# EUREKA TOWNSHIP DAKOTA COUNTY, MINNESOTA

# **EUREKA TOWN BOARD MEETING**

# April 9, 2018

# Call to Order

Chair Tim Murphy called the meeting to order at 7:02 p.m. and the Pledge of Allegiance was given.

Members Present:

Tim Murphy (Chair)

Butch Hansen (Vice Chair)
Lu Barfknecht (Supervisor)
Donovan Palmquist (Supervisor)
Mark Ceminsky (Supervisor)

Others Present:

Nancy Sauber (Commissioner)

Julie Barfknecht (Commissioner)
Chad Lemmons (Township Attorney)

Marcia Wilson (Treasurer)

Shirley Hartwig (Temporary Secretary)

See attached list for all others in attendance.

# Approval of the Agenda

The following changes were made to the agenda:

A. Add under New Business item J. RFP for Engineering and Planning Firm

B. Add under New Business item K. Job Description for Township Clerk

**Motion**: Vice Chair Hansen moved to approve the agenda as amended for April 9, 2018, seconded by Supervisor Palmquist.

# Motion carried 5-0

# Treasurer's Report (Marcia Wilson)

**Motion**: Vice Chair Hansen moved to accept the Treasurer's Report for April 9, 2018 as presented, seconded by Supervisor Ceminsky.

# Motion carried 5-0

A. Claims and Receipts

**Motion**: Supervisor Barfknecht moved to approve the Claims and Receipts list as presented, with the exception of the Building Inspector invoice from Darrel Gilmer, claim #3495, seconded by Chair Murphy.

## Motion carried 5-0

**Motion**: Vice Chair Hansen moved to have the Building Liaisons work with the Treasurer on auditing of the building inspector invoicing, seconded by Supervisor Ceminsky who accepted a friendly amendment to include Supervisor Barfknecht instead of Supervisor Palmquist.

## Motion carried 5-0

- B. Outstanding Invoices
- C. Budget
- D. Escrows,
- E. Resolution for Levy
- F. Breakdown of Attorney Fees updated every 3 months
- G. CD Rate
- H. Follow-up from Reorganization Meeting

**Motion**: Vice Chair Hansen moved to keep the Town Board and Planning Commission compensation as is stated in the reorganization meeting minutes, seconded by Supervisor Ceminsky.

# Motion carried 5-0

## I. New Contractors

Treasurer Wilson requested that we ask for W-9 and Certificates of Insurance from any new contractors up front before signing the contracts.

**Motion**: Vice Chair Hansen moved to approve the Treasurer's report items B through I as presented, seconded by Supervisor Barfknecht.

## Motion carried 5-0

## **Public Comment**

<u>Jody Arman Jones</u> – 6905 255<sup>th</sup> St. W.- Use of Township logo The Township logo is not intended for public use. It is to be used for Township business only.

**Motion**: Vice Chair Hanson moved to have the attorney research the use of the Township Logo and copy write information, seconded by Supervisor Ceminsky.

# Motion carried 5-0

# Ralph Fredlund - 23680 Jersey Court

First, the continuation of a stay for Fur-Ever Wild. The current phase of the issue has been going on since 2013. Residents had to sue the Township to get enforcement of the exotic animal ordinance. The Exotic Animal ordinance has been declared valid. Fur-Ever Wild has been shown to be in violation of our

ordinance. It is time to get these animals out of Eureka Township. There are multiple people and legitimate animal rescue operations waiting in the wings to rescue these animals. Second, the appointment of Planning Commissioners tonight. I'd like to encourage the re-appointment of Nancy Sauber and Randy Wood to the Planning Commission. They have the experience and expertise on the Planning Commission to ensure that our residents are treated fairly and ordinances are observed.

# <u>Julie Larson</u> – 24150 Highview Avenue

First, the stay for Terri Lynn Petter to keep the animals at her facility. This has gone on too long at a cost to the Township of \$72,082.45. Quit spending taxpayer money in this fashion. The fiduciary responsibility is to the citizens of the Township. To allow a continuation is going to imply additional court costs. I urge the Board to move forward, to allow a stay would be contempt of court.

