

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

TOWN BOARD MEETING OF APRIL 12, 2021

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is neither practical nor prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meeting shall be conducted entirely through teleconferencing or other electronic means.

Call to Order

The Eureka Township Town Board meeting was called to order, via Zoom Meetings, at 7:04 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Lu Barfknecht, Ralph Fredlund, Nancy Sauber.
Supervisors Absent: Tim Murphy

Others Present: Raneë Solis, Chad Lemmons, Georgie Molitor, Mike Callahan, Mike Devney, Eileen Devney, Paul Hallcock, Julie Larson, Jon Hassenfritz, Chad Harmer, Chad Berg, Debra Burkhardt, Lindsey Von Woert, Richard Gephart, Randy Wood, Andrew Gieseke, Beth Eilers, Emma Otto, Bryce Otte, Larry Petrash, Brian Ahern, Gloria Belzer, Bill Clancy, Mike Greco and Jim Sauber.

Approval of the Agenda

The following changes were made to the agenda:

1. Table item VIII. Transfer of Building Rights Forms until the April 26th meeting.
2. Table item XII. Other Business – Report on MAT Spring Short Course until the April 26th meeting.

Motion: Supervisor Sauber moved to approve the agenda as amended, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Public Comment

**The opinions expressed in public comments are those of the authors and may not represent the official positions of the Town Board. The Town Board does not control or guarantee the accuracy of information contained in the comments, nor does it endorse the views expressed.*
Chair Palmquist opened the floor for public comment.

Beth Eilers – 10185 250th St. W.

Beth Eilers commented about the annexation request of land on the north side of the Township into Lakeville. (Comments attached).

Chair Palmquist asked three times if there were any other attendees who would like to make comment, and hearing none, closed the floor.

Citizen Business

Gary Petrash, 24400 Highview Ave – Buildable Parcel

Mr. Petrash asked the Board whether the 5-acre parcel was a buildable lot. He stated that the survey was filed in the County surveyor's office in 1978. The lot was not split until 1985, creating the separate property ID number. The Board and Township attorney advised that the question is whether the parcel contains a housing right, which would require proof of recording of the lot split at the County Recorder's Office prior to April 14, 1982. He was advised that he could check the County abstract index to locate the date of the recorded lot split. Filing the survey did not record the lot split.

Road Report

Eureka Estates/Iberia & Iceland project update

Chair Palmquist explained that the County received a large number of applications for grants, and the grant approval process is still in progress.

Road Contractor – Otte Excavating/Emails and Road Superintendent Role

Supervisor Sauber had questions regarding a recent meeting between the road liaisons and the road contractor and asked why the road superintendent was not invited to the meeting. Chair Palmquist explained that he and Supervisor Fredlund had previously met with the road superintendent and wanted to get the road contractor's perspective on how things are going.

Supervisor Sauber noted that the Board put the road superintendent in charge of all road-related operations and asked why the road contractor did not act upon emails sent by the Clerk on behalf of the road superintendent. A number of roads in the Township have not been touched, garbage has not been picked up and the culvert in Eureka Estates has not been attended to. As the contractor, would you not reach out to the superintendent to question why you have not been performing any road work for weeks? There are many pot holes throughout the Township and the residents are negatively affected by this.

Bryce Otte responded that he received one email on a Friday to begin grading and there was snow on the ground the following Monday. He is receiving no contact from the road superintendent. He was instructed to only blade the roads when there is rain, and only upon receiving permission to do so. The Township hired a road superintendent to manage the roads and he would be overstepping his boundary in telling the road superintendent how to do his job.

Chair Palmquist expressed that he would like to schedule a meeting with all parties involved in order to reinstate communication and determine the best process to get the roads back into shape. The Clerk was asked to place this on the April 26th agenda.

Planning Commission Update

Commissioner Clancy provided a summary of the April 6, 2021, Planning Commission meeting:

- Forwarded five permits to the Board with recommendations to approve.
- No land use requests.
- Supervisor Fredlund presented the Town Board report of the March meetings.
- Discussed possible waste-abatement enrollment and agreed that the Township would not generate enough of the allowable waste items to justify enrollment.
- Wind Energy research is ongoing.
- Received a letter of resignation from Commissioner Novacek, thanked him for his service and wished him well.
- Approved the March 2nd meeting minutes.

Permit Requests

Mike Devney, 24167 Denmark Ave – Ag-exempt Building

Motion: Supervisor Sauber moved to approve the 40x80 sq. ft. pole shed for Mike Devney at 24167 Denmark Ave. with PID 13-01300-01-010, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Supervisor Sauber confirmed that the driveway would be moved 50 ft. south to meet the setback requirements.

