

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

**Eureka Town Board Meeting of June 9, 2014**

**Call to Order**

Chair Kenny Miller called the June 9, 2014, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Kenny Miller, Mark Ceminsky, Steve Madden, Cory Behrendt. and Brian Budenski. Lu Barfknecht was present as Planning Commission Liaison and Planning Commission Chair Butch Hansen, and Township Attorney Chad Lemmons were also in attendance. See attached sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to approve the agenda.

**Public Comment Period**

Lu Barfknecht, expressed concern that all residents of the Township are not treated equally in regard to ordinance requirements. She questioned whether 22260 Dodd Blvd. is a commercial or residential use. She noted that a change of use for the property is occurring and proper approvals have not been followed.

Nancy Sauber discussed action necessary for building permits for 22260 Dodd Blvd. by the Planning Commission and Board. She expressed concern over comments made and action taken at the last Planning Commission meeting.

Calvin Pflaum, 5780 227th St. discussed debris blocking the culvert on 225<sup>th</sup> Street.

**Treasurer's Report**

Treasurer Marcia Wilson reviewed the Treasurer's Report. (*see attached report dated June 9, 2014*)

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky to accept the Treasurer's Report dated June 9, 2014 as presented .Motion carried by unanimous vote.

Motion was made by Supervisor Miller, seconded by Supervisor Budenski to accept the balance of financials. Motion carried by unanimous vote.

The Treasurer requested the Board submit an electronic time sheet in the future. The Treasurer was directed to put the meeting pay for Supervisors on the next pay roll except for Supervisor Miller; and to hold Barbara North's paycheck until Town Hall keys are returned and her timecard is signed.

Motion was made by Supervisor Miller, seconded by Supervisor Ceminsky to approve the claims and net pay (report attached). Motion carried by unanimous vote.

### **Open Building Reports**

A report was presented regarding open building permits.

### **Budget**

The monthly budget was discussed. It was noted that no FEMA funds had been received to date.

### **Contractor Time**

Mark Henry of Otte Construction noted the debris in ditches would be picked up. He stated dustproofing had been done on Essex, and Highview Avenue.

The Road Committee was cancelled due to non-availability of participants.

### **Planning Commission Report**

Butch Hanson, Planning Commission liaison reported on permits reviewed and moved forward by the Planning Commission at their June 2, 2014 meeting.

### **Planning Commission, Land Use Permits and Related Items**

Bruce and Mary Jasper, 10280 235<sup>th</sup> Street W. – Request for building permit to replace and existing deck with a screened porch. The Planning Commission recommended approval unanimously.

Motion was made by Supervisor Behrendt, seconded by Supervisor Madden to approve a building permit for Bruce and Mary Jasper, 10280 235<sup>th</sup> Street W., to replace an existing deck with a screened porch. Motion carried by unanimous vote.

Dan and Char Adlemann, 6631 225<sup>th</sup> Street – Lot split of parcel number 130030001010 of the Adlemann Family Farm LLC. The Planning Commission recommended approval unanimously.

Motion was made by Supervisor Miller, seconded by Supervisor Ceminsky, to approve a lot split of parcel number 130030001010 of the Adlemann Family Farm, LLC. Motion carried by unanimous vote.

Enright Hangar, 8140 220<sup>th</sup> St. W. – Building Official, Gary Staber made note of his report dated June 3, 2014 regarding the Enright Aircraft Hangar. Discussion was held regarding penalties that apply due to building without a permit. Discussion was also held regarding fire inspections.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Budenski, to approve renewal of building permit applications at 8140 220<sup>th</sup> St. W. subject to fees as stated plus penalties for building without proper permits. Motion carried unanimously.

The Town Clerk was directed to send a letter to Mr. Enright outlining the permit process and the fees and penalties associated with same.

A recess was taken at 8:15 p.m.

The meeting was reconvened at 8:20 p.m.

David Cook, 24485 Denmark Avenue – Lot Split. – Discussion was held regarding a lot split application for David Cook at 24485 Denmark Avenue. The Planning Commission previously recommended approval.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Miller to approve a lot split application for property located at 24485 Denmark Avenue, parcel number 13-01300-05-010. Motion carried by unanimous vote.

Jared Vinar, 9800 257<sup>th</sup> St. – Demolition Permit. Discussion was held regarding a demolition permit application for Jared Vinar to demolish an existing house, and possibly have the Farmington Fire Department use it as a practice fire. The Planning Commission previously recommended approval.

Motion was made by Supervisor Budenski, seconded by Supervisor Madden to approve a demolition permit for a house located at 9800 257<sup>th</sup> Street. Motion carried by unanimous vote.

Donovan Palmquist, 27607 Grenada Ave. – Building Permit Application. Discussion was held regarding a building permit for an addition to a home. The Building Inspector commented on the plans and was asked to put his comments in writing for the applicant. The Planning Commission previously recommended approval.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to approve a building permit for 27607 Grenada Avenue. Motion carried by unanimous vote.

Joey Miller, 22260 Dodd Road – Past Due Building Permits. This item was referred to the Board from the Planning Commission without recommendation of approval. Discussion was held regarding clarification of the use of the property in question. It was agreed that until the use is determined, it would be appropriate to refund application fees to Mr. Miller and void the current building, mechanical and plumbing applications.

