

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF AUGUST 10, 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 and Mark Ceminsky.

Others Present: Ranee Solis (Town Clerk), Chad Lemmons (Town Attorney), Randy Wood (Planning Commission Liaison), Nancy Sauber, Bill Clancy, Julie Larson, Mark Henry, John Loos, Kevin Pittelko (TKDA), Gloria Belzer, Brian Ahern, Jody Arman-Jones, Bill Funk, Carol Cooper and Georgie Molitor.

Approval of the Agenda

The following changes were made to the agenda:

1. Remove item A. Pete Storlie from Citizen Inquiry
2. Add item A. John Loos under Citizen Inquiry

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Fredlund. 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.*

Public Comment

Chair Palmquist asked three times if there were any attendees who would like to make comment and, hearing none, the floor was closed.

Citizen Inquiry

John Loos, 25791 Dodd Blvd - CUP

Mr. Loos explained that he would like to open a pre-school and inquired as to whether the CUP for a gun shop from the previous owner could be changed. The Board advised that Mr. Loos would need to apply for a CUP specific to the school, and that a new CUP would not terminate the current CUP.

Consent Agenda

- A. Minutes of the July 13, 2020 Town Board meeting
- B. Minutes of the July 27, 2020 Town Board meeting

Supervisor Ceminsky requested that the July 27th Town Board meeting minutes reflect that, under the discussion of his building permit, he agreed to pay a fee of \$388.

Motion: Chair Palmquist moved to approve the July 13th and July 27th minutes as amended, seconded by Vice Chair Murphy. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Sheriff's Department

(None)

Road Superintendent Report (Mark Henry)

Mark Henry provided a summary of his meeting with Otte Excavating and the Road Supervisors:

- Grading when we have rain, as much as possible.
- Return to 2" lift with gravel and watering to get the gravel to hold.

Supervisor Ceminsky asked Mark Henry to look into the drainage issue between the south side of Town Hall and the residence on Cedar Avenue.

Planning Commission Update (Randy Wood – Liaison)

Commissioner provided a summary of the August 4, 2020 Planning Commission meeting:

- Reviewed and recommended changes to the Planning Commission Policies and Procedures manual.
 - General housekeeping updates.
 - Update with all changes to the ordinances.
 - Yearly work plan – with the hiring of a Road Superintendent, will the Planning Commission continue to perform the fall road review?
 - Adding that the Clerk will be responsible for issuing a copy of the manual to new members, and receiving copies from outgoing members.
 - Recommend that Section 4 be amended to remove the language indicating a roll call vote is required for each motion.
 - Add Attorney presence for public hearings involving CUPs and IUPs with the potential to request the Attorney for other matters at their discretion.
 - Update Ordinance 3, Section 2(E) regarding feed lots.
 - Update reflecting the recent Town Board list of over-the-counter permits.

Commission Chair Sauber noted that Commissioner Clancy pointed out that the Ordinances call into question whether decks, pools and move in buildings can be processed without Planning Commission review and Town Board approval. Attorney Lemmons referred to the Ordinance, stating that "Structure" is defined as "Anything which is built, constructed, or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures include but are not limited to buildings, gazebos, decks, retaining walls, walls, fences, and swimming pools" and agreed that they should not be issued as over-the-counter permits.

Chair Palmquist requested that the Clerk add this to the August 24th Town Board agenda.

Permit Requests

(None)

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report as of July 31, 2020: Savings Account \$639,841.94; CD Accounts \$68,236.07; Checking Account \$48,708.88; Outstanding Checks \$45,993.80; Total Accounts \$710,793.09. Township Escrows \$143,688.96; Other Escrows \$12,240.74; July Claims \$104,969.21; July Payroll \$3,130.64.

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

Motion: Vice Chair Murphy moved to approve the transfer of the designated funds into the appropriate escrow accounts as provided in the 2020 budget, seconded by Supervisor Barfknecht. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Net Pay and Claims

Clerk/Treasurer Solis indicated that Claim 4214 in the amount of \$1.00 should be voided.

Motion: Vice Chair Murphy moved to approve the net pay and claims as amended, seconded by Chair Palmquist. 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.*

Receipts and Disbursements

Motion: Chair Palmquist moved to approve the receipts and disbursements as presented, seconded by Supervisor Fredlund. 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.*

Remaining Reports

Motion: Supervisor Ceminsky moved to table the remaining reports, seconded by Chair Palmquist. 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.*

New Business

TKDA update on Eureka Estates Project

Kevin Pittelko from TKDA indicated that surveyors have been on site, noting that some culverts are clogged, some culverts are undersized, and there are areas with no culverts which are all contributing to the drainage issues.

Supervisor Ceminsky asked to clarify the scope of the project, as it was his understanding that all of Eureka Estates was to be addressed, not just the back half. Supervisor Barfknecht

affirmed that the drainage issues are located in the south section out lots. Kevin Pittelko provided that TKDA will be evaluating the entire area, looking at elevations and noting in the report how drainage will affect the north section.

Landscaping beds at Town Hall

Supervisor Ceminsky stated that the landscaping beds maintenance are not part of the lawn care agreement and recommended obtaining quotes. In addition, there are sink holes in the lawn that should be filled as well as bushes and a tree stump that need to be removed. Supervisor Fredlund indicated that he has a list of projects that should go out for quotes.

Motion: Supervisor Ceminsky moved to obtain quotes to re-do the landscaping beds around Town Hall, fill and seed sink holes, remove four bushes and one tree stump, seconded by Chair Palmquist. 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.*

Rusty Rabittiques

Clerk Solis was unable to locate any documentation allowing for a flea market at 23590 Cedar Avenue. Supervisor Ceminsky stated that the purchase agreement for the old Town Hall provided permission to hold open sales. As no formal complaint was filed, no action was taken at this time.

Minutes on the website

Motion: Supervisor Barfknecht moved that, when time allows, to add a larger history of minutes back to the website, seconded by Chair Palmquist. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Nay. *Motion carried 4-1.*

Code of Ethics and Conduct draft for review

Motion: Supervisor Ceminsky moved to table the draft Code of Ethics and Conduct for review at the August 24th Town Board meeting, seconded by Chair Palmquist. 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.*

CARES Act Agreement and Resolution approving agreement

Clerk Solis was directed to draft the appropriate resolution approving the CARES Act agreement with the County.

Old Business

Complaints

1. Follow up on complaint at 24404 Iceland Path – Running business without a CUP
Supervisors Palmquist and Murphy agreed to meet with the resident by the end of the week.

Attorney Update

1. Four-wheeler on Township roads
Dakota County Sheriff issued a citation to the resident.

2. Ordinance violation/contempt of court order for 10132 235th St. W.
The paperwork has been filed with the court.

3. Letter to 24230 Holyoke Path – fencing around the pool
Awaiting a response to the violation letter that was sent.

Revised election judge list – Resolution 2020-09

Motion: Chair Palmquist moved to approve Resolution 2020-09, seconded by Supervisor Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Nay. *Motion carried 4-1.*

Authorization to apply for Township credit cards

Motion: Chair Palmquist moved to approve for the Clerk to apply for Township credit cards for Ranee Solis (Clerk) and Donovan Palmquist (Chair) with a limit of \$500 each at Castle Rock Bank, seconded by Vice Chair Murphy. 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.*

Other Business

Reduced speed limit signs on 240th

Supervisor Barfknecht reminded Attorney Lemmons that he was to check on the procedure to place reduced speed limit signs on 240th St. W. Attorney Lemmons responded that he will send out a memo tomorrow.

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 9:18 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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