

**Eureka Town Board Special Town Board Meeting
& Reorganization Meeting
March 25, 2014**

Special Town Board Meeting

Vice Chair Kenny Miller called the meeting to order at 7:00 p.m.

Supervisors present included: Brian Budenski, Cory Behrendt, Steve Madden and Mark Ceminsky. Clerk/Treasurer Linda Wilson was present to record the minutes.

Audience members: See attached sheet for complete list.

Reorganizational Meeting of Town Board

The following offices are held by the following people, term of office.

Supervisor #1	Brian Budenski	3 year to term (2017)
Supervisor #2	Cory Behrendt	3 year to term (2017)
Supervisor #3	Mark Ceminsky	1 year to term (2015)
Supervisor #4	Steve Madden	1 year to term (2015)
Supervisor #5	Kenny Miller	2 years to term (2016)

A. *Select a Town Board Chair and Vice Chair*

Mark Ceminsky nominated Kenny Miller for the Chair and himself for Vice Chairman. Brian Budenski nominated Cory Behrendt for Vice Chairman. Clerk Linda Wilson distributed ballots for Town Board vice Chair. Kenny Miller accepted the nomination for Town Board Chairman, no one else was interested. The Board voted for Vice Chair, Mark Ceminsky or Cory Behrendt. Cory Behrendt was appointed to Vice Chair by a 3 to 2 vote.

B. *Verify Board of Supervisors Information*

Prior to the meeting the Clerk passed around Board contact information sheets for verification. The Supervisors were asked to update their information.

C. *The following schedule for Town Board meetings was set:*

April 14, 2014	August 11, 2014	December 8, 2014
May 12, 2014	September 8, 2014	January 12, 2015
June 9, 2014	October 14, 2014 (Tuesday)	February 9, 2015
July 14, 2014	November 10, 2014	March 9, 2015

A motion by Supervisor Mark Ceminsky: To adopt the scheduled Board's Regular Meetings at 7 pm as noted on the agenda. The motion seconded by Supervisor Steve Madden. The motion carried by unanimous vote.

Mark Ceminsky made a motion if the Board needed to have an alternative meeting night for additional meeting agenda items the Board would pick the day/date at that time. Motion seconded by Kenny Miller. The motion carried by unanimous vote.

D. *Planning Commission schedule and Town Board liaison is as follows:*

April 7, 2014	Kenny Miller	October 6, 2014	Brian Budenski
May 5, 2014	Steve Madden	November 3, 2014	Brian Budenski
June 2, 2014	Cory Behrendt	December 1, 2014	Mark Ceminsky
July 7, 2014	Steve Madden	January 5, 2015	Mark Ceminsky
August 4, 2014	Kenny Miller	February 2, 2015	Kenny Miller
September 2, 2014 (Tues)	Cory Behrendt	March 2, 2015	Mark Ceminsky

A motion by Supervisor Kenny Miller: To adopt the Planning Commission schedule and Board liaisons for Planning Commission meetings at 7:00 pm as posted. The motion was seconded by Supervisor Cory Behrendt. The motion carried by unanimous vote.

A motion by Supervisor Mark Ceminsky: To adopt Resolution 2014-01, A Resolution Setting and Adopting Regular Scheduled Planning Commission Dates and Times as presented. Motion seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

E. *Post Special Meetings of the Town Board at Planning Commission Meetings and Planning Commission meetings at the Town Board Meetings*

There could be more than two members of the Board or Commission present at a meeting at the same time. A motion was made by Kenny Miller to Post Special Meetings of the Town Board at Planning Commission Meetings and Planning Commission meetings at the Town Board Meetings. Motion seconded by Mark Ceminsky. Motion carried by unanimous vote.

Designate Official Newspaper

A motion by Supervisor Brian Budenski: To designate Dakota County Tribune (Farmington/Rosemount) and Sun ThisWeek (Eagan/ Lakeville) as the Township's Official Newspapers. The motion was seconded by Supervisor Cory Behrendt. The motion carried by unanimous vote.

G. *Designate Posting Place*

A motion by Supervisor Kenny Miller: To designate the official posting place as the Town Hall outside bulletin board located at 25043 Cedar Ave. in Eureka and on the Township website. The motion was seconded by Supervisor Brian Budenski. Kenny Miller withdrew his motion. The motion was made by Cory Behrendt to have only designated posting area - the board outside the building until the web site is up and running and could be used as an alternate posting site. Motion was seconded by Kenny Miller. The motion carried by unanimous vote.

