

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**TOWN BOARD MEETING OF SEPTEMBER 9, 2019**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:03 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

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

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 item C. Annexation to City of Lakeville under New Business.

*Motion:* Supervisor Ceminsky moved to approve the Agenda as amended, seconded by Vice Chair Murphy. *Motion carried 5-0.*

**Public Comment**

Chair Palmquist asked if anyone would like to speak. Hearing none, the Public Comment period was closed.

**Citizen Business**

(None)

**Planning Commission Update (Julie Larson - Liaison)**

**Summary of the September 3, 2019, Planning Commission meeting.**

- Recommended approval of an Ag-Exempt building for Graham Dee.
- Recommended approval of a 3-car garage for Joe Hendricks.
- Reviewed a CUP permit application for a broadcast tower for Jerome Phillipe and set a Public Hearing for October 1, 2019 at 8:00 p.m.
- Recommended approval of a lot split for John Storlie and reviewed the application for a building right transfer, but took no action at this time.

- Reviewed a CUP permit application for solar energy for Kathleen Kauffman and set a Public Hearing for September 24, 2019 at 7:00 p.m.
- Discussed moving the Planning Commission meetings from Tuesdays to Mondays and decided it would be best to keep the dates as is for now, and readdress at the reorganization meeting next March.
- Commissioner Novacek took issue with the wording on the Ag-Exempt building permit application and wanted the word “certified” changed to “verified”. The majority felt that the change was not needed.

### **Permit Requests**

Graham Dee, 27285 Galaxie Ave, PID# 13-03400-25-015 – Ag-Exempt Building

*Motion:* Supervisor Ceminsky moved to approve the Ag-Exempt building permit for Graham Dee on PID# 13-03400-25-015, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

Joe Hendricks, 22465 Dodd Blvd, PID# 13-00600-04-012 – Accessory Building

*Motion:* Supervisor Hansen moved to approve the accessory building permit for Joe Hendricks on PID# 13-00600-04-012, seconded by Chair Palmquist with a friendly amendment by Supervisor Barfknecht to include that it is for the construction of a three-car garage. *Motion carried 5-0.*

### **Land Use Requests**

John Storlie, 23449 Dodd Blvd, PID# 13-00700-75-020 – Lot Split

*Motion:* Supervisor Hansen moved to approve the lot split application for John Storlie on PID# 13-00700-75-020, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

John Storlie’s attorney, Carol Cooper, requested that the building right transfer request be addressed. Discussion determined that the lot split needs to be recorded prior to making a determination on the building right transfer.

### **Treasurer’s Report**

Treasurer Wilson presented the Treasurer’s Report for September 9, 2019:

Checking account balance: \$1,134.52; Outstanding checks: \$195.00; Savings account balance: \$328,923.25; CD accounts balances: \$106,698.92; Petty cash balance \$100.00; Total account balances: \$436,661.69.

*Motion:* Supervisor Ceminsky moved to approve the Treasurer’s Report as read, seconded by Supervisor Hansen. Supervisor Barfknecht pointed out that the CD balances listed on the Treasurer’s Report do not match the CD balances listed on the Current Investments report, requesting a friendly amendment to make the necessary corrections. *Motion carried 5-0.*

### **Bills and Receipts**

*Motion:* Vice Chair Murphy moved to pull his mileage request, claim # 3955 from the bills and receipts, seconded by Supervisor Hansen. *There was no vote on the motion.*

*Motion:* Chair Palmquist moved to table approving the bills and receipts until after discussion of the general fund budget recommendations, seconded by Vice Chair Murphy. *Motion carried 5-0.*

### Budget

The Town Board reviewed the budget worksheet prepared by Treasurer Wilson.

### Remaining Reports: Outstanding Invoices/Escrows/Permit Worksheet

The Town Board reviewed the following reports prepared by Treasurer Wilson: Outstanding checks, Disbursements, Current Investments, Cash Control Statement, Escrow/Bond accounts and Permit Worksheet.

### General Fund Budget recommendations

Treasurer Wilson presented a list of recommendations that she, Supervisor Ceminsky and Supervisor Hansen drafted to cover the budget shortfall. The Town Board took the following actions to reduce Township Administration costs:

*Motion:* Vice Chair Murphy moved to eliminate the flat fee rate for meetings for staff and pay the hourly rate for meetings going forward, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

*Motion:* Chair Palmquist moved to reduce the Town Board and Planning Commission pay by half for meetings for the 4<sup>th</sup> quarter of 2019, seconded by Vice Chair Murphy. *Motion carried 5-0.*

*Motion:* Supervisor Hansen moved to no longer pay mileage from home to Town Hall for training and meetings, seconded by Vice Chair Murphy. *Motion carried 5-0.*

Supervisors Murphy, Barfknecht and Palmquist stated that they no longer need paper copies of the Town Board packets as they print them from home upon receipt of the email.

The Clerk was asked how many hours per week were needed to keep the current work flow going, to which she agreed 30 hours per week was sufficient and would decrease hours each week whenever possible.

*Motion:* Supervisor Hansen moved for the new website to contain only the current year and immediate one previous year's minutes for the Town Board and Planning Commission, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

### **\* Sheriff's Department (Deputy O'Meara)**

Deputy O'Meara introduced himself and asked if there were any questions or concerns. There was brief discussion of issues with drag racing, traffic and parking.

### General Fund Budget recommendations (Continued)

*Motion:* Supervisor Ceminsky moved to change the Planning Commission meeting dates to the first Monday of the month beginning October, seconded by Supervisor Hansen. Discussion included that the Commissioners discussed revisiting this in 2020. Supervisor Barfknecht Called the Question, seconded by Chair Palmquist. *Motion carried 3-2, with Supervisors Hansen and Ceminsky opposed. Vote on the original motion failed 2-3, with Supervisors Barfknecht, Palmquist and Murphy opposed.*

Supervisor Barfknecht suggested borrowing funds from the hard surface fund for Eureka Estates and Rice Lake. Supervisor Ceminsky pointed out that the money would have to come out of the General Fund to pay it back, which will leave a shortage for next year.

Supervisor Barfknecht requested to begin placing all attorney input items at the beginning of the agenda to reduce attorney costs due to long meetings.