Second, driveway permit fees. I paid a fee of \$101 for a driveway permit and never saw anyone, nor did anyone speak to me about the permit. There was no inspection or communication from the Building Inspector. I want to notify the Board that this is the general feeling of many: we are paying permit fees and what are we getting in return for the fees paid?

# Kathleen Kauffman -

Agenda item Fur-Ever Wild. I reviewed the docket case and resident case against the Township to get the Township to enforce its ordinances. I am troubled by a court case in which now the Township will do something outside the judicial context at a Town Board meeting. Courts are where you take facts, you take evidence, you look at credibility, veracity. You ask the tough questions about steps taken, documentation, what steps will be taken, what date will you commit to, will you post a bond so that if extension is given and you fail, you forfeit the money. That is for courts to do. This Township is not equipped to hear evidence, to take affidavits, to test credibility. It's just the right forum once a court has issued an order telling a citizen what they have to do and the time period in which they have to do it. It's a terribly slippery slope and one should loop back as to how this all started. If this Township starts to usurp the rule of the court with respect to enforcement of that order after, 4 years and after the prior 3 years on the case, we end up back exactly where we were when this all started. We are a Township Board who's not enforcing an ordinance. If there are hardship cases, the court is there to hear it. The Township is not the place for that to happen. After all this time and all of the expense you need to let the court finish it.

# Ken Olstad - 8000 257th St. W.

Question about the Petter court order. The 90-day stay ends in about a week. At this point, since that's what's in force, what is the Township's plan to enforce the order? How are Township citizens to be realistically assured that compliance has been achieved and will be maintained?

<u>Mike Slavik</u> – District One County Commissioner representing all of Dakota County There is a Township Officers meeting held every spring and fall, the next meeting is at the end of September. Residents are welcome to contact me at any time. The best means to do so is to visit the website Dakotacounty.us.

# **CONTRACTOR TIME (Bryce Otte of Otte Excavating)**

- Provided Supervisor Ceminsky with a list of bad signs
- Will work with the county to get the correct signage at the intersection of 250th and Cedar
- Responded with Supervisor Ceminsky to a water issue in Eureka Estates. There are 7 acres that were turned over to Eureka Estates residents, the drainage issue is in their drainage area. The

township ditches are doing what they are supposed to be doing. Mr. Otte suggested looking at it as a capital improvement plan down the road.

**Motion**: Supervisor Ceminsky moved to approve the list of signs, seconded by Supervisor Hansen.

# Motion carried 5-0

# **Building Inspector Update**

Chair Murphy indicated that there would not be an update at time, this is an agenda item under Old Business.

# Consent Agenda

A. Minutes of the February 12, 2018 Town Board Meeting

**Motion:** Vice Chair Hansen moved to approve the minutes of the February 12, 2018 Town Board meeting as presented, seconded by Supervisor Palmquist.

Motion carried 3-0, with Chair Murphy and Supervisor Ceminsky abstaining

B. Minutes of the March 12, 2018 Town Board Meeting

**Motion:** Supervisor Ceminsky moved to table approval of the March 12, 2018 Town Board meeting minutes until the recording can be reviewed, seconded by Chair Murphy.

# Motion carried 5-0

C. Minutes of the March 15, 2018 Town Board Special Meeting Board of Canvass

**Motion:** Supervisor Palmquist moved to approve the minutes of the March 15, 2018 Town Board Special Meeting Board of Canvass, seconded by Vice Chair Hansen.

Motion carried 3-0, with Chair Murphy and Supervisor Ceminsky abstaining

D. Minutes of the March 26, 2018 Town Board Special Meeting

**Motion**: Chair Murphy moved to approve the minutes of the March 26, 2018 Town Board Special Meeting, seconded by Supervisor Ceminsky.

## Motion carried 5-0

E. Minutes of the March 26th Reorganization Meeting

**Motion**: Supervisor Barfknecht moved to table approval of the March 26, 2018 Reorganization Meeting, seconded by Supervisor Palmquist.

