

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
November 9, 2022 – 7:00 P.M.

Call to Order

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

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

Others Present: Bill Clancy, Mark Henry, Shelley Clubb, Mike Greco, Allen Novacek, Cheryl Wicklund, Alex Delmore, Keith Clubb.

Zoom Attendance: Rane Solis, Suzy Bergquist, Randy Wood, Gloria Belzer, Carol Cooper, Brian Ahern, Julie Larson, Ty Lyndgaard.

Approval of the Agenda

The following changes were made to the agenda:

- Withdrawal of the deck permit for Allen Novacek per request of the contractor.
- Add request for a resolution authorizing the County to record lot splits which do not meet the requirements of subdivisions.
- Flip the order of the land use requests.

Allen Novacek indicated that the deck is still ongoing and requested that the permit remain on the agenda. He has been out of town and had not responded to the contractor until just before the meeting. Chair Barfknecht requested the Clerk reach out to the contractor to ask if he wished to proceed with the permit.

Motion: Chair Barfknecht moved to approve the agenda as amended. Supervisor Fredlund seconded. *Motion carried 5-0.*

Road Report

Mark Henry reported the following:

- Received the posts for 245th and realized we would be installing the barricade on private property. Instead, we will run them parallel to the road.
- One of the posts has been damaged. Supervisor Fredlund will contact Safety Signs to repair.
- Received a voicemail regarding damage on 225th, the blade man touched up the road today.

Vice Chair Palmquist requested that Chub Lake road receive some attention before it snows.

Schedule Road Superintendent performance review

The Board agreed to schedule a performance review for Mark Henry at 6:30 pm on November 22, 2022.

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

Planning Commission Update - Deb Burkhardt

Summary of the November 1, 2022, Planning Commission meeting

- Citizen inquiry regarding whether a work truck could be parked in an accessory building or if the resident would need to build a garage large enough to hold it. Planning Commission determined that they could park the truck wherever they wished to.
- Recommended approval of the deck permit for Allen Novacek, who was not present. There were questions about the setbacks from the deck to the property line. We added the stipulation that Inspectron verify the setbacks before issuing the permit.
- Recommended approval of the lot split application for Alex Delmore. There was a question about the housing right which was addressed at the meeting. The housing right was assigned to parcel B.
- Recommended approval of the lot split application for Clubb Kids on the condition that the Township attorney state that we have the legal authority to move the property lines.
- Discussed Met Council update of the 2040 Comp Plan and determined that we need to make clerical changes to 235th between Cedar and Denmark.

Permit Requests

Allen Novacek, 24030 Iberia Ave. PID 13-24660-02-010 - Deck

The Clerk received confirmation from the contractor, Tim Rogers, that he wished to proceed with the deck permit.

Motion: Chair Barfknecht moved to approve the deck permit as submitted for Allen Novacek at 24030 Iberia Ave. with PID 13-24660-02-010, with Timothy Rogers as the contractor, contingent upon Inspectron verifying the setbacks prior to issuing the permit. Supervisor Fredlund seconded. *Motion carried 4-0*, with Supervisor Sauber abstaining.

Resolution for County Land Divisions

The Town Board had indicated at the last meeting that lot splits which result in parcels of 20 acres or more do not require approval of the Township for recording. However, Dakota County has Eureka Township Resolution 2011-02 on file for recording of land divisions which states that all land divisions must be approved by the Township prior to recording.

Minn. Stat. 462.352 Definitions, Subd. 12. Subdivision: "Subdivision" means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the

creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- (1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- (2) Creating cemetery lots;
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Motion: Chair Barfknecht moved for the attorney to draft a resolution for the Township to adopt, as recommended by the County, authorizing the County to record lot splits which do not meet the requirements of subdivisions as defined in the statute. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Supervisor Fredlund abstaining.

The Board agreed that the Township Subdivision Ordinance will need to be revised in order to prevent applying the subdivision standards to simple lot splits.

Land Use Requests

Clubb Kids, 250th St. PID 13-02000-27-011 / Ipava Ave PID 13-02000-25-011 – Lot split
Supervisor Kauffman recused herself from the discussion and vote on this item.

Shelly Clubb noted that the question as to whether this lot split would require a multi-step process had been submitted to the attorney, with the response that the ordinances are silent on this issue. There is nothing in the ordinance requiring the lots be combined before creating new parcel lines.

