

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
NOVEMBER 22, 2021 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:00 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Ralph Fredlund, Nancy Sauber, Kathleen Kauffman.

Supervisors Absent: Lu Barfknecht

Others Present: Rane Solis, Chad Lemmons, Georgie Molitor, Stacy Shaw, Nathan Shaw, Mike Callahan, Gene Tousignant, Melody Tousignant, Bill Clancy.

Zoom Attendance: Deb Burkhardt, Jim Sauber, Julie Larson, Chad Berg, Carol Cooper, Mike Molitor, Theresa Larson, Brian Ahern, Kathy Maas, Dan Ames.

Approval of the Agenda

The following changes were made to the agenda:

1. Table item A. Stacy Shaw accessory building compliance under Old Business
2. Add item A. Broadband update under Old Business.
3. Add Right to farm information to item B. under New Business
4. Add item I. Town Hall flowerbed maintenance under New Business
5. Add item B. North Cannon watershed meeting under Clerk Matters

Motion: Chair Palmquist moved to approve the agenda as amended. Vice Chair Fredlund seconded. *Motion carried 4-0.*

Sheriff's Department Update

Deputy Vai reported that the Sheriff's Department received no reports or complaints regarding dusty roads in the Township.

Road Report

Eureka Estates drainage project – Firm pricing confirmation/start date

Chair Palmquist emailed Todd Howard for estimated costs of the items not included in the quote. He will reach out to TJ Grossman and report back to the Board at the next meeting.

Public Comment

None

Citizen Inquiry

Jim Sauber, 9025 225th St. W., 13000500-25-010 – Lot Split

Jim Sauber explained that he and his siblings own 8 contiguous parcels on 225th St. and are looking to split one of the 80-acre parcels. The Planning Commission had advised about meeting setback requirements for the driveway. Mr. Sauber presented a new sketch of the proposed lot split showing a driveway which now meets all setbacks. Supervisor Sauber noted that the northern part of the driveway would need to be tilled to make it clear that the driveway has been interrupted.

Treasurer's Report

Net pay and claims

The Treasurer presented net pay in the amount of \$2,638.28 and claims in the amount of \$6,329.00, noting the additional claim for PERA.

Motion: Vice Chair Fredlund moved to approve the net pay and claims as adjusted. Chair Palmquist seconded. *Motion carried 4-0.*

New Market Bank investment options

Motion: Vice Chair Fredlund moved to open two premium savings accounts at New Market Bank, one account for the General Fund and one account for the Road and Bridge Fund, and to invest all money in these savings accounts as they offer the highest interest rates at this time. Chair Palmquist seconded. *Motion carried 4-0.*

Attorney Items

Administrative Hearing system model ordinance and letter

Chad Lemmons presented a draft model ordinance and was asked to send the document in Word format to Supervisors Kauffman and Sauber for further review.

Update on outstanding complaints/violations

Chad Lemmons has received no responses from last round of letters sent. The Board agreed to revisit this item at the next meeting to ensure enough time for receipt of the letters.

Statute review – Does a shared driveway alone satisfy the road frontage requirement?

Chad Lemmons reviewed Minnesota Statutes 462 and 161 and found that neither answers the question. Therefore, it is at the discretion of the Town Board to determine how they want to handle it.

Status of General Code ordinance draft

The Clerk was asked to send contact information for General Code to Chad Lemmons.

Old Business

Broadband update

Supervisor Kaufmann received notice that an overwhelming number of broadband grant applications were submitted, and decisions are being pushed out until 2022.

25500 Highview Ave – Complaint 2021-06

Chad Lemmons informed the Board that he has not received a response to the last letter sent. The Board discussed whether to start legal action at this time.

Motion: Supervisor Kauffman moved to give the attorney the authority to draft, but not serve, a complaint and cover letter to the property owners' attorney of record to inform that the Board is considering legal action if they do not respond. Supervisor Sauber seconded. *Motion carried 4-0.*

Status of outstanding complaints

Follow-up letters were sent a week ago. The Board agreed for the attorney to draft additional complaints and cover letters for the outstanding auto repair shop and excessive vehicles complaints.

Motion: Supervisor Sauber moved for the attorney to draft complaints and cover letters to be sent out December 1st if no response is received to the follow-up letters. Chair Palmquist seconded. *Motion carried 4-0.*

New Business

Resolution 2021-14 Designation of polling place for 2022

Motion: Supervisor Sauber moved to adopt Resolution 2021-14 designating Town Hall as the polling location for 2022. Vice Chair Fredlund seconded. *Motion carried 4-0.*

Open Meeting Myths/Right to Farm documents for placement on website

The Board agreed to post the Open Meeting Myths and Right to Farm documents on the website.

