

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF OCTOBER 15, 2019

Call to Order

The Eureka Township Town Board meeting was called to order at 7:05 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Members Present: Donovan Palmquist (Chair)
Tim Murphy (Vice Chair)
Butch Hansen (Supervisor)
Mark Ceminsky (Supervisor) arrived at 8:45 p.m.
Lu Barfknecht (Supervisor) attended remotely via Skype

Others Present: Chad Lemmons (Kelly & Lemmons)
Randy Wood (Planning Commission Liaison)
Ralph Fredlund (Planning Commission Chair)
Marcia Wilson (Treasurer)
Ranee Solis (Town Clerk)

See attached list for all others in attendance.

Approval of the Agenda

The following changes were made to the agenda:

1. Add item D. Trees over roadways-farm equipment under New Business.
2. Add item E. Resolution to add a referendum to the ballot in March under New Business.
3. Add item B. (4) Eureka Estates out lots under Old Business.
4. Add item F. Noise Ordinance under New Business.

Motion: Chair Palmquist moved to approve the Agenda as amended, seconded by Supervisor Hansen. *Motion carried 4-0.*

Chair Palmquist announced that there are a few agenda items that Supervisor Ceminsky requested to be tabled until he arrives at the meeting.

Public Comment

Lauren Krebsbach and Alex Turner, 9230 240th St. W. spoke regarding the lack of dust coating on 240th and asked if there were any other options, such as reducing speed limits or paving the road.

Nancy Sauber, 9445 225th St. W. spoke regarding freedom of speech and frivolous complaints. See attached.

Chair Palmquist asked if there were any others who would like to speak. Hearing none, the Public Comment period was closed.

Citizen Business

(None)

Planning Commission Update (Randy Wood – Liaison)

Commissioner Wood provided an update of the October Planning Commission meeting:

- Determined that deck permits are over-the-counter.
- Recommended approval of a cluster agreement for John Storlie.
- Recommended approval of a lot split for Wayne Hallcock.
- Recommended approval of a CUP and solar energy permit for Charles and Kathleen Kauffman.
- Recommended approval of a CUP and broadcast tower for Jerome Phillippe.
- Discussed the annual Road Tour and whether it should be cancelled due to budget constraints.

Permit Requests

(None)

Land Use Requests

John Storlie, 23449 Dodd Blvd, PID 13-00700-75-020 – Cluster Agreement

Motion: Chair Palmquist moved to approve the cluster agreement application for John Storlie on PID# 13-00700-75-020, seconded by Supervisor Hansen. *Motion carried 4-0.*

Wayne Hallcock, 5355 280th St. W., PID 13-03600-51-022 – Lot Split

Eric Ruud, Mr. Hallcock's representative, discussed the setback issue and agreed to make the necessary changes and present a new survey.

Motion: Vice Chair Murphy moved to approve the lot split application for Wayne Hallcock on PID# 13-03600-51-022 pending verification of proper lot width of 250 feet, seconded by Chair Palmquist with a friendly amendment that the applicant must submit a copy of the revised lot width from the surveyor. *Motion carried 3-1*, with Supervisor Hansen opposed.

Charles and Kathleen Kauffman, 25506 Ipava Ave., PID 13-02000-52-014 – Solar Energy CUP and Building Permit

Motion: Vice Chair Murphy moved to approve the solar energy CUP and building permit for Charles and Kathleen Kauffman on PID# 13-02000-52-014, seconded by Supervisor Hansen. *Motion carried 4-0.*

Jerome and Jeffrey Phillippe, 10113 280th St. W., PID 13-03100-52-014 – Broadcast Tower CUP and Building Permit

Motion: Supervisor Hansen moved to table this item until Mr. Phillippe and his representatives have arrived, seconded by Chair Palmquist. *Motion carried 4-0.*

Joint Resolution with Lakeville: Orderly Annexation Agreement

Motion: Vice Chair Murphy moved to approve the joint resolution for an orderly annexation agreement with the city of Lakeville, seconded by Chair Palmquist. *Motion carried 4-0.*

Joint Powers Agreement with Lakeville: City-Town Line Road Maintenance Agreement for 225th St. W.

Motion: Vice Chair Murphy moved to approve the joint powers road maintenance agreement with the city of Lakeville, seconded by Chair Palmquist. *Motion carried 4-0.*

Treasurer's Report

Treasurer Wilson presented the Treasurer's Report for October 15, 2019:

Checking account balance: \$1,343.33; Outstanding checks: \$279.05; Savings account balance: \$338,602.14; CD accounts balances: \$67,125.31; Petty cash balance \$100; Total account balances: \$406,791.73.

Motion: Vice Chair Murphy moved to approve the Treasurer's Report as submitted, seconded by Chair Palmquist. *Motion carried 4-0.*

Bills and Receipts

Motion: Vice Chair Murphy moved to approve the bills and receipts as submitted, seconded by Chair Palmquist. Roll Call Vote: Charles Hansen: Aye

Tim Murphy: Aye

Donovan Palmquist: Aye

Lu Barfknecht: Aye

Motion carried 4-0.

Budget

The Town Board reviewed the budget worksheet. Treasurer Wilson brought up the moving of funds that were approved last month and asked the Board's opinion on where to apply those funds in the budget. Supervisor Barfknecht requested that Marcia Wilson draft a proposal of her suggested placement and present it to the Board next month.

Remaining Reports: Outstanding Invoices/Escrows/Permit Worksheet

The Town Board reviewed the following reports prepared by Treasurer Wilson: Outstanding checks, Disbursements, Current Investments, Cash Control Statement, Escrow/Bond accounts and Permit Worksheet.

Treasurer Wilson asked if the text amendment escrow for Jerome Phillipe could be returned at this time.

