

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

**TOWN BOARD MEETING**  
**AUGUST 9, 2021 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:03 p.m. by Chair Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Ralph Fredlund, Lu Barfknecht (7:10) and Nancy Sauber.

Supervisors Absent: Kathleen Kauffman

Others Present: Ranee Solis, Chad Lemmons, Randy Wood, Mark Henry, Gene Dietz, Mary Ann Dietz, Stacy Shaw, Deb Burkhardt.

Zoom Attendance: Jody Arman-Jones, Julie Larson, Mike Callahan, Brian Ahern, Bill Clancy.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Add item F. Backup power source under Treasurer's Report.
2. Add item B. Retention Schedule under Attorney Items.
3. Add item G. JPA Lakeville roads under New Business.

*Motion:* Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Sauber. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye.  
*Motion carried 3-0.*

**Road Report**

Road Superintendent – Mark Henry

- Tree removal on 225<sup>th</sup> is complete.
- We have placed 20,000 ton of gravel reflecting a good amount of improvement.
- VRW concerned about how we are directing water into the river.
- Dust proofing is complete unless we place additional gravel.
- Mark and TJ will check the grade in Eureka Estates and propose a quote on the cost.

1. Crack fill/seal coating – second quote

The Board requested that Gopher State Seal Coating submit a quote similar to the Seal King quote.

**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 Inquiry**

#### Eugene & Mary Ann Dietz – Driveway setback

Vice Chair Fredlund reported that, after speaking to the Township attorney, Mr. Dietz is free to put in driveway wherever it is needed, as 267<sup>th</sup> and Hamburg is not an intersection under state statute definition, and not bound to the 300-foot setback.

Chad Lemmons clarified that neither 267<sup>th</sup> nor Hamburg appear to be “dedicated”, they appear to be streets created under the statute by maintaining them for six years. The statutory definition of an intersection is two roads that meet at a 90-degree angle whose use would interfere with each other. That does not exist in this case. We simply have the same road changing names.

Mr. Dietz asked whether a warranty deed is sufficient proof of a Lot of Record. Chad Lemmons explained that a stub abstract is required by Ordinance to prove a pre-1982 Lot of Record.

### **Planning Commission Update – Randy Wood**

#### Summary of the August 3, 2021, Planning Commission meeting

- Citizen Inquiry from Eugene Dietz regarding a driveway and pre-1982 Lot of Record.
- Citizen Inquiry from Jerome Phillippe regarding a lot split, discussed road frontage for those parcels.
- Draft text amendment is coming, will set a date for Public Hearing.
- Citizen Inquiry from Austin Riess regarding a wedding venue, he understood our Ordinance does not allow this use.
- Reviewed the remodel permit form.

### **Permit Requests**

#### Nathan & Stacy Shaw, 8802 250<sup>th</sup> St. W, PID 13-00200-02-020 – Pole Shed

The Board confirmed that all setbacks were met.

*Motion:* Supervisor Sauber moved to approve the accessory building to be used to store two horses on PID 13-00200-02-020 for Nathan and Stacy Shaw at 8802 250<sup>th</sup> St. W., seconded by Supervisor Barfknecht. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

### **Land Use Requests - None**

### **Treasurer’s Report**

Clerk/Treasurer Solis read the Treasurer’s Report as on July 31, 2021: Castle Rock Bank checking account \$93.55; outstanding checks \$155,935.75; Castle Rock Bank savings account \$510,185.78; New Market Bank checking account \$548,263.07; CDs \$69,744.69; petty cash \$100; Total assets \$972,451.34. July claims \$177,721.37 and July payroll \$9,670.30.

*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

*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. *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

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

#### Banking Update

1. Resolution 2021-10, signers at New Market Bank  
The Board tabled the resolution and requested that the Clerk add the Deputy Clerk, Amy Liberty, as a signer on the bank account.
2. Remote Deposit agreement  
*Motion:* Chair Palmquist moved to approve the Remote Deposit agreement with New Market Bank, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

#### Final Levy Certification

The Board agreed to approve the final levy certification at their next meeting, and not wait until the September deadline.

#### Backup power source for meeting room equipment

*Motion:* Chair Palmquist moved to approve up to \$500 of ARPA funds for a backup power source for the meeting room equipment, seconded by Supervisor Sauber. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

#### **Attorney Items**

##### Petter event update

Chad Lemmons reported that the Dakota County Sheriff issued a citation to Ms. Petter for contempt of court, and will request a copy for the property file.

##### Retention schedule

Chad Lemmons will forward the revised retention schedule for the next meeting.

