

*EUREKA TOWNSHIP  
DAKOTA COUNTY, STATE OF MINNESOTA*

**TOWN BOARD MEETING OF JANUARY 11, 2021**

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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 and Pledge of Allegiance**

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: Chad Lemmons (Town Attorney), Nancy Sauber, Julie Larson, Randy Wood, Bill Clancy, Al Novacek, Brian Ahern, Clint Allen, Virginia Windschitl, Andrew Gieseke, Cindy Trevis, Mike Callahan, Chad Berg, Lindsay Van Woert.

**Approval of the Agenda**

Supervisor Fredlund asked to add "D. Banking selection" under "Treasurer" and "F. Petter complaint update" under "Old Business."

Supervisor Ceminsky requested that "B. Elections" be placed under "New Business."

Supervisor Ceminsky moved to table the rest of the Treasurer items to the upcoming Town Board meeting. Supervisor Palmquist seconded the motion. **Roll call vote:** Donovan Palmquist, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Mark Ceminsky, *Aye*; Tim Murphy, *Aye*. **Motion carried 5-0.**

Supervisor Barfknecht asked that "B. RFPs" be added under "New Business."

*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**

Al Novacek made comments regarding the Planning Commission report on MPM.

**Citizen Business** -none

## **Road Report**

Supervisor Fredlund reported that he had spoken to Mark Henry, Road Superintendent, concerning some projects. Fredlund also said that the mailman gave the Township a compliment on how well the snow was plowed last time.

## **Commission Update -Bill Clancy, Liaison**

Commissioner Clancy reported that there were no permit applications in January. He stated that Donovan Palmquist gave the Board liaison report.

The main business was the discussion of the MPM IUP and EAW. Citizens within 1,000 feet of the gravel pit were sent certified letters about the setback request. Clancy reported that Commissioner Novacek had strong opposition to the report that was submitted following the conversations with MPM. The Commission voted 3-0 to forward the IUP and the EAW to the Town Board to act on whether the EAW firm is acceptable or not and whether the IUP is complete or not. Citizens were allowed the opportunity to comment. Probably eight different residents chose to do so.

## **Permit Requests-None**

## **Treasurer's Report**

### **Banking discussion, Ralph Fredlund**

Supervisor Fredlund went through various particulars concerning the banks being considered. There was a short discussion ending in that this topic will be taken up at the January 25, 2021, meeting for a decision.

Supervisor Palmquist reported that he had picked up the two debit cards from Castle Rock Bank.

## **New Business**

### **A. State grant for roads**

Chair Palmquist reported that there is grant money available at the state level for road projects. The Township would work with a state engineer on any project accepted and funded. There was a brief discussion about whether Eureka Estates drainage and Chub Lake Road might be possibilities. Chair Palmquist requested that the Supervisors have their feedback ready for the next Board meeting. The applications are due in early March.

### **B. Elections**

Supervisor Ceminsky inquired about how the information on the election was put out for the public without a newsletter going out recently. Interim Deputy Clerk Nancy Sauber

stated that the filing notice was published in the official newspapers, was posted on the outside bulletin board, and was also put on the Township website home page.

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### **C. RFPs**

Supervisor Barfknecht suggested that this topic be looked at now to be sent in February for items such as dust coating, lawn service, street sweeping, etc. This will be on the next meeting's agenda.

### **Old Business**

#### **A. Report on status of Clerk/Treasurer position for a long-term fill-in**

Supervisor Murphy reported that the New Market Township Treasurer, David Frame, has just retired and is willing to fill-in on financial matters. The Deputy Clerk for Empire Township, Denise Williamson, may be available to work here as well, perhaps even on a regular basis after Rane Solis is back. Charles Seipel, Empire Clerk, is available to help via phone.

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Attorney Lemmons suggested that Clerk Solis could appoint Mr. Frame as Deputy Treasurer and that the Township could enter into a Joint Powers Agreement (JPA) with Empire Township for the Deputy Clerk duties.

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Supervisor Fredlund moved that David Frame be appointed as Interim Deputy Treasurer effective immediately and that the Board review Charles Seipel and Denise Williamson from Empire Township. Supervisor Palmquist seconded the motion. **Roll call vote:** Donovan Palmquist, *Aye*; Tim Murphy, *Aye*; Ralph Fredlund, *Aye*; Lu Barfknecht, *Aye*; Mark Ceminsky, *Aye*. **Motion carried 5-0.**

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Attorney Lemmons advised that Rane Solis does her own appointing.

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Supervisor Fredlund moved to vacate the last motion. Supervisor Palmquist seconded. **Roll call vote:** Donovan Palmquist, *Aye*; Tim Murphy, *Aye*; Mark Ceminsky, *Nay*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*. **Motion carried 4-1.**

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Supervisor Palmquist moved that the Board recommend to Rane Solis that she appoint David Frame as Deputy Treasurer. Supervisor Fredlund seconded the motion. **Roll call vote:** Donovan Palmquist, *Aye*; Tim Murphy, *Aye*; Mark Ceminsky, *Nay*; Ralph Fredlund, *Aye*; Lu Barfknecht, *Aye*. **Motion carried 4-1.**

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Supervisor Murphy moved that the Town Board negotiate a Joint Powers Agreement with Empire Township to use their Clerk, Charles Seipel, and Deputy Clerk, Denise Williamson. Supervisor Fredlund seconded the motion. **Roll call vote:** Tim Murphy, *Aye*; Ralph Fredlund, *Aye*; Donovan Palmquist, *Aye*; Mark Ceminsky, *Nay*; Lu Barfknecht, *Aye*. **Motion carried 4-1.**

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Supervisor Palmquist moved to recommend to Rane Solis that she appoint Charles Seipel and Denise Williamson as Deputy Clerks until a JPA is agreed to and is signed. Supervisor Murphy seconded the motion. **Roll Call vote:** Tim Murphy, *Aye*; Donovan Palmquist, *Aye*, Mark Ceminsky, *Nay*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*. **Motion carried 4-1.**

A brief discussion about PERA payments and when they are required ensued.