Motion: Chair Barfknecht moved to approve the lot split application for Clubb Kids, for original parcels with PID 13-02000-27-011, consisting of 32.14 acres, and PID 13-02000-25-011, consisting of 74.36 acres, to be split as parcel B consisting of 27.79 acres, parcel C consisting of 25.23 acres, parcel D consisting of 23.55 acres, and parcel E consisting of 29.93 acres. Vice Chair Palmquist seconded. Vote on the motion: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Nancy Sauber – Abstain due to an ethical problem with voting against attorney advice; Ralph Fredlund – Abstain; Kathleen Kauffman – Recused. Supervisor Kauffman reached out to the attorney to verify the result of the vote. *Motion carried 2-2-1.*

Alex Delmore, Fairgreen, PID 13-01100-51-011 – Lot split

Motion: Supervisor Sauber moved to approve the lot split application for Alexander Delmore for original parcel with PID 13-01100-51-011, consisting of 74.53 acres, to be split as parcel A consisting of 47.03 acres and parcel B consisting 27.5 acres, noting that parcel B will possess the housing right. Supervisor Fredlund seconded. *Motion carried 4-0*, with Supervisor Kauffman abstaining in absentia.

Commissioner Clancy asked the Board to clarify whether the advice given at the Planning Commission meeting that Mr. Delmore could park a commercial semi inside an attached garage or outside but could not park it in an accessory building.

Cheryl Wicklund, Mr. Delmore's relator, informed the Board that Mr. Delmore owns the vehicle, he is an independent trucker, but does not have a home-based business.

Chair Barfknecht noted that when her husband, who was an owner/operator of a truck, approached the Board about whether he would need a special use permit to park his work vehicle in the Township, he was advised that he could park in his yard, on the driveway, or inside of an accessory building as he did not house any business-related materials on the property.

Supervisor Sauber noted that, as it was described to this Board, she agrees that it should not be an issue. However, if the Board's interpretation is challenged and found to be in error, this decision is not binding.

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report As on October 31, 2022: New Market Bank checking account: \$20,223.97; Outstanding checks: \$14,615.92; General Fund savings account: \$532,844.89; Road & Bridge Fund savings account: \$503,620.38; Petty cash: \$100; Total assets: \$1,042,173.32; October disbursements: \$40,623.49; October receipts: \$29,129.03.

Motion: Supervisor Sauber moved to approve the Treasurer's Report as presented. Vice Chair Palmquist seconded. Roll call vote: Lu Barfknecht - Aye; Donovan Palmquist - Aye; Ralph Fredlund - Aye; Nancy Sauber - Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$3,510.95 for payment.

The following claims in the amount of \$12,428.08 were presented for payment:

IRS	Tax due October	\$2,322.88
PERA	October payroll	\$1,027.02
Kennedy & Graven	Sept. special counsel	\$2,843.57
Point North	Clerk computer	\$1,057.20
Dale Kuchinka	June/Sept. ditch mowing	\$4,200
Driessen Water	Water softener rental	\$41.19
Dakota Electric	Oct. electric Town Hall	\$96.22
Dakota Electric	Oct. electric Storage shed	\$19.52
De Lage Landen	Nov copier rental	\$95.83
Tops, Inc.	Copies due Nov	\$15.78
Metro Alarm	Qrtly access control	\$96.41
Point North	Nov. IT/email/phone	\$358.08
T& C Cleaning	Nov. cleaning	\$150
Mark Henry	October mileage	\$104.38

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

Receipts and Disbursements

The following receipts in the amount of \$29,129.03 were deposited in October:

Redstone Design	Luebeck new residence	\$11,087.21
Lloyd's Construction	Mueller Demolition	\$110
Crest Exteriors	Holz roof permit	\$101
Pietsch Builders	Devera new residence	\$7,409.82
Mad City Home Improvement	Dudgeon window permit	\$101
Pete Elvestad	Mills roof/siding permits	\$202
Carol Cooper	Data request	\$6.50
Alexander Exteriors	Rogers roof permit	\$101
Mount Olivet	2 nd half PILT 2022	\$1,775
Roof Time	Burkhardt roof permit	\$101
Clubb Kids	Lot split application	\$25
Mn Deck Builders	Rogers deck application	\$25
All Craftsman Exteriors	Flickinger roof permit	\$101
Vermillion Kennels	Annual kennel license	\$100
Beaver Creek Companies	Siding permit	\$101
Dakota Electric	Luebeck ROW permit	\$200
UHL Company	Mt. Olivet boiler	\$1,042.05
Alex Delmore	Lot split application	\$25
Bayport Roofing & Siding	Breid roof permit	\$101
Millersberg Construction	Groves roof permit	\$101
Rahn Home Services	Peterson furnace permit	\$46
Dakota County	2022 DNR PILT	\$659.40
Mn Management & Budget	Ag Market Value Credit	\$5,608.05

The Clerk presented September disbursements in the amount of \$40,623.49.

