

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of January 13, 2014

Call to Order

Chair Pete Storlie called the January 13, 2014, 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 Linda Wilson was present to record the minutes and Colette Mumm, interim Deputy Treasurer presented the Treasurer and Financial Report. Butch Hansen Planning Commission Liaison, Township Attorney Chad Lemmons, and Building Inspector Scott Qualle was also present. See attached attendance sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda

Add: Cap X Attorney Billing after Audit

Other Business: Silvercycling

Right of Way Enforcement

Job Postings

Agri-tourism Task Force Report

A motion by Supervisor Pete Storlie: To approve the agenda for January 13, 2014 as amended. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

Public Comment Period

No one came forward for Public Comment.

Treasurer's Report

Checking Account Balance: \$794.34. Outstanding checks -\$0. Savings Account Balance \$440,866.19. CD Account Balances: \$36,125.02 & \$35,595.24 (total – 71,720.26). The Ledger Balance is \$513,380.79.

A motion by Supervisor Pete Storlie: to approve the Treasurer's Report of January 13, 2014 as read. The motion was seconded by Supervisor Mark Ceminsky. Roll call vote was taken on the motion: Brian Budenski- aye; Kenny Miller- aye; Pete Storlie- aye and Steve Madden-aye., MarkCeminsky - aye. The motion passed unanimously by Supervisors voting.

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 December 2013	\$6,490.00
MNSPECT, LLC	Inspection Services December 2013	\$4,339.91
City of Farmington	Fire, Contract 4 th Qtr. 2013	\$7,455.25
Dakota Co. Assoc. of	2014 MAT dues	\$1,091.96

Townships		
Dakota Electric Association	Town Hall Electric	\$ 139.41
Frontier Communications	Phone Service Town Hall	\$ 128.12
Dick's Sanitation	Garbage Service Town Hall- January 2014	\$ 51.50
Culligan	Water Softener Service & Salt	\$ 51.58
Kelly & Lemmons	Service thru 12-31-2013	\$3,772.34
T&C Commercial Cleaning	Clean Town Hall September 2013	\$ 53.56
ECM Publishers	Legal Ads	\$ 60.00
Plunkett's Pest Control	Rodent Control Annual Jan-Dec	\$ 440.66
Linda Wilson	Mileage	\$ 159.90
Darrel Excavating	2013 Subsurface Septic Report	\$ 100.00
Beaver Creek Companies	Town Hall Maintenance	\$ 388.25
Ace Hardware & Paint	Town Hall maintenance (parts)	\$ 73.34
PERA	Payroll Period 12-1-2013 to 12-31-2013	\$ 394.20
IRS	January 2014 Deposit	\$ 636.76
Linda Wilson	Payroll Period 12-1-2013 to 12-31 -2013	\$1978.19
Colette Mumm	Payroll Period 12-1-2013 to 12-31-3013	\$ 241.08
Total Bills Presented	\$25,826.94	

A motion was made by Supervisor Mark Ceminsky to accept, the Claims List as presented and the Net Pay Distribution as presented. Motion seconded by Steve Madden. Roll call vote was taken on the motion: Brian Budenski- aye; Kenny Miller- aye; Pete Storlie- aye and Steve Madden-aye. Supervisor Mark Ceminsky abstained from voting on the motion since one claim was his. The motion passed unanimously.

Questions from the Board concerning the MNSPECT billing charges for Commercial building fees, Scott indicated these charges were for the Eureka Township Storage Building. The Board indicated that the building permit for Eureka Township should not have been issued and they agreed that no payment for that permit would be paid at this time. Scott addressed the Board's questions and conversations that were made during the permitting and plan review process.

At the December meeting the Board made a motion to not pay the building inspector for this permit, it was not done on a timely basis, to many changes and the project would not be able to be done because of the weather and he was asked to not issue a permit. Scott Qualle indicated that if he was to be the Township building inspector going forward after January 31 he had no problem with this but according to the contract they bill for services when the permit is delivered to the Township and if he is not going to be the building inspector after January 31 he is expecting to be paid for this activity.