## **Old Business**

### Complaint – 5100 235<sup>th</sup> St. W. – Verify removal of imported blacktop

Supervisors Fredlund and Barfknecht met Mike Callahan from MPM at the site at 12:25 p.m. on August 6, 2021. They walked from the main gate to the back of the pit, where the blacktop had been observed previously by Supervisors Palmquist and Fredlund. The large pile of blacktop had been removed as instructed by the Town Board. A small amount of material had been moved to the concrete rubble pile. Mike Callahan had stated that it came from a spot that was just west of where the blacktop was previously seen. This new pile was far too small to cover up the pile of asphalt, if it had been simply moved to this spot. No other fresh digging or piling was seen on the property.

When asked where the blacktop had been taken, Mr. Callahan replied that it was moved to their hot mix plant in Rosemount to be pulverized and added to new blacktop. When asked whether we would see the pile there if we were to visit the site, Mr. Callahan stated that it should still be there. We were told that it took three days of trucking to get all of the material removed, ending on Monday, August 2<sup>nd</sup>.

The inspectors believe the original complaint has been resolved in a satisfactory and timely manner by MPM, and the Board agreed. The Clerk was asked to send a letter to MPM, along with a copy of the inspection report, confirming that the complaint has been resolved.

### Complaint - 24465 Highview Ave – Inspection update

Supervisor Sauber reported that the owner has moved his fence 40 feet, and will set up a time to re-measure. The complainant confirmed that the owner has been putting the rooster away at night.

### Follow up on the letter sent to 25500 Highview Ave – Commercial use

The owner has taken down the sign and the trucks are gone. Supervisors Fredlund and Sauber were assigned to inspect the property and speak with the owner.

### Ordinance 2021-02, Mining setback text amendment

*Motion:* Vice Chair Fredlund moved to approve Ordinance 2021-02 as presented, seconded by Chair Palmquist. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Recused. *Motion carried 3-0.*

### Ordinance 2021-03, Street naming & addressing system / JPA agreement

*Motion:* Supervisor Sauber moved to approve Ordinance 2021-03 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.*

*Motion:* Chair Palmquist moved to adopt the Joint Powers Agreement with Dakota County for technical assistance in street naming and address assignments, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

### Yellow truck signs

Supervisor Barfknecht reported that Sgt. Samuelson confirmed that the color of the signs does not determine whether they are enforceable or not. All signs are enforceable.

### **New Business**

#### North Cannon River WMO Report

Supervisor Sauber reported that the NCRWMO is working on the 3<sup>rd</sup> update to the water plan. With the SWCD is no longer assisting, they have hired a planner to assist with the plan. Because of the additional cost for the update, all entities' fees will likely increase about \$500 each.

A representative from the State reported that the North Cannon River displayed high nitrates, and they are continuing to monitor it.

Supervisor Sauber volunteered the use of the Eureka Town Hall for the November 17<sup>th</sup> meeting.

#### Broadband Infrastructure Program Grant

1. SAM.gov Entity Administrator

*Motion:* Supervisor Barfknecht moved to authorize the Clerk to be listed as the Entity Administrator on SAM.gov, seconded by Chair Palmquist. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye.  
*Motion carried 4-0.*

2. Fiscal Grants Administrator

Clerk Solis relayed Supervisor Kauffman's recommendation to hire a Grants Administrator should the Township receive the federal broadband grant. Supervisor Fredlund would be an excellent candidate for this position given his experience.

#### Complaint: 8950 Upper 240<sup>th</sup> St. – Unleashed dog

The Board requested for Chad Lemmons to draft a letter pointing out the Ordinance. The Clerk was asked to notify the complainant to call 911 if there are any other incidents.

#### Complaint: 9390 267<sup>th</sup> St. W. – Commercial automotive repair shop

The Board requested for Chad Lemmons to draft a letter stating that this is not an allowed use, and request for them to join the next Town Board meeting for discussion.

#### Complaint: 24840 Dodd Blvd. – Excess vehicles parked along driveway

The Board requested for Chad Lemmons to draft a letter stating that this is not an allowed use, and request for them to join the next Town Board meeting for discussion.

#### Text My Gov

Clerk Solis presented an app which would link to the Township website. Residents could type in search criteria and receive instant links to information on the website. The Board asked the Clerk to check whether this would be an allowed use of the ARPA funds.

Lakeville roads JPA amendment

Lakeville presented and amended JPA to include 0.33 miles in front of the annexed parcel. The Board agreed to table the item to allow for further review.

**Other Business** - None

**Approval of meeting minutes**

July 12, 2021, Special Town Board Meeting minutes

*Motion:* Supervisor Sauber 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 – Aye. *Motion carried 4-0.*

**Adjournment**

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ranee Solis, Town Clerk

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