

**EUREKA TOWNSHIP**  
DAKOTA COUNTY, STATE OF MINNESOTA

**TOWN BOARD MEETING OF SEPTEMBER 14, 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), Julie Larson (Planning Commission Liaison), Nancy Sauber, Randy Wood, Bill Clancy, Mark Henry, Bryce Otte, Josh Madson, Jeff Nivala, Jody Arman-Jones, Duane Olmstead, Jim Sauber, Georgie Molitor and Brian Ahern.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Remove item A. Alisha Perkins from Citizen Inquiry
2. Add item A. Josh Madson under Citizen Inquiry
3. Add item G. TKDA update under Old Business
4. Add item C. Contingent approvals under New Business
5. Add item D. County Road 86 update under New Business
6. Add item E. Noxious weed grants under New Business
7. Add item H. Speed limit on 240<sup>th</sup> under Old Business

*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**

**Josh Madson, 24410 Iceland Path**

Mr. Madson expressed that the internet infrastructure in the Township is challenging for many residents and requested that the Board explore the possibility of getting fiber optic options into the Township. Chair Palmquist offered to provide contact information at the State level regarding grants for rural areas.

## Road Report

### A. Road Superintendent – Mark Henry

- Placed approximately 5,500 tons of gravel so far and have enough money remaining in the budget for one additional mile of placement.
- Completed dust coating on some areas that were in need.
- Scheduled to take care of some sight line issues.
- Moving away from dry blading the road to minimize degradation.

### B. Road Contractor – Bryce Otte

Bryce Otte expressed displeasure that another contractor was hired to perform some ditch mowing, as his contract includes this work. Chair Palmquist explained that the ditch mowing was awarded to another contractor in an effort to save money for the Township. Mr. Otte requested, and permission was granted, for the Town Attorney to review his contract.

## Planning Commission Update (Julie Larson – Liaison)

Commissioner Larson provided a summary of the September 1, 2020 Planning Commission meeting:

- Received a citizen inquiry from Alisha Perkins regarding Lot of Record verification for two parcels. Attorney Lemmons recommended she order a stub abstract for each parcel to indicate when the lots were formed and present them to the Town Board.
- Recommended approval of a Building Right Transfer for Dan and Margret Enser with a note to the Board that the Clustering Agreement is being redone due to errors in the original.
- Recommended approval of a new residence building permit for Dan and Margret Enser, contingent upon the approval and recording of the Building Right Transfer.
- Requested that Supervisor Fredlund report the following concerns to the Board:
  1. The need to create a policy that the Board will not approve land uses and permits based on contingencies.
  2. The need to research statements made by the County Recorder's office that lot splits are not recordable documents, and that agreements must be certified, contain the Township seal, and be passed by Resolution.
- Completed review of the Policies and Procedures manual with suggested changes, to be reviewed by the Board after Planning Commission approval of the final draft.
- Added "verification of website posting of public packet" to the agenda.
- Recommended that the Board not adopt the Code of Ethics draft at this time.
- Approved the minutes of the August 4, 2020 meeting as presented.

## Permit Requests

### Dan & Margret Enser, PID 13-02200-50-011 – Building Right Transfer

Clerk Solis presented a receipt indicating that the Building Right Cluster Agreement has been filed with the County, as requested, and she is awaiting return of the recorded document by mail.

*Motion:* Chair Palmquist moved to approve the Building Right Cluster Agreement transferring the building right associated with the NE ¼ of the NW ¼ of Section 24, Twp 113, Range 20 West, Dakota County Minnesota (sending parcel 13-02400-25-010) to Daniel & Margret McCue-Enser (receiving parcel 13-02200-50-011), seconded by Supervisor

Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Lu Barfknecht – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Dan & Margret Enser, PID 13-02200-50-011 – New Residence permit

*Motion:* Chair Palmquist moved to approve the new residence building permit for Dan and Margret Enser for PID 13-02200-50-011 to be granted upon receipt of the recorded Clustering Agreement, seconded by Supervisor Barfknecht. A roll call vote was taken: Donovan Palmquist – Aye; Lu Barfknecht – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

**Treasurer’s Report**

Clerk/Treasurer Solis read the Treasurer’s Report as of August 31, 2020: Savings Account \$615,465.58; CD Accounts \$68,236.07; Checking Account \$14,560.01; Outstanding Checks \$11,412.55; Total Accounts \$686,849.11. Township Escrows \$146,929.70; Other Escrows \$13,000; August Claims \$27,707.07; August Payroll \$1,988.30.

*Motion:* Chair Palmquist moved to refund the Jaguar Communications Right-of-way escrow in the amount of \$4,000, seconded by Supervisor Fredlund. 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.*

*Motion:* Supervisor Ceminsky moved to refund the Adam Jakes move-out building escrow in the amount of \$5,000, seconded by Chair Palmquist. 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.*

*Motion:* Chair Palmquist moved to approve the Treasurer’s Report as submitted, 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.*

Net Pay and Claims

*Motion:* Supervisor Fredlund moved to approve the net pay and claims as presented, 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

Clerk/Treasurer Solis stated that she is still working to locate the issue in balancing of the remaining reports, the Board agreed to table the item until next meeting.

