

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD PUBLIC HEARING
September 10, 2024-6:30 PM

Call to Order

The Town Board Public Hearing was called to order at 6:31pm by Vice Chair Mark Ceminsky and the Pledge of Allegiance was given.

Supervisors Present: Mark Ceminsky, Lu Barfknecht, Tim Pope, Allen Novacek
Others Present: Liz Atwater (Clerk), Matt Miller, Kathleen Kaufmann, Ken Olstad, Kevin Buermann, Debra Burkhardt, Linda Ripley, Randy Wood, Beth Eilers

Zoom Attendees: NSS, Ralph Fredlund, Jeff Otto, Julie Larson, Jim Sauber, Georgie Molitor, Mikesnotetaker, Myrna

Opening Statement

Vice Chair Mark Ceminsky opened the meeting and shared the procedures and the expected conduct of this public hearing and stated the following:

The purpose of this meeting is to consider and possibly act on amendments to Township Code Chapter 57 pertaining to Hearing Notices.

Public Comment

Vice Chair Mark Ceminsky opened the public comment period, directing the to read the submitted written comments from citizens not in attendance and then call on citizens who have signed up on the Speakers List in the order listed until everyone has spoken. Kathleen Kaufmann requested those present be able to give their statements first.

Speakers List

Beth Eilers, 10185 250th Street W*

With the exception of LU, every member of the current town board attended was a loud' opponent to the previous board's proposed plan to issued citations for ordinance violations. The previous board held a well-publicized. Public hearing for that ordinance change, the residents attending that hearing said a resounding no to the that proposed ordinance change after which that board stopped any further work on that proposed change. Honoring the voice of the residents.

This board and the board empaneled when the idea of commercial development on the north end of the township was first proposed have also been told a resound no by the residents who actually live on that road and other members of this township. This room was filled with the majority clearing saying not to this idea.

Has this board honored the voice of the residents, absolutely not. They have marched forward at a faster pace, seemingly spurred on by the opposition to the idea. In fact, this board is currently

proposing an ordinance change that keeps the citizens of this township less informed not more informed.

This town board repeatedly stated that they believe in rights of the property owners. Well, your current actions regarding the commercial development and this proposed ordinance change speaks volumes that you do not respect the rights of the property owners. Taxation without representation.

A person has to wonder what is driving this ramp up to commercial immediately after the new board was empaneled and this change in informing the citizenry.

Your responsibility is to the majority of the residents of this township not a few individuals, some of whom may own land but don't even live in the township. The cost of implementing commercial development is very expensive, even just to explore the idea. An idea that your citizens have repeatedly told you they don't want. Stop wasting our tax dollars on something that is not wanted. You have supposedly been told after the fact by the County that you can't put up No Engine Breaking signs up on the Dodd Road. You just rolled over and accepted that rather than try to work with the County to find a resolution to a problem that affects the majority of the residents in this township. Honor your responsibility to all the citizens of this township.

I strongly oppose this ordinance change regarding the ways in which residents are notified about changes that will affect their bottom line financially and their enjoyment of their property. I strongly oppose the pursuit of the commercial development in this township.

Matt Miller, 9995 250th Street W

I do agree with what Beth was getting at was directed toward this ordinance change. Basically, that you're trying to keep us in the dark with not letting us know about the hearings and the meetings, what not. We don't get any information any other way other than the postcards sent out as to what is going on with the Township. To go along with what she said, y'all aren't doing anything to back the people in this Township. It appears you are only after what benefits you. You need to stop and seriously think about the people that are in this Township. Make sure they are aware of any changes going on, and that would require a postcard, flyer, whatever being sent to each person, which would go completely against what you are trying to propose. I personally would say absolute no to your proposal of stopping information of going to the general public.

Kathleen Kauffman, 25506 Ipava Ave.