The Town Board took the following actions to cover the budget shortage:

*Motion:* Supervisor Hansen moved to cash in the general fund CD in the amount of \$39,942.44 with maturity date of June 29, 2021, seconded by Supervisor Ceminsky. *Motion carried 3-0*, with Supervisors Hansen and Ceminsky abstaining.

*Motion:* Supervisor Ceminsky moved to approve the following:

1. Township administration cost savings of \$2,000 from the reduction in pay for the Town Board and Planning Commission.
2. Reduce the legal expense budget by \$10,000.
3. Reverse the July transfer to the consultant fee and not make the December transfer totaling \$15,000
4. Reverse the July transfer to town hall capital improvement fund and not make the December transfer totaling \$5,000.
5. Transfer \$25,000 from the consultant fund.
6. Cash in the CD in the amount of \$39,942.44.

*Motion* seconded by Supervisor Hansen. *Motion carried 4-0*, with Supervisor Hansen abstaining.

*Motion:* Supervisor Hansen moved to approve the Bills and Receipts as amended, seconded by Vice Chair Murphy. A roll call vote was taken:

Butch Hansen: Aye  
Tim Murphy: Aye  
Donovan Palmquist: Aye  
Lu Barfknecht: Aye  
Mark Ceminsky: Aye

*Motion carried 5-0.*

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

#### Chub Lake Crossing Gate Quotes

Bryce Otte presented two quotes for installing gates at Chub Lake Crossing: L Mfg & E, Inc. in the amount of \$6,680 per gate and Peterson Equipment, Inc. in the amount of \$6,600 per gate.

*Motion:* Chair Palmquist moved to accept the quote from Peterson Equipment in the amount of \$6,600 per gate, totaling \$13,200, seconded by Vice Chair Murphy with a friendly amendment by Supervisor Hansen to apply reflective paint to the gates. *Motion carried 3-0*, with Supervisors Hansen and Ceminsky abstaining.

## **New Business**

### New Complaint

The Board acknowledged receipt of a new complaint.

*Motion:* Chair Palmquist moved to assign Supervisor Hansen and Supervisor Ceminsky to investigate the complaint and report their findings to the Board next month, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

The Clerk was directed to research if there have been any previous complaints for the property.

### Notification of surrounding communities for the broadcast tower

*Motion:* Supervisor Ceminsky moved that the Clerk should not send out notices to surrounding communities of the public hearing for the request of a broadcast tower, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

### Annexation to the City of Lakeville

The Board received a request from Progressive Resources, Inc. to approve their intent to annex the parcel with PID# 13-00500-01-013 into Lakeville. Supervisor Ceminsky moved to approve the annexation request, seconded by Supervisor Hansen. Discussion included that the city of Lakeville would first need to agree to the annexation request. Supervisors Ceminsky and Hansen agreed to table the item until next month's meeting.

## **Old Business**

### MN Paving & Materials monthly report

The Board acknowledged receipt of the required monthly report from Mike Callahan.

### MN Paving & Materials request to mine the west side of the pit

Mike Callahan, Environmental Manager for MPM requested guidance from the Board to amend their Interim Use Permit to include a phasing plan to mine the west side of the pit.

*Motion:* Vice Chair Murphy moved to have Attorney Lemmons review the file and respond back to MPM no later than September 24, 2019 outlining the Ordinance requirements, seconded by Chair Palmquist. *Motion carried 5-0.*

### Eureka Estates Out Lots

The Township has a document stating that the Rice Lake Estates open space/park area out lots are dedicated to Eureka Township. Attorney Lemmons pointed out that the document was never recorded.

Attorney Lemmons discussed his opinion on the documents for Eureka Estates relating to out lots B & C. The certificate of title contains no language dedicating the out lots for utility or drainage easements. The out lots are held by Eureka Estates Home Owner's Association, Inc., with the members being all owners in the 1<sup>st</sup> Addition. He advised that the best course of action would be to re-form the Association, elect officers, then either approve to grant an easement to the Township or convey the out lots to the Township.

*Motion:* Supervisor Hansen moved to direct Attorney Lemmons to execute recording of the documents dedicating of the Rice Lake Estates out lots to the Township, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

#### Ordinance for Broadcast Towers

Attorney Lemmons provided a draft of Resolution 2019-08 adopting language allowing for radio broadcast towers in the Township. There were three minor issues to correct prior to executing. (See attached)

*Motion:* Supervisor Hansen moved to adopt Resolution 2019-08, adding Ordinance 3, Chapter 2, Section 2 in the form provided to the Town Board from the Township Attorney with the exceptions noted tonight, Seconded by Supervisor Ceminsky. *Motion carried 4-0,* with Supervisor Barfknecht abstaining.

*Motion:* Supervisor Hansen moved to authorize the Town Chair and Town Clerk to sign and execute the Resolution, seconded by Supervisor Ceminsky. *Motion carried 4-0,* with Supervisor Barfknecht abstaining.

Attorney Lemmons provided a draft of a summary of Ordinance 2019-08 for publication. (See attached)

*Motion:* Supervisor Hansen moved to adopt the language in the summary provided by the attorney and to direct the Clerk to post and publish the summary, seconded by Supervisor Ceminsky. *Motion carried 4-0,* with Supervisor Barfknecht abstaining.

*Motion:* Supervisor Hansen moved to direct the Clerk to submit the Ordinance to the library, seconded by Supervisor Ceminsky. *Motion carried 4-0,* with Supervisor Barfknecht abstaining.

#### Parking Ordinance Amendment status

Attorney Lemmons submitted the amendment to the District Court, which was accepted. The fine for violating the parking ordinance will be \$100 if a citation is issued.

#### Dakota County commercial zoning in Eureka Township

The County has no zoning authority in the Township, the classification of commercial on tax records is for tax purposes only. Attorney Lemmons agreed to send a letter to the County Assessor requesting that the records be corrected, and will report back to the Board in October.

#### Airlake Airport Annexation Joint Resolution approval

Attorney Lemmons requested that the Board table approval until the October meeting to allow time to clarify the PID numbers that are listed on the joint resolution.

#### Road Supervisor Status

Chair Palmquist asked Supervisors Ceminsky and Hansen to state whether or not they are officially resigning their positions as Road Supervisors. Supervisor Ceminsky requested to table the item until the end of the agenda.

Planning Commission meeting dates

This item was previously addressed during the Planning Commission update.

