

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

JANUARY 8, 2018

Chair Lu Barfknecht called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Lu Barfknecht, Carrie Jennings, Butch Hansen and Donovan Palmquist. Supervisor Dan Rogers was absent. Planning Commission members Nancy Sauber and Ralph Fredlund, Township Attorney Chad Lemmons, Clerk Mira Broyles and Treasurer Marcia Wilson were also present. See attached list for others in attendance.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

New Business:

- A. Addition of review of incident report

Land Use Permits

- B. Living Waters Sign Permit Extension

Other Business:

- C. Annual Meeting Preparation

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to approve the agenda as amended. Motion carried 4-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*). Treasurer Wilson noted an error on the Treasurer's report. The total disbursements should be \$22,149.96.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to accept the Treasurer's Report dated January 8, 2018 as amended. Motion carried 4-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Chair Barfknecht, seconded by Supervisor Jennings to approve the claims and receipt lists. Roll call vote was taken. Motion carried 4-0.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to approve the balance of the Treasurer's report. Motion carried 4-0.

Public Comment

Pete Storlie, 8680 235th Street West – expressed concern over Citizen’s Business being removed from the agenda. He stated the Township needs to give all citizens the opportunity to speak without the three minute limit. He expressed concern over the treatment of Darrell Gilmer and the hiring of MNSPECT as the new Building Inspector. He requested to be heard during the discussion of the building inspector contract. He further requested that Darrel Gilmer be allowed to finish out his contract period as Building Inspector to allow time for new requests for proposals to be published.

Mark Ceminsky, 7226 235th Street West, stated he is also disappointed about the removal of Citizen Business. He expressed his concern over the hiring of MNSPECT. He discussed complaints that were received from citizens during the time MNSPECT was inspector. Has stated he had checked with the State and a building inspector does not have the right to put a stop work order on property before investigation is conducted on the actual work that is being done. He expressed concern over past history and State records regarding different business names by Mr. Qualle. He went on to state he is also disappointed in the Board that the Township has allowed the pending annexation of the Airlake Airport property. He noted that the Board was directed by citizens to work to provide sewer and water to the property. He stated there would be a loss of tax revenue from hangars and future expansion of the airport.

Dakota County Sheriff Deputy was present to address any concerns of citizens. Discussion was held regarding break-ins (two) during the holiday season.

Allen Novacek, 24030 Iberia Avenue, asked what a resident should do should they feel uncomfortable with an official, either an inspector or otherwise. He expressed concern over the hiring of MNSPECT, stating there is an element of fear and concern that runs through of community in regard to MNSPECT due to past negative experiences. He stated he felt Mr. Gilmer should be allowed to continue as Building Inspector until April. He also stated he felt the removal of citizen business from the agenda implies that rules are being made for the convenience of rulers and should be reconsidered.

Steve Madden, 9085 267th Street West, expressed concern over the hiring of MNSPECT as the new Building Inspector. He stated he will not allow MNSPECT on his property.

The Deputy Sheriff addressed Mr. Novacek’s comment, stating concerns regarding a deputy should be brought to the Sheriff’s attention, who is very concerned over the image of the Sheriff’s Department. She noted they appreciate and welcomes feedback. Mr. Novacek clarified that he was not referring to the Sheriff’s Department.

Consent Agenda

Minutes of the November 13, 2017 Town Board Meeting

Minor corrections were noted.

Motion was made Chair Barfknecht, seconded by Supervisor Jennings, to approve the minutes of the November 13, 2017 Town Board meeting as amended. Motion carried 4-0.

Minutes of the December 11, 2017 Town Board Meeting

Minor corrections were noted.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to approve the minutes of the December 11, 2017 Town Board meeting as amended. Motion carried 3-0. Supervisor Palmquist abstained.

Planning Commission Update

Planning Commissioner Ralph Fredlund provided a summary of the January 2, 2018 Planning Commission meeting. He discussed the ordinance regarding 20 foot setbacks from edge of road right-of-way for plantings, fences, etc., and noted the Planning Commission suggests a better ordinance be in place.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to review the ordinance regarding the setback for plantings, fences, etc. from road right of ways. Motion carried 4-0.

Discussion was held regarding sample application forms and the timeframe for completion.

Land Use Permits

Patrick and Jean Mahowald, 6429 265th Street – Building Right Transfer

It was noted that the Planning Commission had recommended approval of the application. Mr. Mahowald was present along with Joan Storlie and Carol Cooper.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve a Residential Building Right Transfer from Alan and Joan Storlie (PIN 13-13-01500-26-015) to Patrick and Jean Mahowald, (PIN 13-02600-26-012). Motion carried 4-0

Living Waters Sign Permit Extension Request

It was noted that Living Waters Church had requested an extension of a sign permit that was issued July 13, 2017. The Clerk was directed to notify the church of the requirement to pay one half of the original permit fee to extend the permit.

