

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**TOWN BOARD MEETING**  
**JULY 26, 2021 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:09 p.m. by Chair Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Ralph Fredlund, Lu Barfknecht, Nancy Sauber.  
Kathleen Kauffman participated via Zoom due to family health concerns.

Others Present: Ranee Solis and Randy Wood.

Zoom attendance: Chad Lemmons, Mike Callahan, Debra Burkhardt, Georgie Molitor, Julie Larson, Brian Ahern, Bill Clancy, and Carol Cooper.

**Approval of the Agenda**

The following items were added to the agenda:

1. Treasurer's Report item C. Resolution 2021-09
2. Old Business item G. Eagle Scout foot bridge project
3. Road Report item Eureka Estates project update

*Motion:* Supervisor Barfknecht moved to approve the agenda as amended, seconded by Supervisor Sauber. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

**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.

Georgie Molitor, 8875 225<sup>th</sup> St. W., Lakeville

Georgie Molitor reported furniture and garbage in the ditches on 225<sup>th</sup> St. near Cedar Ave.

Carol Cooper, 26437 Galaxie Ave., Farmington

The agenda for this meeting continues to recite that it will be held as a teleconferenced meeting with interactive technology, "due to the Peacetime Emergency and social distancing guidelines...". The legislature terminated the Peacetime Emergency effective July 1, 2021, (Session laws, 1<sup>st</sup> Special Session, Chapter 12, Article 2, Section 23).

The other basis for the decree to continue operating meetings by teleconference is "social distancing guidelines". This is not one of the prerequisites for handling a meeting this way

under Minn. Stat. 13D.021. For these reasons, teleconferencing this meeting violates the Minnesota Open Meeting Law of Chapter 13D.

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

**Citizen Inquiry** – None

### **Road Report**

Chair Palmquist reported that Mark Henry is prioritizing road graveling, with dust proofing to follow. He will reach out to TJ Grossman regarding the Eureka Estates project.

### **Treasurer's Report**

#### Central Farm Service propane prepay contract

*Motion:* Supervisor Sauber moved to approve the Central Farm Service propane prepay contract for 900 gallons of propane totaling \$1,394.10, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Aye. *Motion carried 5-0.*

#### Net Pay and claims

Treasurer Solis presented net pay in the amount of \$2,039.65 and claims in the amount of \$152,532.68.

*Motion:* Vice Chair Fredlund moved to approve the net pay and claims as presented, seconded by Supervisor Barfknecht. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Aye. *Motion carried 5-0.*

#### Resolution 2021-09 authorizing cash in of Castle Rock Bank CDs

*Motion:* Chair Palmquist moved to approve Resolution 2021-09 as presented, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Aye. *Motion carried 5-0.*

### **Attorney Items**

In response to Carol Cooper's public comment, the Board requested that Chad Lemmons prepare a memo regarding teleconferencing.

#### Revised Retention Schedule

The Board requested that Chad Lemmons draft a revised retention schedule for the next meeting. Chad Lemmons advised that the Board should retain meeting recordings for 90 days following the approval of minutes. The Board can request a longer period of retention for a specific meeting at any time.

#### Septic letter information

Supervisor Sauber noted a grammatical error and suggested the addition of language stating that if evidence of compliance is not received, the Town will have the septic system pumped at the owner's expense. The Board agreed to the changes.

Letter to 25500 Highview Ave – Ordinance violation/text amendment

The Board requested that a copy of the ordinance violation letter be sent to the Clerk.

Notice to Dakota County Sheriff – July Petter event

Upon reaching out to the Sheriff's Department, Chad Lemmons learned that a Deputy went to the property and wrote a report, but the Sheriff's Department had not yet decided whether to cite Ms. Petter or not. He was also told that the contract with the Township states that the Sheriff is not obligated to enforce our Ordinances. Chad informed them that the court order directs the Sheriff to enforce the court order. The Board questioned whether the purpose of the JPA with the County Commissioners was to enforce our Ordinances and requested that Chad review the JPA.

**Old Business**

Ordinance 2021-02 amending Ordinance 6, Chapter 7, Section 1(M)

The Board tabled the item until the next meeting.

Follow-up on date MBC repealed pool and spa language

The Board directed Chad to draft a letter to 24230 Holyoke notifying them that they must comply with the Ordinances and erect a fence around their pool. He was asked to include a copy of their permit application and site plan which detail a fence was to be included.

Follow-up on 5100 235<sup>th</sup> St. W. complaint

Supervisors Palmquist and Fredlund visited the MPM site on July 22<sup>nd</sup> and found large piles of concrete and asphalt at the back of the pit which is in violation of the ordinances. The Board directed Chad to draft a letter to MPM stating that they have 5 days from notification to resolve and rectify the violation.

*Motion:* Supervisor Barfknecht moved for Chad Lemmons to draft a letter to MPM, sent certified mail as written notification of the ordinance violation, giving 5 business days upon notification to remove the asphalt, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Kathleen Kauffman – Aye; Nancy Sauber – Recused. *Motion carried 4-0.*

Mike Callahan asked whether they have 5 days upon receipt of the notice or 5 days from the date of the notice. Chad Lemmons clarified that it is 5 days from the date of the notice and offered to email the notice to him as well.

Supervisor Kauffman requested retention of tonight's meeting recording of this agenda item [7-26-21, 52:52 - 1:06:59].

Follow-up on 24465 Highview Ave complaint

Supervisors Sauber and Kauffman visited the site of the complaint and reported the following findings:

The fenced-in area surrounding the small housing structures for the hatchlings and rooster were determined to be 166 feet from the neighboring property's residence. The property of the complaint is 15 acres, but is taxed as residential use. Since this is the case, any shelter or penned-in area housing animals must be 175 feet from any neighboring homes. The animal

owners were informed of this and agreed to move the fencing 10 feet for remeasurement confirming ordinance compliance.

