

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF JUNE 22, 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 7:00 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: Rane Solis (Town Clerk), Chad Lemmons (Town Attorney), Nancy Sauber (Planning Commission Chair), Larry Poppler, Bill Clancy, Randy Wood, Bryce Otte, Jody Arman-Jones, Georgie Molitor and Jim Sauber, Julie Larson and Kathleen Kauffman.

Approval of the Agenda

Motion: Chair Palmquist moved to approve the agenda 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 - Aye. *Motion carried 5-0.*

Public Comment

The opinions expressed in public comments are those of the authors and may not represent the official positions of the Town Board. The Town Board does not control or guarantee the accuracy of information contained in the comments, not does it endorse the views expressed.

Julie Larson, 24510 Highview Avenue

At the public hearing for the solar energy text amendment on June 15th, I voted against changing the proposed text amendment for (h) under Ordinance 3, Chapter 4, Section 13, from “The Town Board may require screening for ground-mounted ASES greater than 20 kilowatts and up to and including 40 kilowatts” to “The Town Board may require screening for ground-mounted ASES up to and including 40 kilowatts”.

The reason I am opposed is that this change would include small cell items such as solar lights that align driveways and sidewalks, solar electrical fencing for up to 10 acres, etc. I would ask the Board to consider approving the proposed (h) as it was originally stated: “The Town Board may require screening for ground-mounted ASES greater than 20 kilowatts and up to and including 40 kilowatts”.

Nancy Sauber, 94425 225th St W.

I suggest that if the Board is going to contemplate Commissioner Larson's suggestion, that it consider changing (h) to read "10kw and up to and including 40 kw". I get her point, we didn't think about the small use, but I think the Board could look at anything 10 kw or above because that could make an impact on a more densely populated area. I would remind the Board that screening is optional, and would give you a little more discretion rather than going all the way up to 20 kw.

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

Road Maintenance bid opening

Supervisor Ceminsky asked if the required publishing of the RFP had taken place. Clerk Solis assured the Board that the RFP was published in the paper for 2 consecutive weeks.

Chair Palmquist proposed the bid opening process as follows: Clerk Solis will read off the names of those who submitted bids, she will email the bids and make hard copies available to the town board members tomorrow at town hall. The bid packets will include a score card for each contractor to be evaluated on the same criteria, to ensure the Supervisors have the right information to make a decision. In honor of transparency and clarity, the township supervisors are going to be able to look over these bids for the next five days. The Clerk will post a public meeting for June 29th to discuss the bids and choose a road contractor, based on the scores that all supervisors turn back in to the Clerk.

Clerk Solis opened the sealed bids and read the names of each submitter: Friedges Landscaping of Lakeville, Mn; Grossman companies of Northfield MN; Hansen's Services of Farmington, MN; and Otte Excavating of Randolph, MN.

Motion: Chair Palmquist moved to table consideration of the road maintenance bid opening until the June 29th Special Town Board meeting, seconded by Vice Chair Murphy. Supervisor Barfknecht asked if she will have the opportunity to question the contractors. Chair Palmquist explained that all four contractors will be invited to attend the special meeting to provide an opportunity to ask questions. 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.*

New Business

Complaint – 7226 235th St. W.

The Board received a complaint of work being done by a resident without a permit. Supervisor Ceminsky asked to address the complaint, as it is at his residence. He explained that the permit was renewed in 2019 and there was payment made. Since then, he was in a very serious accident and spent time in the hospital. He sent letters to the inspector and had medical extensions for the periods up until now. He went to Darrel Gilmer today to get copies of extensions dated June and December of 2019 and dropped them off at town hall.

Mr. Gilmer has been the inspector on this project, and will be seeing it through because he has already been paid for this permit.

Supervisor Barfknecht noted that Mr. Gilmer was not the inspector in December of 2019, and that he did not bill for permits until the final inspections were completed. The only open permits that Mr. Gilmer was approved to continue on were the new homes. The Township cannot have two inspectors at once.

Chair Palmquist offered that there needs to be more discussion on this, and requested that the Clerk send the new paperwork to the Board for review and discussion at the July meeting.

Motion: Chair Palmquist moved to table the complaint to allow for the Board to review the new documents and come to an equitable solution at the July meeting, seconded by Supervisor Barfknecht. A roll call vote was taken: Donovan Palmquist – Aye; Tim Murphy – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Mark Ceminsky – Abstain. *Motion carried 4-0.*

Complaint - Employee

The Board received a complaint regarding the hiring of Jeanie Fredlund as Deputy Clerk without advertising the position. Clerk Solis stated that she initially hired Mrs. Fredlund on a temporary basis and has since offered the position to her, and deferred to the attorney regarding any legalities of doing so. Attorney Lemmons responded that Minnesota Statute 367.12 states that the town clerk may appoint a deputy. The statute is short and does not say anything about publicly advertising the position, nor does the town code. The Clerk had the authority to appoint her.