NEW BUSINESS

Building Inspector Services Contract

Discussion was held regarding the terms of the proposed contract with MNSPECT. Supervisor Hansen stated he felt the contract should be for only one year with a 30 day discharge period. Supervisor Hansen stated that he would like to hear from past Town Board Supervisors, who were present at the meeting, who had worked with Mr. Qually previously. Supervisor Hansen asked the Township Attorney what he recalled regarding the past termination of MNSPECT. Attorney Lemmons stated that he recalled the Board chose not to renew the contract when it expired.

Chair Barfknecht stated she had reviewed old minutes in regard to issues during the time Mr. Qually was the Building Inspector and saw no reason that would prohibit hiring him at this time. Supervisor Hansen discussed past complaints that he recalled and again requested that the Board allow the past Supervisors to address the Board.

Motion was made by Supervisor Hansen to not negotiate a contract with MNSPECT and have Darrel Gilmer stay on as inspector until April and put out another RFP for a building inspector. There was no second to the motion.

Discussion was held regarding allowing the past Supervisors to speak. It was agreed they could speak if they have additional information that has not been previously addressed.

Pete Storlie stated that there are people in the Township that are afraid to come forward in case they want build in the future. He gave examples of issues that occurred during Mr. Qualle's previous employment. He asked that the Board not rush into signing a contract with MNSPECT but rather advertise for other Requests for Proposals, and reach out to neighboring townships for referrals.

Review of the draft contract continued.

Supervisor Hansen provided documentation of pending litigation against MNSPECT.

Motion was made by Supervisor Hansen to not sign a contract with MNSPECT at this time and advertise for another Request for Proposals, and allow Darrel Gilmer to finish out his original term. There was no second to the motion.

Scott Qualle answered questions of the Board.

Supervisor Palmquist stated he had looked on-line and had found no complaints against MNSPECT. He stated he felt review of the draft contract should continue.

Contract review continued.

Mr. Qualle requested that a subcommittee be formed to work on the contract and then a final result be submitted to Board. The Board agreed.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist to appoint Chair Barfknecht and Supervisor Palmquist to finalize the review of the proposed contract with MNSPECT along with the Township Attorney. Motion carried 4-0.

The Township Attorney recommended the meeting be posted even though there will not be a quorum and the open meeting law does not apply.

Complaint Policy Revision

Review of the Complaint Policy and Procedures, which had been revised by Attorney Lemmons was conducted. Changes included a notation that a complaint will not be accepted if all requirements of the form are not met; multiple complaints cannot be filed on one form, and a specific ordinance being violated must be indicated.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to direct the Township Attorney to make noted changes to the Employee Complaint Procedure and the Ordinance Violation Complaint Procedure documents. Motion carried 4-0.

New Complaint

A complaint regarding the discharge of a firearm within 500 feet of a residential dwelling was reviewed. Supervisor Jennings noted that the incident had been handled by the Sheriff's office, as indicated in the incident report, and should require no further action by the Township. It was agreed that a letter be sent to the resident.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to direct the Clerk to send a letter to the resident who discharged the firearm, citing the relevant Township ordinance. Motion carried 3-0. Chair Barfknecht abstained.

Designation of Polling Place

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to adopt Resolution Number 2018-01, Designation of Polling Place. Motion carried 4-0.

OLD BUSINESS

Previous Complaint Follow-Up (2)

A small building in a dangerous state of repair on 235th Street was inspected by two Supervisors and the Building Inspector and it was agreed that the building needs to be removed.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings to direct the Clerk to send a letter to the property owner that, upon inspection by the Building Inspector and two Supervisors, has indicated the building needs to come down and be completely removed from the premises. Motion carried 4-0.

It was noted that a demolition of a structure on 225th Street had taken place, however the debris had not been removed from the property.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to direct the Clerk to send a letter to the property owner of 9025 225th Street stating the debris from the demolished building must be removed from the premises. Motion carried 4-0.

It was noted that a complaint against property at 24030 Iberia Avenue had been investigated.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, that no further action be taken on the complaint at 24030 Iberia Ave. Motion carried 4-0.

Airlake Airport

Supervisor Hansen stated that due to the status of the annexation of a portion of the airport to Lakeville, there is nothing more the Township can do to save the Airport at this point. He stated he felt the Township should propose an orderly annexation of the entire airport and negotiate with Lakeville to get something out of it.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to direct the Township Attorney to send a letter to Gary Schmidt, Metropolitan Airports Commission, copying the City of Lakeville, regarding the Town Board's intent to

pursue an orderly annexation of the entire Airlake Airport property to the City of Lakeville. (To be reviewed by Supervisor Hansen and Chair Barfknecht). Motion carried 4-0.

