

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
October 11, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:02 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Donovan Palmquist (via Zoom), Ralph Fredlund and Kathleen Kauffman.

Supervisors Absent: Nancy Sauber

Others Present: Bill Clancy, Mark Henry, Shelley Clubb, Mike Greco, Keith Clubb, Mark Thompson.

Zoom Attendance: Rane Solis, Gloria Belzer, Carol Cooper, Randy Wood, Jeff Otto and Julie Larson.

Approval of the Agenda

The following changes were made to the agenda:

- Add B. Beeler permit for 4-season porch under Permit Requests
- Add E. Castle Rock Bank bond release under Treasurer's Report
- Add B. Reschedule closed meeting under Attorney Items

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

Road Report

Supervisor Fredlund reported the following:

- The Dakota County Fairground Board declined our request to purchase jersey barriers.
- Mark Henry is skeptical about using hay bales due to the possibility of fire. He is recommending that we use the guard rails that we have in the storage building.
- TJ Grossman will begin grading tomorrow.

Chair Barfknecht asked that TJ Grossman be informed that he must still maintain/plow the portion of 245th that leads to the driveway for the house on Dodd Blvd.

Vice Chair Palmquist noted that the culverts that need to be paved over in Eureka Estates are on the list to be completed before it snows. Mark Thompson asked the Board to include the culvert on Iberia that has a deep crevice. The previous practice of filling it with gravel is a temporary fix and a permanent fix would be more beneficial.

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 Barfknecht opened the floor for public comment and reminded that if anyone has comment regarding any agenda items, now is your time to speak.

Carol Cooper – 26437 Galaxie Avenue

I gathered from listening to the discussion at the 9/27/2022 Town Board meeting that before receiving attorney Ruppe's recent memorandum, the Town Board had operated under the assumption that the Township was an urban town, and this is why the Township has for years responded to data practices requests under Chapter 13. In light of Mr. Ruppe's conclusion that the Township definitely is not an urban town I have three questions:

1. Has the Town Board asked attorney Ruppe for a legal opinion on whether any Township Ordinances go beyond the scope of authority granted to a non-urban town?
2. If the past misunderstanding of the scope of the Township's authority under Minnesota Statute Section 368.01 has resulted in any Ordinances that are beyond the scope, will the Township postpone the 10/27/2022 public hearing in order to ensure that the recodification will be appropriately revised?
3. Has the Town Board considered adopting a revised policy to replace the rescinded policy addressing transparency?

Chair Barfknecht requested the Clerk forward Ms. Cooper's comments to the Township Attorney for review.

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

Citizen Inquiry

Clubb Kids, Inc. – Lot split

Supervisor Kauffman recused herself from discussion. Shelley Clubb presented information regarding splitting two parcels into four parcels. She inquired as to whether the lot split must go through the Township or whether it could be taken directly to the County. She noted that all parcels will contain over 20 acres and are agricultural land with no CUPs or housing rights.

Supervisor Fredlund reported that, if following past practices, we would require that the lots be split into six parcels, then recombined into four.

Commissioner Clancy informed the Board that if the parcels will contain twenty or more acres after the split, Township approval is not required. In addition, current practice requires a series of three steps which is expensive and not the most efficient practice.

The Board recommended that Ms. Clubb reach out to the County directly to see if they can perform the lot split without Town Board approval.

Jeff Otto noted a precedent of treating a lot split such as this as a single step with the Madden lot split. He restated that a 20-acre threshold does not have to go through the Township.

Planning Commission Update – Bill Clancy

Summary of the October 4, 2022, Planning Commission meeting

- Recommended approval of the Thompson deck permit.
- Raised a discussion point about the rule that all applicants must attend Planning Commission meetings. The Planning Commission needs a consistent approach. We encourage applicants to attend but can we process the applications without the citizen there?

The Board agreed that applicants should be strongly encouraged to attend, but if they are not there to answer questions the Planning Commission will not forward the application to the Town Board. This is a case-by-case decision. If an application meets the requirements for approval, it should be forwarded to the Board.

- Accessory building research – In the spring the Planning Commission would like to hold open houses to get citizen input.
- Reviewed major activity tracker.
- Assigned Commissioner Eilers to be the liaison for the 12/14/22 Town Board meeting.
- Discussed negative perceptions of the Planning Commission. There are rumors being spread that the Planning Commission is under orders by the Town Board to make application approvals difficult. The Planning Commission Chair and Vice Chair agreed to make themselves available at 6 pm on meeting nights to answer questions.

Supervisor Kauffman commended Clancy on for his continued efforts to assist the residents.

Permit Requests

Mark Thompson, 24404 Iceland Path, 13-24660-11-060 - Deck

Motion: Chair Barfknecht moved to approve the deck permit for Mark Thompson at 24404 Iceland Path with PID 13-24660-11-060 as presented. Supervisor Kauffman seconded.
Motion carried 4-0.

Status of Beeler porch

Supervisor Fredlund stated that the Town Board approved Mr. Beeler's porch application in July, Inspectron performed the plan review, then Mr. Beeler decided not to proceed. Inspectron stated to the Deputy Clerk that they will absorb the fee for the plan review. The Clerk noted that the permit applications state that the property owner agrees to pay all plan review fees even if he/she chooses not to proceed with the work. The Board agreed that the Clerk should bill the applicant for the plan review fee.