H. *Designate Official Bank*

A motion by Supervisor Kenny Miller: To designate Castle Rock Bank in Castle Rock as the Official Bank for the Township for financing. The Chair, Vice Chair and Clerk in absence of the Treasurer would be the signatories. Motion seconded by Supervisor Mark Ceminsky. Motion carried by unanimous vote.

A motion by Supervisor Cory Behrendt: To approve Resolution 2014-02, A Resolution for Financials at Castle Rock Bank. Motion seconded by Supervisor Steve Madden. The motion carried by unanimous vote. The Resolution to be reworded to eliminate the Clerk/Treasurer

(now two separate positions and add Clerk in absence of Treasurer to sign checks until a Treasurer is hired along with the Chair and Vice Chair.

I. *Designate Township Attorney*

A motion was made by Mark Ceminsky to seek new council for the Township. Motion seconded by Steve Madden. Kenny Miller added to consider attorneys for the Township to review the township attorney. Mark Ceminsky modified his motion that the Board review present council or seek new council for the Township based on review. Steve Madden re-seconded the modified motion. Mark Ceminsky restated his motion to seek candidates for new legal counsel for the Township and in the process also review the present counsel to see if the Township would keep the current counsel or get new counsel. Steve Madden seconded for the third time. Mark Ceminsky made a motion that the Township keep Kelly and Lemmons on currently until such time that the Board has seeked other legal counsel candidates along with Kelly and Lemmons to be reviewed by two Board members for possible new counsel within 60 days. Brian added that the entire Board reviews the attorneys. Mark accepted his addition. Motion seconded by Brian Budenski. Several motions and seconds were made, no votes taken so Mark again restated a more precise motion.

Mark Ceminsky made a motion to continue with Kelly and Lemmons Law Firm for 60 days and within the 60 days the Board is to seek out possible legal counsel for the Township including the possibility of continuing on with Kelly & Lemmons. Motion seconded by Brian Budenski. Members voted, Kenny Miller, Steve Madden, Brian Budenski and Mark Ceminsky – aye; Cory Behrendt, nay. Motion carries.

All work will be directed through the attorney contact and the Chair and all work will be directed by them and the alternative contact the Clerk. A motion was made by Kenny Miller to continue the present policy of Attorney contacts, primary is attorney contact, the Chair secondary contact and the Clerk/Zoning Administrator as an additional authorized contact. The Board will determine what the Township will pay for. Motion seconded by Mark Ceminsky. Motion carries by unanimous vote.

Attorney review is set for 60 days.

J. *Building Inspector*

The Board had discussion of the contract for Darrel Gilmer. Mark Ceminsky will submit the forms to submit to the State for a commercial building inspector. Darrel Gilmer's contract will be signed at the April meeting. A motion was made by Kenny Miller that the Board asked the State to appoint a commercial building inspector. Motion was seconded by Cory Behrendt. Motion carried by unanimous vote. The Board asked the clerk to provided clarification of the RFP process, proposals submitted, minutes and documents for review.

K. *Designate other Professional Services*

A motion by Supervisor Brian Budenski: To recognize TKDA as our current Engineering and Planning consultant. Motion seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

L. *Compensation for Town Officers/ Planning Commission.*

1. *Town Board, Planning Commission, Election judges*

Town Board \$80, Chair \$90

Planning Commission \$60, Chair \$70

Special Meetings \$70 (Both Town Board & Planning Commission)

Liaison \$50 (Both Town Board & Planning Commission)

Site Inspections \$25

Election Judges \$10, Head Judge \$15

A motion was made by Supervisor Mark Ceminsky that there is zero pay for the Planning Commission and the Town Board for any special meetings. Motion was seconded by the Steve Madden. Mark Ceminsky modified his motion to say, all compensation for the Town Board and the Planning Commission is zero, not to include the elections judges. Motion was seconded by Steve Madden for the modified motion. Vote was taken on the motion, the motion failed by 3 to 2 vote.

A motion by Cory Behrendt to approve the compensation that is set forth on the agenda as presented. Motion seconded by Brian Budenski. Vote was taken on the motion; motion carries by 3 to 2 vote.

2. *Employees Review date*

A motion by Supervisor Cory Behrendt: To set the employee review date for April 22, 2014 at 6:00 pm. Motion seconded by Supervisor Kenny Miller. The motion carried by unanimous vote.

