

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

SPECIAL ROUND TABLE MEETING OF MAY 17, 2021

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is neither practical nor 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 Special 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, Ralph Fredlund, Lu Barfknecht, Nancy Sauber.

Commissioners Present: Randy Wood, Bill Clancy, Julie Larson, Chad Berg, Debbie Burkhardt.

Members Absent: Tim Murphy

Others Present: Ranees Solis and Brian Ahern.

Round Table

Round Table meeting protocol

It was noted that the Round Table will serve as a working meeting between the Town Board and the Planning Commission.

Motion: Supervisor Barfknecht moved for Donovan Palmquist to chair the meeting, seconded by Supervisor Sauber. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Attorney contact

It was agreed that any request for contact with the attorney, or to have the attorney present at Planning Commission meetings, must go through the Town Board attorney liaisons, Chair Palmquist or Vice Chair Fredlund. The Board has approved attorney presence at all CUP or IUP hearings. If you contact the attorney, include the Clerk as an FYI. Any member may contact the Minnesota Association of Townships attorneys for general information and opinions.

Responsibility of Liaisons

Refer to the list of Town Board liaisons from the Reorganization meeting for who to contact with questions. When in doubt, contact the Clerk.

Town Board and Planning Commission representing the Township

It was agreed that no permissions should be given by an individual member of the Town Board or Planning Commission. Officials should state that this is the opinion of one member and advise the person to attend a Planning Commission or Town Board meeting for clarification. The Town Clerk will continue the role of Zoning Administrator.

Monthly summary from Planning Commission Chair/Liaison

The Planning Commission Chair, or assigned liaison, will present a summary of the recent Planning Commission meeting at the first monthly Town Board meeting. The assigned Town Board liaison will present a summary of the recent Town Board meetings at each Planning Commission meeting. In the past, the Chair provided the Clerk with a draft of their meeting notes for the packet. At the meetings, questions should be directed to the liaison. The Chair of each body may also offer input as they deem necessary. The report should detail the actions of the Board or Commission, not the opinion of the liaison.

Communication between Board members and Planning Commission members

Each member has a Township email address for receiving information from the Clerk. We must all be mindful of the open meeting laws and direct all inquiries or questions to the Clerk. Any information to be dispersed to members via email should include the entire thread of the conversation.

Solving problems vs. administering ordinances

Ordinances should be referenced for clarification of issues. We must follow the rules of the ordinances and try to stay within the boundary of the ordinance's intent. It is the role of the Supervisors and Commissioners to administer the ordinances and help guide the applicants through the process. Any advice given must be in accordance with the ordinances.

Planning Commission requested topics

1. Mining Ordinance text amendments

Commissioner Bill Clancy made the following statement:

Mining Ordinance Review is both a necessary and a priority task:

- a. Pressure for new and or expanded mines will increase rapidly, reflecting the suburban sprawl headed toward Eureka Township, and the related demand for aggregate as close as possible for construction.
- b. The inherent nature of mining as a difficult neighbor when in close proximity to residential homes, due to many factors both visual and auditory.
- c. Existing ordinance language needs clarification and/or definition, yielding less grey area subject to interpretation. More precise language better protecting citizens as well as the Township, Town Board, Planning Commission and Mining companies operating their businesses.

There are three primary topics to focus on:

- a. Chapter 7, section 1, M, Setbacks. A setback of 1,000 ft is well defined. Unfortunately, it is then followed by language allowing exceptions. No Town Board regardless of membership past, present or future should have the power to allow a mine to operate closer than 1,000 ft from a residence. It sets a precedent for continued "exceptions". It drastically affects the quality of life and home values of citizens.
- b. Chapter 6, section 2, Review of Permit. Our Annual Review process needs a slight modification. Too much emphasis is placed on item D the review of responses. If you have 100 violations, with 100 responses = all good. Responses must identify root cause, corrective action, and process change; specifically, what is being done to prevent the same violation from repeating over and over each year.

- c. Chapter 8, section 6, Definition of Critical Violations. There is no defined criteria for critical. Is it one weekend operation in one year? Or perhaps three violations in a year? When is it supposed to be deemed critical; at the time violation notification is sent? Or during annual review? The criteria, timing and process is all grey.

The Planning Commission must tackle these topics, make sound recommendations to the Town Board, and the Board must take action to close these loopholes you can drive a truck through, literally and figuratively.

The impact of Mining in our community must be kept top of mind to other major issues. Density is an important topic, impacting the community through our 2040 Comprehensive Plan and beyond. Annexation is an active reality impacting the community now. A large mine can impact the community relatively quickly by land acquisition and Interim Use Permit (“Interim” is an oxymoron given these mines last decades).

Supervisor Sauber did not take part in the discussion of this item.

2. Ordinance recodification status

Clerk Solis indicated that General Code has just one outstanding question for the Board to respond to at their next meeting.

3. Website design

Commissioner Bill Clancy made the following statement:

The Township website as designed makes finding items very difficult. I searched for ten minutes and could not find the Citizen Complaint form, which should be reachable instantly to fill out and to submit electronically. Citizens have searched for meeting packets during virtual meetings and have reported difficulty finding. The existing design features a large farm pictorial, drop down menus at top, more selections to the right side of screen, and if you think to scroll down more selections. It is like a treasure hunt in a corn maze.

A small team should be formed to review each topic currently on the site, determine what to eliminate, keep or add. Then working closely with a local professional website developer reorganize for functionality, with a search feature. I would estimate cost at \$5k max.

4. MAT recommendation on returning to in-person meetings

The Board had discussed returning to in-person meetings on June 14th. However, MAT has stated that a preparedness plan must be in place prior to resuming in-person meetings. The Board will address this at their next meeting.

5. Eureka email provider review (Rackspace v. Gmail)

Commissioner Clancy questioned the volume of emails he could expect and requested that the Clerk forward his Township emails to his personal email account.

6. Official complaint forms/Website

Commissioner Clancy provided the following statement:

The lack of complaint forms generated, received and acted upon are very low. Unfortunately, that may perhaps not accurately reflect citizens do not have complaints. The process is onerous and time consuming, with several steps that likely reduce submission even though citizens have a complaint:

1. Find the complaint form and fill out. *Get it on line and prominent.*
2. Sign the legal statement. *Review.*
3. Trust that your name and address will be redacted and hidden. Some citizens may not be aware of this existing requirement. *Revise form to highlight confidentiality and facilitate.*
4. Trust that the complaint will be investigated and action taken. *Township track record on responses and resolution? Need Citizen Compliant Tracking Recap, how many received, how many valid, how many resolved?*

Question regarding legal statement: *Yes, we need to be sure false statements are not made. But, if the Town Board is going to investigate and deem if valid or not, why does the citizen have to pledge going to court? What legal costs does that entail and who pays? Need legal review.*

The Board agreed to review the complaint forms at their next meeting.

7. Recommendation to form a Transferable Housing Right Advisory Group

Commissioner Randy Wood recommended that an advisory group made up of one or two Town Board members, one or two Planning Commissioners, Jeff Otto and Chad Lemmons be formed to review applications for housing right transfers. The Board agreed that ultimately, this is a good idea, but should wait until the new forms are finalized.

Town Board requested topics

1. Annual Meeting presentation assignments

The Board discussed the following items to be presented at the annual meeting: financial comparisons, complaint forms, density, and annexation by ordinance. The Clerk was asked to place this on the next meeting agenda.

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Supervisor Sauber.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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

_____ on: _____
Planning Commission Chair Date