**Other Business**

Clerk Update

1. ISD 194 Special Election in November

Lakeville school district will be holding a special election at Eureka Town Hall in November. They will require the Clerk's attendance during the election.

2. North Cannon Watershed JPA tabled until November

North Cannon Watershed has tabled the joint powers agreement until November to allow time for their attorney to review the issues that were brought to their attention.

**Approval of Meeting Minutes**

Approve the August 12, 2019, Town Board meeting minutes

Supervisor Barfknecht requested the following changes: Supervisor Ceminsky seconded the motion to approve the bills and receipts on page 5, add information regarding Supervisor Barfknecht's motion on page 3 as to why the motion to hold a special meeting was made.

*Motion:* Vice Chair Murphy moved to approve the August 12, 2019, Town Board meeting minutes as amended, seconded by Chair Palmquist. *Motion carried 5-0.*

**Adjournment**

*Motion:* Supervisor Ceminsky moved to adjourn the meeting, seconded by Vice Chair Murphy. *Motion carried 5-0.*

**Meeting adjourned at 11:23 p.m.**

Respectfully submitted,

Ranee Solis

Ranee Solis, Town Clerk

Minutes Officially Approved By:



Town Chair

on: 12/16/19  
Date

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**TOWN BOARD MEETING OF OCTOBER 15, 2019**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:05 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Members Present: Donovan Palmquist (Chair)  
Tim Murphy (Vice Chair)  
Butch Hansen (Supervisor)  
Mark Ceminsky (Supervisor) arrived at 8:45 p.m.  
Lu Barfknecht (Supervisor) attended remotely via Skype

Others Present: Chad Lemmons (Kelly & Lemmons)  
Randy Wood (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 item D. Trees over roadways-farm equipment under New Business.
2. Add item E. Resolution to add a referendum to the ballot in March under New Business.
3. Add item B. (4) Eureka Estates out lots under Old Business.
4. Add item F. Noise Ordinance under New Business.

*Motion:* Chair Palmquist moved to approve the Agenda as amended, seconded by Supervisor Hansen. *Motion carried 4-0.*

Chair Palmquist announced that there are a few agenda items that Supervisor Ceminsky requested to be tabled until he arrives at the meeting.

**Public Comment**

Lauren Krebsbach and Alex Turner, 9230 240<sup>th</sup> St. W. spoke regarding the lack of dust coating on 240<sup>th</sup> and asked if there were any other options, such as reducing speed limits or paving the road.

Nancy Sauber, 9445 225<sup>th</sup> St. W. spoke regarding freedom of speech and frivolous complaints. See attached.



Chair Palmquist asked if there were any others who would like to speak. Hearing none, the Public Comment period was closed.

### **Citizen Business**

(None)

### **Planning Commission Update (Randy Wood – Liaison)**

Commissioner Wood provided an update of the October Planning Commission meeting:

- Determined that deck permits are over-the-counter.
- Recommended approval of a cluster agreement for John Storlie.
- Recommended approval of a lot split for Wayne Hallcock.
- Recommended approval of a CUP and solar energy permit for Charles and Kathleen Kauffman.
- Recommended approval of a CUP and broadcast tower for Jerome Phillipe.
- Discussed the annual Road Tour and whether it should be cancelled due to budget constraints.

### **Permit Requests**

(None)

### **Land Use Requests**

John Storlie, 23449 Dodd Blvd, PID 13-00700-75-020 – Cluster Agreement

*Motion:* Chair Palmquist moved to approve the cluster agreement application for John Storlie on PID# 13-00700-75-020, seconded by Supervisor Hansen. *Motion carried 4-0.*

Wayne Hallcock, 5355 280<sup>th</sup> St. W., PID 13-03600-51-022 – Lot Split

Eric Ruud, Mr. Hallcock's representative, discussed the setback issue and agreed to make the necessary changes and present a new survey.

*Motion:* Vice Chair Murphy moved to approve the lot split application for Wayne Hallcock on PID# 13-03600-51-022 pending verification of proper lot width of 250 feet, seconded by Chair Palmquist with a friendly amendment that the applicant must submit a copy of the revised lot width from the surveyor. *Motion carried 3-1, with Supervisor Hansen opposed.*

Charles and Kathleen Kauffman, 25506 Ipava Ave., PID 13-02000-52-014 – Solar Energy CUP and Building Permit

*Motion:* Vice Chair Murphy moved to approve the solar energy CUP and building permit for Charles and Kathleen Kauffman on PID# 13-02000-52-014, seconded by Supervisor Hansen. *Motion carried 4-0.*

Jerome and Jeffrey Phillipe, 10113 280<sup>th</sup> St. W., PID 13-03100-52-014 – Broadcast Tower CUP and Building Permit

*Motion:* Supervisor Hansen moved to table this item until Mr. Phillipe and his representatives have arrived, seconded by Chair Palmquist. *Motion carried 4-0.*

Joint Resolution with Lakeville: Orderly Annexation Agreement

*Motion:* Vice Chair Murphy moved to approve the joint resolution for an orderly annexation agreement with the city of Lakeville, seconded by Chair Palmquist. *Motion carried 4-0.*

Joint Powers Agreement with Lakeville: City-Town Line Road Maintenance Agreement for 225<sup>th</sup> St. W.

*Motion:* Vice Chair Murphy moved to approve the joint powers road maintenance agreement with the city of Lakeville, seconded by Chair Palmquist. *Motion carried 4-0.*

**Treasurer's Report**

Treasurer Wilson presented the Treasurer's Report for October 15, 2019: Checking account balance: \$1,343.33; Outstanding checks: \$279.05; Savings account balance: \$338,602.14; CD accounts balances: \$67,125.31; Petty cash balance \$100; Total account balances: \$406,791.73.

*Motion:* Vice Chair Murphy moved to approve the Treasurer's Report as submitted, seconded by Chair Palmquist. *Motion carried 4-0.*

Bills and Receipts

*Motion:* Vice Chair Murphy moved to approve the bills and receipts as submitted, seconded by Chair Palmquist. Roll Call Vote: Charles Hansen: Aye

Tim Murphy: Aye

Donovan Palmquist: Aye

Lu Barfknecht: Aye

*Motion carried 4-0.*

Budget

The Town Board reviewed the budget worksheet. Treasurer Wilson brought up the moving of funds that were approved last month and asked the Board's opinion on where to apply those funds in the budget. Supervisor Barfknecht requested that Marcia Wilson draft a proposal of her suggested placement and present it to the Board next month.

