

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

**TOWN BOARD MEETING**  
**December 27, 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, Donovan Palmquist, Ralph Fredlund, Nancy Sauber and Kathleen Kauffman.

Others Present: Bill Clancy, Randy Wood and Terri Petter.

Zoom Attendance: Ranee Solis, Deb Burkhardt, Jeff Otto, Kerry Adelman, Carol Cooper, Julie Larson and Carrie Jennings.

**Approval of the Agenda**

The following changes were made to the agenda:

- Add C. Auditor letter under Treasurer's Report.
- Add D. Clerk/Treasurer update under Old Business.
- Add E. Mining Superintendent agreement under Old Business.
- Add B. Status of ordinance amendments under Attorney Items.
- Remove C. Placement of definitions in ordinance under New Business.

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

**Sheriff's Report – Deputy O'Meara**

245<sup>th</sup> St. closure: a car attempted to drive around the barricade via the snow mobile trail and got stuck. Scott County did not cite the driver, but he did have to pay to have his car towed.

**Road Report**

Supervisor Fredlund reported the following:

- Clean up on Highview took place today.
- Snow was pushed back on Ipava and Iberia.
- Dan Rogers' mailbox, which was hit by the plow, will be repaired by TJ in the spring.

**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

With respect to the new Subdivision Ordinance draft discussed at the last meeting, I have one concern that I want to point out. The definition of Lot of Record is much narrower than the previous definition that has been in the Ordinance. If you compare the definition to 216-7(C), it says that in order to qualify for a lot split it has to be a lot of record. Lot of record is defined narrowly to exclude most of the lots in the Township, which are metes and bounds. They are not platted, they are not auditor's subdivisions, and they are not registered land surveys. It was clear from the discussion at the last meeting that the Board wants to continue doing lot splits the way they have done them before. I can easily imagine, a few years from now when you have new members on the Board and they look at the plain meaning of this language, someone saying you do not qualify for a lot split because you do not have a platted lot, it is not Torrens property, and it is not an auditor's subdivision. I feel this should be reconsidered before it is taken to a public hearing.

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**

Terri Petter – 10132 235<sup>th</sup> St. W.

Ms. Petter stated that when a potential buyer of her property posed questions to the Planning Commission at their December meeting, the buyer was misinformed. She was told there is no housing right available because the house was not rebuilt within a year of the fire. However, the housing right goes back to the public domain for that quarter-quarter section, it does not disappear. She was also told that she cannot have a business, but according to the court order I have a registered nonconforming use for any business which has the same impact or less. Lastly, she was told that there are 9,366 feet of existing accessory buildings on the property with a maximum of 10,000 allowed. However, it is my understanding that the accessory building limitations do not apply to agricultural buildings. I would like to get this figured out so that I can get the correct information to the buyers. My only concern right now is confirming that a housing right is available.

Supervisor Kauffman informed Ms. Petter that the potential purchaser sent an email to the Township asking for assurances on what could happen on your property. The Township Attorney, consistent with the policy that he has insisted the Township put in place, sent a letter to the potential buyer stating that the Township does not provide information in non-specific cases. He also advised that the best course of action was for them to submit a purchase offer contingent upon approval of any permits that are essential to this transaction. You, Ms. Petter, as the party of interest must put forth your rights and arguments regarding your property in order for the Township to provide answers. Instead, we had a stranger, not even a citizen of the Township, who could not provide information regarding the property. We will know whether we provided the wrong information once we receive a request with specific information from both you and the purchaser.

Ms. Petter requested for the Town Board to provide confirmation that there is a housing right available to whomever asks first. Supervisor Kauffman proposed that Ms. Petter submit a letter to the Township tracing the housing right activity within the quarter-quarter section to prove that a housing right exists. She could then take the letter to the Town Attorney and work through this issue.

Ms. Petter asked for clarification on the statements made to the potential buyers regarding accessory buildings. Supervisor Kauffman informed that the questions being asked were in the context of the buyer using the buildings for his construction business. Supervisor Sauber added that if the buildings are agricultural, meaning that they are permitted as agricultural and used as agricultural, the 10,000 sq. ft. size limit does not apply.

Planning Commission Chair, Bill Clancy, requested to read his opening remarks to the Citizen Inquiry at the December meeting for the record: "We appreciate you reaching out regarding our local Ordinances prior to your decision to purchase property in Eureka Township. We will assist in a good faith effort and attempt to answer your questions. However, please be advised that Eureka Township does not provide assurances as to the use of a property to potential buyers, and any potential buyer should hire their own attorney to review the Township's current Zoning Ordinance to obtain your attorneys opinion. Additionally, you may want to make your offer contingent on permit approval by the Town Board. While discussing your questions, we will answer as if there was a lot split application, housing right transfer application, driveway application, or building permit application completed with all pertinent information in front of us."

Supervisor Sauber provided further comment regarding agricultural buildings, adding that only land that is taxed as agricultural by the County Assessor qualifies for agricultural exemption under the Building Code. If a parcel no longer qualifies for an ag exemption, all buildings on that parcel must be re-permitted for their current non-agricultural use. Supervisors Kauffman and Barfknecht further provided that the definition of agriculture in the Ordinance is very specific to commercial agriculture. A riding arena would not satisfy that definition and would be subject to the 10,000 sq. ft. limit.

### **Treasurer's Report**

#### Net Pay and claims

The Clerk presented payroll in the amount of \$2,989.61 for payment.