Motion: Supervisor Fredlund moved to approve the receipts and disbursements as presented. Supervisor Sauber seconded. *Motion carried 5-0.*

Remaining reports

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

Old Business

Township election – Pros and cons to moving the Township election to November

Pros:

- Save money by combining the Township Election with the General Election.
- Allow for better participation at the Annual Meeting.
- Voter turnout in November is much higher than in March.
- Better weather in November.
- Less stress on the Clerks to juggle both the Election and the Annual Meeting.

Cons:

- Township candidates get mixed with other candidates on the ballot.
- 4-year term could be viewed as trying to extend the current Supervisor's terms.
- Elimination of the traditional Township Tuesday.

The Board agreed it would be best to allow the citizens to decide whether or not to pursue changing to November elections at the next Annual Meeting.

Outside professionals to assist in efficient completion of outside work

Supervisor Kauffman presented that due to our complicated ordinances, the Board should look at an outside contractor for zoning and drafting ordinances for more consistency.

Supervisor Sauber expressed her reservations about turning zoning over to an outside contractor, noting that the Town Attorney can be the consistency.

The Board requested for Supervisor Sauber to speak with TKDA and Commissioner Clancy to speak with Bolton and Menk to request information about these services and report back to the Board.

Timelines for mining ordinance and housing rights text amendment

Supervisor Kauffman expressed that she would like to have the new mining ordinance in place before the February annual reviews. Vice Chair Palmquist was asked to provide the draft of the mining ordinance to Carrie Jennings for comment at the next meeting.

In addition, Supervisor Kauffman expressed her goal to have the housing rights text amendment completed by the end of the year.

Attorney Items

1977 Special Legislation / Township Ordinances

The Board acknowledged that the 1977 Special Legislation was provided publicly and is written into the record as an introductory statement in the Township Code.

Freedom of Information Act / Mn Data Practices Act

Supervisor Kauffman reported that the Freedom of Information Act applies only to federal government. She noted that her goal is to replace the data practices policy by the end of the year.

Supervisor Sauber noted that at the recodification public hearing, the fee schedule was brought into question by a resident. However, the Clerk has verified that the fee schedule in the new Code is correct.

New Business

Resolution 2022-14 Opening statement addition to the new Township Code

Supervisor Sauber read the resolution for the record:

WHEREAS, The Eureka Town Board wishes to include the following language as an opening statement to the Town Code:

The Eureka Town Code is adopted pursuant the authority granted the Township pursuant to Minnesota Law including, but not limited to, special legislation adopted by the State Legislature in 1977, Chapter 145 giving certain Dakota County Townships, including Eureka Township, powers of statutory cities as listed in the legislation. The Special legislation states in relevant part as follows:

Section 1. TOWNS; POWERS OF STATUTORY CITIES. The towns of Ravenna, Vermillion, Eureka, Hampton, Douglas, Empire, Nininger, Marshan, Castle Rock, Greenvale, Waterford, Sciota and Randolph may exercise the powers of statutory cities as provided in Minnesota Statutes, Section 412.111; 412.191, Subdivision 4; 412.221, Subdivisions 3, 6, 8, 9, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28 and 32; 412.231; 412.301; 412.491; 412.851; 462.351 to 462.364; 465.01; and 471.62.

This special legislation was approved by the Township by resolution. The resolution and required certificate were filed by Eureka Township on October 11, 1977 with the Office of the Minnesota Secretary of State as required by Minn. Stat. § 645.021. A copy of the special legislation, resolution of approval and certificate are attached to the end of the Town Code and incorporated herein by reference. The documents are also on file with the Office of the Minnesota Secretary of State.

NOW THEREFORE BE IT RESOLVED, that Eureka Township authorizes the placement of the language in this resolution into the Eureka Town Code.

Motion: Supervisor Sauber moved to approve Resolution 2022-14 adding an opening statement to the new Code. Supervisor Kauffman seconded. *Motion carried 5-0.*

Ordinance 2022-05 Adoption of new Code

Motion: Supervisor Kauffman moved to adopt Ordinance 2022-05 as presented following the previously conducted public hearing. Supervisor Fredlund seconded. *Motion carried 5-0.*

Planning for 2023 Annual Mining Reviews

Supervisor Kauffman reminded the Clerk to send out detailed letters to the mines in January listing information to be provided at the February reviews.

Zoning Administrator training

The Board recommended checking with Fusion Learning Partners/GTS educational events for zoning training that may be offered.

Clerk Matters

Clerk transition plan

The Clerk asked what Suzy's title should be until she is appointed since the Township cannot have two Clerks. The Board suggested checking with MAT.

Adjournment

Motion: Supervisor Fredlund moved to adjourn the meeting. Vice Chair Palmquist seconded. *Motion carried 5-0.*

Meeting adjourned at 9:26 pm

Respectfully submitted,
Ranee Solis, Town Clerk

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