A motion was made by Mark Ceminsky to pay MNSPECT for the Plan Review Fee \$403.27, to deduct the \$75.00 Site Visit Fee and deduct the Permit Fee of \$547.43 from the monthly billing and reissue a check for \$4,339.91. Motion seconded by Steve Madden. Motion passes by unanimous vote. Colette Mumm reissued a check to MNSPECT for the December billing.

A motion was made by Supervisor Kenny Miller to continue the Plunkett's Pest Control Services for billing year 2014 - January through December. Motion seconded by Mark Ceminsky. Motion passes by unanimous vote.

Outstanding invoices

The Town Board reviewed the outstanding invoices. A motion was made by Supervisor Pete Storlie that all outstanding invoices are billed at 1.5% interest every 30 days and that they are invoiced until paid in full. Mark Ceminsky made a friendly amendment that we go back to when the Board made the original motion and add the interest to the Sauber Trust. Pete Storlie accepted Mark Ceminsky’s friendly amendment. Mark Ceminsky seconded the motion. Motion passes with Supervisors voting, Supervisor Miller abstained from the vote.

The following receipts were received in December:

Local Permits

Chak Siding & Construction-Building Permit 13-24 \$5,492.97
Chak Siding & Construction – Mechanical & Plumbing Permit \$405.00
Glowing Hearth & Home – Mechanical Permit #13-041 \$70.00
David Cook – Cluster Application \$25.00
Kline Corporation – Mechanical Permit #ET13042 \$50.00
Minnesota Energy – Utility Permit \$3,215.00
Susanna Davis – Permit #ET13-039 & #ET13-038 \$210.00
Prairie Creek Community CUP Review \$25.00
Westwind Education – CUP Application \$25.00
Cheryl Ackerman-Kennel License \$100.00

Other Receipts

Mt. Olivet Retreat –In Lieu of Taxes \$1,550.00
Great River Energy – Outstanding Invoice Expenses - \$20,219.62
Dan Adlemann-RASP Sign \$16.95
Dakota Electric – Capital Credits - \$9.85
General Revenue –Deposit from General Revenue – 30,000.00
Dakota County – 2nd half 2013 tax advance \$48,246.95
State of Minnesota – Ag Preserve/MV Credit Ag \$5,477.57
Castle Rock Bank - CD Interest \$185.39
Castle Rock Bank – CD Interest \$250.43
Castle Rock Bank – Intererst Savings \$913.37
Gloria Belzer – CD Copies \$5.00 & \$5.00

TOTAL RECEIPTS AS OF DECEMBER 31, 2013 \$244,251.15

A motion was made by Supervisor Pete Storlie to approve the remainder of the financial reports. Motion seconded by Supervisor Kenny Miller. Motion carried by unanimous vote of Supervisors voting. Mark Ceminsky abstained from voting.

Open Building Inspection Permits

Board reviewed the report from MnSpect. Scott Qualle indicated that they have sent out notices for all open permits for inspections due and year end follow up. No comments or additions from the Board.

Budget

The Town Board reviewed the Monthly Budget. The Board should review administrative costs at the Budget meeting as well as the CapX attorney billings and utility permits and FEMA.

Set a Budget Meeting Date

The Town Board set a date of January 30, 2013 at 7:00pm to discuss the 2015 budget to be presented at the annual meeting in March. Add budget requirements of the Task Force to the agenda.

Audit

The Audit will be February 4, 2014. Clerk and Treasurer are currently preparing documentation.

Great River Energy CapX 2020 Report

No one was present for the meeting.

Contractor Time

Road Contractor Mark Henry was present to discuss road maintenance and projects. Chairman Pete Storlie felt the Mark Henry was doing a good job, the roads are in good shape and all issues are being addressed with the recent snows and cold and ice.

