

EUREKA TOWNSHIP
Dakota County, State of Minnesota

SPECIAL TOWN BOARD/PLANNING COMMISSION MEETING
May 26, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Special Town Board/Planning Commission meeting was called to order at 7:00 p.m. by Town Board Chair Lu Barfknecht and the Pledge of Allegiance was given.

Members Present: Lu Barfknecht, Donovan Palmquist (via Zoom), Ralph Fredlund, Nancy Sauber, Kathleen Kauffman, Bill Clancy, Deb Burkhardt, Randy Wood, Beth Eilers and Chad Berg.

Others Present: Amy Liberty.

Zoom Attendance: Rane Solis and Julie Larson.

Approval of the Agenda

Supervisor Sauber stated this should not be an agenda item since this is a special meeting and the agenda cannot be changed. Chair Barfknecht noted that Mat attorney, Steve Fenske, has stated otherwise and she will ask him to submit this in writing.

Round Table

Round Table meeting protocol

The Round Table meeting will serve as a working meeting between the Town Board and the Planning Commission. It was agreed that Town Board Chair Lu Barfknecht would chair the meeting.

Attorney contact / process for attorney engagement

It was noted that Chair Barfknecht and Supervisor Kauffman are the liaisons for the attorneys. Bob Ruppe is the Township's general counsel and Troy Gilchrist works on special projects. If a legal issue comes up that any member needs guidance on, simply call one of the liaisons to either direct the issue to the attorney or grant permission for direct conversation. It is the practice of the Board to copy the Clerk on every contact with the attorneys. Keep in mind that the Minnesota Association of Townships attorneys can answer routine questions at no charge to the Township.

Supervisor Sauber noted that, in the past, all questions were to be sent to the Clerk for forwarding to the attorney to ensure that duplicate questions are not being asked. If a Commissioner is ever denied attorney access by the liaisons, he/she can come before the Board to make the request. Supervisor Sauber added that she would like to see everything that goes to and from the attorney because the answer often comes from how the question is worded. Supervisor Kauffman disagreed with the request and offered to discuss the

reasons at another time so as not to derail this meeting. The Clerk is copied and has a complete record of all correspondence.

Supervisor Sauber stated for the record that there have been items sent to the attorney that she had no idea were being sent. Supervisors Palmquist, Fredlund and I all have an obligation to the taxpayers. Therefore, I would request that before something gets sent to the attorney it should come to the Board first. No Supervisor is allowed to spend money on their own without Board directive and I will not relinquish my elected authority to direct for payment on the taxpayers. Supervisor Kauffman responded that the practice of automatically sending all contracts and text amendments to the attorney was presented at an earlier meeting with no dissents.

Chair Barfknecht reminded that the purpose of round table is to have good discussion between the two bodies and not argument and debate.

Responsibility of liaisons

A list of Town Board liaisons is provided from the Reorganization meeting and posted on the website. All members are to contact the proper liaison for a specific topic and not reach out to a contractor or agency directly. The liaisons are responsible for communicating for the Town Board and representing the Township. If a member asks a question over the phone, a follow up email should be sent, and the Clerk copied, for a written account of the discussion. As a courtesy the liaisons should stay informed at all times.

Town Board and Planning Commission representing the Township

It was agreed that no permissions should be given by an individual member of the Town Board or Planning Commission. Officials should state that this is the opinion of one member and advise the person to attend a Planning Commission or Town Board meeting for clarification. Always clarify that you are not speaking officially for the entire body.

Commissioner Eilers noted that she feels private conversations can be dangerous, not for the delivery of the message but for the receipt of the information. The resident knows your position on the Board and can misinterpret that this is a Board response.

Monthly summary from Planning Commission Chair/Liaison

The liaison assigned for each meeting will present a summary of the recent meeting to each body accordingly. Commissioner Clancy noted the report should detail the actions of the body and not the personal opinion of the liaison. The Chair of each body may also offer input as they deem necessary.

Commissioner Clancy suggested listing the vote of the Planning Commission on the application form when signing. Supervisor Kauffman requested that when presenting the meeting summary, the liaison state the vote for each item to inform the Board of opposing views. Supervisor Sauber noted that if you recuse or abstain you do not have to give a reason. However, the reason should be clear from the discussion.