3. *Mileage rate*

A motion by Supervisor Cory Behrendt: To approve the mileage rate to conform to Federal guidelines. (currently .565 – 2013 rates) Motion seconded by Supervisor Kenny Miller. The motion carried by 4 to one vote.

4. *Authorized expenses and reimbursements*

A motion by Supervisor Kenny Miller: To reimburse any reasonable and documented expenses relating to Township business, (Copies, long distance phone calls, office expenses, etc.) to be submitted with itemized receipt and training sessions. The motion was seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

5. *Pay frequency*

A motion by Supervisor Cory Behrendt: To accept the pay frequency as stated in the agenda for 2014. The motion was seconded by Supervisor Steve Madden. The motion carried by unanimous vote.

The Clerk keeps track of attendance at all Town Board, Planning Commission and Special Meetings held by the Township Board and Planning Commission. These will be paid to members quarterly unless they have requested in writing not to be paid for meetings

attended. Town Board and Planning Commission members should turn in additional meetings and mileage to the Clerk prior to the dates listed below.

2nd Qtr: March 11, 2014, to June 9, 2014, (submitted to Clerk by Tuesday, June 3, 2014, for payment on June 9, 2014)

3rd Qtr: June 10, 2014, to September 8, 2014, (submitted to Clerk by Tuesday, September 2, 2014, for payment on September 8, 2014)

4th Qtr: September 9, 2014, to December 8, 2014, (submitted to Clerk by Tuesday, December 2, 2014, for payment on December 8, 2014)

1st Qtr: December 9, 2014, to March 9, 2015, (submitted to Clerk by Tuesday, March 3, 2015, for payment on March 9, 2015)

6. MN Benefits program

This insurance is offered to the Board; currently no one is signed up for this insurance. No action necessary.

M. Potential Conflict of Interest Issues.

Supervisor Kenny Miller, Eureka Sand & Gravel has a potential Conflict of Interest and Supervisor Mark Ceminsky, Beaver Creek Companies Inc. has a potential Conflict of Interest and Cory Behrendt has a conflict of interest, CliftonLarsonAllen accounting.

A motion by Supervisor Kenny Miller that the potential conflict of interest would be addressed as needed regarding financial affairs. Motion seconded by Mark Ceminsky. The motion carried by unanimous vote.

If any person on the Board is awarded any work in the Township a Resolution will be adopted for any possible conflict of interest and an affidavit prepared for signature at the time of payment.

N. Review and amend Board policies.

A motion by Supervisor Mark Ceminsky: To review the current policies to see if they need to be amended such as copying costs, sign inspection/repair replacement policy, snow plow policy, temporary road weight restriction policy within 60 days. Motion seconded by Kenny Miller. The motion carried by unanimous vote. The first review, for Board policies will take place at the April or May Town Board Meeting.

O. Compliance with Data Practices

A motion was made by Supervisor Kenny Miller to continue with the current policy for Compliance with Data Practices Act. Motion seconded by Steve Madden. The motion carried by unanimous vote.

P. The Town Board is aware of and complies with the 60-day Rule.

A motion was made by Kenny Miller to continue the current policy and compliance of the 60-day rule. Motion seconded by Brian Budenski. Motion carries by unanimous vote.

Q. *Township Financial Reporting Form*

The audit has been completed, but has not been received. A motion was made by Mark Ceminsky to table this item until all documents are received by LarsonAllen. Brian Budenski seconded with clarification of name to CliftonLarsonAllen. Motion carries by unanimous vote. Cory Behrendt abstained. This item will be placed on the April Town Board agenda.

R. *Identify upcoming training opportunities*

A motion was made by Kenny Miller for the Board to authorize any training opportunities on an itemized basis. Motion seconded by Brian Budenski. Motion carries by unanimous vote.

The current policy of upcoming training opportunities and costs as far as enrollment and mileage of designated Supervisors or Planning Commission members to be reviewed by the Board.

S. *Direct that the list of officers form is sent to MAT*

A motion by Cory Behrendt and seconded by Kenny Miller to send the undated officers list to the Minnesota Association of Townships. Motion carries by unanimous vote.