Planning Commission Update

Butch Hansen was present as Planning Commission liaison. Commissioner Hansen reported that the Planning Commission reviewed and made revisions to the remaining documents presented by Jeff Otto on the Transfer of building rights which will be addressed by the Town Board at the meeting tonight. The permit for Larry Zumbach was followed up by Linda Wilson and building plans were reviewed by the building inspector Scottt Qualle. He recommended that this permit move forward for the Board to make final approval. Mr. Zumbach's permit caused members much confusion relating to a move in permit versus a building permit. Carrie Jennings and Allen Novacek have agreed to review the current ordinance on the move in permit to see if it can be clarified. A motion was made by Pete Storlie to approve Larry Zumbach's permit for the 3-sided horse shelter at 25400 Cedar Ave. Motion seconded by Brian Budenski. Motion passes by unanimous vote.

Land Use & Zoning

Leland Dilley – 714 Highland - Denmark Ave.-Building Rights

Mr. Dilley presented an application in November to address his building rights for two parcels of land. The Planning Commission determined that these building rights exist and is asking the Board for a letter to affirm this. A motion was made by Supervisor Kenny Miller to issue a building right confirmations letter for each of the parcels, PID # 13-03600-75-013 and PID # 13-03600-75-012 both properties on Denmark Ave. Motion seconded by Supervisor Steve Madden. Motion passed by unanimous vote.

Chad Harmer - 23450 Hamburg Ave. – New Home

The Board reviewed the building plans for Mr. Harmer's new home and the Vermillion Water shed permit and determined Mr. Harmer met all requirements. Kenny Miller made a motion to approve the building permit application for Mr. Harmer at 23450 Hamburg Ave. Motion seconded by Mark Ceminsky. Motion passed by unanimous vote.

Other Business

Newsletter

Jody Arman-Jones presented the draft copy of the newsletter to the Board. Jody asked that the newsletter be delayed in mailing until the end of January to include the ballot language regarding the separation of the Clerk/Treasurer position, candidate information and the Dodd Road update. Jody is also soliciting quotes from printers as our current printer is eliminating some the mailing services they currently provide. The Board would like to review the printing quotes and look at ways to distribute the newsletter for future mailings and Jody will research and report back to the Board.

Nancy Sauber – Public Agenda Request to Address 22260 Dodd Boulevard (Miller Property)

Nancy Sauber, 9445 225th St. W. Lakeville and Timothy Kuntz, husband and attorney with LeVander, Gillen & Miller law firm in S. St. Paul who also resides at 9445 225th St. W. Lakeville addressed the Board regarding the land use at Joe Miller's property 22260 Dodd Blvd. and the illegal uses being conducted in the accessory buildings at the 22260 Dodd Boulevard property. Nancy Sauber presented to the Board, ordinance excerpts and pictures for the Board to review as well as documentation from Attorneys LeVander, Gillen & Miller and her written comments to be made part of the public record.

Timothy Kuntz recommended to the Board that between now and the March meeting that the Board consults with the Township attorney to explore these matters.

Joe Miller -22260 Dodd Blvd. – Complaint – The Board received a letter from Mr. Miller’s attorney that he was unable to attend this meeting. The Board tabled until the March meeting. Nancy Sauber addressed that she did not file a formal complaint on the Miller property and Supervisor Storlie affirmed that no it was not a complaint that the building inspector acted on work being done without permits. Supervisor Storlie asked that the Board review Nancy Sauber’s information before the March meeting.

A five minute recess was called at 8:40. Chairman Pete Storlie called the meeting back to order at 8:35.

Ordinance Review Update

Township attorney Chad Lemmons reported that the ordinances have been review and with the exception of the 6 newly passed ordinances the code as it appears on the website incorporates all of the Eureka ordinances. There is still one in question, Resolution 59. Resolution 59 is referenced in several areas in the ordinances but the copy appears to be missing and the questions remains that references referring to Resolution 59 are correct in the ordinance. Kelly and Lemmons suggest that the ordinances that have not been incorporated into the code be incorporated and Jerry Filla has indicated where they need to be incorporated, get typed up and incorporate it. (Resolution 59, 8-13-07) Review Ordinances on February agenda.