General Code legal analysis and review

Motion: Chair Palmquist moved to acknowledging receipt of the editorial legal analysis from General Code, and hold it open for further review by the Town Board, 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.*

Weed control

Chair Palmquist provided that the County has addressed the presence of wild parsnip in the township. He is considering if we should do some spraying for it before it is mowed. Bryce Otte recommended, and Chair Palmquist agreed, to speak with the neighboring townships about creating a coalition to eradicate the weeds.

Plexiglass for the clerk counter

Supervisor Fredlund researched what would be needed to add plexiglass screening at the front desk for protection from Covid-19. He reported that the cost estimate just for the purchase of the plexiglass would be around \$300, and that it would be twice that, or more, with installation. Chair Palmquist offered to reach out to his contact in Duluth for an additional quote. He noted that Matt Little has posted that Eureka Township will receive \$1,400 in Covid-relief money.

Old Business

Eureka Estates drainage issues

Larry Poppler, with TKDA, addressed the questions submitted by the Board beforehand.

1: What is the average bid range from contractors for each option?

Using another project as a guide, looking at the number of homes, driveways, length of ditches, I came up with a cost estimate ranging from \$150,000 - \$300,000 for options 1 and 2. The variable depending on how in-depth we do the culverts and driveways. Some of it might entail cleaning, some of it entail replacing, with the higher end being a total replacement of culverts for all driveways. The cost estimate for option 3, a reclamation-type project, would be \$500,000 - \$700,000.

2: Is the feasibility report done regardless of whether the Township will be assessing improvements to property owners?

Option 1 is not an assessed project. It would include working with a contractor of the town's choosing to provide guidance.

3: Is there a template related to the recommended neighborhood questionnaire on drainage?

The questionnaire asks residents to provide a sketch of where they are finding drainage issues, how long the water is there, how far away it is from their house, if there are any underground water systems or pet containment systems.

Supervisor Ceminsky asked if the questionnaire is included in option 1 or option 2. Mr. Poppler responded that it is included in option 2 and 3, but not in option 1.

Supervisor Ceminsky asked if Option 3 includes resurfacing. Mr. Poppler responded that the quote is for engineering, to generate a feasibility study, for doing the bidding process, for construction oversight and a survey.

Supervisor Barfknecht asked if the cost for options 1 and 2 would change significantly if we did just the one ditch on the side of Iceland path and into the cul-de-sac that doesn't drain. Mr. Poppler responded that it would.

Supervisor Ceminsky asked if the Board does not want to assess the properties, and needs to look at a short-term loan, would the feasibility report work in securing a loan? If we do a feasibility study, we wouldn't have to assess the homeowners?

Attorney Lemmons responded that he was correct. However, if you don't conduct a feasibility study you cannot assess the owners.

Chair Palmquist asked what the options are of doing this in phases. Is there a way to divide this into 2 or 3 phases to take the sting out of the cost? This needs to be done but, realistically, we do not have the funds to do it. Attorney Lemmons responded that the Board has the right to float general obligation bonds, but it is expensive.

Motion: Supervisor Ceminsky moved to hire TKDA to perform option 2, seconded by Supervisor Fredlund.

Clerk Solis read options 1 and 2 for the record:

Option 1 (Drainage Improvements) – staking and field guidance (estimate \$14,790)

Eureka Township will hire a contractor for the drainage improvement project and TKDA will provide a surveyor to provide staking and field guidance for the contractor. The TKDA surveyor will provide stakes as necessary for the contractor performing ditch grading and part time field guidance. Driveway culverts can be cleaned or even replaced. We would recommend a minimum of 15" diameter driveway culverts. For downstream areas larger culverts may be necessary or existing larger sizes replaced. Culverts that appear to be in good condition and at the appropriate elevation may be allowed to remain. Any culverts left in place should be properly cleaned of sediment. Costs would not be assessed to property owners for this option.

Option 2 (Drainage Improvements Assessed) (estimate \$37,260)

In order to assess the costs for improvements to benefitting properties, specific steps must be followed to meet State Statutes. In addition to the work described in Option 1, if the Township would like to assess the ditch improvements to the benefitting properties, it must prepare a feasibility report which defines the project and funding. The feasibility report will include existing conditions, proposed improvements, cost estimate, funding table, assessment calculation, preliminary assessment roll, conclusions, and recommendations. As an assessment project, bidding must also follow statutes. TKDA will ensure bidding procedures are consistent with State Statute. Time is provided to attend two Board meetings (Public Hearing and Assessment Hearing). It is recommended a neighborhood questionnaire be sent to fully understand the drainage issues each lot is facing.

