

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
JUNE 14, 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 7:01 p.m. by Chair Palmquist and the Pledge of Allegiance was given.

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

Supervisors Absent: Tim Murphy

Others Present: Rane Solis, Chad Lemmons, Amy Liberty, Mark Henry, Bryce Otte, Randy Wood, Bill Clancy, Jeff Otto, Julie Larson, Debbie Burkhardt, Don Oreskovich, Cindy Oreskovich, Mike Callahan, Carol Cooper, Andie Gieseke, Gary Smith,

Approval of the Agenda

The following changes were made to the agenda:

1. Remove item 1. Under Road Superintendent and place it under Road Contractor.
2. Add under Permit Requests: A. LaFavre permit withdrawal.
3. Add under Treasurer's Report: D. Banking update and E. Audit update
4. Add under New Business item F. Attorney Items: 6. Terri Petter weekend event.
5. Add under New Business A: Resolution 2021-07
5. Add under Clerk Matters B: Resolution 2021-06

Motion: Chair Palmquist moved to approve the agenda 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.*

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 and asked three times if there were any attendees who would like to make comment. Hearing none, the floor was closed.

Citizen Business – None

Road Report

Road Superintendent – Mark Henry

- The 240th Street Road project has been completed.
- Recommend cutting back on spot gravel to stay within the budget.
- Sign installations are complete, with the exception of the delineator signs.

- Requested that Otte Excavating blade the washboard areas that have occurred recently.
 - Recommend that the next gravel project be 220th, then go down the list from there.
- Supervisor Barfknecht thanked Mark Henry and Bryce Otte for the road signs and grading on 240th.

1. Crack fill / seal coating

Mark Henry requested verification that, due to the road grant being denied, he is to move forward with the crack fill and seal coating for Eureka Estates and Jersey Court. The Board requested an additional quote for the Town Hall parking lot to be included in the project for approval at the next meeting.

Road Contractor – Bryce Otte

- Will not be able to rock 225th until the trees are removed from Cedar to Dodd.
- Requested and received confirmation that Mark Henry is requesting quotes for ditch mowing. The Board noted that the trees, and other items, are being addressed on 225th.
- All roads have been graded at least once.

Road maintenance quote review

The Board received quotes for Road Maintenance from Otte Excavating and Grossman Companies. There were no additional items requested by the Board before the interviews and selection will take place at the June 28th Town Board meeting.

Planning Commission Update

Summary of the June 1, 2021, Planning Commission meeting

- The Jim Sauber inquiry raised a question internally as to whether a barn can be on an ag parcel without a house. Chad Lemmons agreed that it could, but would like to take a closer look.
- LaFavre withdrew his pool application due to the time frame to begin construction quoted by the contractor.
- Schuhwerck Trust withdrew the lot split request due to an incomplete application.
- Planning Commission is researching conflict of interest ordinance language regarding Commissioners and Supervisors contracting with the Township.
- Review of permit instructions and forms is ongoing.

Public hearing – Text amendment to Ordinance 7, Chapter 6, Section 1(M)

The Planning Commission proposed a text amendment and scheduled a public hearing to be held via Zoom on June 22, 2021, at 7:00 pm.

Discuss possibility of opening Town Hall for public hearing

There was previous discussion of opening the Town Hall in June. However, the notices state a virtual meeting and the Planning Commission agrees with staying with that venue.

Mike Callahan from MPM questioned why the public notice post card was not sent to his office. The mine is not occupied and all other mail has been sent to his office. Randy Wood replied that the Township met the statutory requirements of posting the notice in the paper, on the Town Hall bulletin board and on the website. Postcards are sent as a courtesy. Chad Lemmons added that the requirement of mailing is in Ordinance 1, Chapter 5, Section 1(B): mailings to all owners of record as listed on the Dakota County property records.

Recommendation of Transferable Housing Right Advisory Group

The Planning Commission made a recommendation for a Transferable Housing Right Advisory Group to the Town Board.

Permit Requests

LaFavre withdrawal of pool permit application

The Clerk was asked to request written withdrawal for the next meeting.

Land Use Requests

Alex Schuhwerck Trust – Lot split - withdrawn

The Board acknowledged the written withdrawal of the lot split application.

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report as of May 31, 2021: Checking account \$642,180.44; outstanding checks \$5,601.81; savings account \$82.24; CDs \$69,361.29; petty cash \$100; Total net balance \$706,122.16. May claims \$15,729.86 and May payroll \$5,636.12.

Motion: Supervisor Sauber moved to approve the Treasurer's Report 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.*

Net Pay and claims

The Board agreed that with the hiring of the new Deputy Clerk/Treasurer, Julie Larson will no longer be needed to assist at Town Hall. Chair Palmquist clarified that the contract with Beaver Creek has been fulfilled and there will be no further payments.

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

Receipts and disbursements

Motion: Chair Palmquist moved to approve the receipts and disbursements 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.*

Remaining reports

Clerk/Treasurer Solis requested the status of outstanding check #9710 for Lawrence Tree and Stump. The Board clarified that the interim Treasurer had issued two checks and check #9710 was to be voided.

The Cash Control Statement, Schedule 1, Interim Financial Report, Investment Activity and Outstanding Checks were reviewed by the Board.

Banking update

The bank is awaiting copies of the remaining Supervisors' driver licenses in order to complete the application process.

Audit update

The audit with Lewis, Kisch & Associates is ongoing. The outstanding items that have been requested are in progress.

