

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
February 14, 2023 - 7:00 P.M.

Call to Order

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

Supervisors Present: Lu Barfknecht (7:05), Donovan Palmquist, Ralph Fredlund, Nancy Sauber, and Kathleen Kauffman.

Others Present: Liz Atwater, Mike Behr, Beth Eilers, Cody Zeman.

Zoom Attendance: Ranee Solis, Deb Burkhardt, Julie Larson, Carol Cooper, Brian Ahern and Jeff Otto, Randy Wood, Bob Ruppe

Approval of the Agenda

The following changes were made to the agenda:

1. Move Old Business item A: Discuss/Adopt Ordinance 2023-01 amending Chapter 216, Subdivision of Land to Attorney Items: E
2. Move New Business item C: Adopt Resolution 2023-03 Setting Public Hearing for establishing Eureka Redevelopment Agency to Attorney Items: F
3. Change New Business item F: Discuss possible mailer for Broadband Line Extension Connection to E
4. Add New Business item F: Discussion of Broadband Survey
5. Move Treasurer's Report item F: Insured Cash Sweep to Attorney Items: G
6. Table New Business Item E: NCRWMO Report until the next meeting

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

Appoint Clerk/Treasurer

Motion: Vice-Chair Palmquist moved to appoint Liz Atwater as the Township Clerk/Treasurer. Supervisor Kauffman seconded. *Motion carried 5-0*.

Road Report - Mark Henry

No new items to report.

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.*

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

Cody Zeman - 27435 Granada Avenue

On Sunday, February 12th, a car was parked on Granada Avenue directly in front of my driveway, creating a situation that could create a blockage that would not allow emergency vehicles to pass safely or at all. There are "No Parking" signs on both sides of the road. I called the Dakota County Sheriff's Department to report the car and asked for it to be moved. A deputy drove by slowly but did not stop. I then received a phone call from the deputy who informed me that someone had phoned in the car earlier in the day about being parked somewhere else and was told to park in front of my driveway. I asked the deputy to have the car moved because I could not maneuver my truck and trailer around the car and did not want to be responsible if the car was hit. The deputy told me the car was parked legally and he could do nothing about it. When I asked about the No Parking sign in front of the car, the deputy said he was not parked close enough to it. He also informed me that I would be fully responsible if anything happened to the car. The deputy said the owner of the car had to go hunting and had to have somewhere to park. I mentioned my concern about emergency vehicles not being able to get around the car, but the deputy was not concerned.

Vice Chair Palmquist offered to check with the DNR about plowing the parking area. Upon reviewing the pictures taken by Mr. Zeman, Commissioner Eilers offered that the car was not illegally parked by statute but was in violation of the No Parking sign. Chair Barfknecht offered to contact the Dakota County Sheriff regarding the incident.

Vice-Chair Palmquist asked three times if there were any other attendees who would like to make comments. Hearing none, the floor was closed.

Citizen Inquiry- None

Vice-Chair Palmquist relinquished presiding over the meeting to Chair Barfknecht.

Planning Commission Update- Beth Eilers

Summary of the February 6, 2023, Planning Commission Meeting

- Deputy Clerk Liberty gave an update on the status of the website issues and management of them. If Marketing Clarity had performed the contracted monthly system check, they could have identified the problem. Commissioner Eilers gave an update on the new web host search. She has identified and reached out to the website hosts used by other local Townships. The search is ongoing, with input from the Clerks, and we expect to present a final report with costs and recommendations to the Town Board soon.
- Recommended approval of the building permit for 24335 Dodd Road pending Inspectron's review and approval of the building plans.
- Discussed the Subdivision Ordinance and citizen input from the Public Hearing. The Planning Commission made a motion to submit the ordinance to the Town Board for approval.
- Discussed the Mining Ordinance in preparation of the Public Hearing.
- Discussed the Major Activity report and update.

Supervisor Kauffman asked for clarification as to why Inspectron is being asked to review the building permit plans prior to Town Board review. Commissioner Eilers explained that because a large addition is being added to an existing house, the Commission wants to ensure that it satisfies the building requirements for an addition. Supervisor Sauber added that if the structure were deemed a separate accessory building, it would not be allowed under our Ordinances.

