

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

**TOWN BOARD MEETING OF DECEMBER 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 meeting 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: Township Attorney Chad Lemmons, Nancy Sauber, Julie Larson, Randy Wood, Bill Clancy, Brian Ahern, Jody Arman-Jones, Jeff Otto, Dan and Char Adelmann, Brian Nelson, Kevin Sullivan, Bob Erickson, and Jim Sauber.

**Approval of the Agenda**

Supervisor Fredlund added Old Business items G., Update on meeting room equipment, and H. Code Project to the agenda. Under Other Business, items were added for Inspectron building permits on their website and Clerk Discussion.

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

**Public Comment**

Nancy Sauber, 9445 225<sup>th</sup> St. W., Lakeville

I have fielded a number of calls from property owners and realtors regarding the buildability of various parcels. In doing so, I have been informed that there is evidently a "rumor" in the Township that our housing density is going to go to 1 house on five acres. I do not know who has been circulating such rumors, but to do so in my opinion is grossly irresponsible.

We have visited this topic with the Met Council repeatedly over the years. And they have repeatedly advised that they see us as Ag, or 1 in 40 (in our case 1 per quarter-quarter), until 2040 at the earliest.

The Met Council representative, Wendy Wulff, has indicated that it was "highly unlikely" that such a change would be approved Township-wide. She put forth the option as a possibility to be explored and vetted by the Council of a smaller area for such a change. Recent conversations during Board meetings with the Planning Commission have resulted in no designation of a particular area and the rationale, including showing the demand for such an increase. Wendy Wulff has been advised that the Township currently has roughly 400 undeveloped housing rights: half from undeveloped qtr-qtrs and half from Pre-1982 Lots of Record.

I believe the Board has an obligation to send out information to the citizenry correcting this unfortunate rumor with some actual facts. Such a message could include the three ways someone has a building right or can get one, the conversations with the Met Council's three representatives/staff, the history of the Council's comments on this topic at various public meetings in Eureka, and even, perhaps, a caution about putting any faith in these rumors.

These rumors are exactly the raising of "false hopes" through unrealistic efforts that I have raised at various public meetings recently. I remind the Board of the reaction from citizens from the recommendation from the Citizens Advisory Committee a few years back. This proposal was to make the western part of the Township Rural Residential. The reaction was very negative from both sides of the Township and the suggestion was dropped.

Please inform your constituents of the actual facts and stop such rumors. Thank you.

Jeff Otto, 25580 Dodd Blvd., Lakeville

Good evening. I have become aware of recent interest regarding possible zoning changes in Eureka.

My comments are to share relevant background and experience on the subject and the steps necessary to pursue this consideration. I am not a professional development planner but I have been directly involved in several Eureka initiatives and task force studies working with professional planners and interfacing with Met Council personnel.

There is far more I would be happy to share, for no charge, than can possibly be covered in three minutes. I will summarize and look forward to a more detailed discussion at your convenience.

In 2006-7, I joined the Eureka Citizen's Advisory Committee outreach to involve more residents in the planning process for the 2008 Comprehensive Plan Update. This update every ten years is required of 700 entities within the seven-county jurisdiction of the Metropolitan Council. Our Committee worked with Mr. Bill Weber, a professional municipal planner. One of the topics discussed at length involved zoning and possible approaches to consider for additional residential building rights. Two possibilities were discussed that would try to avoid a major economic pitfall Mr. Weber advised us about related to 8 rights per quarter-quarter Section (average 5 acres each).

The reason regional planning agencies like the Met Council exist in most major metropolitan areas across the country is the recognized need to coordinate development. This is to avoid expensive condemnation disruption and rebuilding to meet the needs of high-density population growth. This strategy includes having cities build out fully before expanding to more land represented by rural townships. You need look no further than Lakeville and Farmington to see this strategy in play.

A second reason the Met Council will pay close attention to what Eureka might want to do is to avoid repeating a mistake they made more than two decades ago. They allowed rapid growth in Apple Valley that covered a lot of gravel resource. Eureka is one of the last six significant gravel sources for the Twin Cities area. Gravel is needed for secondary roads and subgrade, and to make concrete for roads, runways, foundations, buildings, and bridges.

I was on the Town Board during the final steps of the Comprehensive Plan Update. I was on the 2009 ordinance study team that included spelling out grandfathered housing right guidelines. I was part of the Commercial/Industrial Task Force study that included TKDA professional planner Sherri Buss.

