to agree to pay for a public hearing.

Motion was made by Supervisor Budenski, seconded by Supervisor Behrendt, to table discussion of the text amendment by Friedges Landscaping until the April Board meeting to allow Mr. Trundel time to inquire about payment for the proposed public hearing. Motion carried 2-1. Supervisor Ceminsky voted nay as he felt this applicant and the applicant of the previous text amendment were being treated differently.

Supervisor Ceminsky asked that the recording for this meeting be saved indefinitely.

Chair Miller resumed his position as Chair.

A five minute recess was taken at 8:45 p.m.

## OLD BUSINESS

Kenneth Miller – Text Amendment. Chair Miller recused himself and turned the meeting over to Vice Chair Behrendt. Vice Chair Behrendt discussed letters from Attorney Lemmons dated March 5 and March 9, 2015 which discussed amended language to the mining ordinance.

Motion was made by Supervisor Budenski, seconded by Supervisor Behrendt, to adopt Resolution Number 2015-03 pertaining to new Level 3 gravel pit accessory uses under the Mining Ordinance text amendment with nine changes as presented in the Township Attorney's letter dated March 5, 2015 except Chapter 13, Section 2, Paragraph Q. Motion carried 2-1. Supervisor Ceminsky voted nay stating he was voting as requested by Eureka citizens.

Watershed Resources Management Ordinance Procedures. Discussion was held regarding comments from Travis Thiel, Dakota County, regarding the Township watershed permit application. The Board agreed that the Planning Commission should address Mr. Thiel's suggestions.

Nancy Sauber suggested the lot split application form be amended and noted that escrow and fees be addressed in the fee schedule. Supervisor Ceminsky stated he would discuss the fee schedule with Building Inspector Gilmer and address at the April Board meeting.

GRE. Attorney Lemmons discussed questions regarding the Township's authority to impose fines for violations of spring road restrictions raised at the February 24, 2015 Special Town Board meeting which was held to discuss pending litigation with Great River Energy.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski, to direct the Township Attorney to proceed with the complaint against Great River Energy, taking out road fines, with potential amendments after discovery. Motion carried 4-0.

IT Update. Supervisor Behrendt provided an update on IT issues.

Previous Complaint Follow-Up. Supervisor Behrendt provided a report regarding complaints filed against property on 235<sup>th</sup> Street. He noted that a response to each complaint had been provided by the property owner and were sufficient. The Clerk was directed to send a letter to the complainant indicating the property owner had responded with a plan for correcting the issues of concern. The Board indicated that a follow-up inspection of the property would be held.

Ordinance Review Update. Attorney Lemmons stated he would have updates to the Township Ordinances completed and forward to the Clerk by Tuesday, March 24, 2015. The Clerk was directed to forward the updated Ordinances to the Town Board and Planning Commission.

## **ADJOURNMENT**

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Mira Broyles  
Township Clerk