

Eureka Township
Dakota County
State of Minnesota

Eureka Town Board Meeting of August 11, 2014

Call to Order

Chair Miller called the August 11, 2014, Eureka Town Board meeting to order at 7:00 p.m. Members present were Supervisors Kenny Miller, Mark Ceminsky, Steve Madden, Brian Budenski and Cory Behrendt. Lu Barfknecht was present as Planning Commission Liaison. Planning Commission Chair Butch Hansen, Township Attorney Chad Lemmons and Town Clerk Mira Broyles were also in attendance. See attached sheet for additional persons in attendance.

The meeting opened with the Pledge of Allegiance.

Deputy Sherriff Amber Hitch provided an update on recent burglaries in the area, stating they have a suspect in custody.

Approval of Agenda

The following items were added to the agenda by Supervisor Ceminsky:

Other Business: Carrie Jennings hearing

Old Business: Ordinance Update, Otte Excavating, Town Hall Storage Building

New Business: 9020 235th Street

Chair Miller moved discussion of the letter from Lindquist & Vennum LLP regarding Lakeville Aero, LLC from *New Business* to *Inspector Time* at 8:00 p.m.

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

Consent Agenda

Supervisor Ceminsky asked that the following items be removed from the consent agenda and placed under *Other Business*.

Minutes of the June 10, 2014 Round Table Meeting of the Town Board and Planning Commission.
Minutes of the July 14, 2014 Town Board meeting.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to approve the following items on the Consent Agenda. Motion carried by unanimous vote.

1. Minutes of the June 9, 2014 Town Board meeting.
2. Minutes of the July 1, 2014 Special Town Board meeting.
3. Resolution No. 2014-06 Approving Election Judges for the August 12, 2014 Primary Election.
4. Lot split for Peter and Elizabeth Hoff and Elaine Nelson. Pin #13-02700-53-001.

5. Building permit for construction of a house and garage for David and Nancy Cook, 24482 Denmark Avenue.

Treasurer's Report

Treasurer Marcia Wilson reviewed the Treasurer's Report. *See attached report.*

Motion was made by Supervisor Ceminsky, seconded by Supervisor Miller to accept the Treasurer's Report dated August 11, 2014 as presented. Motion carried by unanimous vote.

The Board reviewed the Claims Lists and Net Pay Account Distribution.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to removed Otte's Excavating bill from the claims list and hold for discussion during Contractor Time. After discussion, it was decided to leave the bill on the claims list. Motion was withdrawn.

Discussion was held regarding a charge on the Kelly & Lemmons, P.A. bill in the amount of \$135.00 on July 9, 2014. The charge was for a teleconference with Supervisor Ceminsky regarding ordinances and statutes. It was noted that Supervisor Ceminsky did not have authorization to consult with the Township Attorney in regard to that issue and the Attorney had not inquired as to the authorization. Township Attorney Lemmons stated he would remove the charge from the bill and credit the Township on the August invoice.

Discussion was held regarding an invoice from Joey Miller in the amount of \$19,662.57 for construction of the Township storage building. It was noted that the invoice had been submitted but apparently misplaced.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to approve payment of an invoice in the amount of \$19,662.57 to Joey Miller with the claim being presented on next month's claims. Motion carried by unanimous vote.

Motion was made by Supervisor Miller, seconded by Supervisor Behrendt to approve the claims list (with reduction from Kelly Lemmons Bill next month in the amount of \$135.00). A roll call vote was taken on the motion. Ayes: Unanimous.

Discussion was held regarding the two outstanding invoices for General Corrosion Corporation. Township Attorney Lemmons was directed to contact General Corrosion Corporation in regard to the outstanding invoices.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Behrendt, to remove the two General Corrosion corporation invoices from the outstanding invoice list pending contact by the Township Attorney. Motion carried by unanimous vote.

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to approve the balance of the outstanding invoices. Motion carried by unanimous vote.

Treasurer Wilson was directed to send out invoices adding interest each month to Petters and Sauber. She was also instructed to provide clarification regarding a right-of-way deposit in the amount of \$135 at the next meeting.

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

Budget. Discussion was held regarding deductions for the placement of gravel and dust control. It was determined that those deductions were not being itemized correctly in the budget. Treasurer Wilson was instructed to amend the July budget report and submit it at the September meeting. .

PUBLIC COMMENT

Pete Storlie expressed concern and disapproval over actions of the Town Board.