Commissioner Clancy noted that the current permit process is quite lengthy. Applications are reviewed by the Planning Commission, approved by the Town Board, and then submitted to Inspectron to perform a plan review and calculate the permit fee. Supervisor Kauffman noted that at the Saturday meeting with Attorney Ruppe, we will discuss contracting out to Inspectron for both zoning and building permits which will get the delay out of the process.

***Road Report - Mark Henry**

Mark Henry recommended using the guard rails that are stored in the shed for 245th St. He indicated he would need to purchase sign bases and posts for this and other projects. Supervisor Fredlund suggested keeping the barriers for the remainder of the rental period.

Motion: Chair Barfknecht moved to approve up to \$1,000 to purchase sign bases and posts. Supervisor Fredlund seconded. *Motion carried 4-0.*

Treasurer’s Report

Clerk/Treasurer Solis read the Treasurer’s Report As on September 30, 2022: New Market Bank checking account: \$33,324.13; Outstanding checks: \$33,324.13; General Fund savings account: \$544,576.12; Road & Bridge Fund savings account: \$508,991.66; Petty cash: \$100; Total assets: \$1,053,667.78; September disbursements: \$90,581.26; September receipts: \$17,593.93.

Motion: Supervisor Fredlund moved to approve the Treasurer’s Report as presented. Chair Barfknecht seconded. Roll call vote: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Kathleen Kauffman - Aye. *Motion carried 4-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$8,418.87 for payment.

The following claims in the amount of \$21,358.26 were presented for payment:

De Lage Landen	Oct copier rental	\$95.83
DSI/LSI	Garbage bill	\$182.88
Driessen Water	Water softener rental	\$41.19
Point North	Oct IT/email/phone	\$345.50
T& C Cleaning	Oct cleaning	\$150
Tops, Inc.	Copies Oct 2021-Oct 2022	\$412.93
Lu Barfknecht	3 rd Qtr mileage	\$5
Nancy Sauber	3 rd Qtr mileage	\$30.63
April Elmer	Sept mileage	\$6.50
Mark Henry	Sept mileage	\$127.50
Ottomatic Lawn Care	Aug/Sept mowing & fertilizing	\$1850
IRS	Tax due for September	\$1,579.60
MN Dept. of Revenue	3 rd Qtr state tax	\$508.48
PERA	Sept payroll	\$900.14
Couri & Ruppe	Sept legal bill	\$2,357.50
Inspectron, Inc.	Sept building inspections	\$12,621.88
Dakota Electric	Sept electric storage shed	\$19.82
Dakota Electric	Sept electric Town Hall	\$122.88

Motion: Supervisor Fredlund moved to approve the net pay and claims as presented. Chair Barfknecht seconded. Roll call vote: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Kathleen Kauffman - Abstain. *Motion carried 4-0.*

Receipts and Disbursements

The following receipts in the amount of \$17,593.93 were deposited in September:

Wise Choice Construction	Roofing permit	\$101
Window World	Window permit	\$101
Ryan Murphy	Driveway permit	\$100
OMG Midwest	MPM engineer consulting	\$1,418.94
Bayport Roofing	Roofing permit	\$101
RW Communications	Frontier ROW permit	\$200
RW Communications	Frontier ROW escrow	\$2,500
Omega Exteriors	Roofing permits (3)	\$303
Johnson Reiland Builders	Mauri new home permit	\$9,904.44
Alexander Exteriors	Roofing permit	\$101
William Roske	Solar permit	\$1,113.90
Krista Hulbert	Driveway permit	\$100
Alexander Exteriors	Roofing permit	\$101
Legacy Construction	Roofing permit	\$101
Pac N Store Mobile Storage	Application fee	\$25
Inspectron Inc.	Septic permits	\$305.70
New Market Bank	Qrtly interest General Fund	\$477.74
New Market Bank	Qrtly interest Road & Bridge	\$539.21

The Clerk presented September disbursements in the amount of \$90,581.26.

Motion: Supervisor Fredlund moved to approve the receipts and disbursements as presented. Chair Barfknecht seconded. *Motion carried 4-0.*

Remaining reports

The Cash Control Statement, Schedule 1 and Outstanding Checks were reviewed by the Board.

Road and Bridge budget adjustments

The Treasurer presented the following budget adjustments to the Road and Bridge budget:

- Move \$700 from Waste Disposal to Waste Collection
- Move \$4,000 from Hard Road Maintenance to Signage
- Move \$10,000 from Ditch Maintenance/Weed Control to Gravel Hauling
- Move \$4,000 from Tree Removal/Mowing to Gravel Hauling
- Move \$6,000 from ROW Improvements to Gravel Placement

Chair Barfknecht noted the additional \$1,000 adjustment necessary for signs to be moved from ROW Improvements.