#### Motion carried 5-0

# Planning Commission Update - Julie Larson

- A. Commissioner Larson provided an update of the April 3, 2018 Planning Commission meeting:
  - Planning Commission requested Attorney Chad Lemmons check with the County to be sure subabstracts sent and received were monitored by the county so there is a back up to our Township mapping. This is to ensure that if there are any restrictions on said land, those restrictions would be recorded at the county level as well
  - Corrections to the February and March minutes were sent to the Clerk
  - Waiting for the approved updates to the forms to be completed by the Clerk
  - It was agreed that Tuesdays work best for Planning Commission meetings
  - Attorney presence at the Planning Commission meetings was discussed and was unanimously agreed to be vital

# **NEW BUSINESS**

A. Mark Nelson – 5255 256<sup>th</sup> St. W. -Annual review for airstrip Chair Murphy opened the floor for comments or complaints. Having heard non, the floor was closed.

**Motion:** Vice Chair Hansen moved to approve the annual review of the airstrip, seconded by Supervisor Ceminsky.

## Motion carried 5-0

B. Consideration of Teresa Lynn Petter request for continuation of stay issued January 16, 2018, in regard to Dakota County District Court file no. 19HA-CV-2725

**Motion:** Supervisor Hansen moved to grant Ms. Petter's request for an extension of 90 days, seconded by Supervisor Ceminsky.

Motion failed 2-3, with Chair Murphy, Supervisor Barfknecht and Supervisor Palmquist opposed

Captain Rogers with the Dakota County Sheriff's Department responded to the questions and concerns stated during public comment relating to the enforcement of the court order. He advised that the Sheriff's Office and County Attorney view the exotic animals at Ms. Petter's residence as her property, she has the ability to cooperate with the order that is in place and remove the animals from her property. The Sheriff's department will step in on April 16<sup>th</sup> to ensure she has moved the animals off of the property, and if not, will prepared to move the animals. Procedurally, an investigation would commence for any future complaints regarding compliance with the ordinance.

C. Gerald & Elaine Swedin – Renewal of Ag-Preserve Program

**Motion:** Supervisor Ceminsky moved to approve the Ag-Preserve renewal, seconded by Vice Chair Hansen.

## Motion carried 5-0

(Chair Murphy called for a 5-minute break)

- D. Quotes/Bids (Sealed bids)
- 1. Road Gravel/Lime Stone

**Motion**: Vice Chair Hansen moved to accept and award the road limestone contract to Anderson Rock and Lime (from Cannon Falls), seconded by Supervisor Ceminsky.

## Motion carried 5-0

**Motion**: Vice Chair Hansen moved to accept and award the road gravel contract of class 5 gravel at \$8.90 per ton to Dakota Aggregates, seconded by Supervisor Ceminsky.

# Motion carried 5-0

2. Road Maintenance

**Motion**: Vice Chair Hansen moved to accept and award the road maintenance contract to Otte Excavating, seconded by Supervisor Ceminsky.

#### Motion carried 5-0

3. Dust Control

**Motion**: Vice Chair Hansen moved to accept and award the dust control contract of \$17,200 per 20,000 gallons to Envirotech, seconded by Supervisor Palmquist.

#### Motion carried 5-0

4. Street Sweeping

**Motion**: Vice Chair Hansen moved to accept and award the street sweeping contract to Terpstra Snow Plowing, Inc., seconded by Supervisor Ceminsky.

# Motion carried 5-0

5. Town Hall Grounds Maintenance

**Motion:** Vice Chair Hansen moved to accept and award the Town Hall grounds maintenance contract to Schroeder Masonry on a per month basis, seconded by Supervisor Ceminsky.

#### Motion carried 5-0

E. Planning Commission Appointments

The commission terms for Nancy Sauber and Randy Wood are expiring, leaving two open seats. The following candidates expressed their interest in a position on the Planning Commission: Kody Storlie - 10210 235th St. W.

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Allen Novacek – 24030 Iberia Avenue Randy Wood – 23775 Essex Avenue Nancy Sauber – 9445 225<sup>th</sup> St. W.

A ballot vote was taken and Chair Murphy announced the appointment of Randy Wood and Allen Novacek to the Planning Commission.