Motion was made by Chair Miller, seconded by Supervisor Budenski to refund application fees to Joey Miller and void the building, mechanical and plumbing applications. Motion carried by unanimous vote.

General Corrosion Corporation – Utility Permits. Discussion was held regarding work being done without permits on Essex Avenue, north of 235<sup>th</sup> Street and on 240<sup>th</sup> Street West, east of Hamburg Avenue.

Motion was made by Supervisory Ceminsky, seconded by Supervisor Miller, to direct the Township Attorney to confer with the Building Inspector in regard to an immediate stop work order for work being done without a permit by General Corrosion and to send a letter to General Corrosion Corporation along with an invoice for double permit fees for working without a permit. Motion carried by unanimous vote.

Westwind Education, 8215 240<sup>th</sup> St. West – Building Permit. Steve Griffith and Mike Overt, were present representing Westwind Education. Discussion was held regarding an application to move interior walls to accommodate the need for larger classrooms, and an application to enclose a deck to incorporate into part of the school as an additional classroom. Butch Hanson, Planning Commission Chair noted that the building would have to meet the requirements of the commercial code which would require architectural plans be submitted to Building Inspector Saber for review. The Building Inspector was directed to review the architectural drawings to ensure compliance with the Building Code.

Motion was made by Supervisor Miller, seconded by Supervisor Ceminsky to approve the building permit application for Westwind Education, 8215 240<sup>th</sup> Street West, Property ID 13-00900-53-010. Motion carried unanimously.

### **Other Business**

Old Town Hall Property Purchase by Diffleys. Martin Diffley discussed the proposed purchase of the old Town Hall property. The Board and Township Attorney reviewed the vacant land purchase agreement. It was noted that previous meeting minutes will act as record to clarify the lot is a buildable lot. It was noted that the township will not be responsible for paying for plans and specifications. Line 56 of the purchase agreement will be modified to remove the check mark by “seller”.

Motion was made by Supervisor Budenski, seconded by Supervisor Behrendt to accept the Vacant Land Purchase Agreement by Martin and Atina Diffley as trustees for the purchase of property ID 130220028010 (old Town Hall property) for \$28,000. Motion carried by unanimous voice vote.

Ordinance Fee Resolution. This item was tabled.

## VRWJPO

The Board reviewed documentation from Travis Thiel of the Vermillion River Watershed Joint Powers Organization regarding steps to be taken for the Township to take back the permitting authority for the Township. Supervisor Behrendt expressed concern that taking back the permitting authority would be more expensive overall.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden, to begin the process to take back the VRWJPO permitting authority by revising the water resources ordinance. Motion carried by majority vote. Supervisors Ceminsky, Madden and Miller voted aye. Supervisors Behrendt and Budenski voted nay.

## Agritourism Task Force Update

Supervisor Behrendt reviewed the draft agritourism ordinance. He suggested that the Board take time to review the draft ordinance and have further discussion at a future time. Task Force members will forward their comments to the Board for review.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to table discussion of the agritourism ordinance until the July Town Board meeting to allow time for review. Motion carried unanimously.

## Non-Conforming Uses

Township Attorney Lemmons discussed regulations regarding non-conforming uses. He noted that the Township Ordinances are in compliance with State statutes.

## Proposed Comprehensive Plan Amendment – Lakeville.

Motion was made by Supervisor Behrendt, seconded by Chair Miller, to reply to the City of Lakeville that the Township has reviewed the Comprehensive Plan Amendment and has no concerns. Motion carried by unanimous vote.

## Carrie Jennings's Road Bids Document.

Ms. Jennings noted the road bids document had been forwarded to the Board.

## Mail Box and Revision of Postal Address.

Discussion was held regarding the revision of the Town Hall postal address from a post office box address to the actual street address. Butch Hanson noted he would install a mail box on site.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to direct the Town Clerk to complete the process to officially change the Town Hall address from the post office box to the street address. Motion carried unanimously.

### Conex Storage Container

Township Attorney Lemmons recommended an ad be placed in the newspaper soliciting bids for the sale of Conex storage container.

### Barb North Review/Recorder/Office Duties

Discussion was held regarding the notification via letter and e-mail to Barb North in regard to her duties as Town Clerk. It was noted that Ms. North had not responded.

Motion was made by Supervisor Budenski, seconded by Chair Miller, to terminate the employment of Barb North as Town Clerk effective immediately. Motion carried unanimously.

Township Attorney Lemmons recommended a certified letter of termination and an e-mail be sent to Ms. North.

### Complaint

Supervisors Ceminsky and Supervisor Madden were assigned to investigate a filed complaint.

### Town Hall Storage Building

Butch Hansen gave an update on the construction of the Town Hall storage building. Siding color was discussed.

### Minute Approval

Motion was made by Chair Miller, seconded by Supervisor Madden, to approve the minutes of the Special Town Board Meeting of June 2, 2014. Motion carried by majority vote. Supervisor Ceminsky recused himself as he was absent from the June 2<sup>nd</sup> meeting.

The minutes of the May 12, 2014 Town Board meeting was tabled until the next meeting.

### Adjournment

Motion was made by Supervisor Behrendt, seconded by Supervisor Madden, to adjourn the meeting at 10:15 p.m.