Nancy Sauber, Lu and I were on the Board that considered the effectiveness of mailed notice and decided not to do it. I have no problem with getting rid of mailed notices. I think the storm, negative feeling you are getting is getting rid of mailed notice was paired with what seemed like a very big bums rush on the agriculture request. And had the new developers coming in who wanted to get ag change done, and get approval from the Board, and it was all going to happen in two to three days. The Board was going to approve it and had already said they were going to approve it, and whoa that was moving fast. That is what we objected to. We did not send mailed notice; we did have Public Hearing after Public Hearing and Open House after Open House. When we changed the mining ordinance, it was a surprise to nobody. It had incredible opportunities to come and give their views. The same with the wholesale rewrite of the zoning ordinance. That thing lingered for two years; I was so sick of it by the time we finally put it to bed. It one thing to say we are not doing mailed notices, and another thing to start rushing through changes. I think that is what the citizens began to see. So, if you are going to get rid of mailed notice, okay, but then you have to write into the ordinance the reality of the way we approach involving the community. And that is not what you've got in the ordinance change in front of you. By the way, there is a huge gap in that language.

What you have there involved no action by the Board. The Planning Commission enacts ordinance changes. The Planning Commission holds a hearing, the Planning Commission makes a recommendation, the Planning Commission submits that recommendation to the Board, and it is done. The Clerk, it's automatically enacted and put into the code. There is nothing in that ordinance change that the Board has to agree. So, you have made the Planning Commission the entity within the Township government that enacts new ordinances. I think the language there is ill-advised and I think you need to take a huge step back. Listen to the people you are hearing from. It is not mailed notice; it is the sense that things are moving too fast. We didn't get a single objection to the lack of mailed notice, when we stopped it because people knew that they had multiple opportunities for input. This change in the regulation looks to cut it out and move way too fast. You will get pushback from me on that, and I think you will get a lot of negative pushback from the rest of the community of that.

Ken Olstad, 8000 257th Street

In addition to what has been said, I will point out that with the Ag tourism text amendment hearing and the way that was done without proper notice and without the proper lead time. This change, which simply drops the requirement for proper notice, coming right after that, it's just so blatant, it's just so obvious. What other rationale is there for doing this? Trying to make things easier without; it is one thing to say oops we made a mistake, let's fix that next time. It is quite another thing to say were just going to change something so we can keep doing it that way, which was incorrect before. Please don't go through with this.

Deb Burkhardt, 24235 Highview Ave

I am deeply concerned with implementation of the changes to Chapter 57 will result in the lessening of accountability to residents and non-resident landowners of Eureka Township. By proposing the elimination of the mailings, you are making it clear that you prefer to make the zoning modifications without the input of the citizens. We heard repeatedly that you want more citizen input, however, your actions say otherwise. Nothing could be further from the truth on this. It seems petty to eliminate a simple mailing with regards to something as large as a zoning change. And lastly, why is this an issue now? Why is the Board in such a hurry to eliminate communications regarding zoning ordinances now? The Statute says that you need to have, if you are not going to publish the change you have to include a summary that clearly tells people the intent and effect of the change. I have heard nothing that states why? What is the intent of this change and what do you expect the effect will be? Thank you.

Linda Ripley, 9460 235th Street W

I agree with the other people that have been opposing this change. I just wanted to let that be known.

Vice Chair Mark Ceminsky asked three times if there were any other Public Comment before the Clerk read the submitted comments. He then directed the Clerk to read the submitted comments.

Submitted Comments read by the Clerk

Sylvia Olmstead, 24285 Highview Ave*

I wish this comment to be read into the minutes of the board meeting this evening.

I suggest that postcard notices be sent to township residences when zoning ordinance changes are being considered. These changes could have dramatic effects upon township residents and according to prior ordinance, all residents must be notified. Since the paper no longer reaches everyone, postcard notices seem to be the most prudent and cost effective way of assuring that all residents receive notification of such possible changes.

Nancy Sauber, 9445 225th Street W*

I believe the Township should notify citizens by mail when there is a proposed Townshipwide zoning or mining amendment of significance.

Changing a minor detail in the zoning ordinance is one thing, but considering commercial zoning as is now going on merits such notification of all citizens.

This sort of zoning change affects people's property values, use of their land in the here-and Now (not just for the future as has been professed), taxes, quality of life, and so on. These are weighty matters and the public should be given full disclosure of such very substantive major changes. A transparent government FOR the people would do that.