Supervisor Ceminsky noted that the invoice items pertaining to spreading rock and the water truck charges should be moved from budget category Road Maintenance to Gravel Placement on the budget spreadsheet.

*Motion:* Supervisor Ceminsky moved to transfer funds from the Road and Bridge Operating Fund as follows: Road and Bridge CIP Escrow \$5,000; Emergency Road Escrow \$5,000 and Asphalt/Hard Surface Escrow \$50,000, 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.*

## **New Business**

### Complaints

1. 24230 Holyoke Path – violation of dog leash Ordinance

The Board directed the Clerk to send a letter to 24230 Holyoke Path stating that we've received a complaint regarding their dogs being loose, cite the Ordinance, and any further violation will result in a citation. The Board also directed the Clerk to notify the complainant about the Board's decision.

2. 8150 250<sup>th</sup> St. W. – Scrap yard

The Board directed the Clerk to locate the agreement regarding removal of machinery from the property from four years ago and place this item on the next meeting agenda.

### Meetings

Supervisor Ceminsky asked when the residents can expect Town Board meetings to be held in-person at Town Hall. The majority of the Board felt that it is premature to go back to in-person meetings due to increases in Covid-19 cases, and agreed with Attorney Lemmons' suggestion that they continue to monitor Governor Walz's executive orders.

### Contingent Approvals

The Board agreed that the Ordinances do not allow for contingencies, thus eliminating the need to create a policy in this regard.

### County Road 86 Update

Supervisor Fredlund stated that the County Engineer will be attending the October 13<sup>th</sup> Town Board meeting to provide an update on the County Road 86 reconstruction project.

### Noxious Weed Grants

The Clerk distributed an email today regarding grant applications for noxious weeds for 2021. Chair Palmquist volunteered to follow up on the email and update the Board.

## **Old Business**

### Complaints

1. Follow up on complaint at Mn Paving & Materials – Operating on Saturday

Vice Chair Murphy spoke with Mike Callahan and was told that the provisions in the Ordinance allow for them to perform some activities on Saturday. However, in reviewing the Ordinance, Vice Chair Murphy found that the provision states that operators are allowed extensions to the hours of operation for emergencies only, and that the Town Board must

approve other extensions to the hours of operation. He will contact Mr. Callahan regarding Saturday hours.

2. Follow up on complaint at Holyoke – fencing around the pool

The Board directed the Clerk to call Inspectron and request that they inspect the property for fencing and report back to the Board.

Attorney Update – Follow up on court hearing for 10132 235<sup>th</sup> St.

The Board held a closed meeting tonight at 6:00 pm where they authorized Attorney Lemmons to agree to limit the exhibit to a restricted area on the property, and maintain that the Ordinances do not allow for flea markets on the property.

Landscaping beds at Town Hall

The Board requested for the Clerk to obtain quotes for the following projects:

Project One: Building landscaping

- Remove weeds
- Clean out/repair landscaping beds
- Clean out/add to rock
- Prune shrubs

Project Two: Surrounding landscaping

- Fill depreciation and seed around septic tanks
- Fill depreciation and seed around well head
- Fill depreciation and seed around storage building gas line
- Remove three dead shrubs on west side of Town Hall
- Remove or grind out tree stump on north side of Town Hall

Road Superintendent job description

The Board agreed to table review of the draft job description until the next Town Board meeting.

Approval of the CARES Act agreement with Dakota County

*Motion:* Chair Palmquist moved to approve the CARES Act agreement with Dakota County, 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.*

Code of Ethics and Conduct draft review

In consideration of the Planning Commission's recommendation, as well as the difficulty in drafting a code of ethics and conduct, as evidenced in the fact that none exist in the metro area, the Board agreed not to pursue the project.

*Motion:* Supervisor Fredlund moved to discontinue the drafting of a Code of Ethics and Conduct, seconded by Chair Palmquist. 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.*

TKDA update on the Eureka Estates project

The Board agreed to table this item until the next Town Board meeting to allow time for each member to review and analyze the information.

Speed limit signs on 240<sup>th</sup>

*Motion:* Supervisor Barfknecht moved to adopt the placement of 35 mph speed limit signs on 240<sup>th</sup> St. W. from Dodd Blvd. to Highview Ave., seconded by Supervisor Fredlund. 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.*

**Other Business**

(None)

**Approval of Meeting Minutes**

August 24, 2020 Town Board meeting minutes

*Motion:* Chair Palmquist moved to approve the minutes of the August 24, 2020 Town Board meeting as presented, seconded by Supervisor Fredlund. 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.*

**Adjournment**

*Motion:* Chair Palmquist moved to adjourn the meeting, seconded by Vice Chair Murphy. 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 9:30 p.m.

Respectfully submitted,

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Ranee Solis, Town Clerk

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