Legal Non-conforming Use Ordinance Review

Chair Barfknecht stated she had done a word for word comparison of the Duck Book to the current ordinance. She reviewed the changes.

Discussion was held between Supervisors, the Township Attorney, and Planning Commission Chair Sauber regarding the legal non-conforming use provisions and the meaning of the term "legal non-conforming". Legal non-conforming use, as defined in Ordinance 3, Section 4 is: Any structure or use existing as of September 7, 2004, which did not conform to the provisions of Township Ordinances as then enacted, is deemed a legal non-conforming use (grandfathered use).

2040 Comprehensive Plan

It was noted that the draft 2040 Comprehensive Plan had been suspended by the Metropolitan Council pending additional information and that information has now been provided.

Citizen Input and Conduct Policy

The current Citizen Input and Conduct policy was reviewed. It was noted that Citizen Business will be removed from future agendas and citizens will be allowed to speak under Public Comment. Discussion was held regarding the procedure for citizens to request to be put on the agenda, i.e. for inquires, etc. It was agreed that the Clerk would determine where on the agenda a citizen inquiry regarding a specific issue should be placed.

Motion was made by Chair Barfknecht, seconded by Supervisor Hansen, to add citizen inquiry for specific questions and allow the Clerk to determine under which order of business the inquiry belongs. Motion carried 4-0.

Other Business

Updated and Sample Permit Applications

The Building Addition or Remodeling with a Change of Use Permit Application was reviewed. An addition was made to add a section for indication of what a use currently is and what the use is being changed to.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist, to revise the Building Addition or Remodeling with a change of Use Permit Application as noted above. Motion carried 4-0.

The Remodeling Building Permit Application was reviewed. A minor change was made to the note "Remodeling that does not change footprint and does not require Planning Commission or Town Board review". Motion carried 4-0.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the Remodel Building Permit Application form as noted above. Motion carried 4-0.

Recorder for Meetings

Supervisor Hansen stated that he felt a better recorder should be purchased, especially for closed meetings.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, authorizing the Clerk to check into purchasing a better recorder and microphone for closed door meetings. Motion carried 4-0.

First Quarter Newsletter

The first quarter newsletter draft was reviewed and it was noted that some corrections had been sent to Jody Arman Jones.

Adjournment

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to adjourn the meeting at 12:00 p.m.

Respectfully submitted:


Mira Broyles, Clerk

1-8-18

TOWN BOARD MEETING

Attendance

Name

ADDRESS

Mark Cerasola

2026 235th St. West

Carol Cooper

20437 Galaxie

Tim Murphy

9110 225th St. W.

Scott Quail

MNSPECT

Allen Novacek

~~24030~~
24180 Tberia Ave

Patrick Mahowald

6429 265th St W Fndn

Step Mahowald

9085 107th St W.

Jean Storke

6987 255th St. W

Ritchie Storke

"

Pete Storke

8680 235th St West

Dawnanna Witt

DCSD

Colleen Riley

21607 Grenada

Treasurer Report January 8, 2018

Bank Balance

December 31, 2017

| | |
|--------------------|--------------|
| Checking Account | \$2,592.70 |
| Outstanding Checks | -\$2,817.62 |
| Savings Account | \$428,723.11 |
| CD Account | \$78,622.39 |

Total Investments
\$507,345.50

ACCOUNT BALANCES

\$507,120.58

Petty Cash In
Cash Box

\$100.00

TOTAL INCLUDING CASH

\$507,220.58

| | CD Matures | Original Investment |
|--------------------|------------|---------------------|
| \$38,708.16 | 6/29/2021 | 5 yr |
| \$39,914.23 | 6/27/2022 | 5 yr |
| <u>\$78,622.39</u> | | |

TOTAL DISBURSEMENTS

| | |
|---------------------------|-------------------------------|
| Additional November Claim | \$600.00 |
| TOTAL December CLAIMS | \$19,502.44 |
| TOTAL December PAYROLL | \$2,047.52 |
| | <u>\$21,549.96</u> |