Supervisor Barfknecht clarified that the difference between the two is that in option 2, they are adding the feasibility, reviewing the questionnaires, reviewing the state statute bidding process and onsite guidance. Mr. Poppler added that in order to bid it, you need to provide plans and specifications in which to bid it by, so part of the work includes that.

Supervisor Fredlund asked what the time frame would be to start the project if the Board were to approve this tonight. Mr. Poppler responded that the feasibility report will discuss in better detail the funding. The Board will decide if they still want to consider the project, then decide on the funding sources.

Supervisor Fredlund asked if we need to hold public hearings if the Board decides to assess the project. Mr. Poppler responded that a public hearing is required, and that notice requirements are three weeks. If we start the project now, it could be completed this fall. But if there are any hiccups, it would go into next year. Vice Chair Murphy commented that it might be advantageous to spread this out over two years.

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.*

Ordinance 2020-01 adopting solar energy text amendment

Motion: Supervisor Ceminsky moved to adopt the solar energy text amendment with the change of “20kw up to and including 40 kw”, seconded by Chair Palmquist with a friendly amendment to change it to “10kw up to and including 40 kw”. Supervisor Ceminsky accepted the friendly amendment. 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.*

Revised ROW fee schedule

Supervisor Fredlund presented a comparison of fees using a recent permit from Jaguar for reference. With the current fee schedule, the charges by the previous road supervisor were initially \$5,600 with a \$4,000 escrow. That was later changed to \$3,050 plus an escrow of \$4,000. Under Supervisor Fredlund’s proposed fee schedule, the fee would be \$200 plus a bond or escrow of \$2,500. Under Supervisor Ceminsky’s proposed fee schedule, the fee would be \$990 plus a bond or escrow of \$2,500. Supervisor Fredlund stated the he still questions the need to be charging these contractors so much. The potential that the contactor might not do the work correctly should be covered by their bonds/escrows and not as an upfront fee. If there was concern that the contractors may be damaging the right-of-way, it would not be unreasonable to increase the bond or escrow.

Supervisor Ceminsky stated that he has been following the fee schedule set by a previous Board and agrees that the fee schedule needs to be changed.

Motion: Chair Palmquist moved to adopt Supervisor Fredlund’s proposed Right-of-way fee schedule, with the option to increase fees as the Board sees fit, 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.*

Status of Holyoke complaint

The building inspector has sent a letter to the resident regarding the need for a fence around their pool. We are awaiting a response from the homeowner.

Motion: Supervisor Ceminsky moved to table the complaint until the July meeting, 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.*

Status of 24729 Dodd complaint

The complaint was resolved by the information provided by the resident in response to the letter sent by the Clerk.

Over the counter permit list for discussion

The Clerk presented the following list of Over the Counter permits:

<u>Permit Type</u>	<u>Reviewed By:</u>	<u>Inspected By</u>
Driveway/Culvert	Road Supervisor	Road Supervisor
Ag-Exempt Building	PC Chair/Zoning Administrator	Planning Commission
Mechanical	Zoning Administrator	Building Inspector
Plumbing	Zoning Administrator	Building Inspector
Roofing	Zoning Administrator	Building Inspector
Siding	Zoning Administrator	Building Inspector
Windows	Zoning Administrator	Building Inspector
Doors	Zoning Administrator	Building Inspector

Utility	Road Supervisor	Road Supervisor
Swimming Pool	PC Chair/Zoning Administrator	Building Inspector
Deck	PC Chair/Zoning Administrator	Building Inspector
Moving a Building	Zoning Administrator	Building Inspector
Demolition	Zoning Administrator	Building Inspector

Commission Chair Sauber reiterated that a majority of the Planning Commission vastly believes that the Ag-exempt buildings should go before the Planning Commission and Town Board for approval. This helps the applicants to understand the statutes they are operating under. In addition, she asked the Board to hold off on the Moving in a building as over the counter to allow the Planning Commission to look at the ordinance language.

Motion: Supervisor Ceminsky moved to accept the above list with the exception of requiring that Ag-exempt permits go before the Planning Commission and Town Board, 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.*

Treasurer’s Report

Net pay, claims and receipts

Clerk Solis presented the Treasurer’s Report for June 22, 2020: Payroll for staff and 2nd quarter officer pay: \$6,404.07; Claims: \$10,932.99; Receipts: \$9,000.40 and the additional payment of mileage for Supervisor Ceminsky.

Motion: Vice Chair Murphy moved to approve the net pay, claims and receipts as submitted, 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.*

Other Business

Chair Palmquist set the time for the Special Town Board meeting on June 29th as 7:00 pm and added Safety Issue to the agenda.

Adjournment

Motion: Supervisor Ceminsky moved to adjourn the meeting, seconded by Chair Palmquist. 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 8:30 pm

Respectfully submitted,

Ranee Solis, Town Clerk

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