

**EUREKA TOWNSHIP  
DAKTOA COUNTY, MINNESOTA**

**TOWN BOARD and PLANNING COMMISSION ROUND TABLE MEETING**

**May 10, 2017**

Town Board Supervisors present were Lu Barfknecht, Carrie Jennings, Butch Hansen and Donovan Palmquist. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Randy Wood, Julie Larson and Bill Funk. Also present was Township Clerk Mira Broyles, Deputy Clerk Cheryl Murphy and Treasurer Marcia Wilson.

**CALL TO ORDER**

Chair Barfknecht called the meeting to order at 7:00 p.m.

**ROUND TABLE PROTOCOL**

It was noted that Town Board Chair Lu Barfknecht would chair the meeting and the meeting would serve as a working meeting.

**ATTORNEY CONTACT**

Discussion was held regarding the policy for contacting the Township Attorney. It was agreed that any contact with the Attorney should go through the Town Board Liaisons, Supervisor Lu Barfknecht or Supervisor Carrie Jennings, then back through the Town Clerk. It was noted that any Board member or Planning Commission member who has a question for the attorney can notify the attorney contact. The attorney contact is to pass along the question to the attorney. The attorney contact is the conduit for billing purposes only. It was also noted that the Planning Commission Chair has the ability to contact the Attorney on behalf of the Commission in conjunction with Township meetings or in regard to the normal course of business. Chair Sauber stated for the record that it has been extremely valuable to have the Attorney at Planning Commission meetings. There has been much-improved continuity. The citizens receive more assurance about the correctness of commission decisions and feedback. The Attorney is a professional at writing Findings of Fact for IUPs and CUPs. The Commission welcomes his advice on other public hearings as well.

Chair Sauber said she would also like to state that it has been extremely valuable to have the Planning Commission Chair able to contact the attorney regarding the timeliness and efficiency of everything just mentioned. Clarification of questions that come up between meetings is important. It is much better for the attorney to be present at meetings in "real time" and not have to rely on someone's relating to him what happened at the meeting. Sauber thanked the Board for having the policy and said it was very important to continue it.

It was noted that the Minnesota Association of Township attorneys can be contacted for general information and opinions Nancy Sauber also repeated the policy from the past that if questions are asked of MAT, to let the Clerk know so there is not a duplication of questions going to them.

### **RESPONSIBILITY OF LIAISONS**

Discussion was held regarding the responsibility of liaisons. It was clarified that a complete report be given at each meeting by the Town Board or Planning Commission liaison. It was noted that a list of Town Board liaisons is on the Township website.

### **TOWN BOARD AND PLANNING COMMISSION REPRESENTING THE TOWNSHIP**

Discussion was held regarding Town Board members and Planning Commission members individually representing the Township. It was agreed that no opinions should be given by an individual member of the Board or Commission, rather, advise the person to attend a Board or Commission meeting for clarification. Supervisor Jennings commented that realtors and citizens will call regarding a use or for opinions. They should be referred to Commission and Board meetings for any questions. They can be referred to the Clerk as the Zoning Administrator as well. Sauber added that some citizens understand this and others do not. She has had to explain to them that in the past there have actually been legal fees and court appearances when an individual relied on a single Supervisor's opinion.

Jennings stated that referral to sections of the Ordinances is also appropriate.

Chair Sauber voiced concern about things she has heard about a supervisor taking it upon himself to drive into a new citizen's property and tell that citizen that there have been a lot of complaints about his property. This is not a seemly way to handle things. Sauber doesn't believe this is proper and wonders about the impression given to the new resident. Complaints must be written, *must be signed*, and are to go to the Board *as a body* for action.

Supervisor Barfknecht agreed that the complaint policy must be followed. Sauber said that the Building Inspector can go on a property in his official role under the authority he has been given and with the knowledge he has. It may not be appropriate for a supervisor who has not been designated by the Board to visit a property to do so, even if he may be a contact person.

It was also agreed that if complaints are received by Board or Commission members, they should recommend that a formal complaint be submitted through the Clerk's office.

