

EUREKA TOWNSHIP
Dakota County, State of Minnesota
SPECIAL TOWN BOARD MEETING
April 18, 2024 – 6:00 P.M.

Call to Order

The Eureka Township Special Town Board Meeting was called to order at 6:01 p.m. by Chair Storlie.

Supervisors Present: Mark Ceminsky, Allen Novacek, Tim Pope, Pete Storlie.

Others Present: Liz Atwater, Troy Gilchrist, Nancy Sauber, Deb Burkhardt, Bill Clancy, Beth Eilers, and Randy Wood

Zoom: Bob Alsop

Purpose of the Special Town Board Meeting

Chair Storlie stated the purpose of the meeting is to discuss litigation, attorney and legal matters and employee resignation.

Attorney Matters

Motion: Chair Storlie made a motion to move into closed session to have attorney-client privilege discussion with the Town Attorney pursuant to Minnesota Statute 13D.05 Subd. 3(b) regarding the zoning enforcement litigation in the matter of Heyda Case no: 19HA-CV-24-237. Supervisor Pope seconded the motion. *Motion carried 4-0.*

Motion: Chair Storlie made a motion to come out of the closed session and come back into an open meeting. Vice Chair Ceminsky seconded the motion. *Motion carried 4-0.*

Chair Storlie stated there was no action taking during the closed session.

Open Meeting Law and Related Training

Open Meeting Law

Attorney Gilchrist gave a quick refresher on the open meeting law to Town Board Supervisors. The following five criteria have to be met to trigger the open meeting law:

- (1) Quorum or more (2) of Supervisors (3) gathered (4) to discussed, decide, or received information (5) regarding Town business.

Attorney Gilchrist also explained the courts also recognize Serial meetings as a violation of open meeting law. The open meeting law also applies to governing bodies and any commissions, boards, and subcommittees created by the Board. Attorney Gilchrist also recommended a statement at the bottom of an agenda or notice if quorum by a governing body attending may be reach. For example, the Planning Commission agenda would state “a quorum of the Town Board may be in attendance. No Town Board discussion or action will be taken.”

Closed Meetings

Attorney Gilchrist explained that a meeting can be closed for the following reasons: litigation, certain personnel matters, and real estate matters (Township buying or selling). Closed sessions during regular meetings do not need separate postings.

Emergency Meetings

Emergency meetings have to be a life and safety situation.

Remote Participation

Chair Storlie explained the Town Board just voted to require Supervisors and Commissioners to be present during meetings. Attorney Gilchrist stated that the Town Board does not have allow people, like citizens, to participate remotely. Remote participation and attendance are determined by policy.

Penalties

Violations of the open meeting law have a personal civil penalty up to \$300 per occurrence.

Current Legal Matters

Repeal an Ordinance

Clerk Atwater asked Attorney Gilchrist the proper procedure if the Board wanted to repeal an ordinance. Attorney Gilchrist stated that the Town Board would have to create an ordinance to repeal that ordinance. Any action the Town Board has followed to complete an action or, the same actions, are required to amend, reverse, repeal or undo that action. Example, a motion requires a motion, a resolution requires a resolution.

Annexation

Chair Storlie stated that he met with the City of Farmington, and they are updating their comprehensive plan, and they are getting pressure from developers which could result in annexation. Attorney Gilchrist stated there are options for orderly annexation agreements with cities.

Employee Matters

Mark Henry Resignation

Motion: Chair Storlie moved to accept Mark Henry’s resignation. Vice Chair Ceminsky seconded the motion. *Motion carried 4-0.*

Adjournment

Motion: Vice Chair Ceminsky moved to adjourn the Special Town Board Meeting. Supervisor Novacek seconded the motion. *Motion carried 4-0.*

The meeting adjourned at 7:18 pm.

Respectfully submitted,

Liz Atwater, Town Clerk

Minutes Officially Approved By:

Town Chair

on:

May 14, 2024
Date