Building Inspector Contract /RFP

A motion was made by Supervisor Storlie to hold the building inspector RFP until the Budget meeting agenda for Thursday, January 30th to give the additional applicants time to respond as a letter went out after the initial Request for Proposal date. Motion seconded by Mark Ceminsky. Motion passes by unanimous vote. The proposals will be opened and reviewed at the January 30th budget meeting and a building inspector decision will be made. Any new permits that the Clerk receives from this meeting until the end of the month will be handled and followed up by Scott Qualle and MNSPECT. The Clerk will add to the budget meeting agenda. The RFP from MNSPECT sealed envelope, not opened was returned to the Clerk to hold until the January 30th meeting.

FEMA Update

Supervisor Mark Ceminsky reported he received a letter from the State that needed to be filled out on the work that has been done. Mark Ceminsky will need to spend some time with Colette Mumm to review the receipts. Supervisor Kenny Miller made a motion to authorize Mark Ceminsky to work with Colette Mumm on the FEMA report and also track the time he has investing in the major right of way permits for billing. Motion seconded by Pete Storlie. Motion passes by unanimous vote. Mark Ceminsky abstained from the vote.

Town Hall Maintenance

Supervisor Mark Ceminsky recused himself from this item. Mark Ceminsky representing Beaver Creek Companies reported to the Board that the Town Hall has some cracks in the walls that need repaired. The cost would be under \$1,000 to repair the cracks, possibly less \$500-\$750. A motion was made by Supervisor Steve Madden to table until the February meeting. Motion was seconded by Pete Storlie. Motion passed by unanimous vote. .

Jeff Otto – Summery Procedures of Building Rights Transfer

Jeff presented a draft of the remaining documents for the Building Right Transfer procedures the Planning Commission recommended for approval by the Board. Jeff answered questions and took further recommendations to the documents. The Board thanked Jeff Otto for all the time he has devoted to this project. Attorney Chad Lemmons lent his comments as Kelly and Lemmons will be helping the Township implement some of this information. Mr. Lemmons will review and add some additional language to Jeff Otto to implement into the draft document.

Silvercycling

Supervisor Steve Madden addressed with Deputy Leslie the problems the Township was having with the Silvercycling group and traffic on the road. The Town Board will table this item until the Township hears from them.

Right of Way Enforcement

Supervisor Mark Ceminsky questioned the Board as to how the Township can enforce the road right of way permit provisions The Township specifies on any road right of way permit, does the Board want the violations documented and passed on to the attorney Chad Lemmon or do you want them documented and nothing done on them? If you want them documented and sent on to the attorney, Mark Ceminsky asked that the Board is in full support of this. A motion was made by Supervisor Steve Madden that Mark Ceminsky has the full support of the Board and authorizes Mark Ceminsky to deal with this situation. Motion seconded by Supervisor Pete Storlie. Discussion by Town Board, Steve Madden withdrew his motion. A motion was made by Pete Storlie to authorize the current Road Supervisor and the alternate to work with our current lead attorney contact or alternate attorney contact on future, and all road right of way enforcements, between the Town Board meetings, if attorney intervention is needed to solve the problem. Motion seconded by Supervisor Steve Madden. Pete Storlie amended his motion does not include CapX agreement that is currently in place. Motion passes by Supervisors voting 4 to 1. Brian Budenski had a nay vote.

Job Posting

Discussions continue in the hiring of a new Clerk/Treasurer and an additional staff person to help in an Administrative Assistant capacity.

A motion was made by Supervisor Mark Ceminsky to place an ad for a Clerk/Treasurer and an ad for an Administrative Assistant for the Township. Supervisor Pete Storlie seconded the motion with the friendly amendment that the Clerk/Treasurer resides outside the Township. Mark Ceminsky accepted the friendly amendment. Pete Storlie suggested taking the original ad for a Clerk, discussed at the November 20th special meeting and add Treasurer to the position be used. Mark Ceminsky will work with Linda Wilson to write an ad for the Administrative Assistant position. Motion passes by Supervisors voting 4 to 1. Kenny Miller voted nay he did not agree with the person having to reside out of the Township. When ad's are drafted send to the Town Board for review before posting in the newspaper.

Old Town Hall Lot

The Town Hall lot will be addressed at the January 30th budget meeting. The Clerk will add to the agenda.

Agri-tourism Committee Report

Butch Hansen, Fritz Frana & Phil Cleminson presented the results of the Open House survey and the recommendations from the Task Force are that a Committee be appointed to work with a city planner and have access to the attorney to draft an ordinance. The Task Force felt that some things should be allowed with the existing performance standards, some things need new performance standards and some things should not be allowed.

A motion was made by Brian Budenski to allow the Agri-Tourism Task Force to spend up to \$5,000 with the ability to use TKDA our planner and Kelly Lemmons attorney to help them along with an amendment that if they need an additional \$1,000 they can ask the Board in February or March. Motion seconded by Kenny Miller for discussion that we authorize up to \$5,000 for a planner and legal fees with the opportunity for them to present the needs for further funding, monies would come from the professional service escrow fund. Brian Budenski withdrew his motion.

A motion was made by Supervisor Pete Storlie to authorize reappointment of the six agri-tourism committee members to the agr-tourism task force with the stipulation they can make 75% of the meetings. Motion seconded by Kenny Miller with the addition that the Board ask Nancy Sauber if she

would consider serving as an alternate. Pete Storlie did not accept the addition of Kenny Millers comment to the second. Motion seconded by Kenny Miller. Motion passes by unanimous vote.

A motion was made by Supervisor Mark Ceminsky to authorize \$4,000 for a planner and the Board authorize one visit with the attorney to determine what is or is not allowed under the ordinances. Attorney Chad Kelly Lemmons e should then come back with a cost on what it will cost for his firm to work with them to write the ordinance. Motion seconded by Steve Madden. Motion passes by unanimous vote.

Town Board Meeting Minutes of December 9, 2013

A motion by Supervisor Pete Storlie to approve the Eureka Town Board meeting minutes of December 9, 2013 as corrected. Motion seconded by Supervisor Steve Madden. Motion carried by unanimous vote.

Town Board Emergency Meeting minutes of December 12, 2013

A motion by Supervisor Brian Budenski to approve the Emergency Town Board meeting minutes of December 12, 2013 as presented. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

Town Board Emergency Meeting minutes of December 30, 2013

A motion by Supervisor Brian Budenski to approve the Emergency Town Board meeting minutes of December 30, 2013 as presented. Motion seconded by Kenny Miller. Motion passes by unanimous vote.

Website

A motion was made by Supervisor Mark Ceminsky that the Board gets quotes to hire an IT person and after review of the quotes hire an IT person to work on and maintain the website. Motion seconded by Steve Madden. Kenny Miller will take the lead on this issue and bring quotes to Town Board meeting in February. Pete made a mmotion that the quotes also include virus scan and monthly maintenance of the computers. Motion seconded by Steve Madden. Motion passes by unanimous vote.

Old Computer Equipment

Mark Ceminsky made a motion that the memory cards are pulled and destroyed from the old computer hard drives and the equipment is disposed of as well as the old copier. Motion seconded by Brian Budenski. Brian Budenski added a friendly amendment that Mark Ceminsky be put in charge of this project. Motion passes by unanimous vote.

A motion by Supervisor Mark Ceminsky to adjourn. Motion seconded by Supervisor Brian Budenski.

Meeting adjourned at 10:15p.m.