Remaining Reports: Outstanding Invoices/Escrows/Permit Worksheet

The Town Board reviewed the following reports prepared by Treasurer Wilson: Outstanding checks, Disbursements, Current Investments, Cash Control Statement, Escrow/Bond accounts and Permit Worksheet.

Treasurer Wilson asked if the text amendment escrow for Jerome Phillipe could be returned at this time.

*Motion:* Supervisor Hansen moved to table the return of the text amendment escrow until the numbers have been confirmed, seconded by Chair Palmquist. *Motion carried 4-0.*

**New Business**

Prairie Creek - CUP Annual Review

Chair Palmquist opened the floor for comments. Hearing none, the public comment period was closed.

*Motion:* Chair Palmquist moved to accept the annual review for Prairie Creek, seconded by Vice Chair Murphy. *Motion carried 4-0.*

Resolution to terminate the Rural Solid Waste Commission

*Motion:* Vice Chair Murphy moved to approve the resolution to terminate the Rural Solid Waste Commission, per their request, seconded by Supervisor Hansen. *Motion carried 4-0.*

Noise Ordinance

In reference to follow up on a noise complaint, Chair Palmquist asked Attorney Lemmons if it would be proper to send a violation letter to the offenders.

*Motion:* Supervisor Hansen moved to direct Attorney Lemmons to draft and send a registered letter to the offenders, seconded by Chair Palmquist with a friendly amendment to include state statutes and township ordinances that are being violated. *Motion carried 4-0.*

**Old Business**

Mn Paving & Materials monthly report

Mike Callahan presented the monthly report to the Board. He asked the Board to advise him on the process to amend their IUP mining plan. The Board agreed that making application to the Clerk would begin the process.

Recording of documents dedicating Rice Lake out lots to the Township

Attorney Lemmons stated he had not yet addressed this and would contact the County tomorrow.

Letter to County Assessor regarding commercial taxing of properties

Attorney Lemmons stated that the County applies tax classification uniformly across the County based on use, and that land owners must file a petition appealing the tax value before April 30<sup>th</sup> of the year in which the taxes are assessed.

Complaint Update - Water across property on 257<sup>th</sup> St. W.

Supervisor Hansen provided the following update: they cleared a blocked culvert on 257<sup>th</sup> and determined that another blocked culvert, owned by Progressive Rail Road, needs to be addressed.

*Motion:* Chair Palmquist moved to direct the Clerk to send a letter to Progressive Rail Road requesting that they clear the blocked culvert, seconded by Supervisor Hansen. *Motion carried 4-0.*

**Other Business**

Town Hall Rental

The Clerk asked for clarification on whether or not residents can rent out the Town Hall. The Board agreed that rental of the Town Hall is no longer being allowed.

Town Hall Septic System Maintenance

The Clerk received a notice from La Roche's that the septic system is due for maintenance. Supervisor Hansen stated that the septic system was emptied last fall due to an issue and asked Treasurer Wilson to verify that it had been done.

## **Approval of Meeting Minutes**

### Approve the September 9, 2019, Town Board Meeting Minutes

Treasurer Wilson requested that the financial information be removed from the minutes and provide only the first page, titled Treasurer's Report, and Claims pages as attachments to the minutes.

*Motion:* Chair Palmquist moved to approve the September 9, 2019 minutes as amended, seconded by Supervisor Hansen. *Motion carried 4-0.*

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

- Stakes have been placed for the location of the new gates on Grenada.

*\*Supervisor Ceminsky arrived and joined the meeting*

Supervisor Ceminsky stated that calls have been received regarding trees in the right-of-way's which are interfering with combines and other farm equipment.

*Motion:* Supervisor Ceminsky moved to approve up to \$4,500 for tree removal on 245<sup>th</sup>, Grenada and Denmark, seconded by Vice Chair Murphy. *Motion carried 5-0.*

*Motion:* Supervisor Hansen moved to relieve the Planning Commission of the fall Road Tour and to revisit it at the Re-Organization meeting next spring, seconded by Chair Palmquist. *Motion carried 5-0.*

### Jerome and Jeffrey Phillipe, 10113 280<sup>th</sup> St. W., PID 13-03100-52-014 - Broadcast Tower CUP and Building Permit

*Motion:* Supervisor Hansen moved to not attach Carrie Jennings comments to the Public Hearing minutes, seconded by Supervisor Ceminsky. Supervisor Hansen agreed to table this item to allow for Attorney Lemmons to research this request. *Motion to table carried 3-1*, with Supervisor Barfknecht opposed and Vice Chair Murphy abstaining.

*Motion:* Supervisor Hansen moved to approve the broadcast tower CUP for Jerome and Jeffrey Phillipe on PID# 13-03100-52-014, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

*Motion:* Supervisor Hansen moved to approve the building permit for Jerome and Jeffrey Phillipe on PID# 13-03100-52-014, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

### Resolution to add a referendum to the ballot in March

*Motion:* Supervisor Ceminsky moved to add a referendum question on the ballot on whether or not to have commercial districts. *Motion failed due to lack of a second.*

Attorney Lemmons suggested a fully detailed, non-binding referendum. Chair Palmquist suggested that the residents should be provided with information as to the cost of commercial zoning to the Township. The Board authorized the Attorney to research adding a referendum question to the ballot.

*Motion:* Supervisor Hansen moved to put a non-binding referendum on the ballot for a vote on commercial zoning at the annual election, seconded by Supervisor Ceminsky. *Motion failed 2-3*, with Supervisors Barfknecht, Murphy and Palmquist opposed.

Driveway Regulations

*Motion:* Supervisor Ceminsky moved for the Planning Commission to review Ordinance 3, Chapter 3, Section 5 to consider a condition which requires driveways be offset on adjoining roads, and to review Mn Stat. Chapter 169, seconded by Supervisor Barfknecht. *Motion carried 4-1*, with Supervisor Hansen abstaining.

Road Supervisor Status

Supervisor Ceminsky expressed his interest in continuing his role as Road Supervisor for the Township.

