

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**TOWN BOARD MEETING OF FEBRUARY 10, 2020**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:02 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Members Present: Donovan Palmquist (Chair)  
Tim Murphy (Vice Chair)  
Lu Barfknecht (Supervisor)  
Butch Hansen (Supervisor)  
Mark Ceminsky (Supervisor)

Members Absent: None

Others Present: Chad Lemmons (Kelly & Lemmons)  
Julie Larson (Planning Commission Liaison)  
Ralph Fredlund (Planning Commission Chair)  
Marcia Wilson (Treasurer)  
Ranee Solis (Town Clerk)

See attached list for all others in attendance.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Add under New Business, Item J. Newsletter

*Motion:* Supervisor Barfknecht moved to approve the agenda as amended, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

**Sheriff's Department**

The Deputy stated there was no news to report.

**Public Comment**

*The opinions expressed in public comments are those of the authors and may not represent the official positions of the Town Board. The Town Board does not control or guarantee the accuracy of information contained in the comments, nor does it endorse the views expressed.*

**Those signed in**

1. Dan Fredrickson requested verification of a building right on a parcel on Highview Ave. The Board referred him to the Planning Commission for research.
2. Beth Eilers spoke regarding the 2021 budget meeting, comments are attached.

### All others

(None)

Chair Palmquist asked three times if there were any others who wished to speak. Hearing none, the public comment period was closed.

### **Citizen Business**

#### Kathy Parranto – Lot Split

Ms. Parranto had questions regarding a lot split for the apple orchard on Hamburg.

#### Andrea Goodlund – Re: 26480 Galaxie Ave

Ms. Goodlund was not present at the meeting.

#### Gregory Storlie – Re: 26480 Galaxie Ave

Mr. Storlie had questions regarding building rights and changing lot lines.

#### Peggy Hicks – Re: 26410 Galaxie Ave

Ms. Hicks was not present at the meeting. Commissioner Fredlund provided information requested for this property. It is an apartment building and the realtor had inquired about adding garages or an outbuilding. The property is not a registered nonconforming use. Commissioner Fredlund asked if adding garages was an expansion of a nonconforming use? Attorney Lemmons stated that, in his opinion, the garages could be torn down and replaced, but adding additional garages would be expanding the use.

### **Road Contractor Update (Otte Excavating)**

- Bryce Otte will submit an estimate to repair the damaged culvert for the Clerk to submit to the driver's insurance company.
- Bryce Otte was asked to place temporary delineator signs up from the storage shed.

### **Planning Commission Update**

Commissioner Julie Larson provided an update for the February 4, 2020, Planning Commission meeting as follows:

- Mark Ryan from VRWJPO provided a summary of permits issued and announced that they are in the process of making the standards less strict.
- Reviewed the annual meeting slides.
- No action taken on the MPM IUP due to an incomplete application.
- Recommended approval of the revised Hallcock lot split.
- Proposed a change to the solar energy ordinance as follows: over-the-counter permit for 10-40kw and CUP for 40-100kw, with additional requirements for setbacks and landscaping.

### **Permit Requests**

#### Jerome Phillipe permit extension request

*Motion:* Supervisor Ceminsky moved to accept the email from Lucas Carpenter as a progress report for the broadcast tower building permit, seconded by Chair Palmquist. *Motion carried 5-0*, with a note that no formal action was taken.

## **Land Use Requests**

### Wayne Hallcock revised Lot Split

*Motion:* Supervisor Ceminsky moved to approve the revised lot split application for Wayne Hallcock on PID 13-03600-51-021 and 13-03600-51-022, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

## **Treasurer's Report**

Treasurer Wilson presented the Treasurer's Report for February 10, 2020: Checking account balance: \$5,126.25; Outstanding checks: \$11,294.14; Savings account balance: \$390,203.66; CD accounts balances: \$67,492.17; Total account balances: \$451,527.94.

*Motion:* Vice Chair Murphy moved that tracking of township permits will be the responsibility of the Clerk and Deputy Clerk, seconded by Chair Palmquist. Supervisor Ceminsky requested an amendment that the Treasurer has official accounting responsibilities. Chair Palmquist Called the Question, motion carried 5-0. *Vote on the original motion carried 3-1*, with Supervisor Hansen opposed and Supervisor Ceminsky abstaining.

