

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF JULY 13, 2020

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 meetings shall be conducted entirely through teleconferencing or other electronic means.

Call to Order

The Eureka Township Town Board meeting was called to order, via Zoom Meetings, at 7:03 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: Ranee Solis (Town Clerk), Chad Lemmons (Town Attorney), Nancy Sauber (Planning Commission Liaison), Bill Clancy, Randy Wood, Allen Novacek, Bryce Otte, Bruce Rydeen, Ken Betzold, Adam Jakes, Mike Callahan, Mike Slavik, Gloria Belzer, Brian Ahern, Jody Arman-Jones, Alex Turner, Carol Cooper, Bill Funk, Jim Sauber, Colleen Riley and Georgie Molitor.

Approval of the Agenda

The following changes were made to the agenda:

1. Add Mike Callahan from MPM to Public Comment.
2. Add Town Hall Meetings to New Business.
3. Add TKDA Update to Old Business.
4. Move County Commissioner Mike Slavik just after Public Comment.

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Vice Chair Murphy. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky - Aye. *Motion carried 5-0.*

Public Comment

Mike Callahan – Mn Paving & Materials

Mike Callahan provided an update on the status of the mining pit. The EAW for the west side of the pipeline is complete and should be received by the Clerk any day now. The Ready-Mix plant has 358 ton of rock and 278 ton of sand. Sold 51,000 ton of material from the pit with another 60,000-ton ready to go. Reclamation of portions of the pit within 1-2 months.

Chair Palmquist asked three times if there were any others who would like to make comment and, hearing none, the floor was closed.

County Commissioner Mike Slavik

County Commissioner Slavik provided a County update. Due to the State of Emergency, the County is meeting remotely until August. Current COVID information can be found on the Daily Dashboard page. In response to speeding on Dodd Blvd., the Sheriff's Department has increased enforcement in the area. Eureka Commissioner, Bill Clancy, is involved in conversation regarding the 250th St. and Dodd Blvd. intersection being set back too far.

Citizen Inquiry

Ron Bjustrom – Highview Ave PID 13-00500-01-013

Mr. Bjustrom's broker, Bruce Rydeen, and potential buyer, Mr. Gregg were present to inquire as to the possibility of building an open storage yard on the parcel. The Board explained that our Ordinances do not allow for this type of use and that the Metropolitan Council and our Comprehensive Plan do not allow for a spontaneous change. The Board expressed their option to reach out to Lakeville regarding the possibility of annexation.

Consent Agenda

- A. Ken Betzold, 5304 220th St. W., PID 13-00100-26-020 – Lot Split
- B. Minutes of the June 2, 2020 Special Town Board meeting
- C. Minutes of the June 2, 2020 Special Round Table meeting
- D. Minutes of the June 8, 2020 Town Board meeting
- E. Minutes of the June 22, 2020 Town Board meeting
- F. Minutes of the June 29, 2020 Special Town Board meeting

Motion: Chair Palmquist moved to approve the consent agenda as presented, seconded by Vice Chair Murphy. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Sheriff's Department

(None)

Road Contractor Update (Otte Excavating)

Bryce Otte provided a report on the roads:

- The culvert on Iceland & Iberia is filled with 4" of mud, the only way to get it out would be with a hydrovac truck. Chair Palmquist requested that he present the cost to do this.
- Ready to start rocking.
- There have been calls about dust coating not being done. Bryce Otte explained that Essex between 235th and 255th would not have been done because they are receiving rock. Chair Palmquist will reach out to Quality Propane regarding any roads that were missed.

Supervisor Fredlund invited Alex Turner to speak regarding agenda item 240th St. dust issue. Mr. Turner explained that the dust coating has not stayed in place and was bladed shortly after it was put down. He asked if the Board would provide some options, such as imposing a reduced speed limit or providing priority grading before dust control next year. The Board requested that Attorney Lemmons review State Statute procedures regarding reducing the speed limit on 240th St. The Board was asked to post a Children at Play sign on their end of

240th St. similar to the sign at the other end. Bryce Otte volunteered to move the old school sign to the other end of 240th St.

Planning Commission Update (Nancy Sauber – Liaison)

Commissioner provided a summary of the July 7, 2020 Planning Commission meeting:

- Recommended approval of Ken Betzold’s lot split application.
- Recommended approval of Adam Jakes’ accessory building with the addition of imposing a double permit fee for the demolition of an old barn without a permit.
- Recommended approval of Tim Murphy’s solar energy system with the addition of imposing a double permit fee for doing work without a permit.
- Began discussion of increasing housing density.
- Began discussion of General Code’s Legal Analysis and the recommendation to hold a Round Table with the Town Board to expedite completion.