I ask you to be such a government.

Georgie and Thomas Molitor, 8875 225th Street W*

To: Eureka Town Board

RE: Town board changes to notification of zoning, etc in the area

We need to express our objection to the proposed changes in discontinuing notification of zoning, CUP's, and other township requests in Eureka township. The town board is appointed as guardians of all members of the community. And as such, any interested party has a right to know if there will be a major change to the surrounding area in the township. If an area is going to have a change in the status quo regarding noise, traffic, refuse, site conditions, etc. then the tax paying residents should be able to voice their opinions, whether it be pro or con. Notification should take place whether it be a construction of a routine Agricultural building or importantly of an industrial/commercial zone change or other nonAg related conditions with major unexpected consequences. The town board/planning board, paid by citizens, are the responsible group providing the notification. Notification should be accomplished through mail and/or through emails of those citizens who have already signed up for this notification source. All citizens should have an equal right to know and understand what may be occurring and how it might affect their neighborhood. Thank you for your special attention to this matter.

Clerk Atwater stated to Vice Chair Ceminsky that Randy Wood would like to make a Public Comment. She explained that he reached out to the Clerk via Zoom. Clerk Atwater stated she explained to Mr. Wood she would not read his submitted comments since they came in at 6:02pm, which was after the noon deadline, and comment was not being taken via Zoom. Mr. Wood drove

to the Town Hall to give his comments. Vice Chair Ceminsky agreed to let Randy Wood give his comments after the Clerk was done reading the submitted comments.

Jeff Otto, 25580 Dodd Blvd*

The Zoning Ordinance 240 and Mining Ordinance 165 have the greatest and most wide-spread impact on all the residents and property owners in Eureka Township because traffic and visual impacts may occur far beyond the immediately surrounding neighbors. It is for that very reason these two Ordinances were specifically identified to require full direct communication to ALL property owners of record at the time of any proposed amendments to them.

There was a long period in history when an official newspaper was the only mass media and so was widely read. That clearly is no longer the case with the result that newspapers no longer assure wide audiences and even less-so with non-resident property owners.

Both of the Ordinances should have had the direct mailing requirement within them. Now the current Town Board is using the technicality of the requirement being in a separate Ordinance 57 to change the requirement to reduce the visibility and potential greater resistance to zoning changes this Board is advocating. There also could be more support. This is a significant change to the Zoning and Mining ordinance amendment processes, so why was there not proper full notification for this proposed change? Technicality trumps transparency.

There is growing evidence of this motivation to reduce transparency by the actions and inactions of the Board and its directives to the Planning Commission. The decades long friendly culture of allowing input in public meetings from residents known to have valued experience as well as concerns about certain agenda subjects has been blocked. The alternative of knowledgeable written input has been completely ignored to the detriment of residents and property owners. Board and Planning Commission actions directly violating clear Ordinance language have occurred in spite of such violations being pointed out, in one case in writing in addition to verbal. Recent Planning Commission resignations are also evidence of frustration with this Board's actions.

Again a Town Attorney has unfortunately given incorrect advice based on a general State statute instead of reviewing actual Eureka Town Ordinance. The recent example was on the hearing notification of a zoning change for Ag Tourism. No person or Town official or Town body may arbitrarily override written Ordinance. Ordinance language may only be amended by proper procedure.

So now the Board is suddenly pursuing clean-up duty on Ordinance 57. Why would this be done now if they hadn't recognized that the process of advancing the Tourism Ordinance amendment was handled improperly? Even the applicant commented that the 2014 amendment proposal should be reviewed, but neither that nor the improper hearing notification was reported by the PC to the Board. Two Board members were present at the "open house" (since it wasn't a proper hearing) and neither of them reported either of those two significant points, either.

This is another example of hiding behind broad State language designed to enable local government units to then tailor more specific limits important to their circumstances. This includes counties and municipalities as well as townships. To not understand this distinction

is to impose local ordinances far too wide-open to follow individual Comprehensive Plans.