I chaired the 2012-13 task force that resulted in the expanded building right transfer program because by then it was clear the Met Council was not ready to allow us to increase building rights when 40% of our existing building rights were unused.

As Board Chair, I personally filled out the Comprehensive Plan Amendment questionnaire. The reason I only needed to fill out about 15% of the questions was because we were not increasing housing density or making impactful zoning changes. It was quickly approved, which would not be the case with changes requiring market analysis, engineering studies to support traffic increases, sewer and water infrastructure, and water table impacts to name a few.

Zoning changes are not decisions a Township may make unilaterally. Met Council has been known to exercise lawsuits to force compliance with what they approve or disapprove.

Please tread carefully before committing the Township to expensive studies and plans Met Council may reject if not adequately and professionally supported as well as meeting their oversight mission goals.

Thank you.

### **Citizen Inquiry**

Bob Erickson presented information to the Board regarding Lakeville's city-wide discussion on race, "Envision Lakeville," started by the Lakeville mayor. Since Eureka has 250+ students in ISD 194, Mr. Erickson wanted to be sure that the Town Board was aware of this ongoing effort as some of the issues involve posting of certain items in school

classrooms. Many Eureka citizens have been taking part in these discussions, according to Mr. Erickson.

## **Road Report**

Road Superintendent Mark Henry was absent due to family matters. Donovan Palmquist gave a brief update.

Grading is being done to prepare the roads before they are frozen. There is trash along the roadways still awaiting removal by the Ottes as road contractors. Township ditches are being brush cut by Dale Kuchinka, who has done in this in the past.

Supervisor Ceminsky wanted to know how Mr. Kuchinka had been selected without Board weigh-in. He stated he believed that going with a new (different) contractor for this should have been discussed by the Board. He also questioned whether proper items such as liability insurance proof was turned in. Supervisor Ceminsky also questioned the ditches not being cleared after the cutting.

Supervisor Palmquist said these matters would be followed up on. Ditches are not typically cleared after brush cutting. He also noted that the Ottes' contract is not exclusive and that other contractors can be hired.

Supervisor Fredlund also noted that the Board had approved the budget for brush cutting.

Supervisor Barfknecht commented that the speed limit signs on 240<sup>th</sup> have still not been put in place, and the "Watch For Children" sign discussed previously has still not been moved to 240<sup>th</sup> St. W.

## **Planning Commission Update- Julie Larson, Commissioner**

\*Commissioner Larson reported on the three pending permits and stated that they have all been recommended for approval: Kevin Sullivan, accessory building pole shed; Brian Nelson, three-season porch with fireplace and deck; and Dan and Char Adelman for a change of a structure's use from Agricultural to single family dwelling. All three will be addressed by the Board at this meeting.

\*Ralph Fredlund gave the Board report as Mark Ceminsky, designated liaison, did not attend.

\*The Planning Commission's Policy and Procedures Manual is on hold until Ranee returns.

\*Research has begun on updating the wind energy ordinance.

\*There was a discussion with the Board concerning housing density as requested by Supervisor Ceminsky. Area selection, clarifying building rights, Met Council input, and other facets were discussed.

\*Commissioners Larson and Clancy have been meeting with representatives from Minnesota Paving Materials (MPM) concerning the gravel pit at 5100 235<sup>th</sup> St. W. and MPM'S request for expansion with reduced setbacks. There will be a summary report of the fact finding. This item will be discussed at the January 5 Planning Commission meeting and the January 11 Town Board meeting. Under the ordinance, public notice will go out before such discussion.

\*Commissioner Novacek asked about whether the Eureka voting machines were connected to the internet and whether they were of the Dominion brand. Commissioner Larson directed him to the County as they are responsible for this. Larson also invited Novacek to come with her for a training tabulator check in the future so he can better understand what happens.

Supervisor Lu Barfknecht moved that a newsletter covering all the points of Nancy Sauber's public comments be sent to landowners and that something be set up for the Annual Meeting on this topic. Supervisor Palmquist seconded the motion. Roll call vote: Donovan Palmquist, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Tim Murphy, *Aye*; Mark Ceminsky, *Aye*.

Commissioner Nancy Sauber clarified that "demand" for increased housing is really referring to *regional* demand.