F. Ordinance Amendment - Right of Way

**Motion**: Supervisor Ceminsky moved to approve the Right of Way Ordinance as recommended by the Planning Commission per the April 3, 2018 Public Hearing, seconded by Vice Chair Hansen.

## Motion carried 5-0

G. Ordinance Amendment – Fence Ordinance Changes

**Motion**: Supervisor Ceminsky moved to adopt the Fence Ordinance changes as recommended by the Planning Commission per the April 3, 2018 Public Hearing with the following amendments: remove the language regarding fees and apply this only to planned developments, seconded by Vice Chair Hansen.

Motion failed 2-3, with Chair Murphy, Supervisor Palmquist and Supervisor Barfknecht opposed

**Motion:** Vice Chair Hansen moved to deny the fence ordinance as written and send it back to the Planning Commission to be better defined as to what an agriculture fence is and to remove the part about fees, seconded by Supervisor Ceminsky.

Motion carried 4-1, with Supervisor Barfknecht opposed

H. Review of Drive Way Fees

The Planning Commission asked for clarification of driveway fees. The Board advised that the fee is stacking: \$100 application fee plus \$450 if the Township provides a culvert. Vice Chair Hansen advised that the application fee covers the inspections by the road supervisor and the road contractor. It was agreed to review the instruction sheet and fees at a later date.

I. Training Approvals

**Motion**: Supervisor Ceminsky moved to reimburse Town Board supervisors and Planning Commission members for the cost of the MAT training session on April 19, 2018, seconded by Supervisor Hansen.

#### Motion carried 5-0

**Motion**: Supervisor Ceminsky moved to post a Special Meeting for the Town Board and Planning Commission to attend said class scheduled for April 19, 2018, seconded by Supervisor Palmquist.

## Motion carried 5-0

J. RFP for Engineering and Planning

Vice Chair Hansen requested review of the RFP for Engineering and Planning firm to take place at the May Town Board meeting.

K. Township Clerk

Chair Murphy and Vice Chair Hansen were assigned to work on the Clerk job description and hiring.

# **OLD BUSINESS**

A. Cal Pflaum - Culvert on 225th St. East of Essex

Item to be put on next month's Town Board agenda

B. Building Inspector Services Contract

**Motion:** Vice Chair Hansen moved to not accept the building inspector contract with MNSPECT, seconded by Supervisor Ceminsky.

Motion carried 4-1, with Supervisor Barfknecht opposed

**Motion**: Vice Chair Hansen moved to not hire MNSPECT as the Building Inspector, seconded by Supervisor Ceminsky.

Motion carried 4-1, with Supervisor Barfknecht opposed

**Motion**: Vice Chair Hansen moved for Chair Murphy and one of the Building Inspector Liaisons to meet with Darrel Gilmer to come up with a month to month agreement to allow the Board time to send out RFP's for a Building Inspector, seconded by Supervisor Ceminsky.

Motion carried 4-0, with Supervisor Barfknecht abstaining

**Motion**: Vice Chair Hansen moved to hire Darrel Gilmer on an as-needed basis to continue to do building inspections and issue permits until new RFP's are sent out and we hire a new building inspector, seconded by Supervisor Ceminsky with a friendly amendment to pay Darrel Gilmer based on the old contract until a new temporary contract is negotiated.

Motion carried 4-1, with Supervisor Barfknecht opposed

Chair Murphy offered to notify Mr. Qualle from MNSPECT that his contract was not accepted.

C. Planning Commission Meeting Dates

**Motion**: Supervisor Palmquist moved to accept the Planning Commission Resolution as submitted, seconded by Vice Chair Hansen.

## Motion carried 5-0

D. Attorney presence at Planning Commission Meetings

**Motion**: Supervisor Ceminsky moved to revert back to the old policy of not having the attorney present at every meeting and for the Planning Commission to get approval of the Board to request attorney presence, seconded by Vice Chair Hansen.

Motion carried 4-1, with Supervisor Barfknecht opposed

E. Board Supervisor Assignments as Liaison to Planning Commission Meeting

Item tabled to allow Board members time to review their dates of availability.