T. *The following Supervisor assignments were set for the coming year:*

- | | |
|----------------------------------------|----------------------------------|
| 1. Fire Contracts: Lakeville | Steve Madden |
| 2. Farmington | Steve Madden |
| 3. North Cannon River Water Shed | Mark Ceminsky / Brian Budenski |
| 4. Vermillion Water Shed | Mark Ceminsky / Brian Budenski |
| 5. Weed Inspector | Steve Madden |
| 6. Ambulance | Steve Madden |
| 7. Roads | Brian Budenski and Cory Behrendt |
| 8. Wetlands/ DNR Contact | Kenny Miller |
| 9. Airlake Airport | Mark Ceminsky |
| 10. Town Hall Supervisor | Kenny Miller |
| 11. County Contact | Kenny Miller / Steve Madden |
| 12. Sheriff Contact | Steve Madden / Cory Behrendt |
| 13. Compliance Official Data Practices | Cory Behrendt |
| 14. Professional Services | Brian Budenski |
| 15. Building Inspector Contact | Mark Ceminsky |
| 16. Attorney Contact | Cory Behrendt / Kenny Miller |
| 17. IT Consultant | Cory Behrendt |

The Board voted on attorney contact, Mark Ceminsky and Cory Behrendt requested the position. The Board voted 4 to 1 for Cory Behrendt. There also was a vote for Building inspector as Mark Ceminsky and Brian Budenski both requested the position. The Board voted 3 to 2 for Mark Ceminsky.

U. *Meetings: Road Inspection date:*

Road Inspection will be determined in the fall by the Road Committee and Road Liaisons. .

V. *Bond Clerk and Treasurer*

The bond for the Clerk and Treasurer Errors and Omissions is part of the MATIT's Consolidated Coverage. Inform them when new staff has been hired.

W. *Meeting electronic recording policy.*

A motion by Supervisor Mark Ceminsky: To continue the policy adopted last year, under the advice of the Township Attorney. Recordings of the regular meetings are for the use of the Clerk for transcribing minutes, to be destroyed after she has completed that. Public hearing must be maintained, not Special Meetings. Motion seconded by Supervisor Brian Budenski. The motion carried by unanimous vote.

X. *Signers for checking and savings account*

The signer cards for the checking and savings account need to be updated. Town Board members will need to sign the signature cards at Castle Rock Bank in Farmington.

Y. *Board Member Opinion Statement*

If a Town Board member is asked for an opinion on a matter, he needs to make it perfectly clear that it is only his opinion, that he is only one member of the Town Board. Even though a Board member's opinion may be given, the question would need to go before the Town Board for discussion and vote. An individual cannot act upon one Town Board member's opinion. Discussion on any matter can be discussed only between two Town Board members. Discussion between three or members of the Board is a quorum and a violation of the open meeting law. The Building Official is the person to contact to determine if a building permit is needed. A motion was made by Mark Ceminsky to continue the current policy. Motion seconded by Steve Madden. Motion carries by unanimous vote.

Z. *Code Books*

The Code book ordinances will be added to the April Town Board meeting agenda.

Mark Ceminsky mentioned that the State Building Code books are missing from the office, he will research and order new books and maintain in the office in a secure location. Steve Madden requested there also be a fire code book in the office.

AA. *Roundtable Meeting Date*

Roundtable meeting of Town Board and Planning Commission was set for Monday, June 10, 2014 at 7:00 p.m. The Board would like the meetings dates added to the Planning Commission agenda.

BB. *Clerk Position – Treasurer Position*

Treasurer – Kenny Miller contacted the former treasurer Nanett Sandstrom to come back to the Township at the agreed upon pay scale as Treasurer only, attend meeting to present the financials. A motion was made by Kenny Miller to hire Nanett Sandstrom in on a temporary basis as the Treasurer, with her negotiated pay with a review in May. Motion seconded by Brian Budenski. Supervisors voted: Kenny Miller, aye; Cory Behrendt, aye;

Steve Madden, aye; Brian Budenski, aye; Mark Ceminsky recused himself. Motion carries by 4 to 0 votes. A review date needs to be set in May for Treasurer.

A motion was made by Cory Behrendt to have Kenny Miller and Mark Ceminsky work together to formalize an interview process with the candidates submitted to the Clerk and propose back to the Board at the April meeting or their earliest convenience the proposed candidates for hire, if more time is needed extend into May. Motion was seconded by Brian Budenski. Motion carries by unanimous vote.

A Motion by Supervisor Mark Ceminsky: To adjourn. The motion was seconded by Supervisor Brian Budenski.

Meeting Adjourned at 9:10 pm.