Communication between Board members and Planning Commission members

Chair Barfknecht that this item refers to emails and the open meeting law. Inquiries and questions should be sent to the Clerk for dispersing in order to avoid open meeting law violations. However, be mindful that all information is one-way only, we cannot use the Clerk to get around the open meeting law. Supervisor Sauber requested the Clerk blind copy all forwarded emails to avoid accidental responses.

Commissioner Burkhardt commented that she would like to receive more information from the Township. The Board agreed to copy the Planning Commission and Deputy Clerk on all Township information as a courtesy.

Solving problems vs. administering Ordinances

The Town Board and Planning Commission must follow the rules of the Ordinances and try to stay within the boundary of the Ordinance's intent.

Planning Commission requested topics

Residential Accessory Buildings

Commissioner Clancy noted the Planning Commission has begun benchmarking other Townships as a reference point for accessory building regulations. Commissioner added the need to be careful not to overregulate the Township.

Town Board requested topics

Ordinance writing and process with hearings

Supervisor Sauber explained that we must have a hearing if a text amendment involves zoning or mining. Ordinance writing should not go to a public hearing until it is in a form the Board agrees is in the best possible shape at the time.

Commissioner Clancy commented that perfect is the enemy of progress. The Planning Commission reviewed the housing rights transfer text amendment for months before sending it to the Town Board as polished as it could get. At some point in time, we need to move it forward for a public hearing.

Supervisor Kauffman noted that there are two open substance issues: driveways and landlocked parcels and posed a question of whether it could go to a hearing with alternate language for the substantive issues. She also noted that the language ought to be clear enough that a citizen can read it and understand it clearly without nuance.

Supervisor Fredlund responded that, in his opinion, Nancy Sauber and Jeff Otto are the experts in this field who have had the benefit of working with Chad Lemmons, one of the few, if not the only, attorneys who have experienced this type of ordinance, in drafting the language. Jeff Otto has worked hard to address the issues that have come up over the years and the amendment language should stay as it is.

Supervisor Kauffman firmly rejected the idea that ordinance language needs to be nuanced and divert from established ordinance formats in order to address difficult context.

Ordinance review

Chair Barfknecht commented that recodification formatting has brought our Ordinances into new light. Supervisor Sauber suggested a need for an orderly process of reviewing the Ordinances and recommended that the Planning Commission come up with an annual schedule of Ordinances that will be reviewed. Supervisor Kauffman noted that most Townships do not have many ordinances and urged that, as part of the ordinance review, the Commissioners think about how to create a smaller group of regulations with cutting the meat. Supervisor Sauber responded that other townships do not have ordinances because they do not have zoning authority. Most townships only deal with roads.

Working through Board liaisons to outside agencies

It was agreed that all members should go through the Town Board liaisons for contacting outside agencies.

Full Board's role in spending funds

Supervisor Sauber deferred this item to the next Town Board meeting.

Moving forward with extended home-based business; next steps

The Board agreed another meeting will be scheduled to determine basic parameters. However, there are higher priority issues being reviewed at this time.

Role of what other townships do in relation to what we do

Supervisor Sauber noted her agreement with the Planning Commission checking the ordinances of other townships in comparison to Eureka's but noted that they are not exactly like us. Keep in mind that they have residential zones, commercial zones, etc. which we do not have.

Informing and engaging the public

Commissioner Clancy suggested looking into new technology for communicating with the citizens. Vice Chair Palmquist suggested sending out a letter to new residents listing the contact information for the Town Board, Planning Commission and Clerks and request that they provide contact information for notifications. Supervisor Kauffman suggested sending out a form to all residents with a self-addressed, stamped envelope to the Town Hall requesting an email and phone number for notifications. Deputy Clerk Liberty pointed out that we are currently using the website and an email notification list.

Adding items to agendas with packet backup; timing of

Supervisor Sauber stated that we all need to be mindful of the deadline for agenda items and submitting packet materials. We cannot give a considered opinion on last minute items. If an item is not received in time, it must be placed on the next meeting agenda.

Adjournment

Motion: Commissioner Clancy moved to adjourn. Chair Barfknecht seconded. *Motion carried 9-0.*

Meeting adjourned at 9:27 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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