**Adjournment**

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

**Meeting adjourned at 10:05 p.m.**

Respectfully submitted,

Ranee Solis

Ranee Solis, Town Clerk

Minutes Officially Approved By:

  
Town Chair

on:

12/16/19  
Date

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**TOWN BOARD MEETING OF NOVEMBER 12, 2019**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:03 p.m. by Vice Chair Tim Murphy and the Pledge of Allegiance was given.

Members Present: Donovan Palmquist (Chair) attended remotely via Skype  
Tim Murphy (Vice Chair)  
Lu Barfknecht (Supervisor)

Members Absent: Mark Ceminsky (Supervisor)  
Butch Hansen (Supervisor)

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.

**Skype Discussion**

Vice Chair Murphy explained that the Board received a complaint by Supervisor Ceminsky against using Skype for one of the Supervisors to join the meeting. He stated that the Board did allow Supervisor Barfknecht, last month, to participate via Skype on the recommendation and approval of the township's legal counsel, and Supervisor Ceminsky is challenging that. He further explained that, in Supervisors Hansen and Ceminsky's absence, the panel would have a quorum to conduct the township's business tonight with the approval of Supervisor Palmquist to attend the meeting via Skype.

Attorney Lemmons asked to be allowed to go through the requirements to conduct a meeting using interactive television, which includes Skype:

According to Minnesota Statute 13D.02, a meeting may be conducted by interactive television if all four of the following requirements are met:

- At least one town board member is physically present at the regular meeting location. We have two here.
- The town board members that are present here, as well as the town board member appearing via Skype, must be able to hear and see each other and all discussion and testimony presented at any location, which would include the location via Skype.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes of all town board members. He then asked if all of the audience members could see Supervisor Palmquist on the monitor. The audience members were asked to move to a chair in which they would be able to see the

monitor. It was confirmed that the audience was able to see Supervisor Palmquist on the monitor and that Supervisor Palmquist was able to see the Town Board Supervisors, the attorney and the audience members. It was also confirmed that Supervisor Palmquist could be heard by all bodies in the room and vice versa.

- Attorney Lemmons asked for Supervisor Palmquist's location, to which he replied he was at the Comfort Inn in Oklahoma City, Oklahoma on Reno Avenue. Attorney Lemmons asked for confirmation that it would be possible for a member of the public to monitor this if they wished, electronically. Supervisor Palmquist responded yes.

*Motion:* Vice Chair Murphy moved to allow Supervisor Palmquist to attend the meeting via Skype as a normal participating member of the Town Board, seconded by Supervisor Barfknecht. Vice Chair Murphy asked if any audience members were opposed to allowing Town Board Supervisors to participate in meetings remotely. There were no objections.  
*Motion carried 3-0.*

### **Approval of the Agenda**

The following changes were made to the agenda:

1. Add item F. Complaint – Illegal Business under New Business.
2. Add item G. Resolution approving settlement agreement for a building permit under New Business.

*Motion:* Vice Chair Murphy moved to approve the agenda as revised, seconded by Supervisor Barfknecht. *Motion carried 3-0.*

### **Public Comment**

Nancy Sauber, 9445 225<sup>th</sup> St. W. spoke regarding recent discussion and proposed action regarding driveway offsets. Comments attached.

Tim Murphy, 9110 225<sup>th</sup> St. W. spoke regarding possibly changing the solar energy guidelines to allow higher wattage without a Conditional Use Permit.

Vice Chair Murphy asked three times if there were any others who would like to speak. Hearing none, the Public Comment period was closed.

### **Citizen Business**

Nancy Sauber, 9445 225<sup>th</sup> St. W. – Land use planning and referenda

Ms. Sauber spoke regarding whether land use planning is a legitimate topic for referenda and provided copies of Minnesota Court of Appeals case Nordmarken v. City of Richfield. See attached.

Trent Johnson – Henry Wall Estate, PID 13-02700-75-010 – Building Right

Mr. Johnson requested that the Board make a ruling on whether the property has a building right.

*Motion:* Supervisor Barfknecht moved to acknowledge that, as of this date, per research by the Planning Commission, the Henry Wall property with PID 13-02700-75-010 appears to have a building right, seconded by Vice Chair Murphy. *Motion carried 3-0.*

### **Sheriff's Department**

There was no representative present from the Sheriff's Department.

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

Bryce Otte provided the following:

- Tree trimming has started, Denmark Ave. has been completed.
- Chub Lake gates – the cages and columns are in, the goal is to have the gates up by Monday.
- All roads have been driven yesterday and today to pick up garbage.
- The County-installed light on Highview and County Road 80 might impede snow removal.

Vice Chair Murphy asked Bryce to double check for garbage on the north side of 225<sup>th</sup> St. W. between Friedges and the Molitor property.

### **Permit Requests**

(None)

### **Land Use Requests**

David and Lois Peterson, 6010 245<sup>th</sup> St. W., PID 13-01400-50-020 – Lot Split

*Motion:* Vice Chair Murphy moved to approve the lot split request for David and Lois Peterson for PID 13-01400-50-020 as recommended by the Planning Commission, seconded by Supervisor Barfknecht. *Motion carried 3-0.*

### **Planning Commission Update (Ralph Fredlund – Liaison)**

Commissioner Fredlund provided an update of the November Planning Commission meeting:

- Determined that Henry Wall Estate contains a building right.
- Recommended approval of a lot split for David and Lois Peterson.
- Scheduled a Public Hearing for a text amendment for driveway regulations on December 3<sup>rd</sup> at 7:45 pm.
- Scheduled a Public Hearing for a text amendment for building rights on December 3<sup>rd</sup> at 8:15 pm.

### **Treasurer's Report**

Treasurer Wilson presented the Treasurer's Report for November 12, 2019:

Checking account balance: \$2,693.70; Outstanding checks: \$983.05; Savings account balance: \$311,668.60; CD accounts balances: \$67,125.31; Petty cash balance \$100; Total account balances: \$380,604.56.

*Motion:* Vice Chair Murphy moved to approve the Treasurer's Report as submitted, seconded by Supervisor Barfknecht. *Motion carried 3-0.*

### **Net Pay and Claims**

*Motion:* Supervisor Barfknecht moved to approve the net pay and claims as submitted, seconded by Vice Chair Murphy. *Motion carried 3-0.*

Roll Call Vote: Donovan Palmquist: Aye

Lu Barfknecht: Aye

Tim Murphy: Aye



### Receipts and Disbursements

The Town Board reviewed the receipts and disbursements.