Nancy Sauber, having attended the last North Cannon River Water Resolution Management meeting, provided information to the Board that the annual report must be posted in order to fulfill the Bowser approved requirement for education of the public. As the watershed liaison, Supervisor Ceminsky directed for the date and time of the public comment period to be posted on the Town Hall bulletin board and on the website.

# Adjournment

Motion: Vice Chair Hansen moved to adjourn the meeting, seconded by Supervisor Palmquist.

Meeting adjourned at 11:40 p.m

**Upcoming Meetings** 

April 23, 2018 Round Table Meeting

Respectfully submitted:

Ranee Solis / Deputy Clerk

Minutes Officially Approved on:

and

Town Clerk

Town Chai

# April 9, 2018

# TOWN BOARD MEETING

Attendance **ADDRESS** Name 23650 dersey G DaKuta County Shor Ffs Office Instain Jim Rigers 24810 Dodd arson 23625 Jersey Ct HUCK + Kathlan Knuffman lake Bartsuni K WOOD Laurie Gosslev 23734 Porta Blud 5255 265 TH ST W 27561 Iberia Aue, Licul 24335 Dod 0 BIORIA Belze 5750 225Th Sill MARIC PHION

# PUBLIC COMMENT

If you wish to address the Town Board during the Public Comment period, please <u>print</u> your name and address below:

NAME

**ADDRESS** 

Jody Arman-Jones	6905 255m St. W.
RALPH FREDLUNG	236Se Jenser C
Julie Larson	24510 Highview Ave LKILL
	25506 Spaway
Kortlen Konffron Cheryl Schindeldecker	26600 Spava -
Ken Olstad	8000 257th St. W., Futh.
Mike Slavik	1590 they 55 - Hustings

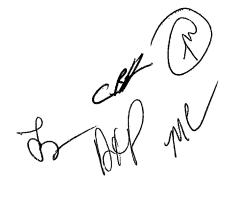
# Treasurer Report April 9, 2018

# Bank Balance

	March 31, 2018			
Checking Account	\$3,480.73			
Outstanding Checks	-\$2,676.96			
Savings Account	\$418,435.48			
CD Account	\$79,019.66	Total Investments		
		\$497,455.14		
ACCOUNT BALANCES	\$498,258.91			
Petty Cas	h In		CD	Original
Cash Box	\$100.00		Matures	Investment
TOTAL INCLUDING CASH	\$498,358.91	\$38,908.59	6/29/2021	5 yr

# **TOTAL DISBURSEMENTS**

TOTAL March CLAIMS	\$34,384.22
TOTAL March PAYROLL	\$3,550.43
	\$37,934,65



\$40,111.07 6/27/2022

\$79,019.66

5 yr

Eureka Townsh	nsh.			Claims I © for Approval	proval		4/5/2018
Date Range:	4/1/2018 To 4/10/2018						
<u>Date</u> 04/09/2018	<u>Vendor</u> Internal Revenue Service	Description Fed tax deposit due in March 18	<u>Claim #</u> 3490	<u>Total</u> \$1,171.26	Account #	Account Name	<u>Detail</u>
					100-41422-115-212 100-41425-115-212 100-41425-122-212 100-41421-122-212 100-41421-122-212 100-41425-125-212 100-41421-125-212 100-41411-115-212 100-41410-125-212	Deputy Clerk Deputy Clerk Treasurer Deputy Clerk Treasurer Treasurer Elections	\$265.55 \$201.96 \$61.52 \$263.34 \$127.84 \$14.38 \$61.58 \$29.90 \$29.90 \$27.48 \$117.56
04/09/2018	PERA	April 18 payroll pmt	3491	\$213.84	100-41421-121-212 100-41422-121-212	Treasurer Deputy	\$144.37 \$69.47
04/09/2018	Minnesota Department of Revenue	Witholding Tax Pmt1st qtr	3492	\$356.28	100-41422-126-212 100-41425-126-212 100-41425-126-212	Deputy Clerk Clerk	\$154.66 \$164.48 \$37.14
04/09/2018	Kelly & Lemmons, P.A.	March legal Bill	3493	\$2,829.75	100-41615-304-216	Legal Services	\$2,829.75
04/09/2018	Otte Excavating Inc.	March 18 Road bill	3494	\$8,487.50	201-43125-313-204 201-43122-313-201 201-43230-313-236	ice and Snow Removal Unpaved Streets Waste (Refuse) Collection	\$4,210.00 \$3,832.50 \$445.00
04/09/2018	Darrel Gilmer	building inspections March 18 Bill	3495	\$7,958.22	100-42401-312-210	Building Inspections Administration	\$7,958.22
04/09/2018	Dakota Electric Association	March Electric Bills	3496	\$111.40	100-41940-381-220	General Government Buildings and Plant	\$96.15

