

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF MARCH 9, 2020

Call to Order

The Eureka Township Town Board meeting was called to order at 7:00 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)
Ralph Fredlund (Planning Commission Liaison)
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 Old Business, item C. Out lots B and C in Eureka Estates
2. Add under Old Business, item D. Dust control
3. Add under Old Business, item E. Gravel bids
4. Add under Old Business, item F. Newsletter
5. Add under New Business, item C. Mn Natural Gas

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Hansen. *Motion carried 5-0.*

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.

A. Those signed in:
(None)

B. All others

1. Georgie Molitor reported that someone dumped garbage on 225th.

2. Beth Eilers stated that a letter received in the mail by Supervisor Ceminsky was misleading. Her comments are attached.

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

Citizen Business

(None)

Planning Commission Update (Ralph Fredlund – Liaison)

Commissioner Ralph Fredlund provided a summary of the March 4, 2020 Planning Commission meeting:

- Citizen Inquiries from Dan Fredrickson, Mike Johnson and Andy Flores.
- Determined that the permit application from James Fraser to finish his basement was over-the-counter.
- Recommended approval of Blake Rothnem's application for an attached garage, subject to relocation of sewage pipes.
- Forwarded information requested for proposed equipment for the broadcast tower.
- Discussed video recording of meetings being broadcast via You Tube.
- Drafted a letter to MPM regarding incomplete items for their IUP application.
- Drafted a solar energy text amendment.
- Discussed the fliers received from Greater Mn Natural Gas.
- Approved the February 4, 2020 meeting minutes.

Permit Requests

Blake Rothnem, 24090 Holyoke Path, PID 13-24660-07-060 – Attached Garage

Motion: Supervisor Hansen moved to approve the garage permit for Blake Rothnem, PID 13-24660-07-060, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

Land Use Requests

(None)

Treasurer's Report

Treasurer Wilson presented the Treasurer's Report for March 9, 2020:

Checking account balance: \$134.89; Outstanding checks: \$611.96; Savings account balance: \$407,232.38; CD accounts balances: \$67,492.17; Total account balances: \$474,247.48.

Two corrections were noted: The spelling of February under bank balance and the date of 2/28/20 should read 2/28/19 under account balances.

Motion: Supervisor Ceminsky moved to approve the Treasurer's Report with noted corrections, seconded by Chair Palmquist. *Motion carried 5-0.*

Net Pay and Claims

The following questions/comments were discussed:

- Supervisor Barfknecht asked why the Tops, Inc. invoice for copies is listed as Clerk under Account Names on the claims list. Treasurer Wilson stated that CTAS has four levels of accounts and the account that she put it under does not have a narrative.
- Supervisor Barfknecht pointed out that the Clerk has submitted a claim from her personal credit card for the purchase of supplies, and asked if the township credit card is working. The Clerk indicated that she did not have the township credit card with her at the time.
- Supervisor Barfknecht asked Treasurer Wilson about the limits on the credit cards, to which she responded that they are both at \$500. Supervisor Barfknecht questioned that it should be \$5,000. Supervisor Ceminsky stated the credit card limit was reduced to \$500 a long time ago.
- Chair Palmquist questioned the claim submitted by Supervisor Ceminsky, listing 29 hours to review the building inspection billing. Supervisor Hansen stated that the Board approved for him to settle the billing. Chair Palmquist stated that he was not aware that the township would be paying for him to do this.

Motion: Vice Chair Murphy moved to approve the Net Pay and Claims as presented, and to authorize the Treasurer to move the necessary funds from savings to checking to cover the disbursements, seconded by Supervisor Hansen. A roll call vote was taken:

Supervisor Hansen: Aye
 Vice Chair Murphy: Aye
 Chair Palmquist: Aye
 Supervisor Barfknecht: Aye
 Supervisor Ceminsky: Abstain

Motion carried 4-0, with Supervisor Ceminsky abstaining.