Chad Harmer, 23450 Hamburg Ave – Ag-exempt Building

Motion: Chair Palmquist moved to approve the 60x100 sq. ft. pole barn for Chad Harmer at 23450 Hamburg Ave. with PID 13-00900-06-015, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Richard Gephart, 26605 Highview Ave – Accessory Building

Motion: Supervisor Fredlund moved to approve the 30x48 sq. ft. accessory building for Richard Gephart at 26605 Highview Ave. with PID 13-02800-52-012, seconded by Supervisor Sauber noting that it is for personal use only and that two buildings will be moved. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Paul Hallcock, 6155 280th St. – Accessory Building

Motion: Chair Palmquist moved to approve the 48x48 sq. ft. accessory building for personal use for Paul Hallcock at 6155 280th St. with PID 13-03500-51-020, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Parker Properties, PID 13-03600-75-012 - Move-In Building/New Residence

Motion: Chair Palmquist moved to approve the new residence permit for Parker Properties at xxx Denmark Ave., with PID 13-03600-75-012, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Chair Palmquist moved to approve the move-in building permit for Parker Properties at xxx Denmark Ave., with PID 13-03600-75-012, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Supervisor Sauber noted that an inspection must take place by the Building Official prior to the building being moved in.

Land Use Requests - None

New Business

Planning Commission Interviews/Appointments

The Board received letters of interest for the vacant Planning Commission seats from Jeanie Fredlund, Debra Burkhardt, Randy Wood and Chad Berg. Chair Palmquist announced that he received notice from Jeanie Fredlund that she wished to withdraw her application.

The following questions were posed to the applicants:

Debra Burkhardt

Supervisor Sauber: How do you see the Planning Commission and Town Board working together? DB: Communication is huge. The Commissioners should attend the Town Board meetings.

Supervisor Sauber: What do you understand about the Met Council's role in the Township? DB: They are involved in the 20-year plan, zoning, housing density, and utilities.

Supervisor Sauber: Are you willing to take training for the role? DB: Yes.

Supervisor Sauber: What are your thoughts about the ordinances in general? DB: I read through them before moving into the Township 4 years ago and found them easy to read.

Chair Palmquist: What work did you perform in County government? DB: I worked for Hennepin County for 10 years doing inmate records and fingerprinting. I worked for more than 20 years for Washington County doing admin, submitting for charges on arrests, service of legal papers, foreclosures, payroll and preparing policies and procedures for the new jail in Stillwater.

Supervisors Barfknecht and Fredlund expressed that their questions have been answered and they have no additional questions for the applicants.

Randy Wood

Randy Wood stated that he would like to continue working on the Planning Commission to ensure that there is representation for the east side of the Township.

Supervisor Sauber: What do you see as the most effective way for the Planning Commission and Town Board to work together? RW: Continue attending each party's meetings and do not fear asking questions.

Supervisor Sauber: What do you see is the Met Council's role in the Township? RW: They control our growth.

Supervisor Sauber: Have you attended any training and/or be willing to attend them? RW: Yes, a refresher is needed for everyone.

Supervisor Barfknecht stated that Randy has done a good job, he is prepared for meetings and he brings up a lot of good points at the meetings.

Chad Berg

Supervisor Sauber: As a new resident of the Township, what is your view of the ordinance as far as regulating the citizen's activities in the Township? CB: It seems that some ordinances are not enforced or people do not know them. I am not overly opinionated on them, this position entails understanding the ordinances. Although I have no experience with ordinances, I have technical experience with engineering and specs.

Supervisor Sauber: Some people think that they are in the country and should be able to drive ATVs on roads and ditches or allow dogs to run without a leash. Do you agree with ordinances like this? CB: Yes.

Supervisor Sauber: Are you willing to take training? CB: Yes.

Chad Berg asked Supervisor Sauber why she posed those specific ordinances to him and asked whether they are enforced? Supervisor Sauber responded that all ordinances have gone through the proper process and can be initiated by a Board member, Planning Commissioner or individual. Once a use is allowed and a resident has applied for that use, having met all requirements, I firmly believe that person is entitled to that use. Because we are a township with limited resources, we have adopted enforcement by a formal complaint policy. If the Board receives a formal complaint, I feel the Ordinances should be enforced.

Supervisor Barfknecht added that the enforcement of the ordinances is complaint based. The contract with the Dakota County Sheriff's Department reads that it is at their discretion whether to cite or not. Training is very helpful.

Motion: Supervisor Fredlund moved that the Board appoint all three, well-qualified applicants to the three vacancies beginning May 1, 2021, with Randy Wood filling the 2-year vacancy and Debra Burkhardt and Chad Berg filling the 3-year vacancies, seconded by Supervisor Barfknecht. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Grounds Maintenance RFPs

The Board received two quotes for grounds maintenance for the period of May 1, 2021 – October 31, 2021: Pope Premium Enterprises in the amount of \$1,500 per month and Ottomatic Lawn Care in the amount of \$650 per month. Supervisor Sauber objected to the \$50/hour fee for weeding of the landscaping beds, noting that this is to be included in the monthly cost.

Motion: Supervisor Fredlund moved to approve the proposal from Ottomatic Lawn Care for Town Hall grounds maintenance beginning May 1, 2021 and ending October 31, 2021, seconded by Supervisor Sauber. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Gravel RFPs

The Board received two quotes for gravel: Anderson Rock & Lime in the amount of \$6.00 per ton of lime rock and Castle Rock Materials in the amount of \$7.30 per ton of gravel.