### Net pay and claims

*Motion:* Supervisor Hansen moved to approve the net pay and claims as submitted, seconded by Supervisor Ceminsky. A roll call vote was taken: Butch Hansen - Aye; Tim Murphy - Aye; Lu Barfknecht - Aye; Mark Ceminsky - Aye; Donovan Palmquist - Aye. *Motion carried 5-0.*

*Motion:* Supervisor Hansen moved to authorize the Treasurer to transfer funds from the savings account to the checking account to cover the above payables and the March 1, 2020 payroll, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

### Receipts and Disbursements

Treasurer Wilson was asked about receipt #519144 not appearing on the report. The Clerk verified, from the receipt book, that it was an EFT transfer from the State of Mn for township aid on December 26, 2019.

### Remaining Reports

No action taken.

### Budget

#### A. 2019 Budget

*Motion:* Supervisor Hansen moved to approve the final 2019 budget as presented, seconded by Vice Chair Murphy. *Motion carried 5-0.*

#### B. 2021 Budget

The 2021 budget will be discussed and approved at the Special Town Board meeting on February 26, 2020.

### Inspectron Bills

Supervisor Ceminsky stated he has an issue with Inspectron requesting to be paid for 100% of the fees up front. The Board agreed that if an invoice is received for work that is not completed, the township has no obligation to pay the invoice until the documentation is received.

### Annual meeting slides

The Board will review the annual meeting slides at the Special Meeting scheduled for February 26, 2020.

### February Board of Audit/Budget Meeting

Treasurer Wilson asked the Board to provide a list of the invoices for review ahead of the meeting.

### Review of Bills

Treasurer Wilson stated that she received a data request for all late fees paid with tax payer dollars between January 1, 2019 and January 31, 2020. In order to complete the request, she will need to go through the bills and asked for permission to remove the bills from the records room and keep them in the treasurer's filing cabinet.

Supervisor Barfknecht questioned whether there was a category for late fees in the CTAS system. Treasurer Wilson stated that she does not have an account number specifically for late fees.

Supervisor Ceminsky asked why a copy of the data request was not included in the Board meeting packet. Chair Palmquist responded that the Board does not approve data requests. Attorney Lemmons offered that the Clerk could keep a log of all requests for public data.

*Motion:* Supervisor Barfknecht moved for the Clerk to keep a log of data requests, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

Clerk Solis offered that invoices are available electronically and can be emailed to the treasurer without the need to come to town hall. Attorney Lemmons offered that the Data Practices Official has to prepare the response and should copy the treasurer and the clerk.

### **New Business**

#### Review of Sealed Bids

*Motion:* Supervisor Barfknecht moved for the Clerk to open and make copies of the sealed bids, seconded by Chair Palmquist. *Motion carried 5-0.*

Chair Palmquist called for a break.  
Meeting reconvened.

#### A. Gravel

Two bids were received: Anderson Rock and Limestone in the amount of \$11.90/ton and Castle Rock Materials in the amount of \$11.75/ton, with both bids stating the delivered price. Supervisor Hansen stated that the Board chose Anderson Rock and Limestone last year because their rock was harder. Supervisor Barfknecht asked for clarification on the information provided in the bids that determine the hardness of the rock.

*Motion:* Supervisor Hansen moved to table the gravel bids to allow Supervisor Barfknecht time to research the difference in rock hardness, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

#### B. Street Sweeping

Two bids were received: Allied blacktop in the amount of \$1,715 and Terpstra in the amount of \$1,325.

*Motion:* Supervisor Hansen moved to accept the bid in the amount of \$1,325 from Terpstra for street sweeping, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

#### C. Dust Control

One bid was received from Quality Propane of MN in the amount of \$0.91/gallon.

*Motion:* Supervisor Hansen moved to table this item until he finds out if we can buy from the County, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

#### D. Building Official Services

Two bids were received: Inspectron, Inc. and Beaver Creek Companies. Supervisor Ceminsky recused himself as he is representing the Beaver Creek bid.

*Motion:* Supervisor Hansen moved to accept the Beaver Creek bid for building official services, seconded by Chair Palmquist for discussion. *Motion failed 1-2*, with Supervisors Palmquist and Murphy opposed and Supervisor Barfknecht abstaining.

*Motion:* Vice Chair Murphy moved to continue with Inspectron, Inc., subject to execution of a contract approved by the Township, seconded by Chair Palmquist. *Motion carried 3-1*, with Supervisor Hansen opposed.