We were told the rooster currently has a device around his neck which restricts him from doing a full-on extension when crowing. If so, this is viewed as an accommodation by the inspecting supervisors.

Roosters crow for many different reasons, only one of which is the arrival of daylight. It was discussed with the rooster owners that a possible additional accommodation to try would be to put the rooster inside the part of his structure that would block most daylight at night and not release him until 7:00 a.m. (Noise ordinance addresses noise from 10:00 p.m. to 7:00 a.m.). The end result of the discussion was that they *may* be willing to do this when they are home, but no commitment was made.

Since the Township is zoned ag and has no restrictions on roosters in residential areas, as some municipalities do, this is an allowed use. It is not clear that the nuisance noise ordinance applies to this use. A rooster can crow at up to 130 decibels, but would have to do so for six minutes inside an hour to violate MPCA standards. Again, ag may be exempt from this.

Neighbors were informed that the entire Township is zoned ag. They were out in the yard when the measurement was made and were informed of the distance. Both parties were informed that the inspecting supervisors would report to the Board for discussion, and that they would be informed of follow-up in the near future.

#### Annual meeting slides review

The Clerk presented the Annual Meeting Treasurer's Report for discussion. The Clerk was asked to provide a brief explanation of why the budget coding changed. The Board discussed and suggested items for the Town Board Report and Roads Report. Supervisor Kauffman suggested a community outreach on solar energy and broadband education.

#### Citizen Complaint form review

The Board reviewed the revised complaint form and made some additional adjustments.

*Motion:* Supervisor Sauber moved to approve the Citizen Complaint form as amended, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Aye. *Motion carried 5-0.*

#### Eagle Scout footbridge project

Supervisor Sauber reported that the North Cannon River WMO does not require a permit for the footbridge project. The Board directed the Clerk to let the Eagle Scouts know to contact Dee McDaniels.

### **New Business**

#### JPA with Dakota County for street naming and address assignments

Item tabled until the next meeting.

#### Ordinance 2021-03 Establishing a street naming and addressing system

Item tabled until the next meeting.

### Broadband Infrastructure Program grant

Supervisor Kauffman provided an overview of the broadband grant and application. The federal grant requires the municipality to partner with a provider. Eureka has partnered with JTN Communications. The grant application has a deadline of August 17<sup>th</sup>, JTN is working hard to create a technical plan for providing broadband for the application. The project must be completed in a year, with current supply chain backlogs this will be hard to do but everyone is facing that difficulty. We will receive full marks only if we put in a last mile application that reaches 100 percent of the residents in the plan. The application calls for technology that is future-proofed, meaning fiber-optic cable. There will be a lot of grant opportunities and we are going to spend the next year trying to get some rural broadband money. The fact that you can't get a good signal hurts the quality of life of our citizens and our ability to sell our houses. Everybody wants to know that they can work from home if they need to. Frontier, which is the only option for many of us, provides a lousy signal. It is a worthwhile endeavor for the Township. There is another foundation to which we can apply for a grant for help in writing a grant and I would like permission to go ahead and make that application. I will be reaching out to our Senators and Congresswoman for support.

### Inspection report draft for consideration

*Motion:* Supervisor Sauber moved to approve the Inspection Report as submitted, seconded by Supervisor Barfknecht. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Abstain. *Motion carried 4-1.*

### Township measurement wheel for inspections

Supervisor Sauber inquired as to whether the Township has a wheel used for measurement.

### Yellow truck signs – enforceable

Supervisor Sauber indicated that she has been told by law enforcement officer that yellow signs are not enforceable, but white signs are. Supervisor Barfknecht will confirm this with the Sheriff's Department.

### NCRWMO Report

Item tabled until the next meeting.

### Comments on Comp Plan amendments

The Clerk was directed to respond to the Lakeville Comp Plan amendments on behalf of the Township. For the Adelman and Ruddle properties, request a 20-foot green zone buffer as is required by their Ordinance for their own citizens. For the mixed use, no comments.

Supervisor Kauffman expressed she is perplexed as to how the Met Council can hold Eureka to ag zoning of 1 in 40, yet Lakeville can annex our parcels and immediately allow them to turn into Amazon warehouses.

### Permit expirations

Vice Chair Fredlund brought up the issue that many residents are experiencing with material shortages that are delaying their ability to begin work on their building permits and asked if there are any options to prevent those permits from expiring before they can start. Discussion

included that State Building Code dictates permit expirations, and residents can apply for extensions if need be.

**Other Business**

Schedule Clerk/Treasurer annual review

The Board agreed to schedule a Special Closed Meeting on August 23, 2021, at 6:30 p.m. for the Clerk/Treasurer annual review.

**Approval of meeting minutes**

June 28, 2021, Town Board Meeting minutes

A few minor changes were noted.

*Motion:* Supervisor Sauber moved to approve the minutes as amended, seconded by Chair Palmquist. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Abstain. *Motion carried 4-1.*

July 12, 2021, Special Town Board Meeting minutes

Supervisor Sauber requested that the minutes reflect the time that Chair Palmquist arrived and tabled the minutes for review at the next meeting.

July 12, 2021, Town Board Meeting minutes

Supervisor Kauffman requested to table the minutes to allow time for her to add language from the recording regarding the MPM discussion.

**Adjournment**

*Motion:* Chair Palmquist moved to adjourn the meeting, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Meeting adjourned at 10:06 p.m.

Respectfully submitted,

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Ranee Solis, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Town Chair Date