

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
September 13, 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, Kenny Miller, Dough Pietsch, Charles Roberts, Tom Gossler, Laurie Gossler, Sally Holien, Dan Barfknecht, Ray Kaufenburg, Kyle Luebeck, Randy Wood Mark Henry, Tim Murphy, Dale Leine, Ryan Murphy, Dan Peterson, Bruce Mohn.

Zoom Attendance: Ranees Solis, Gloria Belzer, Nancy Norton, Deb Burkhardt, Mike Greco, Julie Larson, Shelly Clubb, Carol Cooper, Amy Wolff, Annie Resop, Brian Ahern, Jeff Otto, Colleen Riley, Shelbie O'Brien, Katelyn Forsell.

Approval of the Agenda

The following changes were made to the agenda:

- Add Discuss Clerk interviews before Road Report
- Add Codification clarification before Road Report
- Add 245th jersey barricade email to Road Report
- Add New Business B. Otto request
- Add Clerk Matters C. Marketing Clarity agreement

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

Clerk/Treasurer interviews

Supervisors Sauber and Fredlund recommended the Board present a job offer for the Clerk/Treasurer position to Danrae Delo. The Board agreed that she is highly qualified and would be a great fit for the Township. Supervisor Fredlund recommended that the Board offer benefits as the combined position is full-time. The Board agreed with the need to offer benefits in order to be competitive in today's job market. Chair Barfknecht recommended that the Board offer retro benefit pay to the current staff as well.

Motion: Supervisor Kauffman moved to offer the Clerk/Treasurer position to Danrae Delo with three weeks of annual PTO, 10 paid state holidays, and \$350 per month toward health insurance. Chair Barfknecht seconded. Supervisor Fredlund offered a friendly amendment to include pay at the minimum rate of pay listed in the job posting. Supervisors Kauffman and Barfknecht accepted the amendment. *Motion carried 5-0.*

Codification clarification

Chair Barfknecht clarified that the Board contracted with General Code to codify the Ordinances. Codifying is not a rewrite of the Ordinances. Codification includes the following: Reorganization of the Ordinances to place similar items in the same chapter; performing a legal analysis by comparing the Ordinances against state and federal statutes to ensure that they align; and implementing all Ordinance amendments that have been adopted since the last codification. These amendments were all presented at public hearings over the last five years and were adopted by the Board. These amendments can be reviewed individually on the Township website under Historical Ordinance Amendments.

The Planning Commission had requested that copies of the draft Ordinances be printed, however, this is not cost effective and has not been approved by the Board. Once the codification has been adopted in its final form, the Clerks, Planning Commission and Town Board will receive hard copies of the final Code. In addition, the new Code will be on the Township website for the public to view and print.

For the public hearing, we have posted the summary and the draft code on the website for the public to view.

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.

Kenneth Miller - 9405 267th St W

Regarding the upcoming special Town meeting: In the past we have dealt with similar situations by allowing nonconforming uses on the property. I ask the Board to consider working with residents to allow them to negotiate for a nonconforming use permit. It would give the Township and the resident parameters to work from. It is a touchy subject, but it is nothing new. It might be a good idea for the Township to explore the nonconforming use situations again and be able to control or have some say in how these businesses operate.

Charles Roberts - 26110 Ipava Ave

Regarding the upcoming special Town meeting: Will we be allowed to ask questions at the meeting? I am surprised at this Ordinance. I have been reading it and studying it, but I have questions. If so, I will save my questions until then.

The Board confirmed that residents will be able to ask questions at the special Town meeting.

Sally Holien - 9085 267th St W

Regarding the upcoming special Town meeting: Are you are going to address questions at the meeting tomorrow without just having people walk in and say yes or no? I have some

concerns with the Administrative Enforcement Program, it sounds frightening to a lot of people. It sounds like you are going to walk into places without search warrants.

The Board responded that there will be a robust discussion with the attorney tomorrow night. There is an extreme amount of misinformation out there. We welcome all questions and discussion.

