

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

December 11, 2017

Chair Lu Barfknecht called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Lu Barfknecht, Carrie Jennings, Dan Rogers, Butch Hansen. Donovan Palmquist was absent. Planning Commission members Nancy Sauber and Randy Wood, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

Move Land Use Permit after Public Comment.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the agenda as amended. Motion carried 4-0.

Public Comment

Lu Barfknecht, 24585 Iceland Path, discussed the complaint made by a citizen at the November 13, 2017 Town Board meeting against a Board Supervisor. She stated that at no time did the citizen mention the Supervisor by name. At the end of the citizen's comment, Supervisor Hansen was allowed time to speak where he stated the citizen making the complaint had not attended the hearing where she claims he had a private meeting with the opposing parties' attorney. He further stated he, at no time, had a closed door meeting with the opposing counsel or the other party in the case. Ms. Barfknecht stated that she had closed the discussion once comments began to be repetitive.

LAND USE PERMITS

Alan and Joan Storlie, 6987 255th St. W., - Lot Split Approval Application

It was noted that the Planning Commission had recommended approval of the lot split application.

Motion was made by Chair Barfknecht, seconded by Supervisor Hansen, to approve a lot split for Alan and Joan Storlie, 6987 255th Street, as follows: Parcel A PIN 13-01500-26-014, consisting of 38.15 acres, and Parcel B, PIN 13-01500-26-012, consisting of 40.2 to create Parcel 3 consisting of 40.2 acres which will be a landlocked parcel. Motion carried 4-0.

Citizen Business

Butch Hansen, addressed a complaint made last month by Julie Larson against him. He stated that the Township Attorney has stated that he was present at the subject hearing and a meeting behind closed doors was not held with Mr. Hansen. He further noted that under Minnesota Statute 609.43 "Misconduct of Public Officer or Employee" Ms. Larson

could be prosecuted. Supervisor Hansen requested that whoever conspired against him along with Ms. Larson be removed from the Planning Commission under State Statutes and Township Ordinance 2, Section 3.

The Township Attorney was asked about the proper way to proceed with Mr. Hansen's request. He stated Ordinance 2, Section 3 would be the guideline.

Mr. Hansen also discussed a blog that is written by the Planning Commission member with a Town Board Supervisor as a contributor. He stated he felt it was inappropriate for the blog to slander Township employees and other citizens. He also stated that he felt complaints submitted to the Township should be dealt with more quickly.

Allen Novacek, 24030 Iberia Avenue, distributed copies of Minnesota Statutes and discussed the proper method for complaints to be handled, i.e. ordinance or code related vs personnel related.

Mr. Novcek also discussed a complaint made in October regarding the replacement of siding and the question of whether or not a permit is required. He stated he had conducted some research regarding permit requirements and believes the Building Inspector has the authority to make the determination. He also discussed the confidentiality of complaints.

Terri Petter, 10132 235th Street, discussed the complaint made by Julie Larson against Supervisor Hansen at the November Town Board meeting. She stated that Ms. Larson had not attended the hearing at which she claimed Supervisor Hansen had acted inappropriately. She stated that she had tried to speak in defense of Supervisor Hansen but had not been allowed.

Ms. Petter also stated that Supervisor Palmquist had told people that she kills her animals, and that he had revealed to her what had been discussed at a closed Town Board meeting. She went on to mention lawsuits she currently has against a Planning Commission member. She also discussed the dismissal of a complaint against Applewood Orchard, stating if the orchard is allowed to sell items relating to apples, then she should be allowed to sell items related to her ranch.

County Commissioner Mike Slavik was present and provided an update on County activities.

Mark Ceminsky, 7226 235th Street, discussed the duties of the Chair of the Town Board and noted that some Supervisors speak over the Chair. He also addressed a blog written by the Planning Commission Chair, stating that certain comments made could open the Township up to a lawsuit. He stated that there is a legal guide to use of social media in the workplace, and the blog in question violates the rights of Eureka employees. He suggested the Board address the issue and follow State Statutes.

TREASURER'S REPORT

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

Motion was made by Supervisor Rogers, seconded by Supervisor Jennings, to accept the Treasurer's Report dated December 11, 2017. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Chair Barfknecht, seconded by Supervisor Hansen to approve the claims and receipt lists. Roll call vote was taken. Motion carried 4-0.

A partial refund for special meetings held for Ryan Murphy was discussed.

Motion made by Supervisor Hansen, seconded by Supervisor Rogers, to refund \$600 to Ryan Murphy by special check issued by the Treasurer. Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to approve the balance of the Treasurer's report. Motion carried 4-0.

Contractor Update

Bryce Otte, Otte Excavating, discussed ongoing road maintenance.

Building Inspector Update

Darrel Gilmer, Building Inspector, gave an update on ongoing inspections, noting two stop work orders were issued. Supervisor Hansen stated that Mr. Gilmer has agreed to extend his employment with the Township until April 1, 2018, to allow time to get a plan in order for a new Inspector.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to table discussion of the extension of Mr. Gilmer's employment item until the Building Inspector Proposal item under New Business. 4-0

Consent Agenda

November 13, 2017 Town Board Minutes

An incorrect second to a motion on page four was noted.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the November 13, 2017 Town Board minutes as amended.

Chair Barfknecht stated that changes needed to be made on page one regarding how a request by Supervisor Hansen to speak regarding the complaint made by Julie Larson was handled. She reviewed notes she had taken from the audio recording of the meeting. Supervisor Hansen stated he would like to listen to the recording prior to changes being made to the draft minutes.