Jeff Otto stated that changing the density to 1/10 would more than double the housing rights. The Met Council was surprised to learn that Eureka still has 400+ unused housing rights. There can be serious economic risks and issues. One house on five acres is not economical. Also, in the late 1970's the Township increased the minimum lot size because of water and environmental reasons. Septic systems shouldn't be too close together.

Supervisor Ceminsky stated he was in favor of 1/10, not 1/5.

Commissioner Larson asked whether Colleen Riley could be hired to do the newsletter. Chair Palmquist stated he would ask if she would be willing to do so.

## **Permit Requests**

Kevin Sullivan, 5560 265<sup>th</sup> St. W., Farmington, pole shed accessory building

Supervisor Ceminsky moved to approve the pole shed for Kevin Sullivan at 5560 265<sup>th</sup> St. W. PIN 13-02600-75-012. Supervisor Palmquist seconded the motion. Roll call vote: Donovan Palmquist, *Aye*; Mark Ceminsky, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Tim Murphy, *Aye*. *Motion passed 5-0.*

Dan and Char Adelmann at 23733 Hamburg Ave., Lakeville, change of use from agricultural to residential

Supervisor Palmquist moved to approve the change of use from agricultural to residential for Dan and Char Adelmann, 23733 Hamburg Ave., PIN 13-00900-50-013 as shown on the Inspector recommendation/report. Supervisor Tim Murphy seconded the motion. Roll

call vote: Donovan Palmquist, *Aye*; Tim Murphy, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Mark Ceminsky, *Aye*. *Motion passed 5-0.*

Brian Nelson, 6035 235<sup>th</sup> St. W., Farmington, deck and 3-season porch with fireplace  
Supervisor Ceminsky moved to approve the deck, three-season porch with fireplace for Brian Nelson at 6035 235<sup>th</sup> St, PIN 13-01100-30-010. Supervisor Barfknecht seconded the motion. Donovan Palmquist, *Aye*; Lu Barfknecht, *Aye*; Mark Ceminsky, *Aye*; Tim Murphy, *Aye*; Ralph Fredlund, *Aye*. *Motion passed 5-0.*

## **Treasurer's Report**

Ralph Fredlund, as Board Treasurer Liaison, reported that, due to Ranees Solis' absence, there is no Treasurer's report ready for this meeting

## **New Business**

### Absence of Town Clerk

Chair Palmquist talked about the Clerk being out for 6-8 weeks due to accident. Clerk Ranees Solis has appointed Julie Larson and Nancy Sauber as Deputy Clerks. Rhonda Rademacher, the current Castle Rock Township Treasurer, will be assisting for the Treasurer's duties. Barb Lang, former Clerk in Castle Rock is also available if needed.

Supervisor Murphy commented that this action was okayed by Steve Fenske, attorney at MAT, Paul Reuvers, attorney, and Chad Lemmons, Township attorney.

Supervisor Ceminsky questioned what the protocol is with Town Hall keys under this new situation.

Nancy Sauber clarified that the Deputy Clerks have office keys and record room keys. The two Deputy Clerks are splitting time between them, and for each to be functional as Deputy Clerk, they both need access to the keys. Chair Palmquist gave his approval for this arrangement, including their acting independently regarding the record room. If this is not satisfactory to the Board, Sauber said she and Larson would step away and the Board can find someone else to do the job.

Ceminsky stated that he felt there should have been an emergency meeting called so the entire Board could have weighed in.

## **Old Business**

### Housing Density Update

The Planning Commission is asking the Board where such a small area proposed for increased density might be and what is the rationale for its selection. No one on the Board replied to this question which was put forth by Chair Sauber several times. Sauber noted that as she remembered the meeting with the Metropolitan Council representatives, Wendy Wulff had stated that the Council would be "very unlikely" to approve a change in density

for the entire Township. Wulff stated that the Council might consider “a limited area” for increased density, but that half of her colleagues would have to vote in favor of such a move.

There followed further discussion of the situation.

*Motion:* Supervisor Barfknecht moved to retain the recording of the meeting that was held with the Metropolitan Council on this matter. (Wendy Wulff, Patrick Boylan, and Kyle Colvin.) Supervisor Ceminsky seconded the motion. A roll call vote was taken: Donovan Palmquist-Aye; Tim Murphy-Aye; Lu Barfknecht-Aye; Ralph Fredlund-Aye; Mark Ceminsky-Aye.

**Adjournment**

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

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

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Nancy Sauber, Deputy Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_

Town Chair

Date

Thank you,