The following claims in the amount of \$13,002.94 were presented for payment:

Visa	Indeed ad	\$197.88
City of Farmington	4 <sup>th</sup> Qtr fire contract	\$9,727.54
Dakota County	Election ballots	\$292.24
Dakota County	November salt	\$754.65
ECM Publishers	Election filing notice	\$56.00
Dakota County	JPA pump maintenance	\$1,554.00
Driessen Water	Water softener service	\$102.68
Quadient	Postage meter	\$40.51
JTN Communications	Internet	\$199.00

Ralph Fredlund

Supplies reimbursement

\$78.44

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

#### Budget

The Treasurer noted she will have recommended budget adjustments at the next meeting.

#### Audit letter

The Township received an engagement letter from Lewis, Kisch and Associates to perform the 2022 audit, not to exceed \$8,425. Supervisor Fredlund noted that the services to be performed are the same as last year.

*Motion:* Supervisor Fredlund moved for the Board Chair to sign the agreement with Lewis, Kisch and Associates on behalf of the Town Board. Supervisor Sauber seconded. *Motion carried 5-0.*

Supervisor Sauber asked if when the Town Attorney performs work related to a specific property, the citizen is responsible for the fees. Supervisor Kauffman responded that consulting our attorney with respect to permit questions is the cost of the Board doing business. Under certain circumstances, such as drafting an abatement agreement specific to citizen, the attorney fees should be charged to the owner.

#### **Attorney Items**

##### Ordinance amendment status

Supervisor Kauffman provided an update on the status of the current text amendments.

1. Lot split Ordinance amendment. The text amendment has gone to the Planning Commission for review and input with the edits suggested by the Town Board at their last meeting. In addition, Ms. Cooper's comment tonight was well taken, and we will look further at the definition.
2. Nuisance Ordinance amendment. Attorney Ruppe has provided us with a model ordinance, but it is not yet tailored to us. She proposed that the Board send the draft to the Planning Commission to edit and fit it to the Township.

*Motion:* Supervisor Kauffman moved to refer the nuisance ordinance text amendment to the Planning Commission. Vice Chair Palmquist seconded. *Motion carried 5-0.*

3. Mining Ordinance amendment. Supervisor Kauffman recommended the draft be sent to the Planning Commission for review and recommendation. It was suggested that the Commission look at defining active mining; possibly limiting the number of mines or creating a gravel overlay; including other mineral resources such as peat, topsoil and clay; safety measures to keep trespassers out; look at the impact of importing and stockpiling materials.

*Motion:* Supervisor Kauffman moved to refer the mining ordinance text amendment to the Planning Commission. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

4. Housing Right Transfer amendment. Jeff Otto stated that his goal is to forward the summary and revised draft amendment to the Board by January 10<sup>th</sup> to allow time for review and discussion at the January 24<sup>th</sup> meeting, at which time the Board may forward the amendment to the Planning Commission for a public hearing. The Board agreed that an open house should be offered in January to gather input from the citizens prior to the public hearing.

## **Old Business**

### Letters to mine operators regarding 2023 annual reviews

The Board clarified that the January letters going out to the mines should include that the Township has retained the services of a Mining Superintendent, at the expense of the mines, to assist in the annual reviews.

### Zoning Administrator outsourcing (Sauber/Clancy)

Supervisor Sauber reported that of the six towns she researched, four towns perform internal zoning administration and two utilize their Building Inspector. Empire employs Inspector and Douglas employs MNSPECT. TKDA is Eureka's planner/engineer and could perform this service for the Township. They offered to attend a meeting and to email further information. TKDA has three planners with varying experience and educational degrees who provide services to three townships currently at a rate of \$90/hour. Supervisor Sauber concluded that she does not recommend outsourcing.

Commissioner Clancy reported that of the six towns Commissioner Burkhardt researched, four outsource their zoning administration. In total, six are internal and six are external. Whether we administer zoning internally or externally, we are confronted with the same problem, institutional knowledge. We have a void in our system.

### Clerk/Treasurer status

Supervisors Palmquist and Kauffman interviewed Danrae Delo on December 15<sup>th</sup> and the remaining Supervisors received a copy of the recording for review. The Board agreed to offer Ms. Delo the Clerk/Treasurer job contingent on confirmation of employment references and evaluation of the requested writing sample.

*Motion:* Chair Barfknecht moved for the current Clerk to provide an offer to Danrae Delo based on her judgement of the employment references and an adequate writing sample. Supervisor Fredlund seconded. *Motion carried 5-0*.

The Board further agreed that should this job offer not be successful, the Indeed ad should continue to be published.

### Mining Superintendent Agreement

*Motion:* Supervisor Fredlund moved to authorize the Chair to sign the Mining Superintendent Agreement on behalf of the Town Board. Chair Barfknecht seconded. *Motion carried 5-0*.

**New Business**

Broadband additional opportunities

Supervisor Kauffman reported that there is a State grant opportunity with a 25% match. Ben Blomgren with JTN was asked to present a budget of the cost to cover the entire Township. We are required to inform existing suppliers by Jan 19<sup>th</sup> that we will apply unless they improve their service, which JTN agreed to do. I believe some 100% money will be coming along some time soon. We are not tied to JTN and if anyone would like to recommend another provider we would listen to that.

ALAAC positions

Supervisor Sauber reported that the Airlake Airport committee position terms expire in 2024.

**Clerk Matters**

Supervisor Sauber noted that the Town Hall flags are tattered and requested the Deputy Clerk order new ones.

**Adjournment**

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

Meeting adjourned at 10:09 pm

Respectfully submitted,

Ranee Solis, Town Clerk

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