Ray Kaufenburg - 24510 Dodd Blvd

I am opposed to the closing/abandonment of the Eureka-maintained portion of 245th St. between Dodd Boulevard and Pillsbury Avenue. Instead of closing or abandoning 245th, the Board should do the following:

- A. Get input / involvement from Eureka citizens and anyone living within one mile of the road's length and width regarding the Board's intent to close/abandon. I did not receive any notice from the Township. When I saw the "closed" sign I assumed it was temporary, to accommodate construction at 245th and Pillsbury, I had no idea the Board would permanently close a road that has been there for 100 years!
- B. Write up a formal Resolution asking Dakota County to take over 245th and let them decide whether to accept or reject the Eureka Board's recommendation. Dakota County may desire to take over and blacktop this ½ mile stretch of road for the following reasons:

1. Enables more efficient regional traffic flow.

Dakota County currently maintains County #80 (AKA 250th St.) as a blacktopped road serving east/west traffic between Cedar Avenue and Dodd Blvd. At its westernmost point, County #80 ends at Dodd Blvd. Travelers desiring to go further west, and north to reach the popular I-35 north entrance at Dakota County #70 (while remaining on blacktop roads, in the shortest distance) must now proceed from the end of County #80 at Dodd Blvd to the northeast on Dodd Blvd, then west on 225th to Pillsbury (I-35's frontage road), and finally north on Pillsbury to the I-35 north entrance at County #70.

If Dakota County were to blacktop the short ½ mile section of 245th (immediately west of Dodd Blvd which turns into Scott County #62 that is already blacktopped to Pillsbury) and designate that ½ mile section as "County 80," then any traffic wishing to continue west from the current end of County #80 at Dodd would be directed by Google Maps to take 245th (the most efficient route). The traveler at County #80 and Dodd would simply take a short jog to the northeast on Dodd Blvd to 245th, then a left (west) on 245th, and a right (north) on Pillsbury. This would be shorter than traveling northeastward along angled Dodd for an additional approximately 2 miles past 245th, to turn on 225th to go west to Pillsbury. (Conversely, west to east travel on 245th from I-35 entrance would also be more efficient).

2. Is in the best interest of Dakota County taxpayers and residents.

The more quickly "thru" traffic leaves Dakota County and enters Scott County, the less maintenance expense to Dakota County taxpayers over the long haul, and the less negative impacts to Dakota County residents. If 245th is blacktopped and re-

designated as County #80 there is only 1 residence living close enough to the ½ mile stretch of 245th to be significantly impacted by additional traffic noise compared to numerous residents living along the “additional approximately 2 miles” (as described above) along Dodd Blvd that are currently negatively impacted by traffic going to 225th to go west, and the reverse. Also, Pillsbury, is a “frontage road” of I-35 and is industrially zoned. It is the best place for noisy and potentially dangerous traffic versus Dodd Blvd and 225th that have several farms with slow moving equipment where higher traffic flows create greater risks to farmers and travelers.

3. Dakota County has already built a new left-turn lane on Dodd Blvd at 245th.
This left turn lane was created to allow traffic going north on Dodd to make a safe turn onto 245th without disrupting Dodd’s thru traffic. I assume Dakota County taxpayers built this turn lane with the presumption that 245th would be a viable road for decades to come, not expecting it to be precipitously closed/abandoned by Eureka Township. Dakota County “took,” by eminent domain, my valuable farmland to accommodate this left turn lane. This taking would now seem absurd if 245th is abandoned by Eureka Township without Dakota County stepping in and taking it over especially since I must live with the annual negative consequences of the turn-lane, including crop income losses and the fact that Dakota County’s snowplows dump considerable snow on to the end of my driveway that comes off the extra left-turn approach lane. Up until now, this seemed like a justifiable sacrifice for the “public good” but, if 245th is abandoned, it seems like an unreasonable burden to bear.
4. Additional frontage acquisition costs would be minimal.
Additional frontage needed to bring the ½ mile of 245th up to County Road width standards would be relatively inexpensive compared to other similar projects because of the very few property owners along 245th. Further, if additional frontage for 245th is “taken” by Dakota County on the north side of 245th, there are no landowner driveways or improvements to deal with/compensate landowners for.
5. Additional road upgrade costs would be minimal.
The existing roadbed that comprises the ½ mile of 245th is in good condition, requiring minimal prep for blacktopping. Eureka taxpayers have already spent considerable expense for grading; and have hauled in crushed limestone to build up 245th. Dakota County should be able to pave over the existing roadbed with minimal upgrading expense.
6. Snow removal on the ½ mile of 245th should be easy to work out with Scott County.
Since most of 245th between Dodd Blvd and Pillsbury is owned and maintained by Scott County it should be easy for Dakota County to negotiate with Scott County to have them plow snow on the short ½ mile section of 245th in Dakota County. It would be much safer for a Scott County plow coming from Pillsbury east on 245th to continue east to Dodd Blvd, then turn S/W on Dodd for a short distance to 250th, then return to Pillsbury (west) on 250th (especially since most of 250th to Pillsbury is also maintained by Scott County). This would be much better than a plow operator stopping in the middle of 245th, working his truck or grader back and forth, creating a traffic hazard in snowy/icy, poor visibility conditions, to return to Pillsbury --- and

then repeating the same dangerous turn around on Scott County's portion of 250th Street.

7. Dakota County should support its farmers and Eureka Township citizens.

Farmers produce food for Dakota County citizens. Eureka Township citizens work hard and sacrifice development opportunities to preserve farmland --- but as a result have a low tax base. Financially, Eureka citizens are hard pressed to justify 245th maintenance costs when most of 245th current traffic comes from Scott County's residential and commercial developments near 245th and Pillsbury. Dakota County should relieve Eureka taxpayers from this "thru" traffic burden by taking over the ½ mile of 245th, blacktopping it and re-naming it, and effectively turning it into an efficient regional traffic route. This would help farmers on Dodd Blvd and 225th (as described above), and the new wide shoulder on a blacktopped 245th would support farmers that currently use 245th (to drive their slow-moving tractors and equipment, self-propelled combines and sprayers, and grain wagons/trucks from field to field or to the river Grain Terminal at Savage). Taking over this ½ mile would be a small expense out of Dakota County's overall road budget, but a big relief to Eureka's strained budget.

Bruce Mohn - 27605 Pillsbury Ave

Commented on the 245th road closure.

Annie Resop - 9510 235th St W

Regarding the special Town meeting: There are a lot of young families in this area and for us to be able to vote we will have to get a babysitter or one of us will not be able to attend. Do we have to wait to vote until after the discussion?

Supervisor Kauffman responded that many believe it would be appropriate to have discussion one night and the vote another night, but that will be up to the electors at the meeting. We think your concern is highly appropriate and intend it to be carried forward into the meeting.

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 - None

Planning Commission Update - Beth Eilers

Summary of the September 6, 2022, Planning Commission meeting

- Recommended approval of the new residence on Hamburg.
- Recommended approval of the lot split on Highview.
- Recommended approval of the housing right transfer for Christiana Church.
- Reviewed the major activity tracker report.
- Public hearing set for October 27th for the Ordinance recodification.
- Discussed changing permit signatures on building permits.

Planning Commission letters of interest/interviews/appointment

Kyle Luebeck

Supervisor Sauber pointed out that Mr. Luebeck does not currently reside in the Township. Supervisor Kauffman added that she would welcome a new member with impressive credentials. He owns property in the Township and has applied for a building permit. Supervisor Sauber confirmed the language in Ordinance 2, Chapter 3, Section 2, which states “five members from among the residents”. The Board encouraged Mr. Luebeck to attend meetings and reapply once he moves into the Township.

Road Report – Mark Henry

- Got through the dust proofing issues.
- Will check with the fairground to see if we can purchase used jersey barriers.
- Will check with Todd Howard about taking 245th.

Beth Eilers requested that the Road Closed sign on Dodd be changed to Dead End as it is misleading and encourages bad behavior.

Permit Requests

Jarod & Kate Devera, xxx Hamburg Ave, 13-02800-75-012 – New residence

Motion: Supervisor Sauber moved to approve the new residence permit for Jarod and Kate Devera on Hamburg Avenue with PID 13-02800-75-012 as presented. Supervisor Fredlund seconded. *Motion carried 5-0.*

Land Use Requests

Christiana Church, 8822 267th St. W., 13-02900-77-011 – Housing Right Transfer

Motion: Supervisor Sauber moved to approve the housing right transfer application for Christiana Church from sending parcel A with PID 13-02900-77-013 to receiving parcel B in the SE ¼ of the SE ¼ of Section 29 with PID 13-02900-77-011 . Supervisor Fredlund seconded. *Motion carried 5-0.*

Dale Leine, 24797 Highview Ave, 13-01700-75-011 – Lot split

Motion: Supervisor Fredlund moved to approve the lot split for PID 13-01700-75-011 splitting parcel A consisting of 37.86 acres and parcel B consisting of 34.96 acres from the original parcel consisting of 72.82 acres. Supervisor Sauber seconded. *Motion carried 5-0.*

Treasurer’s Report

Clerk/Treasurer Solis read the Treasurer’s Report As on August 31, 2022: New Market Bank checking account: \$91,475.71; Outstanding checks: \$91,475.71; General Fund savings account: \$567,572.83; Road & Bridge Fund savings account:\$558,982.28; Petty cash: \$100; Total assets: \$1,126,655.11; August disbursements: \$119,672.67; August receipts: \$4,491.38.

Motion: Supervisor Sauber moved to approve the Treasurer’s Report as presented. Supervisor Fredlund 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 \$3,304.09 for payment.

The following claims in the amount of \$54,253.04 were presented for payment:

IRS	Tax due August	\$1,703.87
PERA	August payroll	\$926.24
Envirotech	Dust control	\$10,203.90
Anderson Rock	Gravel	\$27,150.16
M&R Sign	Signs	\$123.24
City of Farmington	3 rd Qtr fire service	\$9,727.52
Couri & Ruppe	August legal bill	\$1,520
Kennedy & Graven	July special counsel	\$508
Tops, Inc.	Newsletter mailer	\$1,057.15
Victor Lundeen Co.	CTAS envelopes	\$91.32
Dakota Electric	August electric Town Hall	\$138.63
Dakota Electric	August electric Storage Shed	\$19.49
De Lage Landen	September copier rental	\$95.83
Point North Networks	September IT/email/phone	\$333
T&C Cleaning	September cleaning	\$150
Tops, Inc.	August copies	\$50
ECM Publishers	Town meeting notice	\$56
Driessen Water	Water softener rental	\$41.19
Mark Henry	August road mileage	\$266.50
Custom Office Products	Office supplies	\$91.00

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 4-0.*

Receipts and Disbursements

The following receipts in the amount of \$4,491.38 were deposited in August:

Allied Construction	Roofing permit	\$101
Bison Builders	Roofing permit	\$101
Friedges Landscaping	Reimbursement-engineer visit	\$143.64
Ashton McGee Restoration	Roofing permit	\$101
Caleb Hard	Roofing permit	\$101
Beaver Creek Companies	Roofing permits	\$202
MC Contracting	Septic permits	\$563
Schmidt Roofing	Roofing permit	\$101
Window Concepts	Window permit	\$101
Fireside Hearth	Mechanical permit	\$91
Rahn Home Services	Mechanical permit	\$101
Ernesto Godinez	Garage permit	\$666.34
Wise Choice	Roofing permit	\$101
Alexander Exteriors	Roofing permit	\$101
Doug Pietsch	New residence/Driveway	\$125
William Roske	Roofing permit	\$101
Right Away Construction	Roofing permits	\$202
Right Away Construction	Roofing permit	\$101

Jamin Malz	Pool permit/penalty	\$304.40
Sterling Contracting	Roofing permit	\$101
Bruce Mohn	ROW drain tile	\$200
Bruce Mohn	Housing Right transfer app.	\$25
William Roske	Roof-mounted solar app.	\$25
Dale Leine	Lot split application	\$25
Ashton McGee Contracting	Roofing permit	\$101
Bradach Roofing	Roofing/siding permits	\$404
Alexander Exteriors	Roofing permit	\$101
Perfection Heating & Air	Mechanical permit	\$101

The Clerk presented August disbursements in the amount of \$119,672.67.

Motion: Supervisor Fredlund moved to approve the receipts and disbursements as presented. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Supervisor Kauffman abstaining as she has not reviewed the reports.

Remaining reports

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

Chair Barfknecht called for a 5-minute recess.

Special Town Meeting

Revised Administrative Enforcement Program Ordinance

Supervisor Kauffman had presented a list of Ordinances to be included as small-ticket items which were approved by the Board and moved into the resolution. She clarified that if an Ordinance already has a financial penalty, a ticket will not be issued on top of that. The purpose of the Administrative Enforcement Program is to bring citizens to account on Ordinance violations and not to double up fines. Supervisor Sauber pointed out that the setbacks for chicken coops is Ordinance 3, chapter 7, section 4.

Supervisor Kauffman reminded that the complaint process remains in place. It is only at the time the citizen says “sue me” that this program comes into play instead of filing a lawsuit. The Board has received many questions about the Administrative Enforcement Program due to the spread of grossly negligent misinformation. In addition, some residents are saying Eureka government cannot be trusted and that the Board can change the Ordinance at any time after it is adopted. In response to this, the Board has added the following to the proposed Ordinance:

Chapter 5: Process for Changing Administrative Enforcement Program.

Changes to the Administrative Enforcement Program must be approved by a vote of the Township electors at the Annual Town Meeting or a Special Town Meeting. The Township electors shall authorize an expansion, reduction, or elimination of the Administrative Hearing Program at the request of the Board or by motion of an elector present at the meeting.

Motion: Supervisor Kauffman moved to request for the Clerk to post the proposed Ordinance including Chapter 5 on the website. Chair Barfknecht seconded. *Motion carried 5-0.*

Town Board presentation points

The Board discussed printing a handout and complaint process flowchart. In addition, paper ballots will be issued to those who have signed in. Supervisor Kauffman pointed out that the only people who will lose with this program are the lawyers not being hired.

Policy on complaints by Township officials

Supervisor Kauffman proposed drafting a policy that states Township officials may not remain anonymous. Discussion included that elected officials do not give up their rights when they take office; elected officials who file a complaint should not participate in investigating; the Clerk has the ethical responsibility to report any official who participates in the investigation.

Motion: Supervisor Kauffman moved that if a Town Board Supervisor files a complaint, he/she will not participate in the investigation, discussion or resolution of the complaint. Chair Barfknecht seconded. *Motion carried 3-2,* with Supervisors Sauber and Fredlund opposed.

Motion: Chair Barfknecht moved to make it the duty of the Clerk to report any unethical behavior by a Supervisor who files a complaint and does not recuse themselves. Supervisor Sauber seconded. *Motion carried 5-0.*

Fee Ordinance

Motion: Supervisor Kauffman moved for the Board to provisionally approve the resolution establishing administrative penalty amounts so that it can be posted prior to the Town meeting. Chair Barfknecht seconded. *Motion carried 5-0.*

The resolution notes that the first citation is \$75, second citation is \$150, and third citation is \$250 per week. The next step would be to file a civil suit, or the alternative would be to file criminal contempt.

The Board was reminded that a moratorium was placed on all outstanding complaints until the Town meeting.

Old Business

Building permit modification – Signatures

Supervisor Sauber stated that only the property owner can agree to be bound by zoning laws and to use the structure for its permitted use. Supervisor Palmquist added that Inspectron advised that the person who signs the application is the person authorized to call for inspections. The Board agreed to have two signature lines on the building permit applications: one for the property owner and one for the contractor.

Consent Agenda: Approval of meeting minutes

- A. June 14, 2022, Town Board meeting
- B. June 21 & 30, 2022, Special Town Board meeting
- C. June 28, 2022, Town Board meeting

- D. June 28, 2022, Special Town Board meeting
- E. July 19, 2022, Town Board meeting
- F. July 26, 2022, Town Board meeting
- G. August 2, 2022, Special Town Board meeting
- H. August 8, 2022, Town Board meeting
- I. August 12, 2022, Special Town Board meeting

Supervisor Sauber noted on the August 8th minutes that George Mwaura’s wife Nancy has a different last name and should be corrected.

Motion: Chair Barfknecht moved to approve the consent agenda items A-I as amended. Supervisor Sauber seconded. *Motion carried 5-0.*

Motion: Chair Barfknecht moved to table the remaining agenda items until the next Town Board meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

Adjournment

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

Meeting adjourned at 10:16 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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