### Budget

The Town Board reviewed the budget worksheet. Treasurer Wilson suggested that the Board schedule a budget meeting in December.

*Motion:* The Town Board directed the Clerk to post a Special Town Board meeting on Monday, December 2<sup>nd</sup> at 7:00 pm.

Treasurer Wilson asked if the Board approved of her recommended changes to the budget. The Board responded that the recommended changes would be tabled until next month's meeting.

### Remaining Reports: Outstanding Invoices/Escrows/Permit Worksheet

The Town Board reviewed the following reports prepared by Treasurer Wilson: Outstanding checks, Disbursements, Current Investments, Cash Control Statement, Escrow/Bond accounts and Permit Worksheet.

Treasurer Wilson asked if the text amendment escrows for Jerome Phillippe/Milestone Radio and Charles and Kathleen Kauffman could be returned at this time.

*Motion:* Supervisor Barfknecht moved to reimburse the excess funds remaining in the solar energy CUP escrow for Kathleen Kauffman, and to bill Milestone Radio for the excess charges for the broadcast tower CUP and text amendment, seconded by Vice Chair Murphy. *Motion carried 3-0.*

Supervisor Barfknecht requested that the Clerk add Approval of Inspectron bill to the agenda for the Special Meeting on December 2, 2019.

### Town Hall Septic Pumping

The Clerk was directed to obtain two quotes for the septic pumping for Town Hall.

### **New Business**

#### Driveway Regulations – Planning Commission research and recommendation

Planning Commission Chair Ralph Fredlund reported that the County prefers to have driveways across from each other and suggested that the Board cancel the public hearing and drop the issue of driveway offsets for safety reasons as stated.

*Motion:* Vice Chair Murphy moved to recommend cancelling all proceedings to change the Township driveway ordinance, seconded by Supervisor Barfknecht. *Motion carried 3-0.*

#### Residential Building Rights – Jeff Otto

Jeff Otto, 25580 Dodd Blvd., requested the following:

1. Public Hearing for his proposed text amendment as submitted to the Planning Commission.
2. Approval for TKDA to obtain information from the County to re-create the 2012 map.

*Motion:* Vice Chair Murphy moved to approve up to \$1,000 for Jeff Otto to engage with TKDA, seconded by Supervisor Barfknecht. *Motion carried 3-0.*

#### Burial of Livestock

The Board directed the Clerk to notify the resident requesting to bury livestock on their property that it is allowed, and to forward the memo from Attorney Lemmons to them.

#### Fire Address Signs

*Motion:* Supervisor Barfknecht moved to table the item since Supervisor Ceminsky is not present to discuss his requested agenda item, seconded by Vice Chair Murphy. *Motion carried 3-0.*

#### Inspectron Permit Numbers

*Motion:* Supervisor Barfknecht moved to table the item since Supervisor Ceminsky is not present to discuss his requested agenda item, seconded by Vice Chair Murphy. *Motion carried 3-0.*

#### Complaint – Illegal Business

Supervisors Palmquist and Barfknecht were assigned to investigate the complaint.

#### Resolution approving Settlement Agreement

Vice Chair Murphy explained that a closed meeting was held to discuss a proposed settlement agreement offer to Scott's Co. Inc. regarding a building permit. Chair Palmquist, who was not present at the closed meeting, asked if the MATIT Attorney recommended the settlement agreement. Attorney Lemmons explained that he is awaiting a response from MATIT regarding the law suit. The Board agreed to pursue conversation with MATIT before rendering a decision on the matter.

#### **Old Business**

##### Mn Paving & Materials monthly report

Mike Callahan presented the monthly report to the Board. He requested a moratorium to extend into 2020, as the ready-mix plant is shut down for the season. The Board agreed to table this request until the December Town Board meeting.

##### Recording of documents dedicating Rice Lake out lots to the Township

Attorney Lemmons stated that he recorded the easement with the County.

##### Letter to offenders of the noise Ordinance

Attorney Lemmons stated that he sent a letter to the offender, as requested.

##### Referendum question research

This was discussed earlier in the meeting.

##### Public Hearing written comments included in the minutes

Attorney Lemmons discussed his memo, stating that there are two parts to consider:

1. What is protected speech vs. what is not protected speech. He referred the Board to *State of Minnesota v. Sharkey* as an example of what the town must allow as protected speech.
2. What kind of records must you keep? The statement from the State Auditor's office state that under Minnesota Statute you must maintain minutes that are accurate and with enough detail to support and explain the decisions made. What is in the minutes is at the Board's discretion, you do not have to accept written statements as part of the minutes. There is a complication in that MAT feels that if you retain the recordings of your meetings, you should treat those as public records and retain them. Attorney Lemmons stated that, in his opinion, if your policy is to retain recordings you should retain any written statements as well. If you destroy the recordings you have the right to destroy the written statements as well. In regard to Ms. Jennings statement, it was read into the recording and submitted in writing as well. Vice Chair Murphy commented that the Chair has, at his or her discretion, the ability to cut off unprotected speech at a meeting. The Board agreed that no action was necessary.

#### Progressive Rail letter regarding blocked culvert

The Clerk presented the letter that was sent to Progressive Rail.

#### Dumping of leaves/grass in ditches

The Clerk was directed to send a letter to the resident stating that leaves cannot be deposited into the road right-of-way.

#### Septic system/holding tank application and instructions for approval

Motion: Vice Chair Murphy moved to approve the septic application and instructions as presented, seconded by Supervisor Barfknecht. Motion carried 3-0.

#### General Code Organizational Analysis approval

The Clerk pointed out that she erroneously applied the next consecutive resolution number to the parking ordinance.

Motion: Supervisor Barfknecht moved for the Clerk to change Resolution 2019-08 to Ordinance 2019-01, seconded by Vice Chair Murphy. Motion carried 3-0.

#### MAT Annual Conference registration

Motion: Vice Chair Murphy moved to approve for Donovan Palmquist to attend the MAT Annual Conference, seconded by Supervisor Barfknecht. Motion carried 3-0.

#### **Other Business (None)**

#### **Approval of Meeting Minutes**

##### Approve the October 15, 2019, Town Board Meeting Minutes

Motion: Vice Chair Murphy moved to approve the minutes as submitted, seconded by Chair Palmquist. Motion carried 3-0.