Motion: Supervisor Hansen moved to table the return of the text amendment escrow until the numbers have been confirmed, seconded by Chair Palmquist. *Motion carried 4-0.*

New Business

Prairie Creek – CUP Annual Review

Chair Palmquist opened the floor for comments. Hearing none, the public comment period was closed.

Motion: Chair Palmquist moved to accept the annual review for Prairie Creek, seconded by Vice Chair Murphy. *Motion carried 4-0.*

Resolution to terminate the Rural Solid Waste Commission

Motion: Vice Chair Murphy moved to approve the resolution to terminate the Rural Solid Waste Commission, per their request, seconded by Supervisor Hansen. *Motion carried 4-0.*

Noise Ordinance

In reference to follow up on a noise complaint, Chair Palmquist asked Attorney Lemmons if it would be proper to send a violation letter to the offenders.

Motion: Supervisor Hansen moved to direct Attorney Lemmons to draft and send a registered letter to the offenders, seconded by Chair Palmquist with a friendly amendment to include state statutes and township ordinances that are being violated. *Motion carried 4-0.*

Old Business

Mn Paving & Materials monthly report

Mike Callahan presented the monthly report to the Board. He asked the Board to advise him on the process to amend their IUP mining plan. The Board agreed that making application to the Clerk would begin the process.

Recording of documents dedicating Rice Lake out lots to the Township

Attorney Lemmons stated he had not yet addressed this and would contact the County tomorrow.

Letter to County Assessor regarding commercial taxing of properties

Attorney Lemmons stated that the County applies tax classification uniformly across the County based on use, and that land owners must file a petition appealing the tax value before April 30th of the year in which the taxes are assessed.

Complaint Update – Water across property on 257th St. W.

Supervisor Hansen provided the following update: they cleared a blocked culvert on 257th and determined that another blocked culvert, owned by Progressive Rail Road, needs to be addressed.

Motion: Chair Palmquist moved to direct the Clerk to send a letter to Progressive Rail Road requesting that they clear the blocked culvert, seconded by Supervisor Hansen. *Motion carried 4-0.*

Other Business

Town Hall Rental

The Clerk asked for clarification on whether or not residents can rent out the Town Hall. The Board agreed that rental of the Town Hall is no longer being allowed.

Town Hall Septic System Maintenance

The Clerk received a notice from La Roche's that the septic system is due for maintenance. Supervisor Hansen stated that the septic system was emptied last fall due to an issue and asked Treasurer Wilson to verify that it had been done.

Approval of Meeting Minutes

Approve the September 9, 2019, Town Board Meeting Minutes

Treasurer Wilson requested that the financial information be removed from the minutes and provide only the first page, titled Treasurer's Report, and Claims pages as attachments to the minutes.

Motion: Chair Palmquist moved to approve the September 9, 2019 minutes as amended, seconded by Supervisor Hansen. *Motion carried 4-0.*

Road Contractor Update (Bryce Otte – Otte Excavating)

- Stakes have been placed for the location of the new gates on Grenada.

**Supervisor Ceminsky arrived and joined the meeting*

Supervisor Ceminsky stated that calls have been received regarding trees in the right-of-way's which are interfering with combines and other farm equipment.

Motion: Supervisor Ceminsky moved to approve up to \$4,500 for tree removal on 245th, Grenada and Denmark, seconded by Vice Chair Murphy. *Motion carried 5-0.*

Motion: Supervisor Hansen moved to relieve the Planning Commission of the fall Road Tour and to revisit it at the Re-Organization meeting next spring, seconded by Chair Palmquist. *Motion carried 5-0.*

Jerome and Jeffrey Phillipe, 10113 280th St. W., PID 13-03100-52-014 – Broadcast Tower CUP and Building Permit

Motion: Supervisor Hansen moved to not attach Carrie Jennings comments to the Public Hearing minutes, seconded by Supervisor Ceminsky. Supervisor Hansen agreed to table this item to allow for Attorney Lemmons to research this request. *Motion to table carried 3-1*, with Supervisor Barfknecht opposed and Vice Chair Murphy abstaining.

Motion: Supervisor Hansen moved to approve the broadcast tower CUP for Jerome and Jeffrey Phillipe on PID# 13-03100-52-014, seconded by Supervisor Barfknecht. *Motion carried 5-0.*

Motion: Supervisor Hansen moved to approve the building permit for Jerome and Jeffrey Phillipe on PID# 13-03100-52-014, seconded by Supervisor Ceminsky. *Motion carried 5-0.*

Resolution to add a referendum to the ballot in March

Motion: Supervisor Ceminsky moved to add a referendum question on the ballot on whether or not to have commercial districts. *Motion failed due to lack of a second.*

Attorney Lemmons suggested a fully detailed, non-binding referendum. Chair Palmquist suggested that the residents should be provided with information as to the cost of commercial zoning to the Township. The Board authorized the Attorney to research adding a referendum question to the ballot.

Motion: Supervisor Hansen moved to put a non-binding referendum on the ballot for a vote on commercial zoning at the annual election, seconded by Supervisor Ceminsky. *Motion failed 2-3*, with Supervisors Barfknecht, Murphy and Palmquist opposed.

Driveway Regulations

Motion: Supervisor Ceminsky moved for the Planning Commission to review Ordinance 3, Chapter 3, Section 5 to consider a condition which requires driveways be offset on adjoining roads, and to review Mn Stat. Chapter 169, seconded by Supervisor Barfknecht. *Motion carried 4-1*, with Supervisor Hansen abstaining.

Road Supervisor Status

Supervisor Ceminsky expressed his interest in continuing his role as Road Supervisor for the Township.

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Vice Chair Murphy. *Motion carried 5-0.*

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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