

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

TOWN BOARD MEETING
April 26, 2021 – 7:00 p.m.
Via Teleconference

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 7:00 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: Ranee Solis, Chad Lemmons, Elise Menke, Debbie Burkhardt, Jody Arman-Jones, Julie Larson, Mark Henry, Chad Berg, Randy Wood, Bryce Otte, Brian Ahern, Jeff Otto, Mark Nelson, Sherri Rasmussen, Chris Rasmussen, and Mark Pflaum.

Approval of the Agenda

The following changes were made to the agenda:

1. Table Spirit Ranch II CUP review per request by the resident
2. Add item D. Banking update under Treasurer's Report
3. Add item B. May 3rd Public Hearing under Other Business
4. Add item C. Clerk Matters under Other Business

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Barfknecht. 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.

Elise Menke – 6775 245th St. W. – Road maintenance

Ms. Menke expressed her concerns with the excessive, ineffective road grading that took place all of last year and, after being told that no grading would take place on dry roads this year, on April 2nd the roads were graded while dry and with strong winds.

Mark Pflaum

Mr. Pflaum made comment regarding Frontier utility boxes being in disrepair and noted a grant that would provide the Township with internet access.

Chris Rasmussen

Mr. Rasmussen made comment about grading taken place on dry roads, pot holes, blade operator pushing gravel into ditches, and questioned why there is no crown on the roads or shoulders being cut.

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

Road Report

Road Superintendent – Mark Henry

1. Dust control quote – Envirotech

Motion: Chair Palmquist moved to accept the Envirotech price for dust control as a member of the County JPA, seconded by Supervisor Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

2. Crack fill / Seal coating

The Board discussed that the drainage project would include blacktopping of the roads in Eureka Estates and Jersey Court and agreed to wait to hear about the grant application before scheduling any hard surface road work.

Road Contractor – Bryce Otte

Bryce Otte pointed out that it is impossible to cover all 40 miles of Township roads while it is raining; there will always be some grading on dry roads. He has requested that Anderson Rock & Limestone put us on the list for gravel as soon as possible and will provide the Clerk with a list of needed signs. Mark Henry has ordered the speed limit signs and posts for 240th, as well as double arrow signs.

Road discussion

Chair Palmquist noted that the lines of communication between the road superintendent, road contractor, and road liaisons needs improvement. All parties need to take their responsibilities seriously and work together to get the job done. Mark Henry was hired and given the responsibility of directing the road work to be done and communicate to the Town Board. Supervisor Sauber requested that Mark Henry be included in all meetings with the road contractor.

Bryce Otte commented that the Board hired two competitors and asked them to work together, and he has received no direction regarding road work. Supervisor Sauber pointed out that several emails sent by the Clerk show that he has received direction. Supervisor Barfknecht noted that Bryce needs to receive copies of the emails in question in order to be able to speak to them.

Attorney Lemmons advised that the Township must establish a pattern of maintenance for 6 years in order to cite farmers or remove crops in the right-of-way.

Transfer of Building Rights Forms – Jeff Otto

Supervisor Sauber questioned the change from building right to housing right, stating that residential building right would be in sync with the ordinance. Chad Lemmons advised that the Board consider what the average person reading the ordinance would understand their right to be. Jeff Otto explained that the reason he suggests changing building right to housing right is to make clear that this is not a building permit. Housing right transfers are only tracked for density purposes.

Supervisor Sauber asked for the reasoning behind the change from cluster to transfer. Jeff Otto explained his purpose is to reorganize and simplify the language, adding that there is no inherent value in preserving the word cluster.

Motion: Supervisor Sauber moved to change the use of the term “residential building right” to “housing right”, and the term “cluster” to “transfer”, seconded by Chair Palmquist with a friendly amendment by Supervisor Barfknecht that future updates are forthcoming. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Supervisor Sauber moved for the housing right transfer form to be approved as submitted, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Supervisor Sauber moved to update the former cluster agreement to now read transfer agreement, with a correction to the Township attorney’s address, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

New Business

James & Martha Schultz, 23790 Hamburg Ave, PID 13-00900-77-013 – Ag Preserve reenrollment

Motion: Supervisor Sauber moved to approve the reenrollment application for placement of land into agricultural preserve and the notice initiating expiration of agricultural preserve as submitted, seconded by Supervisor Barfknecht. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Metro Alarm contract

The Board requested for Metro Alarm to resubmit an agreement without automatic renewal language.

Annual CUP review – Mark Nelson

The Board tabled the CUP review and directed the attorney to clarify whether Mr. Nelson is required to obtain a private airport license.

Annual CUP review – Butch Hansen

The Board directed the Clerk to send a letter to Mr. Hansen, or current resident, stating that the CUP is under review and to provide a list of the conditions which must be met.

Nuvera – internet

A flyer from Nuvera stating that they are offering high-speed wireless internet service in the area was presented for informational purposes.

Treasurer's Report

Net pay and claims

The claims list was amended to include a claim to the City of Farmington for the 1st quarter fire contract in the amount of \$9,444.20, for total claims of \$16,748.71.

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.*

2020 revised budget categories

With the assistance of MAT's treasurer trainer, Clerk/Treasurer Solis re-created the CTAS budget categories for 2020 to mirror the State Auditor's recommended accounts and object codes.