*** Sheriff's Department**

The Deputy stated he had nothing to report. Julie Larson asked the Deputy to check into drag racing on 250th. Georgie Molitor asked the Deputy to monitor the semi traffic on 225th at the Scotts Miracle Gro property.

Receipts and Disbursements

The Board reviewed the receipts and disbursements.

2020 Budget

Treasurer Wilson stated that it is too early in the year to see any trends. The Board agreed to spend some time going over the budget and what is in each category next month.

Remaining Reports: Outstanding Invoices/Escrows/Permit worksheet

Motion: Supervisor Ceminsky moved to approve the remainder of the Treasurer's Report as presented, seconded by Chair Palmquist. *Motion carried 5-0.*

Inspectron outstanding balance

Treasurer Wilson stated that we have paid Inspectron \$9,447, which is 50% of the permits, and asked the Board how to handle the balance that is owing. The Board agreed that she should pay the remaining items once she receives an invoice.

Slides for Annual Meeting

Treasurer Wilson was asked to add the cost of the gates on Grenada to the Reimbursements slide.

Financial report for State Auditor

The Clerk questioned the amounts reported on page 3 under Clerk, Deputy Clerk and Treasurer stating that the amounts listed do not coordinate with the amounts paid to those individuals. Treasurer Wilson responded that the CTAS system has four levels of accounts, and it ties it to that level. Supervisor Barfknecht pointed out that these numbers do not match the categories that were reviewed at the Board of Audit. Treasurer Wilson replied that these numbers on the report to the State are not going to tie to the budget.

Motion: Supervisor Ceminsky moved to accept the financial report as presented and forward to the State Auditor, seconded by Chair Palmquist. *Motion carried 5-0.*

*** Road Contractor Update (Bryce & Jason Otte - Otte Excavating)**

- Supervisor Ceminsky asked if grading can be done, given that the roads are wet. Bryce Otte responded that they can start on certain roads.
- The Board requested that 5-ton road signs be placed on the corner of 225th and Highview.
- The Board requested that invoices be sent to the Clerk, as well as the Treasurer, going forward.
- The Board agreed to mark the right-of-way with posts on 240th, and to reach out to the land owner.

Motion: Supervisor Hansen moved for No Through Truck Traffic signs to be placed from Cedar & 225th to Highview & 225th, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

Motion: Supervisor Ceminsky moved to stake the right-of-way on the south side of 240th between Iberia and Dodd, seconded by Supervisor Hansen. *Motion carried 5-0.*

New Business

Review of sealed bids: Legal Services

The Board received one proposal for Legal Services from Kelly & Lemmons. Chad Lemmons noted that there was one change from the previous contract in that the meeting fee increased from \$250/meeting to \$300/meeting.

Motion: Chair Palmquist moved to accept the proposal from Kelly & Lemmons, seconded by Supervisor Hansen. *Motion carried 5-0.*

Progressive Rail – Dodd Blvd

Scott Peterson from Living Waters Church and Jim Sauber asked the Town Board if they could assist with fighting against the railroad's plan to add tracks in the township at Dodd Blvd.

Discussion points included:

- The location of the line is strictly under the control of the federal government. Does the Township have the right to oppose the location of the tracks? Can we suggest an alternative location in Lakeville?
- The proposed location impacts the wetlands area. Can the Vermillion River Watershed assist with this?
- Do we have any recourse with this violating our local zoning?

Chair Palmquist offered to reach out to the Mn Association of Townships attorneys, the watershed district, and other government entities to see what our alternatives are and to try to find a community solution.

Mn Natural Gas

Mn Natural Gas has applied for a right-of-way permit on Iberia and 257th. The Clerk has asked them for clarification on boring, road closures, etc. so that Supervisor Ceminsky can calculate the permit fees.

Old Business

24005 Dodd Blvd - Permits

Chair Palmquist reported that Inspectron issued a stop work order on January 22, 2020 for the unpermitted work taking place at 24005 Dodd Blvd. Inspectron will follow up this week to ensure that the work has ceased.