Lu Barfknecht asked about the deadline to submit bids for the Conex storage container and if a permit would be required to have it moved. Chair Miller noted that details on what is required to move the container will be provided at the time a bid is accepted. At this time, the Township is still using the container.

Supervisor Behrendt and Supervisor Budenski addressed Mr. Storlie's comments.

CITIZEN BUSINESS

There was no citizen business.

CONTRACTOR TIME

Supervisor Ceminsky discussed the Otte Excavating invoice with Jason Otte. Other road maintenance issues were discussed.

BUILDING INSPECTOR UPDATE

The Board and Building Inspector Gary Staber discussed the Lakeville Aero, LLC penalty for working without a permit. The cost of attorneys' fees was discussed and it was decided Lakeville Aero would not be billed for those fees. Records that have been requested for inspection by Mr. Enright and his attorney will be provided by the Town Clerk. Some of the issues reflect on a past building inspector.

Board members and Building Inspector Darrell Gilmer discussed the addition of a breezeway for Donovan Palmquist at 27607 Grenada Avenue. It was noted that the breezeway added between the two buildings on Mr. Palmquist's property would not constitute the two buildings as being one.

Darrell noted that inspections need to be conducted on the Town Hall storage building.

PLANNING COMMISSION REPORT

Butch Hansen, Planning Commission Chair, gave a report on discussions and actions at the August 4, 2014 Planning Commission meeting. He noted that a public hearing will be held for Joey Miller on September 11, 2014 at 7:00 p.m. A meeting is scheduled with the Planning Commission and the VRWJPO for August 18, 2014 at 7:00 p.m. to discuss the permitting process. The Town Board is invited to attend that meeting.

PLANNING COMMISSION – LAND USE, PERMITS, AND RELATED ITEMS

Permit Requests

Sharon Buckley, 10355 225th Street. West. Building permit application for the addition of a second story to an existing home. Ms. Buckley discussed her proposed addition noting she will upgrade the septic system.

Motion was made by Supervisor Behrendt, seconded by Chair Miller, to approve a building permit application for the addition of a second story to an existing home at 10355 225th Street West. Motion carried by unanimous vote.

Dan and Char Adelmann, 6631 225th Street. Verification and transfer of building rights.

Tabled until next meeting pending clarification of application.

Donovan Palmquist, 27607 Grenada Avenue. Building Addition – Breezeway.

Discussion was held regarding Mr. Palmquist's previous statement that the Building Inspector had agreed that the addition of a breezeway would constitute the two structures becoming one. The Clerk was directed to draft a letter to Mr. Palmquist explaining that the Building Inspector does not support that statement and that he is welcome to come back before the Board to complete the permitting process.

OTHER BUSINESS

Issues regarding Mr. Messenbrink farming in the right-of-way at 240th Street at Dodd Boulevard was discussed.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to direct the attorney liaison to work with the Township Attorney to draft a letter to Mr. Messenbrink to cease farming in the right-of-way at 240th and Dodd Boulevard. Motion carried unanimously.

Town Attorney Lemmons provided an update on the Petters lawsuit.

Supervisor Ceminsky questioned why the company Buds and Bytes was not being used for IT needs in the office, including the web site. He expressed concern that other Board members were working on the computers in the Town Hall office. Supervisor Behrendt stated he would turn the IT needs over to Buds and Bytes now that the Clerk is established per previous arrangements. All work was done with the Clerk present. Discussion was held regarding the reliability of Buds and Bytes in the past. Chair Miller noted that he would contact Buds and Bytes to discuss the issue. Supervisor Behrendt noted that he would work with Buds and Bytes to possibly take over the website and administration with the Clerk.

The purchase of a paper shredder for the office was discussed. Chair Miller noted that he would shop for a shredder to be purchased by the Township.

Supervisor Ceminsky provided an update on the North Cannon cost sharing issue.

Supervisor Ceminsky updated the Board on a complaint submitted in June. Supervisors Ceminsky and Madden will investigate two newly submitted complaints and will submit a report to the Clerk to be forwarded to the Board.

Discussion was held regarding the postponement of the Carrie Jennings public hearing. Ms. Jennings noted that her attorney had stepped down from the case due to a conflict of interest. She requires additional time to meet with a new attorney. She noted she would be meeting with her new attorney on Tuesday, August 19th and could let the Board know potential dates for the hearing on Wednesday, August 20th. She requested that all Board members and the Township Attorney be present for the hearing. Township Attorney Lemmons stated that the hearing should be held within 30 days.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to reschedule a Public Hearing for Carrie Jennings within the next 30 days. Motion carried by majority vote. Supervisor Madden voted nay.