#### **Adjournment**

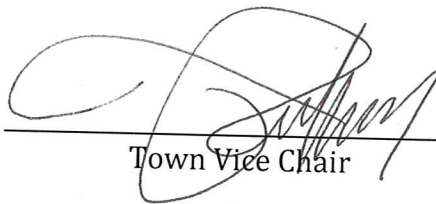
*Motion:* Supervisor Barfknecht moved to adjourn the meeting, seconded by Vice Chair Murphy. *Motion carried 3-0.*

**Meeting adjourned at 9:28 p.m.**

Respectfully submitted,

Ranee Solis  
Ranee Solis, Town Clerk

Minutes Officially Approved By:

  
Town Vice Chair

on: 12-16-19.  
Date

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**SPECIAL TOWN BOARD MEETING OF DECEMBER 2, 2019**

**Call to Order**

The Eureka Township Special Town Board meeting was called to order at 7:02 p.m. by Chair Donovan Palmquist.

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

Members Absent: None

Others Present: Paul Reuvers (MATIT assigned Attorney)  
Ranee Solis (Town Clerk)

See attached list for all others in attendance.

**Discussion of the 2021 Budget**

Supervisor Ceminsky discussed his opinion that the road budget would need to be increased an additional \$100,000 for 2021. Supervisor Barfknecht requested that Supervisor Ceminsky provide a list of the proposed work to be done to justify the suggested increase. The Board agreed to table discussion of the 2021 budget to allow each Supervisor to analyze it and revisit it next month.

**Discussion of Inspectron's Bill**

Supervisor Ceminsky informed the Board that there are errors in the billing and Inspectron has not submitted any inspection reports.

*Motion:* Supervisor Hansen moved to table the Inspectron bills until they come to next month's meeting with proper paperwork supporting their claims, seconded by Vice Chair Murphy. *Motion carried 5-0.*

*Motion:* Supervisor Ceminsky moved to send Inspectron a letter stating that payment of the invoices will not be forwarded until the required paperwork has been received, seconded by Supervisor Hansen. *Motion carried 5-0.*

**End of month payroll check pre-signing**

The Board assigned Supervisors Hansen and Murphy to sign the end of month paychecks each month. Treasurer Wilson is to notify them that the checks are ready for signature. If they are unavailable, they are responsible for finding a substitute to sign them.

**Text amendment for solar energy**

*Motion:* Vice Chair Murphy moved to authorize the Planning Commission to research changing the solar energy ordinance to match the current County and State regulations, seconded by Supervisor Barfknecht. *Motion carried 3-0*, with Supervisors Ceminsky and Hansen abstaining.

**Closed Session**

*Motion:* At 8:20 pm, Vice Chair Murphy moved to enter a closed session with its attorneys under Minn. Stat. §13D.05, Subd. 3(b) to discuss the pending litigation of *The Scotts Company and Hyponex v. Eureka Township*, venued in Dakota County, followed by an open session concerning the same matter, seconded by Chair Palmquist. *Motion carried 5-0.*

*Motion:* At 9:00 pm, Vice Chair Murphy moved to enter an open session, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

Chair Palmquist summarized that a closed meeting was conducted to discuss pending litigation with Attorney Paul Reuvers and the Board is awaiting additional information.

**Adjournment**

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

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Ranee Solis  
Ranee Solis, Town Clerk

Minutes Officially Approved By:  on: 2-10-2020  
Town Chair Date

**EUREKA TOWNSHIP**

**DAKOTA COUNTY  
STATE OF MINNESOTA**

**TOWN BOARD MEETING OF DECEMBER 9, 2019**

**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: Martin Norder (Kelly & Lemmons)  
Bill Funk (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. Move the Sheriff's Department update before Public Comment.
2. Remove New Business item A. Scotts Resolution in accordance with the recent attorney correspondence.

*Motion:* Vice Chair Murphy moved to remove item A. Scotts Resolution from the agenda, seconded by Chair Palmquist. *Motion carried 3-0*, with Supervisors Hansen and Ceminsky abstaining.

3. Remove Old Business item A. Driveways as it was addressed last month. Supervisor Ceminsky requested that the item remain on the agenda due to new information to present. The Board agreed to allow the item to remain.

*Motion:* Supervisor Barfknecht moved to approve the agenda as amended, seconded by Vice Chair Murphy. *Motion carried 3-2*, with Supervisors Hansen and Ceminsky opposed.

**Sheriff's Department**

The Sheriff's Deputy reported that the roads were icy due to the snow storm. Georgie Molitor requested to have a deputy patrol 225<sup>th</sup> St. between 8:30-9:30 am due to speeding vehicles during school bus pick up.

**Public Comment**

A. Those signed in  
(None)

B. All others  
(None)

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

**Citizen Business**

(None)

**Mn Paving & Materials monthly report**

Mike Callahan presented the MPM monthly progress report. He announced that the gravel pit and ready-mix plant were closed for the year. He requested a moratorium to extend into 2020. Supervisor Hansen directed him to submit his request in writing for next month's meeting. Chair Palmquist and Vice Chair Murphy volunteered to follow up with Mr. Callahan.

**Road Contractor Update (Otte Excavating)**

(None)

**Planning Commission Update**

Commissioner Bill Funk provided an update for the December 3, 2019 Planning Commission meeting as follows:

- Oren Larson lot split was not considered due to issues with the application. A special meeting was requested by the applicant to review the new applications for consideration at the December Town Board meeting.
- Approved the Findings of Fact for the Phillippe radio broadcast tower.
- The Public Hearing for the building rights text amendment was re-scheduled for January 7, 2019 at 7:30 pm.
- Received direction from the Board to research changes to the solar energy ordinance to match power company and County regulations and remove the CUP requirement for residential uses.
- Approved the November 6, 2019 Planning Commission meeting minutes.

Supervisor Hansen stated that the building rights text amendment language needs to be presented to the Board for approval prior to scheduling the public hearing.

