

## EUREKA TOWNSHIP

### DAKOTA COUNTY, MINNESOTA

#### SPECIAL TOWN BOARD MEETING

September 30, 2014

Chair Kenny Miller called the meeting to order at 7:00 p.m. Town Board Supervisors present were Kenny Miller, Cory Behrendt, Brian Budenski, Mark Ceminsky and Steve Madden. Planning Commissioners present were Butch Hansen, Allen Novacek, Phil Cleminson and Lu Barfknecht. Township Attorney Chad Lemmons and Township Clerk Mira Broyles were also present. Planning Commissioner Carrie Jennings was not in attendance.

Chair Miller stated the purpose of the meeting was to determine if just cause exists to discipline or remove Planning Commissioner Carrie Jennings from the Planning Commission based on grievances submitted from Planning Commissioners Cleminson, Hansen and Novacek. He noted that Commissioner Jennings had requested the meeting be held as an open meeting. Chair Miller went on to discuss the guidelines of the meeting, noting that no testimony would be taken and if determination is made that disciplinary action is warranted, that action would be determined at a separate meeting.

Township Attorney Lemmons clarified the State Statutes in regard to the situation.

Chair Miller stated the first issue to be discussed would be if Commissioner Jennings had violated the open meeting law.

Supervisor Behrendt discussed his findings based on the information presented at the September 10, 2014 public hearing. An email sent by Commissioner Jennings to the Planning Commission and Town Board was discussed. It was noted that there was no Town Clerk at that time. Chair Miller noted that it was his opinion that the information sent by Commissioner Jennings was strictly for information.

Supervisor Ceminsky reminded the Board of a discussion held at the June 10, 2014 Round Table meeting regarding the Township policy that all email communication be sent to the Town Clerk for distribution. He also noted that this policy had been discussed numerous times prior to the Round Table meeting. He further noted that the Planning Commission and the Town Board had previously received hard copies of the information emailed by Commissioner Jennings. Supervisor Behrendt acknowledged that discussion was held at the Round Table meeting regarding direct email being a bad practice.

Supervisor Behrendt noted that a policy for the Planning Commission to handle policy violations does not exist.

Attorney Lemmons discussed State Statute 13D which addresses a violation of the open meeting law as being a civil violation. He explained that the Board could determine at what level a violation occurred.

Chair Miller called for a roll call vote to determine if a violation had occurred by Commissioner Jennings and if a penalty should be imposed. The vote was as follows:

Supervisor Budenski - No

Supervisor Behrendt – No (*noted he felt there was no intent of violation*)

Supervisor Miller – Yes (*noted the violation did not warrant action other than internal*)

Supervisor Ceminsky – Yes (*noted discipline should occur at Township level only*)

Supervisor Madden – Yes (*noted discipline should occur at Township level only. Further noted that all Board and Commission members could learn from this situation*)

Chair Miller noted that disciplinary action would be determined at a future meeting.

Chair Miller stated the next violation by Commissioner Jennings to be considered was her conduct and disruption of meetings. Chair Miller stated he felt he had been guilty of similar violations and was not comfortable conducting this portion of the meeting. He turned the meeting over to Supervisor Behrendt (Vice Chair).

Vice Chair Behrendt stated the discussion of violations of procedures and disruption of meetings is in response to complaints received from three other Planning Commission members.

Supervisor Budenski stated he felt that all members get emotional at times and it is okay to agree to disagree.

Chair Miller stated that he is an offender himself and has had to apologize in the past for his behavior. He stated that other members of the Commission are offenders as well as Commissioner Jennings.

Supervisor Ceminsky stated that he had asked the Town Board for over a year to address the issue of Commissioner Jennings' behavior but no action had been taken. He further stated that he feels every member has strong feelings and are trying to do their best. He stated he felt the attacking of each other should stop and everyone should be more respectful.

Supervisor Madden stated he had attended a Planning Commission meeting as Town Board liaison and had witnessed Commissioner Jennings' unacceptable behavior.

Vice Chair Behrendt reviewed his findings and noted the Planning Commission does not have a policy in place in regard to the management of a meeting. He stated that he feels Commissioner Jennings has exhibited behavior unbecoming to a Planning Commission member but feels other members have as well.

A vote was taken as to whether corrective action is warranted in regard to Commissioner Jennings' behavior at meetings.

Supervisor Budenski – No

Supervisor Behrendt – Yes, a written warning is warranted.

Chair Miller – Yes, a formal notice / warning is warranted.

Supervisor Ceminsky – Yes, a formal written warning is warranted.

Supervisor Madden – Yes, a formal written warning is warranted.

Vote was 4-1

It was noted that corrective action would be determined at a separate meeting.

Discussion was held to clarify the previous vote on the open meeting law as being at the Township level and no civil action is being pursued. It was decided that another vote should be taken.

Vote was taken as to whether Commissioner Jennings violated State Statute 13D in regard to the open meeting law and if civil action is warranted.

Supervisor Budenski – No

Supervisor Behrendt – No

Chair Miller – No

Supervisor Ceminsky – No

Supervisor Madden – No

Vote was 5-0

Discussion was held to clarify the previous vote on whether there was a violation by Commissioner Jennings in regard to disruptive behavior at meetings. Attorney Lemmons discussed Ordinance 2 regarding removal of a Planning Commission member for just cause.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski to not consider removal of Commissioner Jennings from office for just cause. Roll call vote was taken. Ayes: Budenski, Behrendt, Miller. Nays: Supervisors Ceminsky and Madden. Motion carried 3-2.

Motion was made by Chair Miller, seconded by Supervisor Ceminsky, to vote on whether Commissioner Jennings violated the Eureka Township internal policy on the open meeting law and if internal discipline is warranted. Roll call vote was taken. Supervisor Budenski, Nay; Supervisor Behrendt, Nay (noted that intent was not established); Chair Miller, Aye; Supervisor Ceminsky, Aye; Supervisor Madden, Aye. Motion carried 3-2.

Motion was made by Supervisor Ceminsky, seconded by Supervisor Madden to adjourn the meeting at 8:30 p.m. Motion carried by unanimous vote.

Respectfully submitted,

---

Mira Broyles  
Township Clerk

DRAFT