Permit Requests

Adam Jakes, 25681 Ipava Ave., PID 13-01900-78-012 – Accessory Building

Motion: Chair Palmquist moved to approve the accessory building application for Adam Jakes at 25681 Ipava Ave. and impose a double permit fee for the demolition of a barn, seconded by Supervisor Barfknecht.

Mr. Jakes explained that he provided a \$5,000 escrow for the 2nd building to be removed, and now plans to move the building onto his neighbor’s property instead of demolishing it. Mr. Clancy is currently completing an application to move the building. The Board indicated that the escrow will be returned once the building has been moved.

A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Tim Murphy 9110 225th St. W., 13-00500-50-043 – Solar Energy

Motion: Chair Palmquist moved to approve the solar energy application for Tim Murphy at 9110 225th St. W. with a double permit fee for the work previously done, seconded by Supervisor Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Tim Murphy – Abstain; Mark Ceminsky – Abstain. *Motion carried 3-0.*

Tim Murphy requested to state publicly that he would not have started the project without a permit if not for the infringement on resident’s rights in taking nine months for the ordinance change.

Treasurer’s Report

Clerk Solis read the Treasurer’s Report: Checking account \$55.59, Outstanding checks \$4840.66, Savings account \$707,962.84, CD’s \$68,236.07, Total accounts \$771,413.84, June Claims \$61,426.09 and June Payroll \$8,318.18.

Motion: Vice Chair Murphy moved to accept the Treasurer’s Report as submitted, seconded by Chair Palmquist. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Net Pay and Claims

Motion: Chair Palmquist moved to approve the net pay and claims as presented, seconded by Supervisor Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Abstain due to conflict of interest. *Motion carried 4-0.*

New Business

Road Plan and Road Superintendent

Motion: Chair Palmquist moved to hire Mark Henry as the Road Superintendent between the road contractor and the Town Board for 10 hours/week at \$25 per hour, seconded by Supervisor Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Nay. *Motion carried 4-1.*

Supervisor Ceminsky explained that he is opposed because he has not seen a job description.

240th St. Dust Issue

This item was discussed earlier on the agenda, no action was taken.

Signer's for the accounts at Castle Rock Bank

Motion: Chair Palmquist moved to draft a new Resolution, listing signers for the Castle Rock Bank accounts as follows: Donovan Palmquist (Chair), Tim Murphy (Vice Chair), Lu Barfknecht (Supervisor), Ralph Fredlund (Supervisor) and Rane Solis (Clerk/Treasurer), seconded by Supervisor Fredlund. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Building Code Update

Vice Chair Murphy volunteered to speak with Inspectron about any changes in the building code regarding fees and report his findings back to the Town Board.

New Complaints

Commission chair debating residents at a public hearing

Supervisor Barfknecht pointed out that there are a couple of ways to handle questions and comments at a public hearing, and questioned which ordinance was being violated. Commission Chair Sauber expressed that the purpose of a public hearing is to have robust discussion, and she was in no way arguing with anyone.

10132 235th St. W. – Outdoor assemblies without a permit

After reviewing the January 2018 amended court order, Attorney Lemmons reported that Ms. Petter is in violation of the Order which prohibits her from conducting animal exhibitions, with the exception of one wolf. Further, the Order enjoins retail sales except for horticultural sales. The material provided in the complaint shows that she is in violation of this injunction.

Motion: Vice Chair Murphy moved to direct Attorney Lemmons to send a letter to the Dakota County Sheriff requesting enforcement of the Order, seconded by Chair Palmquist. A roll call

vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Lu Barfknecht – Aye; Ralph Fredlund – Abstain; Mark Ceminsky – Nay. *Motion carried 3-1.*

Town Hall Meetings

Motion: Supervisor Ceminsky moved to open and conduct meetings at Town Hall, seconded by Chair Palmquist for discussion.

Supervisor Ceminsky stated that other municipalities are holding in-person meetings.

Supervisor Barfknecht expressed that, with the increase in COVID cases, she is unsure if it is safe to hold in-person meetings at this point. Vice Chair Murphy pointed out that the State, County and Mn Association of Townships all recommend the continuation of teleconference meetings and proposed that we remain cautious.