Motion: Supervisor Fredlund moved to approve the budget adjustments as presented with an additional \$1,000 to be moved from ROW Improvements to Signage. Chair Barfknecht seconded. *Motion carried 4-0.*

Castle Rock Bank bond release

Motion: Supervisor Fredlund moved for the Clerk to prepare a resolution releasing pledged securities bond for Castle Rock Bank and authorize Chair Barfknecht to sign the resolution on behalf of the Town Board. Supervisor Kauffman seconded. *Motion carried 4-0.*

Consent Agenda: Approval of meeting minutes

1. September 13, 2022, Town Board meeting minutes
2. September 27, 2022, Town Board meeting minutes

Motion: Chair Barfknecht moved to approve the September 13th and September 27th Town Board meeting minutes as presented. Supervisor Fredlund seconded. *Motion carried 4-0.*

Old Business

Housing Rights text amendment / zoom conference

The Clerk raised a question on behalf of Supervisor Sauber as to whether or not the attorney should conduct research on variances prior to the October 29th workshop. Jeff Otto suggested that the Board raise the question at the meeting and decide whether further research is necessary.

September 15th document for website

Motion: Supervisor Fredlund moved to approve the September 15th statement as presented for placement on the website. Chair Barfknecht seconded. *Motion carried 4-0.*

The Board requested that a reference to the website information be placed in the next newsletter.

Attorney Items

Outstanding complaints

Supervisor Kauffman reminded that the Board had suspended all action on complaints pending the outcome of the Administrative Hearing process proposed to the Town electors.

The Board discussed and agreed to the following:

1. 6383 245th St. W. – Building without a permit. Resident received a letter informing them that a fine will be assessed when they present a permit for an accessory building. Status: Complaint satisfied.
2. 9390 267th St. W. – Auto repair business. Status: Referred to Attorney Ruppe.
3. 9235 Upper 240th St. – Status: Litigation in process.
4. 24840 Dodd Blvd – Excessive vehicles. Status: Refer to Bob Alsop.

Motion: Vice Chair Palmquist moved to forward the complaint to Bob Alsop requesting he notify them that the Township is moving forward with enforcement efforts. Chair Barfknecht seconded. *Motion carried 4-0.*

5. 25500 Highview Ave – Commercial use. Status: Refer to Attorney Ruppe for review and recommendation.
6. 9125 250th St. W. – Shoreland disturbance. Status: Clerk follow up with MPCA after October 25th.

Reschedule Closed meeting to discuss potential litigation

The Board agreed to move the Clerk/Treasurer annual review to 5:30 pm on October 25th and schedule a closed meeting with the attorney to discuss litigation at 6:00 pm on October 25th.

New Business

Clerk/Treasurer interview recommendation

Supervisors Fredlund and Sauber met with a candidate for the Clerk/Treasurer position on October 3rd and the recording was forwarded to the remaining Supervisors. Chair Barfknecht indicated that she had several reservations regarding the candidate's skills, short job histories and responses to interview questions. Vice Chair Palmquist agreed that the candidate did not meet the requirements of the job. The Board requested the Clerk re-post the job ad on Indeed listing the approved base pay and benefits.

WCA Notice of application for CP86-41 improvements – Board comments

The Clerk was requested to submit a response indicating the improvements are much needed and the Township is appreciative.

Met Council 2022 System Statements: Updated 2040 Transportation and Parks Plans

The Board agreed to forward the Met Council 2022 System Statements to the Planning Commission for research into whether the Township's 2040 Comprehensive Plan will require an amendment.

MAC EAW

The Board agreed that the airport liaisons should review the EAW and inform the Board of any recommendations.

October 29th workshop agenda

Supervisor Kauffman offered to draft a list of agenda items for the workshop and submit them for Board review at the October 25th Town Board meeting.

Clerk Matters

Letter to Spirit Ranch II regarding feedlot certification

The Clerk was able to confirm from the County that the Spirit Ranch II feedlot certification is current.

Marketing Clarity quote

The Clerk recommended the Board approve the quote of \$500/year for website maintenance.

Motion: Supervisor Fredlund moved to approve the quote from Marketing Clarity in the amount of \$500/year for website maintenance. Supervisor Kauffman seconded. *Motion carried 4-0.*

Clarify pay for interviews/zoom conference

The Board confirmed that the job interviews and zoom conference should be paid as a special meeting for those in attendance.

Point North quote for computer and setup

The Clerk received a quote from Point North of \$1,057.20 to purchase a computer for the new Clerk/Treasurer. The Clerk is checking into pricing through other sources.

Motion: Supervisor Fredlund moved to approve up to \$1,100 for a computer and setup for the incoming Clerk/Treasurer. Supervisor Kauffman seconded. *Motion carried 4-0.*

CUP spreadsheet

The Clerk presented a spreadsheet of 34 CUPs and their review requirements. The Board requested the Clerk draft letters to all CUP holders stating that we are bringing CUP reviews current beginning in January 2023 and provide the CUP review dates and information for each.

The Board requested the Clerk send a letter to Spirit Ranch II stating that the CUP review has been satisfied for this year, and to be sure to provide current feedlot certification at next year's review.

Adjournment

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

Meeting adjourned at 10:01 pm

Respectfully submitted,

Ranee Solis, Town Clerk

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