A reasonable compromise on the “first class mail” requirement is a less expensive postcard mailing. Surely a few hundred dollars in postage once a year or less often can be managed in a nearly half-million-dollar budget for the sake of true transparency. Eureka has been spending far more than that by continuing to use the company named “General Code” to “review” amendments, an over-rated service no longer needed in our township and used by only 4 other local governments in the entire State of Minnesota.

Randy Wood, 23775 Essex Ave*

By the way, I emailed my comments over at six o'clock, I didn't see anything about they had to be in by twelve today. Then I thought, if that isn't accepted, I will get online and speak. You can see I have my hand on Zoom right now. So, then I was told I couldn't speak, so I had to jump in my car right away and get down here. There are a lot of hoops it makes things difficult for people to speak up and then you are trying to kind of hide things.

My name is Randy Wood. I live at 23775 Essex Ave. I **oppose the language of no longer mailing notices of changes in zoning and mining to property owners.**

Putting a notice on the outside bulletin board and publishing it in our local newspaper is a far cry from getting to the largest share of YOUR audience, **which means, US** the property owners of changes that will affect our homes and land.

Our local “legal” paper has far fewer readers now because it has recently converted to a paid-only newspaper. The cost of mailing notices for township four or five hundred addresses is not expensive. I guess that the cost for such mailings is \$500 to \$600.

We have a budget that can afford to continue creating goodwill with us, the taxpayers

I believe this township wants to represent true transparency and accountability. Whatever amount of TRUST the property owners have now will be eroded by not continue communicating any potential future land use changes to their property, be it commercial or more residential.

Property owners, our houses, and our land are our LARGEST ASSEST. We expect good stewardship by our township officials.

When there is a potential land use zoning change, WE expect our local government to inform us of such things, which affect our largest assets.

Please be the stewards of transparency and accountability by saying no to this ordinance change.

**Please note: The documents mentioned are attached to the end of these meeting minutes.*

Vice Chair Ceminsky closed the public comment portion of the Public Hearing. was closed at 6:58pm.

The Town Board began discussion.

Supervisor Barfknecht stated there was a change with the local newspaper, and it is no longer free of charge, and that is a concern she has. She stated that people can drive to the Town Hall and notices are posted on the side of the building. Information is posted on the Township's website, but not everyone has good internet service. Supervisor Barfknecht as explained she goes to into Federal Agencies, the United States Post Offices in Minnesota, being one of them, she knows that post cards are the very last piece of mail to go out in the Post Office. She explained that with the recent changes in the newspaper, and since the Township has the budget to send out postcards, she believes they should still be sent out.

Supervisor Pope stated that he personally doesn't look at postcards in his mail.

Supervisor Novacek stated that he battles with the legitimate points that were brought up. He has voiced concern with transparency with local government. However, all things considered, he is for the change.

Vice Chair Ceminsky stated this came about because in the past, previous boards had meetings without sending out notices. In the Township's code, Chapters 240 and 165, to notify if you are within 1,000 feet of a proposed ordinance change. This change to Chapter 57 does not change those requirements. He believes that notification should be sent out via email, and the Township needs to adapt with technology. He suggested putting information out to get citizens to sign up for the email list.

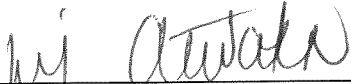
Motion: Vice Chair Ceminsky moved to adopt Ordinance 2024-04 as written except for, I would like to keep the line in there: "The failure of such notice to reach any resident, so long as the notice was attempted by the Town, shall not invalidate the proceedings." I would like to keep that in there because that was in the original part but keep the other changes. Supervisor Barfknecht seconded the motion. *Motion carried 3-1, with Supervisor Barfknecht opposed.*

Motion: Vice Chair Ceminsky moved to approve Resolution 2024-22 approving summary language for publication of an ordinance amending Chapter 57 of the Township code regarding Hearing Notices. Supervisor Pope seconded the motion. *Motion carried 4-0.*

Motion: Vice Chair Ceminsky moved to adjourn the meeting. Supervisor Pope seconded the motion. *Motion carried 4-0.*

Public Hearing ended at 7:14pm.

Respectfully submitted,



Liz Atwater, Clerk

Minutes Officially Approved by:  on: 10/8/24
Pete Storlie, Chair Date