### **MONTHLY SUMMARY FROM PLANNING COMMISSION CHAIR / LIAISON**

Discussion was held regarding a brief written summary of each Planning Commission meeting be included in the Board's agenda packet. An annotated agenda from the commission liaison to the Board would be sufficient. It was agreed that the Planning Commission would indicate straightforward items that were approved at the Planning Commission meeting that could be placed on the Town Board consent agenda.

### **TOWNSHIP EMAILS AND NETWORK**

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It was noted that Broadview Technology had been recently contracted to take over the maintenance previously provided by Buds and Bytes. Discussion was held regarding out-of-date information on the website and possibilities for identifying and replacing information. Discussion was also held regarding the option of providing individual email addresses for Town Board Supervisors and Planning Commission members. It was noted that the preferred method of receiving information be honored for each individual Board or Commission member. Nancy Sauber reminded the group that the attorneys have advised that Supervisor and commissioner emails are subject to subpoena. They are not private. This is true whether they are on the Township email address or personal email address.

Discussion was held regarding the possibility of electronic forms being made available on the Township website. It was also decided that application forms would no longer be available in the lobby of Town Hall, rather, the Clerks would provide applications upon request to ensure the correct application is used. It was noted that the Planning Commission is in the process of reviewing the application forms.

Motion was made by Supervisor Hansen, seconded by Supervisor Jennings, to authorize the Clerk to dispose of old equipment through proper recycling channels. Motion carried 5-0.

#### **COMMUNICATION BETWEEN BOARD MEMBERS AND PLANNING COMMISSION MEMBERS**

General guidelines regarding a code of ethics and communication styles for Board and Commission members were reviewed. The open meeting law was also reviewed.

#### **INFORMATION GATHERING AND SHARING GUIDELINES**

It was clarified that information shared between Board members and/or Commission members should be sent through the Town Clerk. It was noted that requests for information from the Clerks be sent via email and a response will be forthcoming as soon as possible.

#### **SOLVING PROBLEMS VS. ADMINISTERING ORDINANCES**

Discussion was held regarding the administration of ordinances actually solving specific problems. Supervisor Jennings commented that the role of the two bodies is to help citizens understand the Ordinances and how they apply to a citizen's situation. It was noted that ordinances should be referenced for clarification of specific issues. It was also noted that it is the citizen's responsibility to follow up on concerns they may have. Chair Sauber added that everyone's jobs would be easier if all simply followed the Ordinances and also supported each other in the explanation of the ordinances. It is the citizens' role to be open to those explanations. Sometimes what has to be said regarding a procedure or process or requirement is not what the citizen wants to hear, but there is a legal obligation to follow the Ordinances whether that is the case or not.

Chair Barfknecht agreed that it is very important to be a unified group. Sauber added that when the unity is not there, it can and *has* had the effect of making the Planning Commission look obstructive or as if it is trying to keep people from getting what they are entitled to under the Ordinances, when this is simply *not* the case.

Variations were discussed following a question from Commissioner Funk. Variations are all about measurement and never about use. The applicant cannot create the problem he is seeking a variance to solve. There are specific statutory requirements for variations.

Supervisor Palmquist suggested having citizen workshops perhaps twice a year to inform citizens about the Ordinances and how to fill out an application correctly.

Nancy Sauber repeated that the Clerks must interface with people as to whether an application is complete or not. If it is not complete, it should not be accepted and should not come before the bodies until it is. Whatever the Clerk has told the applicant is missing must be provided before processing.

The Planning Commission is working on forms at its meetings and is trying to correct and update them.

### **PLANNING COMMISSION QUESTIONS AND CONCERNS – Chair Nancy Sauber**

#### **A. Advocating/“Problem Solving”**

Sauber said if a Supervisor or a Commissioner represents a citizen or is advocating for him, that official should not be voting in the decisions.