Motion: Chair Palmquist moved to direct Attorney Lemmons to send a letter to the resident at 24005 Dodd Blvd requesting he contact Inspectron within 10 days to bring him into compliance, seconded by Supervisor Barfknecht. *Motion carried 4-0*, with Supervisor Hansen abstaining.

Video recording for meetings

Commissioner Fredlund reported that video recording of meetings could affect the township's records retention and the status of the records remaining on the internet indefinitely. Attorney Lemmons confirmed that video recording of meetings could affect records retention, and recommended the Board research this further. Supervisor Ceminsky stated that his research concluded that You Tube would not fulfill the requirement that it be interactive. Vice Chair Murphy pointed out that these are two separate issues: recording meetings vs remote attendance at a meeting. Commissioner Fredlund stated that it is his understanding that the remote attendance via skype has been legally compliant and the research assigned to the Planning Commission only dealt with video recording the meetings. The Board agreed that further research was required and took no action at this time.

Out lots B and C in Eureka Estates

Supervisor Barfknecht provided an update regarding her research on drainage easements regarding out lots B and C in Eureka Estates, and volunteered to go to Hastings to look at the tract indexes as the next step. Attorney Lemmons was asked if the township can use eminent domain to obtain a drainage easement and make the necessary repairs. Attorney Lemmons responded that, although the town could, it would be easier to ask the developer to designate a drainage easement to the town. The Clerk was asked to continue to place this on the agenda until it has been resolved.

Dust Control

Supervisor Barfknecht reminded the Board that dust control bid was tabled last month in order to ask the County if we could obtain dust control through them at a lower cost. Supervisor Hansen stated that the County confirmed that we could get the dust control from them, and stated we could get gravel as well. However, we are trying to convert to class V limestone, which requires less maintenance. Supervisor Ceminsky volunteered to request a quote from the County for limestone and report back to the Board.

Gravel Bids

Supervisor Barfknecht noted that the Board did not choose the lowest gravel bid last month and, therefore, the Board's acceptance of that bid is voidable. Attorney Lemmons added that the town is not required to accept the lowest bid if there is an added value in the higher bid that the Board determines to be in the town's best interest. Supervisor Hansen suggested performing a hardness test from each pit. Attorney Lemmons informed the Board that if the quality of the product from the higher bidder is deemed to be a deciding factor of added value, the Board could go with the higher bid.

Supervisor Ceminsky was appointed to seek independent hardness testing of the limestone from the Anderson Rock and Limestone and Castle Rock Materials proposals.

Newsletter

Supervisor Ceminsky questioned the campaign material in the newsletter, stating that Attorney Lemmons had stated in the past that it was not allowed. Attorney Lemmons responded that he had issued a memo regarding which statements were/were not allowed. Supervisor Barfknecht offered to locate and forward the memo to the Clerk.

Other Business

Clerk Update
(None)

Approval of Meeting Minutes

Approve the February 10, 2020, Town Board meeting minutes

Supervisor Ceminsky noted that the public comment from Beth Eilers was not attached and asked the Clerk to provide the comments to the Board.

Motion: Supervisor Hansen moved to table the February 10, 2020 minutes until the attachments are provided, seconded by Chair Palmquist. *Motion carried 5-0.*

Approve the February 11, 2020, Special Town Board meeting minutes

Motion: Chair Palmquist moved to approve the minutes of the February 11, 2020, Special meeting as presented, seconded by Supervisor Ceminsky. *Motion carried 4-0,* with Vice Chair Murphy abstaining.

Approve the February 25, 2020, Special Town Board meeting minutes

Motion: Chair Palmquist moved to approve the February 25, 2020, Special meeting minutes, seconded by Supervisor Barfknecht with a note to correct the date on the second Q & A on page one from 20205 to 2025. *Motion carried 4-0,* with Vice Chair Murphy abstaining.

Approve the February 26, 2020, Special Town Board meeting minutes

Motion: Chair Palmquist moved to approve the 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 9:22 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Town Chair Date