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Report Last Updated: 08/29/2014

Date Range: 4/1/2018 To 4/10/2018

Eureka Townsh

Description accnt# 0076
accnut 00/002 March 349/
bill Acct 10134684 3498
Cleaning Town Hall April 3499
Customer ID 105983 3500 Propane
Acct 952046903736 3501 053101 7 March bill
postings 3502
Dakota County Elections Voting Equipment 3503
2018 Salt & Sand March 3504
Fire, Contract 1st qtr 3505 2018

Eureka Towns	/nsł			Claims for Ap	for Approval		4/5/2018
Date Range:	4/1/2018 To 4/10/2018						
l							
<u>Date</u> 04/09/2018	Vendor Farmington Printing	Description printing services invoice	<b>Claim #</b> 3506	Total \$118.00	Account #	Account Name	<u>Detail</u>
					100-41940-203-213	General Government Buildings and Plant	\$118.00
04/09/2018	BroadView Technology Solutions LLC	March 18 invoice 2210	3507	\$186.00			
					100-41920-309-212	Data Processing	\$186.00
04/09/2018	CardMember Services	Acct 6018 Mira expenses, website charge, office supplies, postage, and election costs	3508	\$392.60			
					100-41425-325-212 100-41425-202-212 100-41410-434-214	Clerk Clerk Elections	\$28.00 \$295.00 \$69.60
04/09/2018	CardMember Services	Acct 6026 Marcia expenses faxing information to bank for signature changes	3509	\$4.69			
					100-41421-203-212	Treasurer	\$4.69
04/09/2018	Mira Broyles	reimbursement for mileage	3510	\$83.39	CCC 400 70444 000		\$ C
04/09/2018	Iody Arman Jones	Flection ludge mileage	3511	\$20.43	100-41425-331-222	Cierk	583.39
			1	C+.C7+	100-41410-331-214	Elections	\$29.43
04/09/2018	Valerie Kehrer	Election miles	3512	\$33.24	100-41410-331-214	Elections	\$33.24
04/09/2018	Mary Ann Michels	Election Judge miles	3513	\$4.36	100-41410-331-214	Elections	\$4.36
04/09/2018	Jack Schabel	Election Judge miles	3514	\$8.17	100-41410-331-214	Elections	\$8.17
04/09/2018	Earl Schindeldecker	Election Judge miles	3515	\$35.97	100-41410-331-214	Elections	\$35.97
Report Last Upda	Report Last Updated: 08/29/2014			Page 3 of 4	4.		

Eureka Townsł	· Js.			Claims for A	for Approval		(	4/5/2018
Date Range:	4/1/2018 To4/10/2018							
Date	Vendor	Description	Claim #	Total	Account #	Account Name		Detail
04/09/2018	Cheryl Schindeldecker	Election Judge miles	3516	\$4.36	100-41410-331-214	Elections		\$4.36
04/09/2018	Elaine Swedin	Election Judge miles	3517	\$7.08	100-41410-331-214	Elections		\$7.08
Total For Selected Claims	ed Claims			\$34,384.22				\$34,384.22
Charles Hansen		G.	City Council/Town Board				Date	
Donovan K Palmquist	quist	G.	City Council/Town Board				Date	
Lucretia Barfknecht	cht	City	City Council/Town Board				Date	
Mark Ceminsky		City	City Council/Town Board				Date	
Timothy Murphy	٨	City	City Council/Town Board		l.		Date	