

EUREKA TOWNSHIP

DAKOTA COUNTY STATE OF MINNESOTA

TOWN BOARD MEETING OF MAY 26, 2020

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is not practical or prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meetings shall be conducted entirely through teleconferencing or other electronic means.

Call to Order

The Eureka Township Town Board meeting was called to order, via Zoom Meetings, at 7:00 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Tim Murphy, Lu Barfknecht, Ralph Fredlund, Mark Ceminsky.

Others Present: Rane Solis (Town Clerk), Chad Lemmons (Town Attorney), Nancy Sauber, Gloria Belzer, Julie Larson, Bill Clancy, Randy Wood, Glenn Benson, Georgie Molitor, Bryce Otte, Butch Hansen, Jody Arman-Jones, Jeanie Fredlund, Brian Ahern

Approval of the Agenda

The following changes were made to the agenda:

- Move item III. Round Table to item V.
- Move item V. Old Business to item III.
- Add item J. (3) Policies and Procedures under Round Table

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Ceminsky. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky - Aye. *Motion carried 5-0.*

Old Business

Road Maintenance Bids

Motion: Chair Palmquist moved to reject all bids and re-issue the RFP for Road Maintenance, seconded by Vice Chair Murphy.

Chair Palmquist noted the following: One of the bids was missing required information; the electors raised concern at the Annual Meeting that competitive bids, for comparison purposes, have not been received for many years, and; the bidding process was defective as the RFP was not published in a trade journal or newspaper. Vice Chair Murphy called the question, seconded by Supervisor Barfknecht. A roll call vote was taken: Tim Murphy – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Nay. *Motion carried 4-1.* A roll call vote on the original motion was taken: Tim Murphy – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Nay. *Motion carried 4-1.*

Grounds Maintenance Bid

Supervisor Ceminsky abstained from discussion as he represents the bid received from Beaver Creek Companies. Supervisor Fredlund maintained that the current Board conflict of interest policy prohibits awarding the contract to Supervisor Ceminsky. Mark Ceminsky asked to speak on behalf of Beaver Creek, citing the exception that allows any “contract for which competitive bids are not required by law”. Attorney Lemmons agreed the referenced exception would allow the Board to award the contract to Supervisor Ceminsky’s company, and reminded that an Affidavit of Official Interest in Claim must be submitted with each billing.

Motion: Chair Palmquist moved to award the grounds maintenance bid to Beaver Creek Companies, seconded by Vice Chair Murphy. A roll call vote was taken: Tim Murphy – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Nay; Lu Barfknecht – Aye; Mark Ceminsky – Abstain. *Motion carried 3-1.*

ROW fee schedule review

The Board agreed that Supervisors Fredlund and Ceminsky will meet to assess the real costs to the Township and present a recommended fee schedule at the June 8th meeting.

Update on April Complaints

1. Iceland Path – operating a business without a CUP.

Vice Chair Murphy reported that upon driving by the residence on several occasions, he noted that there were employee vehicles parked in the cul-de-sac as well as a construction dumpster on one occasion. The Board agreed to direct the Clerk to send a letter to the resident citing the Ordinance on commercial use of streets, and warn that it is against the Ordinances to run a business out of a residence without a CUP.

2. 250th St. W. – dumping construction waste on farmland.

Supervisor Ceminsky reported that the owner had brought in materials for his tree farm, which he has the right to do. Supervisor Barfknecht reported that there was no evidence of construction debris, as was reported in the complaint. The Board agreed that no follow up was necessary.

3. 24729 Dodd Blvd – building without permits.

Vice Chair Murphy reported that the building in question appears to be an existing pole building being repaired. Supervisor Ceminsky reported that it appears to him to be an addition to an existing building. The Board agreed to direct the Clerk to send a letter to the resident asking for clarification on whether it is an addition or a repair.

4. Fairgreen – possible commercial use.

Vice Chair Murphy reported that the property contains a motor cross track, which does not constitute a commercial use. Supervisor Ceminsky added that the property he had reported to the Board was a lumber mill across the street, which had been questioned by the County as to the use of the property. The Board agreed that no follow up was necessary.

Progressive Rail Update

Supervisor Ceminsky requested to drop this item from the agenda.

