

Eureka Township
Dakota County
State of Minnesota

Special Town Board Meeting
Public Hearing by Request of Carrie Jennings
September 10, 2014

Town Board members present were Kenny Miller, Brian Budenski, Mark Ceminsky, Steve Madden and Cory Behrendt. Planning Commission members present were Carrie Jennings, Butch Hansen, Phil Cleminson, Allen Novacek and Lu Barfknecht. Also in attendance was Township Attorney Chad Lemmons, Wayne Jagow, Attorney for Carrie Jennings, and Town Clerk Mira Broyles.

Chair Kenny Miller called the meeting to order at 7:00 p.m. He reviewed the purpose of the hearing, noting the public hearing is being held at the request of Planning Commissioner Carrie Jennings in response to grievances filed by Planning Commissioners Butch Hansen, Phil Cleminson and Allen Novacek and in accordance with Section 3, Chapter 3 of the Eureka Township Ordinances. Chair Miller went on to explain procedures that would be followed throughout the hearing.

Planning Commission Chair Butch Hansen, in regard to his grievance, discussed his obligation as Planning Commission Chair to notify the Town Board of any violation of the open meeting law. He stated he felt the open meeting law had been violated by Dr. Jennings.

Planning Commissioner Phil Cleminson discussed his grievance in regard to Dr. Jennings violating the open meeting law, noting that during the period of time there was no Town Clerk, communication was to go through the Town Board Chair. He further stated Dr. Jennings had violated the open meeting law repetitively. Mr. Cleminson also noted that Dr. Jennings is disruptive at Planning Commission meetings.

Planning Commissioner Allen Novacek read a letter he had submitted to the Board dated July 9, 2014 which noted a violation of the open meeting law by Dr. Jennings as well as her disruptive tone at Planning Commission meetings. Mr. Novacek further noted that he had submitted a letter dated June 24, 2014 to the Town Board; however that letter had not been included with these proceedings.

Chair Miller noted that during the time the Township was without a Clerk, he had not given Dr. Jennings permission to contact the Planning Commission and Town Board at will.

Planning Commissioner Lu Barfknecht was extended the opportunity to speak by Planning Commission Chair Hansen. She stated that it was her understanding from the June 10, 2014 Round Table meeting of the Town Board and Planning Commission that it was acceptable for Dr. Jennings to contact the Planning Commission and Town Board, as well as forward information to both the Commission and Board. Ms. Barfknecht further noted that she has respect for Dr. Jennings and that even though Planning Commission meetings get heated at times, it is all members, not just Dr. Jennings. She stated she felt the open meeting law had not been violated.

Township Attorney Lemmons noted that only the Town Board could determine if a violation of the open meeting law had occurred.

Supervisor Ceminsky asked that Commissioner Cleminson clarify his statement regarding Dr. Jennings being disruptive and confrontational at meetings. Commissioner Cleminson explained that Dr. Jennings does not respect the authority of the Chair.

Supervisor Ceminsky asked the Township Attorney if the Planning Commission had violated any State statutes bringing this matter to the Town Board. Attorney Lemmons noted that the Planning Commission is obligated to bring violations to the attention of the Town Board.

Commissioner Novacek noted that the violations by Dr. Jennings are not a one-time incident, but a process of violations.

Planning Commission Chair Hansen noted that the issues with Dr. Jennings are a continuous problem.

Chair Miller closed the presentation by the Planning Commission members.

Dr. Jennings made a presentation, noting there are three categories to be considered, the open meeting law, Roberts Rules of Order, and general etiquette. She went on to state that sending an email is not a violation of the open meeting law and that at the June 10, 2014 Round Table meeting she had noted that she would be sending a plan to the Planning Commission for review and that Chair Miller had asked her to send a copy to the Town Board. She noted there was no Town Clerk at the time and that she had tried to send the information from the Township office but the email had bounced back. She stated that according to the Minnesota Association of Townships (MAT), email was not a violation of the open meeting law.

Dr. Jennings continued with her presentation stating that Roberts Rules of order had never been adopted by the Planning Commission. She stated that she has never disrespected another member and interrupts less than other members who are also disrespectful. She made note of a conversation held between herself and Chair Hansen at the July 9, 2014 Planning Commission meeting as an example. She further stated that she has never intended to be disruptive during meetings.

Supervisor Ceminsky asked Dr. Jennings if it had not been noted at previous meetings that emails were not to be sent directly to Planning Commission members or Town Board members. Dr. Jennings stated again that MAT does not consider email to be a violation of the open meeting law. Supervisor Ceminsky stated that it is Eureka Township's rule that all email communication go through the Town Clerk. Dr. Jennings noted there was no Clerk during that time period.

Dr. Jennings called on Nancy Sauber, 9445 225th Street, Gloria Belzer, 24335 Dodd Boulevard, and Fritz Franna, 23665 Jersey Way, to speak on her behalf. The three residents spoke highly of Dr. Jennings' dedication to the community, her educational and professional background, her knowledge of the community and her expertise which can provide complex understanding of certain issues. It was the opinion of the speakers that Dr. Jennings is professional and courteous, not defiant, and is only trying to assist other members of the Commission to make informed decisions. They also noted they did not feel Dr. Jennings had violated the open meeting law.

Wayne Jagow, Attorney for Dr. Jennings gave a summary statement in which he noted all grievances are without merit and it is apparent there is a concerted effort by the three Planning Commission members to have her dismissed.

Supervisor Budenski asked Dr. Jennings if, when she sent out the email in question, it was her intent to only get information out regarding the VRWJPO plan. Dr. Jennings responded that she felt it was pertinent that everyone have that information. Supervisor Budenski asked if the email had influenced any decisions. Dr. Jennings noted that it had not.

Supervisor Ceminsky asked if the plan had been distributed as a hard copy. Dr. Jennings noted that it was not the same plan that had been distributed as a hard copy.

Planning Commission Chair Hansen asked to address the comments that had been made against him. Chair Miller acknowledged Chair Hansen's concerns.

The Board held a discussion in regard to the recordings of the July 9, 2014 Planning Commission meeting and the June 10, 2014 Round Table meeting. The Clerk was directed to provide the recordings to the Board for review. It was the consensus of the Board that a conversation held after the adjournment of a Planning Commission meeting would not be relevant to the issue before the Board at this time.

Township Attorney Lemmons was directed to review a letter from the Minnesota Association of Townships in regard to the open meeting law and offer his interpretation. The Board asked that the letter from MAT be forwarded to them.

It was determined by the Board that a special meeting to continue review of this matter would need to be scheduled for a later date.

Dr. Jennings asked that the Board review procedures for removing a Planning Commission member. She also asked what the standards of just cause were going to be. The Board noted that a determination will be made at the time of the special meeting.

Motion was made by Supervisor Madden, seconded by Supervisor Ceminsky to adjourn the meeting at 8:21 p.m.

Respectfully submitted,

Mira Broyles, Clerk