**B. Interference With Decisions Already Made – combined with Understanding Agricultural Exemptions**  
Sauber stated if an attorney contact person has talked to the attorney and received advice, members of the two bodies need to be supportive of that and respect the advice given. The attorney has given good advice, and the citizen applicant needs to follow that advice and should not be given the impression that there is not unity or that a particular member may be contradicting the attorney’s advice. That’s not to say that questions cannot be asked, but these should be raised at a meeting.

An example of this occurred recently. Before the election, the Town Board, the Planning Commission and the attorney dealt with an accessory building application. The property was taxed as residential, not as agricultural. There were animals involved and sufficient acreage, but no ag was taking place. Thus the County Assessor’s tax classification. However, the applicant was told by someone not on either body, at least at the time that the decision was made, that she *was* ag and she didn’t have to pay the accessory building permit fee. There needs to be a better understanding of what constitutes an ag use. This is an ag community. There are fees and zoning requirements to be met.

Commissioner Larson agreed, saying to be ag, one has to produce something. Just having the acreage doesn’t make the use ag. A couple of thoughts that Larson suggested were the presentation of a Schedule F from income taxes or to show the papers on production that are necessary to get crop insurance through the Farm Services Agency.

Sauber confirmed that the ag exemption form used by the Township is based on statutory requirements. The applicant has to be able to fill out the form completely and sign it. Along with tax status as ag, that gives the Township the assurance that the building is truly exempt from the Building Codes.

## B. Training for All

Sauber stated that “The Basics of Planning and Zoning” and “Beyond the Basics of Planning and Zoning” Government Training Services sessions are coming up, the first on June 1. It was put forth that it would be a good idea for those who haven’t taken any training at all yet to take one or both of those classes. Chair Sauber mentioned how, in the past, she has brought up a few times that there is a minimum of training that should be expected, if not made mandatory. Two sessions over the three years of a term is not excessive. Supervisor Jennings also mentioned the Minnesota Association of Townships’ trainings.

## C. Understanding the Transfer of Building Rights Process and Compliance

Chair Sauber offered that the Planning Commission is going over the process to make it more easily understandable. The forms, supporting documents, and the Ordinance can be examined to gain a better grasp of the process. In the past there have even been applications “pushed through,” really in violation of the Ordinance specifics. This should not happen.

For example, a building permit is not to be considered by the Township until the transfer is complete, is recorded with the County, and proof of the filing has been provided to the Clerk. All need to have a thorough understanding of this topic.

A request for cork strips for the new maps was made at this point by the Commission Chair. This will be followed up on.

## D. Undermining Legal Advice and Attorney

Chair Sauber asserted that the challenging of the attorney at a meeting, even being downright rude to him that has been seen, is really uncalled for and has to stop. It’s very unprofessional and it could even result in Eureka being unable to find really good attorneys to represent and work with the Township. All of the Board and the Commission want to be treated with respect. Some have even made a repeated point of this. The attorney should be given the same courtesy. This is also true of any professional who works with us, Sherri Buss from TKDA, for example.

## E. Working Together and Not in Opposition

Chair Sauber pointed out the Eureka Township Boundaries Protection Study and suggested that anyone who hasn’t read it familiarize himself with it. The study was done with Sherri Buss’ assistance. Sherri works with a lot of townships and has a lot of knowledge. This document, drawn up after numerous meetings, is important regarding Eureka’s future. Township officials need to work together on this.

When the Township has the opportunity to work with people who are very highly regarded in their particular professions, there should be some measure of confidence in their advice. If there are questions about the advice, they need to be addressed during a meeting. It should not be the case that citizens are told that the professional who commented on their application is incorrect. To suggest that Township officials are going to do research to check on the attorney is humorous. The attorney has been hired for very good reasons. Even if someone doesn’t agree, the conversation should still be respectful.

Chair Sauber closed the Commission portion of the agenda by saying that she is very happy to work with the Commissioners the Board appointed. All are respectful, try to do the right thing, do their homework, and ask questions of the attorney. She wants them to know that she appreciates working with them.

Motion was made by Chair Barfknecht, seconded by Supervisor Jennings to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Mira Broyles, Clerk