

**EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

NOVEMBER 13, 2017

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, Dan Rogers, Butch Hansen, and Donovan Palmquist. Planning Commission members Nancy Sauber and Randy Wood, 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:

Old Business:

- G. Authorize Attorney to meet with Steinhoffs' attorney
- F. Voter Fraud next steps

New Business:

- C. Complaint policy review moved from Other Business
- I. Review September minutes
- J. Proposal for public input on road turnover to County

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve the agenda as amended. Motion carried 5-0.

Citizen Business

Beverly Swanson, 25545 Granite Path, discussed, what she described as sounding like automatic gunfire, occurring in an old gravel pit near her home. She stated that the Sheriff had been called to the site but had determined the shooting had not occurred within the 500 feet distance from surrounding homes. Other residents of the area were present, noting their concern as well.

Julie Larson 24510 Highview Avenue, expressed concern over the possible conflict of interest of a Town Board Supervisor pertaining to confidential closed door Board meetings. She further stated that the Supervisor had been seen talking to opposing legal counsel at a recent hearing pertaining to the Township. She stated she feels he should recuse himself for certain issues where he represents others. She asked that the Board consider filing charges, and proceeded to list information from the Minnesota Association of Townships manual.

Attorney Lemmons addressed conflict of interest in regard to state statute, explaining common law conflict of interest. Supervisor Hansen stated he had not had a conversation with opposing legal counsel or Ms. Petter behind closed doors. He also stated he had no financial interest in anything pertaining to Terri Petter's business.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to accept the Treasurer's Report dated November 13, 2017. Motion carried 5-0.

The claims and receipt lists and outstanding invoices were reviewed.

Motion made by Chair Barfknecht, seconded by Supervisor Hansen to approve the claims and receipt lists. Roll call vote was taken. Motion carried 5-0.

Discussion was held regarding a dispute by Mt. Olivet Conference Center for dust control charges.

Motion was made by Supervisor Jennings, seconded by Supervisor Palmquist to direct the Clerk and/or Treasurer to send a letter to Mt. Olivet and Ken Olsted, apologizing for applying dust control without their request and note that the Township will not dust coat in the future unless requested; further asking for the usual amount normally paid by Mt. Olivet. Motion carried 5-0.

The budget was reviewed. The escrow being held for Lift Station L-79 landscaping was discussed. Nancy Sauber discussed a meeting she had at the site with Metropolitan Council representatives. She noted there are currently nine red cedar trees and approximately 20 different species of prairie plants. She stated maintenance is done two times per year.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to release the escrow being held for landscaping at Lift Station L-79 to the Metropolitan Council. Motion carried 5-0.

A Dakota County Deputy Sheriff was present and the concern regarding the gunfire previously addressed was discussed by residents. It was noted that the property was rental property. The Deputy stated he would check to see if a report had been written on the incident and report back to the Board.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings to direct the Township Attorney to submit a data request regarding the incident on 25399 Cedar Avenue from the Sherriff's Department. Motion carried 5-0.

Attorney Lemmons stated he would provide information regarding the nuisance ordinance as it pertains to rental property at the next meeting.

Contractor Update

Bryce Otte, Otte Excavating, discussed ongoing road maintenance.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to spend up to \$300 on reflectors for 220th Street near Essex Avenue. Motion carried 5-0.

Building Inspector Update

Darrel Gilmer, Building Inspector, gave an update on ongoing inspections. He noted that his resignation had been submitted effective December 31, 2017.

Discussion was held regarding a demolition permit for a house located west of 9025 225th Street. Mr. Gilmer was directed to contact the contractor in charge of the demolition to determine if proper laws regarding asbestos had been followed.

Supervisor Jennings requested a list of current open permits. Mr. Gilmer stated he would provide a list prior to his retirement.

Chair Barfknecht questioned specific permit requirements for replacing/repairing siding. Mr. Gilmer is to provide State Building Code language.

Consent Agenda

October 10, 2017 Town Board Minutes

A typographical error was noted on page two.

Motion was made by Supervisor Hansen, seconded by Supervisor Palmquist, to approve the October 10, 2017 Town Board minutes as amended. Motion carried 5-0.

May 10, 2017 Round Table Meeting Minutes

Motion was made by Chair Barfknecht, seconded by Supervisor Palmquist, to approve the minutes of the May 10, 2017 Round Table meeting as presented. Motion carried 5-0.

Planning Commission Update

Planning Commissioner Randy Wood provided a summary of the November 6, 2017 Planning Commission meeting. See attached summary as Attachment A.

It was noted that a report regarding the October 7, 2017 Township Roads Tour was included.

LAND USE PERMITS

Ryan Murphy, 9180 225th St. W. – Building Permit Application for Single Family Home

It was noted that the Planning Commission had recommended approval of the permit. Mr. Murphy was in attendance.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht, to approve a building permit for Ryan Murphy, 9180 225th Street West, PIN 130050050042, for a single family home. Motion carried 5-0.

Jeff Sauber, 22975 Dodd Blvd. – Agriculture Exempt Building Permit Application for pole shed.

It was noted that the Planning Commission had recommended approval of the permit. Mr. Sauber was in attendance.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve a building permit for Jeff Sauber, 22975 Dodd Boulevard, PIN 130060080020, to construct a pole shed. Motion carried 5-0.

Joe Hendricks, 22465 Dodd Blvd., Building Permit Application for garage. It was noted that the Planning Commission had recommended approval of the permit. Mr. Hendricks was in attendance.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht, to approve a building permit for Joe Hendricks, 22465 Dodd Boulevard, PIN 130060004012 for construction of a garage. Motion carried 5-0.

