

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

December 8, 2014

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, Mark Ceminsky and Steve Madden. Supervisor Brian Budenski was absent. Planning Commission liaison Al Novacek was present along with Butch Hansen, Planning Commission Chair. Township Attorney Chad Lemmons and Township Clerk Mira Broyles were also present. See the attached list for others present.

APPROVAL OF AGENDA

The following amendments were made to the agenda:

- The text amendment application for Kenny Miller was moved to Old Business after item C.
- IT Update was added under Old Business
- An update on the Enright Hangar was added under Old Business
- Six month review for the Deputy Clerk was added under New Business

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to approve the agenda as amended. Motion carried by unanimous vote.

DEPUTY SHERRIFF'S REPORT

Deputy Matt Lowman stated there were no issues to report in the Eureka area.

TREASURER'S REPORT

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

Motion was made by Supervisor Madden, seconded by Supervisor Ceminsky to accept the Treasurer's Report dated December 8, 2014. Motion carried 5-0.

Discussion was held regarding pay for Planning Commissioner Carrie Jennings attendance at the October 8, 2014, October 12, 2014 and October 27, 2014 meetings. It was determined that Ms. Jennings be paid for the October 27, 2014 meeting only.

Motion was made by Chair Miller, seconded by Supervisor Ceminsky to approve the claims list as submitted. A roll call vote was taken on the motion. Motion carried 4-0

Discussion was held regarding an outstanding invoice for Richard Nielson. It was agreed that invoices continue to be mailed monthly and Mr. Nielson will be asked to attend a Board meeting once he returns to Eureka in the Spring.

Discussion was held regarding the escrow account for Living Waters Church. Treasurer Wilson was directed to deduct charges from the escrow amount and bill Living Waters Church for the balance.

There were no comments on the current budget. Treasurer Wilson discussed a proposed format change for the 2015 budget and all were in agreement with the change.

PUBLIC COMMENT

Gary Smith, 4628 235th Street expressed concern over the text amendment application for Kenny Miller and questioned the rationale for the public notice and for the public hearing that was held. He asked that the Board carefully consider the proposed text amendment before taking action.

Randy Wood, 23775 Essex, spoke in opposition to the proposed text amendment by Kenny Miller, noting the amendment would be contrary to Eureka Township's Comprehensive Plan.

Margaret Madden questioned the Board about their responses once they receive a comment via email.

Fritz Frana, 23655 Jersey Way asked about the legal newspaper for the Township.

CITIZEN BUSINESS

None

CONTRACTOR TIME

Brice Otte of Otte Excavating discussed the condition of the roads. Chair Miller asked that gravel be placed in a dip on 240th Street, east of Highview Avenue.

BUILDING INSPECTOR UPDATE

Building Inspector Darrel Gilmer discussed pending roofing inspections. He was asked about an extension for a building permit for David Cook, (later on the agenda). He noted that Mr. Cook needs to begin construction in January to avoid new sprinkler regulations that will go into effect. He stated that he would contact Mr. Cook directly.

CONSENT AGENDA

Motion was made by Supervisor Behrendt, seconded by Supervisor Madden to approve the minutes of the November 10, 2014 Town Board meeting. Motion carried by unanimous vote

PLANNING COMMISSION UPDATE

Planning Commission liaison Al Novacek reviewed discussions and actions taken at the December 1, 2014 Planning Commission meeting.

PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS

Permit Requests

Extension of Building Permit for David Cook, 24485 Denmark Avenue

Chair Miller noted a request that had been submitted by David Cook requesting an extension for a building permit to construct a new house at 24485 Denmark Avenue due to issues with an appraisal and the desire to wait until spring to begin construction. Discussion was held previously. Building Inspector Gilmer will contact Mr. Cook.

Old Business

Joey Miller, 2220 Dodd Boulevard – Non-conforming Use. (Tabled from November 10, 2014 meeting).

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to accept the registered non-conforming use of the race car operation for Joey Miller, 2220 Dodd Boulevard, as not intensified but require a permit with double fees as penalty.

The Board and Attorney Lemmons discussed the intensification or change in use of the property and the square footage of the office space in the two buildings. The Findings of Fact from the Planning Commission were also discussed in regard to acceptance of the lesser value of square footage of 15% of total square footage, which was 23,700; thereby making the office square footage 3,555 square feet in existence.

Supervisor Ceminsky withdrew the motion.

Motion was made by Supervisory Ceminsky, seconded by Supervisor Madden to accept the non-conforming use of office space at 22260 Dodd Boulevard for the 3,555 square feet in existence, not to be used for retail sales or to be open to the public, and with no signage. A building permit shall be applied for with double fees as penalty. Roll call vote was taken on the motion. All voted in favor.

Attorney Lemmons stated Findings of Fact should be adopted and recommended the following:

1. That located on the Property at 22260 Dodd Boulevard are two nonresidential buildings.
2. That as of September 7, 2004, the northernmost building was used by the then owner, Joe Miller, for office space for his employees. That said office space was not open to the public and was used solely to administer the business operations of Joseph Miller.
3. That the area of the northernmost building used for office purposes on September 7, 2004 was 3,550 square feet, located in the front (west) portion of the building.
4. That said use for office space has been continuous from September 7, 2004 and up to the present date.
5. That the present use by the applicant Joey Miller, of the office space for nonpublic administrative purposes associated with his homebuilding business is consistent with the office use as of September 7, 2004.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to accept the Findings of Fact for the Joey Miller non-conforming use at 2220 Dodd Boulevard as stated. Motion passed unanimously.