Permit Requests

Scott LaFavre, 24335 Dodd Blvd, 13-01800-25-010 – Addition

Supervisor Sauber confirmed that the Vermillion River Watershed and SWCD have been contacted regarding permits, that this structure is being approved as an addition to a single-family dwelling, that the resident has been informed that we do not allow rentals, and that the plans do not include a car wash.

Motion: Chair Barfknecht moved to approve the building permit application for Scott LaFavre as presented. Supervisor Sauber seconded. *Motion carried 5-0.*

Attorney Items

Closed session with Town Attorney

Motion: Chair Barfknecht moved to enter into a closed session pursuant to Minn. Stat. 13D.05, Subdivision 3(b), to discuss Code enforcement activities regarding William and Karen Sather, Donald and Cynthia Oreskovich, and in the matter of *Eureka Township v. Daniel and Jamie Heyda*. Supervisor Sauber seconded. *Motion carried 5-0.*

Chair Barfknecht called the open meeting back in session.

Draft Complaint Policy

Supervisor Sauber requested to add language clarifying that although the complainant's identity is redacted, if litigation is involved, opposing counsel may demand to learn the identity of the complainant(s). In addition, the Board agreed that the Clerks may complete a complaint form on behalf of a resident so long as the Clerk verifies the complainant is a Eureka resident. Supervisor Kauffman offered to make the agreed upon amendments to the policy.

Motion: Supervisor Kauffman moved to adopt the citizen complaint policy as amended. Chair Barfknecht seconded. *Motion carried 5-0.*

Draft Data Practices Policy

The Board agreed that the policy should include categories of documents which will be provided and charges which will be assessed. Bob Ruppe advised that if the Board chooses to release documents it should comply with the Data Practices Act regarding private and confidential data.

Motion: Supervisor Kauffman moved for the Data Practices officer and Clerk to come up with categories of documents the Township will consistently provide that are reasonable. Chair Barfknecht seconded. *Motion carried 5-0.*

Housing Rights Database

Chair Barfknecht voiced her displeasure that the database was heavily promoted at the Housing Rights open house after the attorney advised against it. Supervisor Sauber noted that the attorney advised that the Board become more familiar with and vet the database before releasing it to the public. Bob Ruppe clarified that due to the Township's very complex zoning ordinance, he urges caution at the present time as he fears that property owners might not know how to interpret the information which could result in lawsuits. Jeff Otto addressed the comment stating that he has no issue with waiting for the database to be vetted and feels that the proposed disclaimer would eliminate potential lawsuits. His presentation at the open house was meant to present both sides of the argument.

Ordinance 2023-01 amending Subdivision of Land/Resolution 2023-04 Recording of Lot Splits

Supervisor Kauffman explained the purpose of Resolution 2023-04 is to allow for the recording of lot splits for parcels which are 20 acres or larger, with either access to a public road or an easement with 33 feet of road frontage, after verification by the Zoning Administrator. This lot split exemption has been added to the definition section of the Ordinance amendment as well.

Motion: Supervisor Kauffman moved that the Board adopt Resolution 2023-04 declaring intent of Eureka Township to have Minnesota Statutes Section 272.162 relating to restrictions on transfers of specific parcels of property enforced by Dakota County. Chair Barfknecht seconded. *Motion carried 5-0.*

Motion: Supervisor Kauffman moved for the Town Board to adopt Ordinance 2023-01 amending Chapter 216, Subdivision of Land, with the addition of the amendment to the lot split exempt definition and reinsertion of the provision related to variances. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Supervisor Fredlund abstaining.

Resolution 2023-03 Setting Public Hearing for establishing Eureka Redevelopment Agency

Bob Ruppe explained that the broadband grant awarded to JTN Communications requires matching funds by the Township, but it cannot give funds to a private person without State authorization. The Business Subsidy Act does not apply because the Township is not borrowing funds. Therefore, the Area Redevelopment Act would apply, which requires setting up a Township Redevelopment Agency. This agency will be used only to facilitate the broadband contract with JTN, then will not be needed again. The Board requested that the Resolution be amended to state that the Redevelopment Agency is being set up for the purpose of acting as a conduit for passing funds only to the JTN broadband project.