### **B. Eureka Estates Drainage Project**

The revised draft report was received during non-office hours. The Interim Deputy Clerk will send out tomorrow.

The informational meeting with the residents will be put off for now.

Chair Palmquist moved to table the discussion of the Eureka Estates Drainage Project until the next meeting. Supervisor Fredlund seconded the motion. **Roll call vote:** Donovan Palmquist, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Tim Murphy, *Aye*; Mark Ceminsky, *Aye*. **Motion carried 5-0.**

### **C. Noxious Weeds**

Supervisor Palmquist stated that the report has not been turned in, but there will be one submitted in spring.

### **D. Water Entities website posting on bringing fill into the Township**

Chair Palmquist said he sent emails to the three entities but has not heard back. He will reach out again.

### **E. MPM EAW and IUP status**

Mike Callahan from MPM asked whether, if they were to receive a new IUP, if that would be considered as “offsite” under the Ordinance and be subject to the 25% limit *vis a vis* what is brought in from elsewhere for mixing with the site’s excavated material.

Attorney Lemmons stated that it would be considered as such.

Supervisor Ceminsky questioned why, if the whole site is one piece of property, why this is not an amended IUP rather than a new IUP.

Lemmons responded concerning the IUPs relative to the pipeline. The 2007 IUP ended on one side of the pipeline; the proposed IUP is to start on the opposite side of the pipeline.

The attorney stated that it could be a new or expanded IUP, the latter being with expanded boundaries.

Supervisor Ceminsky stated that the Board told MPM to get into compliance and give updates on those efforts to do so.

Supervisor Murphy said that MPM had been given one year to come into compliance. With the accessory use of the dry batch Ready Mix plant having been removed, Murphy stated that MPM would now be in compliance.

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Supervisor Fredlund stated that the proposed IUP is outside the boundaries of the 2007 site and, so far, the 2007 site is out of compliance.

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Mike Callahan of MPM stated that the Board's expectations is that the pit come into compliance.

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Supervisor Murphy commented that the "old" pit is nearly mined out. The goal is to meet each of the criteria on the review to take place in February.

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Callahan asked what MPM would have to do to amend the IUP.

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Lemmons stated that the mine is not mining enough to allow the Ready Mix plant as an accessory use.

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Callahan responded that in 2020 the pit sold ten times excavated material *vis a vis* the concrete plant. This material that was sold came from the stockpiles of excavated material already on the site. The gravel tax records can verify this.

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Commissioner Bill Clancy reminded the Board that in the new EAW, MPM wants the option to continue the Ready Mix plant. He stated that he sees "several Catch- 22s" in the situation:

1. If the existing pit closes due to non-compliance then MPM would need to send noisy equipment to the new site.
  2. The setback is not approved. Can there be a ruling on the setback now?
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Callahan said that the Planning Commission voted to send the IUP and the EAW to the Town Board to decide if they were complete as is. Callahan stated that they will find out next month whether they are in compliance or not.

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Lemmons stated that MPM must provide the Township with the information. Callahan said that it could be submitted by January 31 to allow time to review before the February review.

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The status of the existing EAW was discussed. Tim Murphy said that there were concerns with it. Mike Callahan stated that Bolton and Menk did not meet expectations on the EAW. MPM could work directly with TKDA as many questions to be addressed.

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Motion: Tim Murphy moved to allow TKDA to do the EAW for the MPM IUP request; Donovan Palmquist seconded the motion. **Roll call vote:** Donovan Palmquist, Aye; Lu Barfknecht, Aye; Ralph Fredlund, Aye; Tim Murphy, Aye; Mark Ceminsky, Aye. **Motion passed 5-0.**

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**Other Business -none**

## **Minutes Approval**

Supervisor Ceminsky moved to approve the Town Board minutes from the meetings of 12-28-20 and 1-06-21, as submitted. Interim Deputy Clerk Nancy Sauber stipulated that the final version of the 1-06-21 minutes are those in which Larry Poppler has only one "l" in his name. **Roll call vote:** Donovan Palmquist, *Aye*; Lu Barfknecht, *Aye*; Ralph Fredlund, *Aye*; Mark Ceminsky, *Aye*; Tim Murphy, *Aye*. **Motion passed 5-0.**

## **Adjournment**

Supervisor Ceminsky moved to adjourn; seconded by Supervisor Fredlund. **Roll call vote:** Donovan Palmquist, *Aye*; Ralph Fredlund, *Aye*; Mark Ceminsky, *Aye*; Tim Murphy, *Aye*; Lu Barfknecht, *Aye*. **Motion passed 5-0.**

The meeting adjourned at 8:45 p.m.

Submitted by Nancy Sauber, Interim Deputy Clerk

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