Vermillion River Watershed Joint Powers Organization Permit Process

Discussion was continued from the November 10, 2014 meeting regarding whether the Township should take over the VRWJPO permitting process. Supervisor Ceminsky reviewed information received from neighboring communities and statements from Mike Slavik, Chair of the Vermillion Watershed and Brian Watson of the Dakota County Soil and Water Conservation District. Building Inspector Gilmer stated he would be willing to conduct the necessary inspections, implementing watershed standards, erosions control, etc.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to adopt Ordinance No. 2014-07 and Resolution 2014-10 establishing water resources management permit requirements and performance standards for the Vermillion Watershed to be implemented March 1, 2015 with publication in the legal newspapers on January 15, 2015. Motion passed on a 3-1 vote. Supervisor Behrendt voted nay.

Supervisor Behrendt stated his reasons for voting nay were as follows:

- The permitting process could be a burden on the Township and the Planning Commission as it will require an elevated knowledge to implement, and implementation and effectiveness must be the same as it is currently.
- The Township will be doing exactly the same thing that is already currently being handled efficiently.

Following discussion, the Planning Commission was directed to discuss procedures for the implementation of the Water Resources Management Ordinance and amend application forms as needed at their January 5, 2015 meeting.

The Township Attorney was directed to draft a summary of the Water Resources Management Ordinance to be approved by the Board at their January 12, 2015 meeting, with publication in the legal newspaper following on January 15, 2015.

Ordinances / Code Update

Discussion was continued from the November 10, 2014 meeting regarding the Township Code recodification. Attorney Lemmons discussed the adoption of Ordinance 2010-01 which was approved on June 14, 2010. He noted that Ordinance 2010-01 would have approved any amendments made prior to that date. After discussion, it was decided to delay approval of the recodification of the Code to allow time for the Water Resources Management Ordinance to be incorporated into the Code. Attorney Lemmons noted that a public hearing would be required for the recodification of Ordinance 3, the Zoning Ordinance. He further noted that the incorporation of the Water Resources Management Ordinance would be completed by the January 12, 2015 Board meeting.

Proposed Text Amendment – Kenny Miller

Chair Miller turned the meeting over to Vice Chair Behrendt for the consideration of a text amendment of Ordinance 6, Mining Ordinance, to address only Level 3 Interim Mining Permits (new permits), Ordinance 6, Chapter 3 Definitions, Principal use – second sentence, delete the words “or a ready-mix concrete plant; Ordinance 6, Chapter 7, Section 2. K, Accessory Uses – third sentence, delete the words, “or ready-mix concrete production plant”.

Vice-Chair Behrendt stated he would like to delay discussion of this item to allow time for his review and investigation.

Supervisor Ceminsky asked Attorney Lemmons to discuss the possibility of a concrete plant becoming a principal use should the proposed text be removed from the ordinance. Attorney Lemmons stated that language could be added to a potential interim use permit that could limit a specific use. He also noted that the text amendment language could be amended with the approval of the applicant. Otherwise, the proposed language could be rejected.

Supervisor Madden questioned taxation of the operation. Mr. Miller explained the current tax requirements.

Mr. Miller explained that it his intention that the ready mix concrete operation be an accessory use rather than a principal use. He stated he would not request continuance of the concrete operation once the gravel mining pit was done. He further discussed the

State permits that he currently holds for his business. He offered to make arrangements for individual Board members to visit a similar active operation in Prior Lake.

It was agreed to table further consideration of the proposed text amendment to the January meeting pending further review by Board members.

Vice Chair Behrendt turned the meeting back over the Chair Miller.

Agritourism Update

Planning Commissioner Novacek provided an update on the Agritourism Ordinance, noting that review of the proposed ordinance will continue at the January, 2015 Planning Commission meeting. The Township Attorney was requested to attend that meeting.

Storage Garage – Shelving

Supervisor Ceminsky discussed pricing for shelving and a wire tool crib for the Township storage building. It was decided that approval should be requested at the annual meeting and the cost be included in the 2015 budget.

Great River Energy

Supervisor Ceminsky discussed a meeting held with GRE, the Township Attorney, himself and Supervisor Budenski. He stated that GRE made no offer to pay outstanding bills. He further discussed projected costs for road repairs made necessary by GRE. Potential litigation was discussed with the Township Attorney.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden, to authorize the Township Attorney to begin proceedings to collect on bond funds owed by Great River Energy. Motion passed unanimously.

IT Update

Supervisor Behrendt provided an update on the progress being made to update the website with Town Web Design.

Enright Hangar

The outstanding bills for the Enright Hanger permit was discussed.

Motion as made by Supervisor Ceminsky, seconded by Supervisor Madden, to direct the Township Attorney to attempt collection of the outstanding bills for the Enright Hangar. Motion passed unanimously.

New Business

Clerk's Schedule for 2015.

Chair Miller and Supervisor Ceminsky were assigned to work with the Town Clerk regarding her schedule for 2015.

Request for Quotes for 2015 Cleaning Services.

The Clerk was directed to provide a list of recommended services and quotes for review at the January, 2015 meeting.

Annual Board Meeting.

It was noted that preparations for the 2015 annual meeting are being made.

Deputy Clerk Review

The Clerk was directed to conduct the Deputy Clerk's review in January and provide a recommendation to the Board.

Motion was made by Supervisor Madden, seconded by Supervisor Ceminsky to adjourn the meeting at 11:25 p.m.

Respectfully submitted:

Mira Broyles, Township Clerk