#### CUP/IUP Annual Reviews

##### A. Dakota Aggregates: Brosseth and Storlie Pits – Pat Mason

Chair Palmquist asked three times if there were any comments or complaints. Hearing none, the floor was closed.

*Motion:* Supervisor Hansen moved to approve the review of the Brosseth and Storlie pits, seconded by Supervisor Ceminsky. *Motion carried 4-0*, with Supervisor Ceminsky abstaining.

##### B. Friedges Landscaping – Scott Friedges

Chair Palmquist asked three times if there were any comments or complaints. Hearing none, the floor was closed.

*Motion:* Supervisor Hansen moved to approve the review of the 10250 225<sup>th</sup> Street, Friedges pit, seconded by Supervisor Ceminsky. *Motion carried 4-0*, with Supervisor Ceminsky abstaining.

### C. Vermillion River Aggregates – Dan Ames

Chair Palmquist opened the floor for comments or complaints.

Planning Commission Chair, Ralph Fredlund, expressed the following concerns:

1. The addition of the new neighboring pit requires submission of a new or amended IUP. Mr. Ames acknowledged the requirement and stated that he is only removing trees at this point.
2. The Planning Commission requests that the Board check reports of the product going in and out of the pit, in terms of mixing.
3. There have been large trucks entering/exiting the pit. Dumping of sewage or directional Boring is not an allowed use.

Mr. Ames responded that the trucks contain dirt being mixed with product and then going back out. Commissioner Fredlund added that this should be reflected in the reports of tonnage entering/exiting the pit. Mr. Ames stated that it is being used for reclamation.

Chair Palmquist asked three times if there were any other comments or complaints and, hearing none, the floor was closed.

*Motion:* Chair Palmquist moved to approve the review of the Vermillion River Aggregates pit, seconded by Supervisor Ceminsky. *Motion carried 4-0*, with Supervisor Ceminsky abstaining.

### D. MN Paving & Materials (MPM) – Mike Callahan

Chair Palmquist opened the floor for comments and complaints.

1. Brian Ahern questioned if the hours of operation had been extended by the Board. Supervisor Hansen stated that they had been extended according to meeting minutes in 2011 or 2012.
2. Vice Chair Murphy commented that MPM is not yet in compliance from last year and, in order to come into compliance, it will be necessary to move to the west side of easement, which is not part of the original IUP. There are 4 or 5 residents within 1,000 feet of the west side of the pit, input from those residents would be extremely beneficial in the decision. Further, the EAW specifically states that it refers to 75 acres situated on 155 acres, the remaining 80 acres of land will remain in agricultural production, bisected by utilities. This assessment did not include the entire parcel.

Mike Callahan responded that Ordinance 6, Chapter 7, Section 1(M) allows for a variance of the setbacks. The 1,000-foot setback would leave only 1 acre, drill logs indicate 7.9 million tons of material that could go to aggregate tax that would bring us into compliance. It doesn't seem reasonable to spend \$25,000-\$30,000 on a new EAW for 1 acre, but we accept that.

3. Commissioner Fredlund commented that the Planning Commission's position is that it would be inappropriate to amend an IUP that is out of compliance, and should be treated as new application with the appropriate requirements. Information has changed, geographically, since 2007.

Mr. Callahan acknowledged the process and asked if the application submitted to the Planning Commission should be for an amendment or a new IUP. He pointed out that a new EAW will take approximately 4 ½ months to complete. Commissioner Fredlund acknowledged that the application will be delayed until receipt of the report.

Chair Palmquist asked three times if there were any other comments or complaints and, hearing none, the floor was closed.

*Motion:* Vice Chair Murphy moved to approve the review of the MPM pit, seconded by Chair Palmquist. *Motion carried 4-0*, with Supervisor Ceminsky abstaining.

### Election Items

#### A. Designate hours for Elections

*Motion:* Vice Chair Murphy moved to designate the hours for elections as 7:00 am – 8:00 pm, seconded by Supervisor Barfknecht. *Motion carried 5-0*.

#### B. Resolution 2020-01 Appointing Election Judges

The Board was presented with the following list of election judges: Mary Ann Michels, Julie Larson, Earl Schindeldecker, Cheryl Schindeldecker, Jody Arman-Jones, Elaine Swedin, Susan Rogers, Mary Dawson, Richard Fott, Cindy Murphy and Bill Pekarna.