MPM mining on 235th

Supervisor Ceminsky reported receiving phone calls about the mine being in operation and confirmed that it is only gravel being hauled out of the pit.

New Business

Complaints – acceptable forms of submission

Supervisor Fredlund requested confirmation on whether emailed complaints were acceptable. The Board agreed that ordinance violations must be submitted on the official complaint form, but complaints on roads, noise, etc. can be submitted via email.

Treasurer status

Chair Palmquist announced that Marcia Wilson has resigned as Treasurer.

Motion: Chair Palmquist moved to appoint Clerk Solis as Treasurer, seconded by Vice Chair Murphy. Attorney Lemmons advised that the Board split the two positions and they cannot be combined without a ballot vote of the electors. Vice Chair Murphy read the question that was on the ballot at the 2014 Annual Meeting: “Shall option B, providing for the appointment of the clerk and treasurer by the town board, be adopted for the government of the town? Yes or No”. He added that option B allows supervisors to “appoint” a clerk and/or treasurer, thus eliminating “elections” for the clerk and/or treasurer. He further stated that the separation of the clerk/treasurer was never recorded in the Ordinances.

Motion: Supervisor Ceminsky moved to hire the firm who performs the annual audits to perform the treasurer work. Attorney Lemmons advised that a company cannot be named as treasurer, it must be an individual person. *Motion failed for lack of a second.*

Attorney Lemmons stated that the Board adopted an Ordinance that split the two positions. Supervisor Ceminsky suggested that the attorney research and locate the adopted ordinance before a decision is made. Vice Chair Murphy offered that he, Supervisor Barfknecht and the Clerk have already researched and found no such ordinance. Chair Palmquist stated that he is not convinced that the paperwork is out there and Called the Question. A roll call vote was taken: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Nay. Motion carried 4-1.

A roll call vote on the original motion to appoint Clerk Solis as Treasurer was taken: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Nay. Motion carried 4-1.

Deputy Clerk status

The Clerk announced that Jeanie Fredlund has been hired as Deputy Clerk, and the Board welcomed her aboard.

Eureka Estates

Supervisor Ceminsky recommended that the Board approve option 2 of the estimate received from TKDA for the drainage issues in Eureka Estates.

Vice Chair Murphy inquired as to how to fund it. Supervisor Ceminsky stated that some could come out of the hard road escrow and the remainder through long-term financing or assessment to property owners. The Board agreed to table the item until the June meeting.

Solar Permits

Supervisor Ceminsky stated he has received many phone calls regarding a solar system that has been put in without a CUP, and no permit issued, by a Town Board Supervisor. Planning Commission Chair, Nancy Sauber, stated that although the language will change after the public hearing, it hasn't changed yet. Mr. Murphy must either follow the current ordinance or wait until it is changed before installing. Supervisor Murphy offered that while awaiting the public hearing, he has set up erector set for the solar panels. He has not engaged with contractors at this time, it is inoperable and the erector set is moveable.

Motion: Chair Palmquist moved to direct the Planning Commission to conduct a Public Hearing for the purpose of amending the text of the zoning ordinance for solar energy systems to be held on June 15, 2020 at 7:00 p.m., seconded by Supervisor Barfknecht. A roll call vote was taken: Lu Barfknecht – Aye; Ralph Fredlund – Aye; Donovan Palmquist – Aye; Mark Ceminsky – Aye; Tim Murphy – Abstain. Motion carried 4-0.

Permits

Supervisor Ceminsky asked for clarification on whether Ag-exempt, deck and pool permits were over the counter. Planning Commission Chair Sauber indicated that Ag-exempt applications must go to the Planning Commission and Town Board and are not over the counter. Pools and Decks must be reviewed by the Clerk and Planning Commission Chair or Vice Chair, and if in agreement, the Clerk may submit the permit to the building inspector.

Eureka Township's plan to reopen

The Board directed Supervisor Fredlund to meet with the Clerk to draft a preparedness plan for Board review at their June meeting.

Round Table

The Board directed the Clerk to schedule a Special Round Table meeting for June 2, 2020 directly following the Planning Commission meeting. Planning Commission Chair Sauber requested to add item J. (4) Other administrative issues for discussion, to the agenda.

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Supervisor Fredlund. A roll call vote was taken: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Aye. Motion carried 5-0.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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

DRAFT