A roll call vote was taken: Mark Ceminsky – Aye; Donovan Palmquist – Nay; Tim Murphy – Nay; Ralph Fredlund – Nay; Lu Barfknecht – Nay. *Motion failed 1-4.*

Old Business

Complaints

Follow up on complaint at 7226 235th St. W. – Building without a permit

Mark Ceminsky presented two letters, dated December 3, 2019 and June 3, 2020, requesting extensions on his building permit, and signed by Darrel Gilmer. Supervisor Fredlund pointed out that Darrel Gilmer's inspector license is not in effect and he has no authority to perform inspections. Chair Palmquist suggested that Mr. Ceminsky pay \$388 to renew the permit and reach out to Inspectron to perform the final inspection.

Follow up on complaint at 24404 Iceland Path – Running business without a CUP

Vice Chair Murphy volunteered to follow up on the complaint and report his findings to the Board.

Motion: Supervisor Fredlund moved to table the complaint until the July 27th Town Board meeting, seconded by Chair Palmquist. A roll call vote was taken: Tim Murphy – Aye; Ralph Fredlund – Aye; Donovan Palmquist – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye.

Motion carried 5-0.

Follow up on complaint at 24230 Holyoke – Fencing around swimming pool

Vice Chair Murphy volunteered to follow up with Inspectron on the status of the complaint.

Motion: Supervisor Fredlund moved to table the complaint until the July 27th Town Board meeting, seconded by Chair Palmquist. A roll call vote was taken: Tim Murphy – Aye; Ralph Fredlund – Aye; Donovan Palmquist – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye.

Motion carried 5-0.

Weed Control Update

Mowing has taken place in the ditches. Chair Palmquist has met with the County regarding creating a consortium to address weed eradication within a region.

HR Safety Concerns

In response to an incident that occurred at Town Hall in May, the Board has issued a No Trespass letter to Charles Hansen, as was recommended by the Township and MAT attorneys.

Supervisor Fredlund asked Attorney Lemmons to address an issue that occurred at the June 15th public hearing at Town Hall, where one Planning Commission member refused to wear a mask in the meeting room. Attorney Lemmons provided that under the Ordinance, the Town Board has Rules and Regulations for the Planning Commission. A member who violates the Town Board's directives would create a basis for removing them from the Planning Commission.

Planning Commission Update on Density Research

Commission Chair Sauber provided a summary of the Planning Commission's discussion regarding researching a change in density in the Township:

- It was suggested at the Town Board meeting that neighboring townships have zoning other than Agricultural, and if they could get that by the Met Council, why can't Eureka do the same. It was implied that the neighboring townships can increase their housing densities. Therefore, Commission Chair Sauber provided the neighboring zoning ordinances as follows:
 - Castle Rock Township: Their RR-1 designation is basically the same as our grandfathered lot, and actually goes back even further to 1978. The majority of the Township is zoned Agricultural. We could zone Eureka Estates and Rice Lake as RR as well, for example, but it will not change our housing density.
 - Empire Township: Similar set-up where the majority is zoned Agricultural Preservation with additional zones, such as highway commercial.
 - Greenvale Township: The majority is zoned Agricultural Preserve with actually less flexibility than Eureka since there is no mention of grandfathered lot buildability.
- The RR-1, RR-2, Neighborhood Commercial, Highway Commercial zones in Castle rock and Empire Townships likely delineate what already existed at the time that local zoning authority came into effect. The areas are small, disconnected, irregular in shape. Looking at the zones of increased housing density shows that those areas are already full. They do not create open zones for additional density. Commission Chair Sauber also noted that in zoning for commercial, sexually oriented business are allowed. The Townships cannot prohibit such districts under those circumstances.
- Eureka Township reportedly has approximately 200 non-developed native rights, and approximately 200 undeveloped lots of record. We currently have the flexibility to increase the number of houses. The Metropolitan Council has repeatedly told us that they see us as Agricultural until 2040. Since we are zoned Ag and basically held open for future development of a much higher density, allowing 5-10 acre lots would defeat this purpose. Water and sewer would not be economically practical in that scenario.

- Commissioner Clancy commented that the materials indicate that the perception that our neighbors are denser than us is inaccurate. A long-term change is coming, and Eureka Township needs to decide whether to proactively implement a change in zoning. Although he stated that time may not be now. The longer we wait, the less flexible the Met Council will be.
- The Planning Commission was in agreement with the interpretation of the information presented.

Supervisor Ceminsky indicated that the purpose for his recommendation to research a change in density is to find a solution to reduce costs. Chair Palmquist agreed, adding that the Board needs to look at all possible solutions.

Motion: Supervisor Ceminsky moved to table the remaining agenda items until the July 27th Town Board meeting, seconded by Vice Chair Murphy. A roll call vote was taken: Tim Murphy – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Supervisor Fredlund. A roll call vote was taken: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Mark Ceminsky – Aye. *Motion carried 5-0.*

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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