Motion: Supervisor Barfknecht moved to approve the recommended budget categories, seconded by Chair Palmquist with a friendly amendment by Vice Chair Fredlund to approve the following category transfers: \$400 from Septic Inspections to Communications; \$2,000 from Misc./Mileage to Communications; \$4,200 from Township Administration to Elections; \$800 from Township Administration to Office Expense; \$21,375 from Clerk to Clerk/Treasurer; and \$13,700 from Treasurer to Clerk/Treasurer. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

2020 year-end financial report

Motion: Chair Palmquist moved to approve the 2020 year-end financial report to be sent to the State Auditor as presented, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Banking Update

Vice Chair Fredlund reminded that the Supervisors and Clerk/Treasurer need to complete the authorized signer forms for New Market Bank. Clerk Solis noted that the application asks for documentation that does not apply to a government entity. Attorney Lemmons

advised that the Clerk should submit 10 years' of annual meeting minutes as proof of existence.

Old Business

Attorney Update

1. Radio tower extension – Visible progress

Motion: Vice Chair Fredlund moved to acknowledge that soil borings for the foundation and installation of an access road have taken place on or before April 15, 2021, thus securing the radio tower CUP, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Nay. *Motion carried 3-1.*

Supervisor Sauber noted that she agrees that soil borings have taken place but questions whether the pictured access road has been installed specifically for this use.

2. Ordinance language regarding the assessment of unpaid fees

The Board will review the proposed ordinance language submitted and place the item on the next meeting agenda.

3. Amended retention schedule

Supervisor Sauber noted that the amended retention schedule does not address the audio recordings of meetings. Chad Lemmons will amend the memo to include that audio recordings should be kept for up to 60 days after approval of the minutes. He noted that closed meetings regarding labor matters should be kept for 2 years, and public hearings should be kept for up to 60 days after approval of the minutes. The Board can make a motion to extend the retention of a recording of any meeting, but is not advised to do so indefinitely because of the risk of someone using old recordings to attack the minutes. The formally adopted minutes become the official record of the meeting. Attorney Lemmons clarified that an informational meeting would include open houses and other meetings where no formal action is taken.

4. Annexation

Chad Lemmons offered that the Township cannot file an objection to annexation for the following:

- When the property being annexed is completely owned by the municipality doing the annexation; or
- It is 120 acres or less and all of the landowners petition it; or
- The property is completely surrounded by the municipality doing the annexation; or
- Annexation of small parcels.

The Township does not have a right to a hearing before the State, but can testify to the City Council that the Township is opposed to the annexation. (Minnesota Statute Subd. 033)

The Township does have the right to object when:

- It is 200 acres or less and only a majority of land owners petition it. In addition, the property has to abut the municipality doing the annexation.
- It is 40 acres or less and 60% surrounded by the municipality annexing it.

Example: for a 1-acre parcel, at least 480 ft. would have to be surrounded by the city. The municipality who has annexing authority must notify the town of a public hearing. The petitions for annexation, in both cases, are filed with the city and with the administrative law judge. The town has the right in those two situations to file objections within 90 days with the administrative law judge. (Minnesota statute subd. 031)

Any annexation by ordinance is not automatic, the city must approve it. The property has to be found to be suburban or urban in nature and the city would have to make a finding to that effect. The definition of suburban characteristics include that a parcel is surrounded by developed property.

5. Complaints

A complaint was submitted for the record, but the complainant did not want formal action taken. The Clerk asked if it would be proper to inform the subject of the complaint of its existence. Chad Lemmons advised that the complainant should be notified that they can either make a formal complaint for the Board to consider, or withdraw their complaint. Chair Palmquist added that they could make public comment at a meeting if they do not want to file a formal complaint, but want their comment to be part of the record.

Motion: Supervisor Sauber moved for the Clerk to notify the complainant that they must file a formal complaint or the complaint on record will be deleted, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Pool fencing update

The Board reviewed information from Scott County which states that automatic safety pool covers that meet safety standard ASTM F1346-91 are required or the pool shall have a barrier/fence installed. The Board agreed that the Planning Commission should be directed to update the ordinance to include language about that option. The Clerk was asked to obtain documentation from the building inspector stating that the pool cover for Kimmel is compliant with safety specifications.

Newsletter on housing density update

The Board agreed that the shorter article with bullet points should be placed in the newsletter, with a link to the longer article on the website.

Other Business

Report on MAT Spring Short Course

Supervisor Sauber provided the following summary:

- Motions are not always required; the Board can just have a consensus.
- Give reasons for actions in the minutes for rationale.
- Financial issues are never an emergency.

May 3rd public hearing

The Board agreed to the following discussion points to present to Lakeville at their annexation public hearing:

- The Township objects to the annexation.
- The Township does not see the parcels as being suburban in nature.
- Within Lakeville's ordinance is language stating that commercial/industrial zones that abut a residential area require a 20 ft. green zone as a buffer. Request that Lakeville apply the ordinance to the annexed parcels.

Approval of meeting minutes

February 22, 2021, Town Board meeting

Motion: Chair Palmquist moved to approve the minutes as presented, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Abstain. *Motion carried 3-0.*

March 8, 2021, Town Board meeting

Motion: Chair Palmquist moved to approve the minutes as presented, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Abstain. *Motion carried 3-0.*

March 11, 2021, Board of Canvass

Motion: Chair Palmquist moved to approve the minutes as presented, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Abstain. *Motion carried 3-0.*

March 22, 2021, Town Board meeting

The following changes were requested to the minutes: on page 2 under electronic locks, change bids to quotes. On page 4 under MPM expansion letter, place a comma after 2021.

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

Adjournment

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

Meeting adjourned at 10:14 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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