Motion: Supervisor Fredlund moved to accept the Anderson Rock & Lime quote for lime rock and the Castle Rock Materials quote for gravel, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Electronic Locks RFPs

The Board received two quotes for an electronic access control system: Metro Alarm & Lock in the amount of \$2,888 with monitoring for \$30 per month, and Per Mar Security Services in the amount of \$3,890 with monitoring for \$39.95 per month.

Motion: Supervisor Fredlund moved to accept the Metro Alarm & Lock quote for an access control system in the amount of \$2,888, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Annual CUP Review: Spirit Ranch I – Bella & Chris Hale

Chair Palmquist asked three times if there were any comments or complaints. Hearing none, the public comment period was closed.

Motion: Chair Palmquist moved to approve the annual review of Spirit Ranch I, seconded by Supervisor Barfknecht. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Annual CUP Review: Spirit Ranch II – Terri Petter

Supervisor Barfknecht pointed out that there have been several verbal complaints regarding activities taking place during COVID. The Board requested a copy of the CUP from the Clerk to determine the allowable uses on the CUP.

Motion: Supervisor Fredlund moved to table the annual review until the April 26th Town Board meeting, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Annual CUP Review: Airstrip – Mark Nelson

Commissioner Wood questioned whether a Minnesota public safety license was required for airstrips. Chair Palmquist requested that Commissioner Wood check the regulations and report his findings to the Board.

Motion: Chair Palmquist moved to table the annual review for Mark Nelson until the April 26th Town Board meeting, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Annual CUP Review: Airstrip – Butch Hansen

Motion: Chair Palmquist moved to table the annual review for Butch Hansen until the April 26th Town Board meeting, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Review of MPM Development Agreement/Complaints

Supervisor Sauber recused herself from discussion.

The Board agreed that the December 18, 2020, response letter to the December 16, 2020, violation letter submitted by MPM regarding the 2020 complaints satisfied all complaints.

Set Date for Budget Review

The Board directed that discussion of the 2020 budget be placed early on the agenda of the April 26th meeting.

Set Date for Round Table Meeting with Planning Commission

The Board and Commissioners agreed to schedule the Round Table meeting for Monday, May 17, 2021.

Set Date for Reorganization Meeting

The Board agreed to schedule the Reorganization meeting for Monday, April 19 2021.

Complaint: 5795 235th St. W.

The Board acknowledged receipt of the complaint for the record.

Farmington Fire Contract 2021-2023

Motion: Chair Palmquist moved to approve the 2021-2023 fire contract with Farmington, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Chair Palmquist moved to authorize the Town Chair and Clerk to execute the contract on behalf of the Township, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Treasurer's Report

Clerk/Treasurer Solis presented the Treasurer's Report for April 12, 2021. Bank Balances as of March 31, 2021: checking account \$8,027.70; outstanding checks \$4,884.74; savings account \$677,406.77; total accounts \$680,549.73; CD accounts \$69,361.29; petty cash \$100; Township escrows \$238,688.96; other escrows \$9,740.74; March claims \$9,775.63; March payroll \$13,193.58; total March receipts: \$41,964.66.

Motion: Supervisor Fredlund moved to approve the Treasurer's Report as presented, seconded by Supervisor Barfknecht. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Net Pay and Claims

Clerk/Treasurer Solis reported that there was an error in one of the payroll checks and the total net pay should be \$6,435.10 with total claims of \$33,645.47.

Motion: Supervisor Fredlund moved to approve the net pay and claims as amended, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Old Business

Complaint Follow Up

The complaint regarding cement storage by MPM was addressed in the response letter dated December 18, 2020, and in the 2020 annual review report submitted to the Board.

Attorney Update

1. Radio Tower extension

Chad Lemmons advised that the Ordinance states that unless there are visible improvements to the property, the CUP becomes void. Awaiting a response from a government agency is not grounds for an extension. The Board directed attorney Lemmons to send a letter notifying the applicant that visible improvements must be made before expiration of the previous extension or they will have to reapply for the CUP.

2. Ordinance Language regarding the assessment of unpaid fees

3. Amended Retention Schedule

4. Annexation

Chad Lemmons announced that he will forward memos for items 2-4 to the Clerk on Thursday.

Lakeville annexation work session update

The Board agreed to attend the Public Hearing on May 3rd. The Clerk was directed to post a Special meeting due to the potential of a quorum of the Town Board and Planning Commission attending the public hearing.

Supervisor Sauber noted that the incorporation of Credit River Township could be a topic for a Special Town meeting. Chad Lemmons advised that this could be included in the Annual meeting on July 27th.

Newsletter on housing density update

Motion: Supervisor Barfknecht moved to schedule a Special meeting on April 19, 2021 at 6:45 p.m. to discuss the newsletter on housing density, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Supervisor Barfknecht asked the Clerk to request copies from Darrel Gilmer of final inspections for any open permits.

Supervisor Sauber asked the Clerk to draft a reminder of the ATV and dog leash Ordinance and post it on the website and to the distribution list.

The Board agreed to table the remaining agenda items until the April 26th meeting.

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Meeting adjourned at 10:04 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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