OLD BUSINESS

Agritourism Draft Ordinance. Township Attorney Lemmons and the Board discussed the draft Agritourism Ordinance and the process to move the ordinance forward. Supervisor Behrendt expressed concern that the draft ordinance was not ready to be moved forward at this time.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Budenski to direct the Planning Commission to host an open house to introduce the public to the proposed Agritourism Ordinance, have legal counsel present as well as a representative from the firm of TKDA, a public hearing to be scheduled within 60 days, and to allow a budget of not more than \$2000 to cover the costs of notification. Motion carried by majority vote. Supervisor Behrendt voted nay.

Great River Energy CapX2020 Wetland Conservation Act – Notice of Decision. An update was provided by Brian Watson, DCSWCD, on the Chub Lake to Hampton segment Great River Energy project.

Road Damage by GRE. Road damage caused by Great River Energy was discussed. An amount for the damage needs to be determined and provided to the Township Attorney. Supervisor Budenski will follow up on this issue.

Old Town Hall Site Closing. It was noted that the closing of the old Town Hall property had been finalized. Discussion was also held regarding the need for the installation of a liner in the storage building and other construction issues that are yet to be completed. A potential completion date for the end of August was discussed.

Motion was made by Supervisor Budenski, seconded by Supervisor Ceminsky, to approve up to \$4,100 for a tin liner to be installed in the new Town Hall storage building. Motion carried by majority vote. Supervisor Behrendt voted nay.

Discussion was held regarding moving the ConX storage container from the old Town Hall site to the Town Hall storage building. Chair Miller stated he would move the container with his equipment for a fee.

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to allow Chair Miller to move the ConX storage container from the old Town Hall site to the new storage building. Motion carried unanimously by majority vote. Chair Miller abstained.

Deputy Clerk Position. Discussion was held regarding the hiring of a Deputy Clerk. Supervisor Budenski and Supervisor Behrendt noted they had been in contact with applicants that had initially applied for the Clerk position and were awaiting response. Town Clerk Broyles stated she would like to place an ad on Criag's list and possibly the newspaper by the end of the week if needed. Discussion was held regarding the hourly compensation for the Deputy Clerk. Supervisor Ceminsky noted that a formal motion had not be made setting the hourly compensation for the new Town Clerk.

Motion was made Supervisor Ceminsky, seconded by Supervisor Budenski to pay the Town Clerk \$22.00 per hour and authorize up to \$16.00 per hour for the Deputy Clerk. Motion carried by unanimous vote.

Ordinance Update. A status update was provided regarding the Township Ordinances. Township Attorney Lemmons noted he would work with the Clerk to complete the update.

Minutes, June 10, 2014 Round Table Meeting of the Town Board and Planning Commission. Supervisor Ceminsky asked that more information be provided in regard to the discussion that was held about communication between Board members and Planning Commission members. The Clerk will listen to the recording of the meeting and will bring revised minutes back for approval at the September meeting.

Minutes, July 14, 2014 Town Board Meeting. Supervisor Ceminsky noted that he had not volunteered to make extra mailbox keys. The Clerk noted that extra keys had been made. Supervisor Behrendt asked that the wording "adopt a resolution" be removed from the motion approving the Treasurer's Report dated June 30, 2014.

Motion was made by Supervisor Behrendt, seconded by Supervisor Ceminsky to approve the minutes of the July 14, 2014 Town Board meeting as amended. Motion carried by unanimous vote.

NEW BUSINESS

Fire Contract with City of Farmington. Discussion was held regarding the renewal of contract for fire services with the City of Farmington. Supervisor Madden stated he would like to negotiate as part of the agreement to receive a certain amount of free fire inspections.

Motion was made by Supervisor Ceminsky to authorize Supervisor Madden to negotiate with the City of Farmington Fire Department for up to five free fire inspections as part of the 2015 service agreement. No second was made to the motion.

Further discussion was held regarding having a discussion with the Lakeville and Farmington Fire Departments regarding inspections.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski, to execute a three year contract with the City of Farmington for fire services. Motion carried by majority vote. Supervisor Madden voted nay.

Note: Supervisor Budenski asked that the minutes reflect that he had been contacted by Shawn Dahl stating he had received several threatening phone calls from a citizen that lives at 9020 235th Street, Farmington, regarding the Ames gravel pit.

ADJOURNMENT

Motion was made by Supervisor Ceminsky, seconded by Chair Miller to adjourn the meeting at 10:45 p.m. Motion carried by unanimous vote.