Alice Catlin, 24875 Dodd Blvd. – Lot Split Approval Application

It was noted that the Planning Commission had recommended approval of the lot split. Ms. Catlin was in attendance.

Motion was made by Supervisor Jennings, seconded by Supervisor Hansen, to approve a lot split for Alice Catlin, 24875 Dodd Boulevard, PIN 130180052015, subject to Parcel B consisting of .8 acres being combined with Parcel A. Motion carried 5-0

Glen and Alisha Perkins, 24729 Dodd Blvd., Building Permit Application

It was noted that the Planning Commission had recommended denial due to no representation and the 60 day rule.

Motion was made by Chair Barfknecht, seconded by Supervisor Hansen, to deny the application of Glen and Alisha Perkins for a building permit for a garage due to no representation at meetings and the 60 day rule. Motion carried 5-0.

Motion made by Supervisor Jennings, seconded by Chair Barfknecht to direct the Clerk to send a letter explaining the denial of the application to the Perkins. Motion carried 5-0.

NEW BUSINESS

Local Water Management Plan

It was noted that the Local Water Management Plan had been approved by the Vermillion River Watershed Joint Powers Board.

Motion was made by Supervisor Jennings, seconded by Chair Barfknecht to adopt the Local Water Management Plan. Motion carried 4-1. Supervisor Hansen opposed.

2040 Comprehensive Plan

It was noted that the draft 2040 Comprehensive Plan had been reviewed and a public hearing had been held.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to adopt Resolution 2017-06 Submitting the Eureka Township 2040 Comprehensive Plan to the Metropolitan Council for Review and Approval. Motion carried 4-1. Supervisor Hansen opposed.

Complaint Policy

Chair Barfknecht reviewed and discussed the current complaint policy. It was decided that revisions need to be made.

Motion was made by Supervisor Hansen, seconded by Chair Barfknecht to direct the Township Attorney to revise the complaint policy as he feels necessary and draft a policy for personnel complaints. Motion carried 5-0.

New Complaints

Chair Barfknecht and Supervisor Rogers were assigned to review a complaint against property on 235th Street. The property owner was in attendance and stated she would not grant permission for the Supervisors to enter her property.

Three formal complaints regarding gunfire were noted as being addressed earlier in the meeting.

The Deputy Sheriff once again addressed the Board regarding information he had found in regard to the gunfire incident at 25399 Cedar Avenue. He stated that a report had not been written due to no charges being filed, however notes were taken regarding the call that can be reviewed if another incident on the property occurs. He further stated that he forwarded those notes along with information from this Town Board meeting to the Patrol Captain and it would be posted on an internal webpage. He stated additional patrol would be provided in the area. He stated he did not have any additional information regarding the hit and run incident that occurred last March.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings, to direct the Clerk to write a letter to the complainants conveying the information provided by the Deputy Sheriff. Motion carried 5-0.

Attorney Lemmons addressed a complaint regarding a request for data, proposing the requested information be forwarded electronically to the Clerk and then on to the requestor.

It was noted that two other complaints against Board members would be addressed in a closed meeting to be scheduled.

Inspector Resignation

The Clerk was directed to draft a request for proposals for building inspection services based on past postings and forward to the Board for review and comment prior to publication in the newspaper and on the Township website.

OLD BUSINESS

Previous Complaint Follow-Up

It was determined that, after a site visit to Applewood Orchard, the previous complaint is invalid.

The previous complaint regarding siding replacement was tabled until the Building Inspector provides specific building code language. Supervisor Hansen felt the Building Inspector should inspect the site to determine if a permit is needed.

Airlake Airport – Metropolitan Council Direct Connection Application Form

The Township Attorney was directed to work with Supervisor Hansen to complete the direct connection application form.

Phillipe Lot Driveway Issue (Landlocked)

Discussion regarding a landlocked 15-acre parcel (PIN 13-03100-77-016) was held. Jerome Phillipe, owner of the parcel, stated that he owns the adjacent property. It was noted that if the property is sold, an easement would have to be provided.

Phillipe Property Identification Number Amendment (with County) for Lot Split

Mr. Phillipe stated the proper property identification numbers had been provided to the County in regard to his recent lot split on Jamaica Avenue.

Decision on Establishing Procedure to Track Restrictions on Properties

It was determined that a new procedure for tracking restrictions on properties is not needed at this time.

Authorize Attorney to Meet with Steinhoff's Attorney

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings to authorize the Township Attorney to meet with the Steinhoff's attorney. Chair Barfknecht recused herself. Motion carried 4-0

Voter fraud and How to Proceed

It was noted that the Incident Report regarding voter fraud during the March election should be forwarded to the County Auditor.

Open House Regarding Roads to be Turned Back to Dakota County.

It was decided that a newsletter article regarding potential roads to be taken over by Dakota County should be written prior to consideration of an open house. Supervisor Rogers was directed to work with Jody Arman Jones on the article.

Other Business

Attorney Liaison Contact Policy

Supervisor Hansen stated he felt questions directed to the Township Attorney should be in writing and the response from the Attorney also be in writing.

Legal Non-Conforming Use

Supervisor Hansen discussed the ordinance adopted in 2004 regarding legal non-conforming use. He stated the Board should review the ordinance and hold a discussion next month.

Motion was made by Chair Barfknecht, seconded by Supervisor Hansen, to adjourn the meeting at 10:30 p.m. Motion carried 5-0.

Respectfully submitted:
