

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
February 14, 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 Donovan Palmquist and the Pledge of Allegiance was given.

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

Others Present: Ranees Solis, Chad Lemmons, Randy Wood, Bill Clancy, Mark Henry, Mike Callahan, Dan Adelman, Char Adelman.

Zoom Attendance: Stacy Shaw, Deb Burkhardt, Julie Larson, Erik Oksnevad, Brian Ahern, Jody Arman-Jones.

Approval of the Agenda

The following changes were made to the agenda:

1. Add item G. Update on broadband grant under Old Business.
2. Add item B. Hyponex application under New Business.
3. Add time limit discussion before Road Report.

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

Supervisor Barfknecht recommended that, with a lengthy agenda, discussion of agenda items should be limited to 5 minutes if possible.

Road Report – Mark Henry

Dakota County crack sealing JPA

Mark Henry suggested the Board consider the joint powers agreement with the County for crack sealing in order to have a professional overseeing the work and inspections.

Motion: Vice Chair Fredlund moved to proceed with signing the JPA with Dakota County for crack sealing. Supervisor Barfknecht seconded. *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 and asked three times if there were any attendees who would like to make comment. Hearing none, the floor was closed.

Citizen Inquiry

Mike Callahan, Minnesota Paving & Materials – Reclamation plan

In preparing the reclamation amendment, Mr. Callahan requested assistance from the Board on the following questions:

1. According to Ordinance 6, Chapter 7, Section 1, berming has to be in effect along property lines. We are going to reclaim phases 5, 4 and part of 3, which will put us back into compliance. In order to do that, we need to utilize the material that is in the berms on the eastern side while still maintaining the 1,000-foot setback. Can we use that material without violating any other Ordinance?
2. In order to stay in compliance with part P. we have to maintain the 8 feet below the top of the berm for any portable equipment brought in from off-site. The minimum we can have our equipment standing is 12 feet.

The Board agreed that the ordinance does not address deconstruction of the berms for reclamation purposes. Mr. Callahan was advised to include these issues in the reclamation plan for the Board to approve. Attorney Lemmons advised that if a contract has a fundamental flaw, it can be amended retroactively.

Vice Chair Fredlund asked how long MPM will have to operate under these lower limits. Mike Callahan responded that it will be necessary for phases 3-5, and reclamation should be complete by the end of November.

Dan and Char Adelmann –

The Adelmanns explained that their driveway approach is 25 ft., then tapers to 17 ft. across the railroad tracks. In reviewing the Ordinances to prepare a lot split application with a shared driveway, they read that the driving surface of a road shall be at least 24 ft. in width. Their question to the Board is whether they can apply for a variance to the 24 ft. requirement.

The Board advised that the Adelmanns would need to seek permission from the railroad to widen the driveway over the tracks. If the railroad denies their request, this would be grounds for a variance as it is completely out of their control.

Planning Commission Update – Randy Wood

Summary of the January 31, 2022, Planning Commission meeting

- Citizen inquiry from Ken Malecha who bought a 40-acre parcel he would like to break into four properties and transfer housing rights to them. At the request of the Planning Commission, the Clerk sent Mr. Malecha information regarding the density discussion with the Met Council.
- Question for the Board: Can one Commissioner answer a citizen inquiry, or should they be placed on the agenda? The Board agreed that it would be preferable for the question to be placed on the agenda for all Commissioners to weigh in on. And that any information regarding the question be placed in the packet.
- No permit or land use requests.
- Review of the 33-foot road frontage Ordinance for text amendment from Jeff Otto.
- Reviewed and approved the annual meeting slides.

- Approved the special Town Board/Planning Commission meeting minutes.

Permit Requests - None

Land Use Requests - None

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report as on January 31, 2022: New Market Bank checking account: \$10,216.75; Outstanding checks: \$10,216.75; General Fund savings account: \$426,987.15; Road & Bridge Fund savings account: \$600,506.91; Petty cash: \$100; Total assets: \$1,027,594.06; January disbursements: \$15,930.15; January receipts: \$24,402.84.

Motion: Supervisor Sauber moved to approve the Treasurer's Report as presented. Supervisor Barfknecht seconded. 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

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

Receipts and Disbursements

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

Remaining reports

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

2022 Budget adjustments

Clerk/Treasurer Solis recommended transferring \$1,700 from the General Fund to the Fire and Rescue Fund as the Lakeville contract came in higher than anticipated when calculating the budget for 2022.

Motion: Supervisor Barfknecht moved to approve the transfer of \$1,700 from the General Fund budget to the Fire and Rescue Fund budget. Supervisor Sauber seconded. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Old Business

VRWJPO grant meeting

Supervisor Sauber reported that both the Vermillion and Cannon River watersheds received grant money for specific uses. Supervisor Kauffman asked whether the grant money could be used for drainage issues. Specifically, the degraded banks of the drainage ditch that starts at Ipava and ends in the Vermillion River near where the manure pile had to be moved recently.

Supervisor Sauber offered to check into this on behalf of the Board. Attorney Lemmons asked whether this was a judicial ditch, which is created under court order and has a special method by which it must be repaired or preserved.

Revised Ag-exempt building permit application

The Planning Commission revised the Ag-exempt building permit application and forwarded it to the Board for approval. The Board reviewed the revised form, noting that the changes include adding a section for setback information, signature lines for the Planning Commission and Town Board, and a lean-to check box. Supervisor Barfknecht noted that the old permit form was used for the revision and the Board agreed that the 2018 formatted form should be used for consistency purposes.

Supervisor Sauber recommended that the attorney review the language on page 2 to ensure that it is specific to ag-exemption approval. In addition, she recommended that the form heading be changed from building permit to zoning approval.

Motion: Supervisor Sauber moved to table the ag-exempt zoning approval form to allow for the attorney to review the language. Seconded by Supervisor Kauffman. *Motion carried 5-0.*

Castle Rock Bank letter of credit inquiry

Castle Rock Bank inquired as to whether they needed to hold on to a letter of credit for John Storlie. The Board agreed that the letter of credit should remain on file, and that John Storlie should also be notified. Attorney Lemmons advised that the Clerk should request a copy of the Uniform Customs and Practice for Documentary Credits and the International Chamber of Commerce Publication Number 400 which are referenced in the document.

Resolution 2022-01 appointing election judges

Motion: Chair Palmquist moved to approve Resolution 2022-01 appointing election judges. Supervisor Barfknecht seconded. *Motion carried 5-0.*

Text amendment excluding play structures as accessory buildings

Supervisor Kauffman presented a proposed amendment to Ordinance 3, Chapter 4, Section 7(C) as follows:

Area – The maximum total area of all accessory buildings shall not total more than 5,000 square feet on 2 to 5.999 acres and not more than 10,000 square feet on 6 to 10.999 acres. There shall be no maximum limitation to total area for agricultural buildings and agricultural buildings shall not be considered in the total sum of accessory buildings on an individual parcel. **Nor shall play structures, tree houses, playhouses, covered play systems, or other structures intended primarily for the entertainment of children be considered in the total sum of accessory buildings on an individual parcel.**

Supervisor Kauffman explained that the definition of building in the Ordinance has been interpreted as being anything with a roof, and in this section, provides that all buildings count toward the limit of accessory buildings.

The Board agreed to revisit the text amendment with the addition of a definition of play structure and defining the maximum size of a playhouse.

Desks and chairs for the meeting room

The Board requested the Clerk seek an estimate from Mr. La Favre to build two additional desks.

Update on broadband grant application

Supervisor Kauffman noted that the awarding of the grants has not yet been posted. Ben Blomgren from JTN will be preparing a proposal to install fiber optic cable in the Township should the grant be denied.

Attorney Items

Report on recodification status

Chad Lemmons reported that he submitted the 2017 electronic version of the Ordinances to General Code for comparison purposes.

Administrative Hearing process status

Chad Lemmons reported that he has received no word yet on his letter to the Attorney General but will follow up. Supervisor Kauffman requested a copy of the letter that was sent.

New Business

Complaint 2022-01 at 25665 Highview Ave – roofing/siding without a permit

The Clerk was directed to send a letter to the resident asking that they provide copy of the permit. If they do not have a permit, they must make application and will be charged a double fee.

February 2022 Newsletter

Supervisor Sauber requested to add ACRE program information to the newsletter and to place the MAT scholarship information on the website.

NCRWMO Community reporting form

The Board tabled this agenda item until the next meeting as the form was not in the packet.

Hyponex application

Attorney Lemmons was directed to notify the applicant's attorney that the application is incomplete. The incomplete items include submission of the application fee in the amount of \$25, submission of page 3 of the accessory building application, site plan measurements for setbacks to the west, septic, well and dry van.

Approval of meeting minutes

November 15, 2021, Special Town Board/Planning Commission meeting

Motion: Supervisor Barfknecht moved to approve the minutes of the November 15, 2021, Special Town Board/Planning Commission meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

November 22, 2021, Town Board meeting

Motion: Supervisor Sauber moved to approve the minutes of the November 22, 2021, Town Board meeting. Vice Chair Fredlund seconded. *Motion carried 4-1, with Supervisor Barfknecht abstaining.*

December 13, 2021, Town Board meeting

Motion: Supervisor Barfknecht moved to approve the minutes of the December 13, 2021, Town Board meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

December 27, 2021, Town Board meeting

Motion: Vice Chair Fredlund moved to approve the minutes of the December 27, 2021, Town Board meeting. Chair Palmquist seconded. *Motion carried 5-0.*

January 10, 2022, Town Board meeting

Motion: Vice Chair Fredlund moved to approve the minutes of the January 10, 2022, Town Board meeting. Chair Palmquist seconded. *Motion carried 5-0.*

Adjournment

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

Meeting adjourned at 9:49 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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