Lakeville Comp Plan amendment - Senior co-op south of 162nd, west of Ipava

Motion: Supervisor Sauber moved for the Clerk to respond that the Comprehensive Plan amendment is not anticipated to impact the Township, no comments on the application will be forthcoming. Vice Chair Fredlund seconded. *Motion carried 4-0.*

Complaint 2021-07, 9235 Upper 240th St.

The Board received a complaint alleging the following: 1) Business involving commercial vehicles and equipment operating out of residentially used structures; 2) Business activities involve trash disposal on property using commercial roll-off dumpster, semi, and commercial tree trimming truck; 3) Tree carcasses and trash stored on property visible from property line. Tree carcasses pose threat to neighboring trees if brought in from outside of Township. Excessive noise from processing with chainsaws. Trash burning/collection activities have contaminated neighboring properties/soil; 4) Business generates excessive amounts of traffic and wear on roads. Vehicles do not appear to obey posted speed limits and peel out on the road; 5) Scrap vehicles, salvage pickup trucks and fleet of plow trucks lining property and stored around the yard are visible from the property line. Excessive use of trailers used as makeshift fence to obscure activities from vision.

Motion: Chair Palmquist moved for Chad Lemmons to draft and serve a complaint and temporary restraining order against the property owner. Supervisor Kauffman seconded. *Motion carried 4-0.*

Complaint 2021-08, 5100 235th St.

The Board received a complaint alleging MPM has failed to conduct reclamation in any of the five planned mining phases, despite the mine being almost mined out.

Mike Callahan responded that MPM cannot replace the black dirt at this time as it is being used in the safety berming. Mr. Callahan requested 120 days to allow MPM to come up with a mine reclamation plan for the Town Board.

The Clerk was directed to pull the reclamation plan and provide a copy to Supervisors Palmquist and Fredlund for investigation of the complaint.

Complaint 2021-09, 5100 235th St.

The Board received an additional complaint alleging that MPM is using the pit as a junkyard, noting large, black plastic drainage pipe and a large, orange steel shipping container.

Mike Callahan responded that the black tiles are being taken care of this week. The Conex box has been cleaned out and should be removed by Wednesday. Supervisors Palmquist and Fredlund were assigned to investigate the complaint.

Complaint 2021-10, 10005 235th St.

The Board received a complaint alleging unauthorized storage of mulch which contains numerous chemicals, along with Material Safety Data Sheets for Miracle-Gro water-soluble all-purpose plant food fertilizer.

Dan Ames responded that he is storing mulch and topsoil, not plant food fertilizer, which was authorized by the Town Board at their January 14, 2019, meeting. Mr. Ames stated that there have been no issues with groundwater or traffic.

Supervisor Kauffman noted that the Board is not bound by a previous Board's decision and informed that she intends to raise the storage issue at the mining review as she does not feel that the mining Ordinance allows for long-term storage of any kind.

Chair Palmquist stated that the complaint is not valid as it pertains to a product that is not being stored at the site. Supervisors Palmquist and Fredlund were assigned to verify that the items being stored contain mulch and topsoil.

Complaint 2021-11, 6383 245th St.

The Board received a complaint alleging that the property owner is building a barn without a permit. Supervisors Sauber and Kauffman were assigned to investigate the complaint.

Town Hall flowerbed maintenance

Motion: Chair Palmquist moved to authorize up to \$200 to trim the spirea and dead lilacs in the Town Hall flowerbeds. Supervisor Sauber seconded. *Motion carried 4-0.*

Approval of Meeting Minutes

October 11, 2021, Town Board meeting

A few minor changes were noted.

Motion: Vice Chair Fredlund moved to approve the October 11, 2021, Town Board meeting minutes as amended. Supervisor Kauffman seconded. *Motion carried 4-0.*

Clerk Matters

Create a Zoning Administrator description of duties

The Clerk requested a description of the duties of the Zoning Administrator. The Board suggested reaching out to the Minnesota Association of Townships for assistance in creating a description.

Motion: Supervisor Sauber moved for the Township to purchase the current Minnesota Building Code book. Vice Chair Fredlund seconded. *Motion carried 4-0.*

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting. Supervisor Sauber seconded. *Motion carried 4-0.*

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Ranee Solis
Ranee Solis, Town Clerk

Minutes Officially Approved By:  on: 2/14/2022
Town Chair Date