Supervisor Jennings withdrew her motion for approval of the minutes.

Motion made by Supervisor Jennings, seconded by Supervisor Rogers to Carrie to table the November 13, 2017 minutes until Supervisor Hansen listens to the recording of the meeting. Motion carried 4-0.

Motion made by Supervisor Hansen, seconded by Chair Barfknecht, to retain the audio recording of the November 13, 2017 Town Board meeting as part of the permanent record. Motion carried 3-1. Supervisor Jennings opposed.

Planning Commission Update

Planning Commissioner Randy Wood provided a summary of the December 5, 2017 Planning Commission meeting. See attached summary as Attachment A.

It was noted that a sign permit for Living Waters Church has expired.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to direct the Clerk to send a letter to the Living Waters Church informing them they need to reapply for a sign permit. Motion carried 4-0.

It was noted that a list of open permits had been requested from the Building Inspector. Mr. Gilmer noted that he provided information each Tuesday regarding the inspections conducted and the status of permits. The Clerk was directed to provide a list of the open permits based on Mr. Gilmer's information.

NEW BUSINESS

Request for Proposals – Building Inspector Services

One proposal for building inspector services was received from MNSPECT, LLC. The Board reviewed the proposal. Scott Qualle, President of MNSPECT, LLC was present. He stated he would be prepared to begin employment on January 1, 2018.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to pursue a contract with MNSPECT, LLC as the new Building Inspector.

Supervisor Hansen stated he felt the Board should take time to do further research and allow time for other proposals. He reminded the Board of problems that existed previously when Mr. Qualle was the Building Inspector.

Discussion was held with Darrel Gilmer who indicated he would be willing to extend his services until April 1, 2018, stating several residents of the Township had requested he complete the inspections on their homes now under construction.

Vote was taken on the motion. Motion carried 3-1. Supervisor Hansen opposed.

It was decided that a contract for services would be drafted by the Township Attorney, forwarded to Mr. Qualle and reviewed at the next Board meeting. It was agreed that Chair Barfknecht, Attorney Lemmons and Supervisor Hansen would work on the contract together.

Discussion continued regarding the extension of Mr. Gilmer's services until April 1, 2018. Attorney Lemmons indicated that Mr. Gilmer should withdraw his letter of resignation. Mr. Gilmer stated he wished to withdraw his letter of resignation.

Motion made by Supervisor Rogers, seconded by Supervisor Hansen, to accept Mr. Gilmer's withdrawal of his letter of resignation. Motion failed 2-2. Chair Barfknecht and Supervisor Jennings voted nay.

Discussion was held regarding Mr. Gilmer remaining until April 1.

Mr. Gilmer stated he would submit a new letter indicating his contract will expire in April, 2018 with no reconsideration in February as currently stated in his contract. Supervisor Jennings stated she sees no reason to not accept his current letter of resignation.

Ryan Murphy stated he had submitted a letter requesting Mr. Gilmer be retained as inspector until his home, currently under construction, is completed. Mr. Gilmer stated other residents has also requested his services. Attorney Lemmons stated the Board could appoint Mr. Gilmer to be the inspector on the Murphy property. Discussion was held regarding the payment of inspection and plan review fees. It was noted that Mr. Gilmer has been paid for some of the inspections yet to be completed as part of the permit fee.

Mr. Qualle was asked if he would still be interested in a contract beginning April 1, 2018 should the Board decide to extend Mr. Gilmer's employment. Mr. Qualle stated he would still be interested but wanted assurance the contract would not be pulled prior to April.

A recess was called at 10:35 pm to allow the Township Attorney to review Mr. Gilmer's current contract.

The meeting reconvened at 10:50 pm.

Motion made by Chair Barfknecht, seconded by Supervisor Hansen to allow Mr. Gilmer to complete inspections on the four or five new homes under construction that have open permits.

Supervisor Jennings expressed concern that the Township would be opening itself up to more requests.

Vote was taken on the motion. Motion carried 3-1. Supervisor Jennings opposed.

Motion made by Supervisor Rogers, seconded by Chair Barfknecht, to discuss the Airlake Airport issue on the agenda and table the remainder of the agenda due to the late hour. Motion carried 3-1. Supervisor Jennings opposed.

Airlake Airport

Metropolitan Council Direct Connection Application Form

Supervisor Hansen stated that he and Attorney Lemmons had completed the Direct Connection Application form as much as possible without contacting a contractor for specific information. He further stated that the form had been forwarded to Gary Schmidt at the Metropolitan Airports Commission for review. It was noted that a contractor would have to be hired or a formal bid requested for consultation on the matter. Supervisor Hansen proposed that a meeting be held with the Metropolitan Council to determine if the Direct Connection Application would be considered. Supervisor Jennings stated she felt TDKA should be involved in the process.

Motion was made by Supervisor Rogers, seconded by Supervisor Hansen, to move forward with the Direct Connection Application for sewer connection for the Airlake Airport to the Metropolitan Council at a cost of \$1000 (\$450 being non-refundable); and Supervisor Hansen, Attorney Lemmons, and TKDA be involved. Motion carried 3-1. Supervisor Jennings opposed.

City of Lakeville Hearing Notice and Annexation Petition

It was noted that the public hearing notice and Annexation petition to be reviewed in Lakeville on January 2, 2018 be posted.

Motion was made by Supervisor Rogers, seconded by Chair Barfknecht, to adjourn the meeting at 11:35 p.m. Motion carried 4-0.

Respectfully submitted:

Mira Broyles, Clerk