22,149.96 mmj




Date Range : 12/1/2017 To 1/8/2018

| Date | Vendor | Description | Claim # | Total | Account # | Account Name | Detail |
|------------|-----------------------------|------------------------|---------|------------|-------------------|--|------------|
| 01/08/2018 | Internal Revenue Service | fed tax deposit Jan 18 | 3429 | \$891.64 | 100-41421-125-212 | Treasurer | \$19.26 |
| | | | | | 100-41421-122-212 | Treasurer | \$82.34 |
| | | | | | 100-41422-125-212 | Deputy | \$33.22 |
| | | | | | 100-41422-122-212 | Deputy | \$142.02 |
| | | | | | 100-41422-115-212 | Deputy | \$343.04 |
| | | | | | 100-41425-125-212 | Clerk | \$32.48 |
| | | | | | 100-41425-122-212 | Clerk | \$138.88 |
| | | | | | 100-41425-115-212 | Clerk | \$100.40 |
| 01/08/2018 | PERA | Jan 18 payroll Pmt | 3430 | \$253.31 | 100-41421-121-212 | Treasurer | \$92.96 |
| | | | | | 100-41422-121-212 | Deputy | \$160.35 |
| 01/08/2018 | Kelly & Lemmons, P.A. | Dec legal Bill | 3431 | \$4,511.31 | 100-41615-304-216 | Legal Services | \$4,511.31 |
| 01/08/2018 | Otte Excavating Inc. | Nov 17 Road bill | 3432 | \$4,065.00 | 201-43122-313-201 | Unpaved Streets | \$847.50 |
| | | | | | 201-43125-313-204 | Ice and Snow Removal | \$3,077.50 |
| | | | | | 201-43240-313-236 | Waste (Refuse) Disposal | \$140.00 |
| 01/08/2018 | Dakota Electric Association | Dec Electric Bills | 3433 | \$103.63 | 100-41940-381-220 | General Government Buildings and Plant | \$88.63 |
| | | | | | 100-41940-381-220 | General Government Buildings and Plant | \$15.00 |
| 01/08/2018 | DSI/LSI | acct# 007602 Dec bill | 3434 | \$72.74 | 100-41940-384-220 | General Government Buildings and Plant | \$72.74 |
| 01/08/2018 | Culligan | bill Acct 147-00134684 | 3435 | \$37.44 | 100-41940-382-220 | General Government Buildings and Plant | \$37.44 |
| 01/08/2018 | T & C Commercial Cleaning | Cleaning Town Hall Jan | 3436 | \$130.00 | 100-41940-315-220 | General Government Buildings and Plant | \$130.00 |

[Handwritten initials/signatures]

Date Range : 12/1/2017 To 1/8/2018

| <u>Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Claim #</u> | <u>Total</u> | <u>Account #</u> | <u>Account Name</u> | <u>Detail</u> |
|----------------------------------|------------------------------------|--|----------------|--------------------|--|---|--------------------|
| 01/08/2018 | Frontier Communications | Acct 952046903736 0531017 Dec bill | 3437 | \$178.95 | 100-41940-321-213 | General Government Buildings and Plant | \$178.95 |
| 01/08/2018 | BroadView Technology Solutions LLC | 1 1 18 invoice 2202 | 3438 | \$185.00 | 100-41920-309-212 | Data Processing | \$185.00 |
| 01/08/2018 | ECM Publishers | Dec postings | 3439 | \$79.98 | 100-41615-304-213 | Legal Services | \$79.98 |
| 01/08/2018 | City of Farmington | Fire, Contract 4th qtr 2017 | 3440 | \$8,391.05 | 100-42210-317-208 | Fire Administration | \$8,391.05 |
| 01/08/2018 | Metro Sales | copying expenses Invoice 964193 | 3441 | \$516.23 | 100-41940-202-218 | General Government Buildings and Plant | \$516.23 |
| 01/08/2018 | M & R Sign | Signs invoice 198705 | 3442 | \$22.41 | 100-43127-810-225 | Signage | \$22.41 |
| 01/08/2018 | CardMember Services | Acct 6018 Mira expenses postage and website charge | 3443 | \$34.59 | 100-41425-325-212 100-41425-322-212 | Clerk Clerk | \$28.00 \$6.59 |
| 01/08/2018 | Marcia Wilson | Mileage Nov and Dec 2017 | 3444 | \$29.16 | 100-41421-331-222 | Treasurer | \$29.16 |
| Total For Selected Claims | | | | \$19,502.44 | | | \$19,502.44 |

Handwritten initials and signatures:
 APH
 [Signature]
 [Signature]

Date Range : 12/1/2017 To 1/8/2018

| <u>Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Claim #</u> | <u>Total</u> | <u>Account #</u> | <u>Account Name</u> | <u>Detail</u> |
|-------------|---------------------|-------------------------|----------------|--------------|------------------|---------------------|---------------|
| | Carrie E. Jennings | City Council/Town Board | | | | | 1/8/2018 |
| | Charles Hansen | City Council/Town Board | | | | | |
| | Daniel Rogers | City Council/Town Board | | | | | |
| | Donovan K Palmquist | City Council/Town Board | | | | | 1/8/18 |
| | Lucretia Barfknecht | City Council/Town Board | | | | | 1/08/18 |

CPA
CPA