*Motion:* Chair Palmquist moved to approve Resolution 2020-01, seconded by Vice Chair Murphy. *Motion carried 3-2*, with Supervisors Hansen and Ceminsky opposed.

### Review of Gravel Bids

*Motion:* Supervisor Hansen moved to bring the gravel quotes from Anderson Rock and Lime and Castle Rock Materials back to the table, seconded by Supervisor Barfknecht. *Motion carried 5-0*.

*Motion:* Supervisor Hansen moved to accept the bid from Anderson Rock and Lime for gravel/limestone, seconded by Vice Chair Murphy. *Motion carried 5-0*.

#### C. Mileage for election training and meetings

The Board acknowledged that election workers can submit mileage claims for training and meetings.

#### D. Election judge pay procedures

Informational only, no action taken.

### Plowing Snow across roads/into ditches

Discussion resulted in a recommendation that residents should contact the police department to report violations.

### Policy on calling special meetings

The Clerk presented a policy from the Minnesota Association of Townships on calling special meetings for review by the Board. Supervisor Barfknecht pointed out that page 30 of the Ordinances lists the policy on special meetings. Chair Palmquist asked that any supervisor who asks to call a special meeting first contact one of the attorney liaisons so that they may consult with legal regarding the requested meeting.

### Attorney Engagement Policy

Discussion included that the attorney can only accept communication from the liaisons. If a supervisor or staff member want to speak with the attorney they should send an email to one of the liaisons, documenting the issue to be discussed, so that billing can be verified.

### Submitting documents to property files

Chair Palmquist expressed his concern about paperwork showing up in his property file, 2 years after the fact, from Supervisor Ceminsky. The document in questions was not placed in the property file by the building inspector and was never received by the residents.

### TKDA 2020 Fee Schedule

Informational only, no action taken.

### 24005 Dodd Blvd

Supervisor Ceminsky reported that the property owner did not apply for permits for work being done in the barn. The Board agreed to table the item until the March meeting.

### Newsletter

The Board requested that the Clerk produce a newsletter with election information.

### **Old Business**

#### Ordinance violation update for 9395 280<sup>th</sup> St W

The Supervisors assigned to inspect the complaint reported that the property was cleaned up with no signs of plows or equipment.

#### Building Rights Text Amendment update

*Motion:* Supervisor Ceminsky moved to not move forward with a text amendment change to the Ordinance at this time, seconded by Supervisor Hansen. *Motion carried 5-0.*

*Motion:* Supervisor Hansen moved to authorize the township attorney to research the proposed text amendment and communicate with Jeff Otto, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

#### Amended 225<sup>th</sup> St Joint Powers Road Agreement with Lakeville

*Motion:* Supervisor Hansen moved to approve the amended JPA for road maintenance on 225<sup>th</sup> St. with Lakeville, seconded by Chair Palmquist. *Motion carried 5-0.*

### Solar Energy Ordinance

Planning Commission Chair, Ralph Fredlund, presented that Dakota Electric has built into their plans, a variation between 0-40kw and then 40+kw. The Planning Commission is working on a recommendation that proposes for 0-40kw to go with standard building permits, 40-100kw to require a CUP, and over 100kw to be prohibited.

### Eureka Estates out lots update

Attorney Lemmons advised that the possible options would be for the Eureka Estates owners to give license to the township or to grant an easement. He recommends granting an easement.



**Other Business**

Clerk hours

The Clerk pointed out that there has been an increase in her hours, partly due to the elections.

Schedule Clerk’s Annual Review

The Board agreed to hold the Clerk’s annual review on March 11, 2020 directly following the Board of Canvass.

**Approval of Meeting Minutes**

Approve the January 6, 2020, Special Town Board Meeting Minutes

*Motion:* Supervisor Barfknecht moved to approve the January 6, 2020 Special Town Board minutes as presented, seconded by Chair Palmquist. *Motion carried 5-0.*

Approve the January 13, 2020, Town Board Meeting Minutes

*Motion:* Supervisor Ceminsky moved to approve the January 13, 2020, Town Board minutes as presented, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

**Adjournment**

*Motion:* Chair Palmquist moved to adjourn the meeting, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

Meeting adjourned at 12:32 a.m.

Respectfully submitted,

\_\_\_\_\_  
Ranee Solis, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Town Chair Date