Old Business

Commercial use – 25500 Highview Avenue

The Building Official listed the accessory building addition for Don Oreskovich as a commercial addition. The Board noted that commercial use is not allowed under the ordinance. Don Oreskovich responded that it is a residential addition. Chad Lemmons advised that if the building is used to house commercial equipment it would equate to business use which is not allowed under Ordinance 3. No commercial equipment can be stored on the property. It would be allowed if it were for personal or ag

purposes. The Board agreed that Mr. Oreskovich will have to store the equipment outside of the Township. Chad Lemmons further advised of the right to propose a zoning change by applying for a text amendment of Ordinance 3, Chapter 2, Section 1 (B) and (C). The only standard for a text amendment is that it cannot be arbitrary or capricious. Supervisor Sauber noted that a text amendment applies to the entire Township and the Board must consider this when approving or denying a request.

Non-pump septic status update

The Board agreed to review the septic ordinance for discussion at the next meeting.

Housing Right Transfer summaries – Jeff Otto

Jeff Otto advised that trying to approve the documents individually is leading to confusion and recommended the Board wait until he has completed the final version of the text amendment. Going through the process of the text amendment will address any changes found to be necessary.

Newsletter

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

Inspectron response to pool MBC change – Ralph Fredlund

Item tabled until the next meeting to allow time for Inspectron to respond.

Letter to Lakeville regarding green buffer zone – Donovan Palmquist

Chair Palmquist drafted a letter to Lakeville and requested the Clerk copy the amended letter onto Township letterhead and mail to Dave Olson.

New Business

Appointment of Supervisor

Chad Lemmons advised that due to Tim Murphy's absence from meetings for the past 90 days, the Board must declare his seat vacant.

Motion: Vice Chair Fredlund moved to adopt Resolution 2021-07 declaring Supervisor seat #3 to be vacant pursuant to the provisions of Minn. Stat. § 367.03 Subd. 7, seconded by Supervisor Sauber.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA AS FOLLOWS:

1. That seat #3, presently held by Supervisor Tim Murphy, is hereby declared vacant due to Mr. Murphy's failure to attend any Town Board meeting held in the last ninety (90) days
2. That Town Board Supervisors Donovan Palmquist, Ralph Fredlund, Lucretia Barfknecht, Nancy Sauber, and Town Clerk Rane Solis are hereby appointed to the appointment committee as set forth in Minn. Stat. § 367.03 Subd. 6(c).
3. That the Town Clerk is hereby directed to post notice that Eureka Township will be accepting applications for appointment as Town Supervisor for seat #3, presently held by Tim Murphy. Said notice will be posted on the Town Hall bulletin board, as well as published in the official newspaper and in the Township newsletter.
4. The Town Board reserves the right to reappoint Tim Murphy to seat #3 at such time as the remaining Supervisors determine that Mr. Murphy has the ability to carry out his duties as Town Board Supervisor. In the event the Board makes such an election, the person appointed to fill Mr. Murphy's term shall be removed without further act.

Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Chair Palmquist moved to add the notice of Town Board vacancy and appointment to the newsletter, seconded by Supervisor Barfknecht. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Chad Lemmons advised that, in addition to letters of interest, the Board may draft someone as well.

State grant application status / Eureka Estates citizen meeting

With over 400 applications received, only 13 grants were awarded to Townships. Eureka Township's application did not receive approval. Chair Palmquist volunteered to reach out to TKDA to set up a meeting with himself and Supervisor Barfknecht to resurrect the project to see what can be done this year and at what cost. Once a plan has been determined, the Board will be able to have a meeting with the residents involved.

Noise complaint – 9235 235th St. W.

The Clerk was directed to send a letter to the Brosseth pit requesting attendance at the next meeting. Supervisor Sauber did not take part in this discussion.

Driveway vs. frontage clarification

The Board discussed inconsistencies in the ordinance regarding driveways and road frontage. Supervisor Barfknecht questioned the requirement of road frontage for buildable lots, preventing land-locked parcels from building a home. Chad Lemmons advised that in the past, the language was included in the state definition of a subdivision. However, it is no longer included in the statutory definition.

Motion: Supervisor Barfknecht moved to direct the Planning Commission to look at language providing that a shared driveway that meets the required standards can act as a public road, and to redefine the definition of a lot, seconded by Chair Palmquist. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Attorney Items

1. Letter to complainant concerning elections
Letter has been sent.
2. Revised Retention Schedule
Will send revised schedule recommending to retain recordings for 3 months after approval of the minutes.
3. Revised Ordinance 2021-01 regarding assessments
Submitted to the Board for review and approval.
4. Mark Nelson airstrip
Awaiting a response from the State.
5. Letter to Terri Petter
Letter has been sent.
6. Terri Petter weekend event
The Board agreed for the Clerk to forward the Court Order and a copy of the flyer to the Dakota County Sheriff, requesting that they check the property and enforce the Ordinance and Court Order.

Clerk Matters

American Rescue Plan Act (ARPA) funds webinar summary

- Apply as soon as possible or the money may be reallocated.
- Payments will begin after July 1, 2021, with 50% paid in the summer of 2021 and 50% paid in the summer of 2022.
- Estimated amount each Township will receive is roughly \$100/capita.
- The covered period of eligibility is March 3, 2021-December 31, 2024.

- We will have until December 31, 2026, to spend the funds.
- Recommend 2 Resolutions: one granting authority to apply for and one accepting the funds.
- Take our time and find the best use for these funds.
- Broadband Infrastructure Program – reached out to Ben Blomgren with JTN to partner with.
- Upgrades to technology allowed under Supporting Public Health Response.
- Authorized Representative: Donovan Palmquist, Contact Person: Rane Solis.

Resolution 2021-06

Motion: Chair Palmquist moved to adopt Resolution 2021-06 authorizing the Clerk and Town Chair to apply for ARPA funds, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

The remainder of the agenda was tabled until the June 28th meeting.

Adjournment

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

Meeting adjourned at 10:01 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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