**Permit Requests**

(None)

**Land Use Requests**

Oren Larson Estate, 10111 267<sup>th</sup> St. W., PID 13-03000-51-010/13-03000-32-010 - Lot Split  
*Motion:* Supervisor Hansen moved to approve the four lot split applications as recommended by the Planning Commission, seconded by Chair Palmquist, with a friendly amendment by Supervisor Barfknecht to include the following:



Application #1 containing Parcel A with PIN 13-03000-51-010, consisting of 78.224 acres, Parcel C consisting of 20.024 acres to be split with Parcel A, and Parcel E consisting of 58.200 acres to be split from Parcel A;

Application #2 containing Parcel B with PIN 13-03000-32-010, consisting of 39.220 acres, Parcel D consisting of 1.982 acres, to be split from Parcel B, and Parcel F consisting of 37.238 acres to be split from Parcel B;

Application #3 containing Parcel C consisting of 20.024 acres, Parcel D consisting of 1.982 acres and Parcel G containing 22.006 acres, merger of Parcels C and D;

Application #4 containing Parcel E consisting of 58.200 acres, Parcel F consisting of 37.238 acres and Parcel H containing 95.438 acres, merger of Parcels E and F.

*Motion carried 5-0.*

### **Treasurer's Report**

Treasurer Wilson presented a partial Treasurer's Report for December 9, 2019: Checking account balance: \$2,061.76; Outstanding checks: \$478.05; Savings account balance: \$286,817.01; CD accounts balances: \$67,125.31; Petty cash balance \$100; Total account balances: \$355,626.03.

*Motion:* Vice Chair Murphy moved to approve the Treasurer's Report as submitted, seconded by Chair Palmquist. *Motion carried 3-0*, with Supervisors Ceminsky and Hansen abstaining.

*Motion:* Supervisor Hansen moved to table the balance of the Treasurer's Report until it has been completed, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

The Board directed the Clerk to post a Special Town Board meeting for December 16, 2019 at 7:00 pm.

*Motion:* Supervisor Hansen moved to change the conference room into the Treasurer's office, seconded by Supervisor Ceminsky. *Motion failed 0-3*, with Supervisors Hansen and Ceminsky abstaining. Supervisor Barfknecht recommended that this be discussed at the Special Town Board meeting on December 16<sup>th</sup>.

### **New Business**

#### Inspectron billing/permit numbers/inspection reports

Supervisor Ceminsky requested that the Clerk schedule a meeting with two Inspectron representatives, the Clerk, the Treasurer and himself.

#### Fire address signs

This item was dismissed.

#### RFP for gravel and for dust coating

*Motion:* Supervisor Ceminsky moved to send out RFP's for gravel and dust coating to be reviewed at the February Town Board meeting, seconded by Chair Palmquist. *Motion carried 5-0.*

The Clerk was directed to post notice for bids on the Township website and the designated newspapers.

### Interactive Television

Supervisor Ceminsky expressed his concern that the Town Hall was not adequately equipped to allow for remote attendance of meetings.

*Motion:* Vice Chair Murphy moved to direct the Planning Commission to research the costs of implementing interactive television and video taping of meetings, seconded by Chair Palmquist. *Motion carried 3-0*, with Supervisors Hansen and Ceminsky abstaining.

### Bids for septic pumping at Town Hall

*Motion:* Supervisor Barfknecht moved to accept the quote from Otte Excavating in the amount of \$350 to pump the septic at Town Hall, seconded by Chair Palmquist. *Motion carried 5-0.*

### Resolution 2019-10 designating annual polling location

*Motion:* Vice Chair Murphy moved to adopt Resolution 2019-10 designating Town Hall as the official polling location, seconded by Supervisor Hansen. *Motion carried 5-0.*

## **Old Business**

### Driveways

Supervisor Ceminsky stated that the 42-page MNDOT Access Management Manual, which he only had one page of with him, states that driveways are supposed to be placed 50 feet from each other. He asked whether or not the Board wants him to follow the MNDOT Manual. Supervisor Hansen stated that the County will not allow driveways to be aligned with one another. Vice Chair Murphy stated that this statement directly contradicts the information we received from Butch McConnel at the County last month. Supervisor Barfknecht requested that Supervisor Ceminsky provide the MNDOT Manual, in its entirety, to the Clerk to be forwarded to the Town Board and the Planning Commission for review. Commissioners Funk and Fredlund stated that they provided information from their research to the Clerk last month. The Clerk acknowledged that the information was in the Town Board's meeting packet last month.

### North Cannon Extension Amendment

*Motion:* Vice Chair Murphy moved to accept the amendment to the joint powers agreement to protect and manage the Northern Cannon River Watershed, agreement #2000 and to authorize the Chair and Clerk to sign on behalf of the Township, seconded by Chair Palmquist. *Motion carried 3-0*, with Supervisors Ceminsky and Hansen abstaining.

## **Other Business**

### Road Right-of-Way letter to NPL

*Motion:* Supervisor Hansen moved to direct the Clerk to send a certified letter to NPL indicating that there will be no permits issued for work in our right-of-way until the requested right-of-way permit for work done on 235<sup>th</sup> has been satisfied, giving them 15 days to do so, seconded by Supervisor Ceminsky with a friendly amendment to cc: Mn Energy as well. *Motion carried 5-0.*

Letter to resident regarding leaves in the ditches

Supervisor Ceminsky requested that a second letter be sent to the resident requesting that they clear the leaves from the ditches.

Complaint on 280<sup>th</sup> follow up

Supervisor Palmquist provided that there does appear to be an unauthorized landscaping business at the property in question and the property is not owner-occupied.

*Motion:* Chair Palmquist moved to send an ordinance violation letter to the owner of the property, as well as the tenant, informing them to appear before the Board at the January meeting to address the violation, seconded by Supervisor Hansen. *Motion carried 5-0.*

**Approval of Meeting Minutes**

Approve the November 12, 2019, Town Board Meeting Minutes

Supervisor Barfknecht requested that the Clerk add the entire discussion regarding Skyping into the minutes, and to note that Vice Chair Murphy asked three times if there were any attendees who would like to speak during the public comment period.

*Motion:* Chair Palmquist moved to table approval of the November 12, 2019, Town Board meeting minutes until January, seconded by Vice Chair Murphy. *Motion carried 3-0, with Supervisors Ceminsky and Hansen abstaining.*

**Adjournment**

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

Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Ranee Solis

Ranee Solis, Town Clerk

Minutes Officially Approved By:



Town Chair

on: 2-10-2020

Date