Motion: Supervisor Kauffman moved to adopt Resolution 2023-03 setting a public hearing for the establishment of the Eureka Redevelopment Agency contingent upon the amendment as discussed. Chair Barfknecht seconded. *Motion carried 5-0.*

The Town Board agreed to hold a Public Hearing for the establishment of the Eureka Redevelopment Agency on March 7, 2023, at 6:00 pm.

Insured Cash Sweep

Bob Ruppe reported that the Insured Cash Sweep program is legal, and the Township is eligible to participate as all of the banks are FDIC insured and there is no risk for the Township. He offered to review the contract documents when and if the Board is interested in pursuing this program. Ranee Solis added that Clerk Atwater is currently looking into CD rates as well. Bob Ruppe confirmed that the Township may invest funds in any bank it so chooses.

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report as on January 31, 2023: New Market Bank checking account: \$31,864.38; Outstanding checks: \$31,864.38; General Fund savings account: \$577,626.31; Road & Bridge Fund savings account: \$614,998.61; Petty cash: \$100; Total assets: \$1,192,724.92; January disbursements: \$51,834.92; January receipts: \$18,632.61.

Motion: Supervisor Fredlund moved to approve the Treasurer's Report as presented. Supervisor Sauber seconded the motion. 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 \$3,775.31 for payment.

The following claims in the amount of \$12,799.88 were presented for payment:

IRS	January payroll tax due	\$2,558.45
PERA	January payroll retirement	\$1,054.55
ALF Ambulance	Annual ambulance contract	\$500.00
Custom Office Products	Office supplies - paper	\$148.80
Dakota Electric	Town Hall billing	\$151.59
Dakota Electric	Storage building billing	\$17.61
De Lage Landen	February copier rental	\$95.83
Driessen Water	February water softener/salt	\$88.76
DSI/LSI	January garbage bill	\$143.71
Inspectron	January inspections	\$520.00
Kennedy & Graven	December special counsel	\$2,772.00
Mark Henry	December road mileage	\$145.63
Mark Henry	January road mileage	\$138.21
Marketing Clarity	Website admin work	\$101.25
Mn Assoc Townships	Clerk training	\$65.00
Metro Alarm	Qrtly alarm monitoring	\$96.41
North Cannon WMO	2023 annual dues	\$2,749.36
Quadient	Postage meter	\$132.66
Tops, Inc.	Newsletter mailing	\$756.15
Tops, Inc.	January copies	\$68.41
T&C Cleaning	Town Hall cleaning	\$150.00
Point North	IT, email, phone	\$345.50

Motion: Supervisor Fredlund moved to approve the net pay and claims as presented. Supervisor Sauber seconded the motion. Roll call vote: Lu Barfknecht - Aye; Donovan

Palmquist – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye.
Motion carried 5-0.

Receipts and Disbursements

The following receipts in the amount of \$18,632.61 were deposited in January:

Rahn Home Svcs	Riley mechanical permit	\$101.00
Genz Ryan	Brausen furnace permit	\$101.00
Sedgwick Heating & Air	Otto mechanical permit	\$101.00
Hero Home Svcs	Kitzmann plumb. Permit	\$101.00
Allen Novacek	Candidate filing fee	\$2.00
Dakota Electric	Capital credit	\$7.63
Better Air	Oksnevad mech. permit	\$101.00
MNRC	Korba roofing permit	\$101.00
Riverside Mechanical	Oksnevad plumb. Permit	\$101.00
Ralph Fredlund	Candidate filing fee	\$2.00
Donovan Palmquist	Candidate filing fee	\$2.00
Timothy Pope	Candidate filing fee	\$2.00
Friedges Landscaping	Annual review fee	\$150.00
Dakota County	Property tax	\$17,630.98
Paul's Plumbing	Mauri plumb. Permit	\$101.00
Sand Creek Design	LaFave application fee	\$25.00
Timothy Pope	Data request	\$3.00

The Clerk presented January disbursements in the amount of \$51,834.92.

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

Remaining reports

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

Annual Audit

Ranee Solis reported that the annual audit is scheduled for February 21st at 9:00 am. All requested items have been uploaded to the Lewis, Kisch and Associates portal and the Township monthly financial folders are well organized.

Year-end Reports

Ranee Solis reported the following year-end items have been completed and submitted: 2022 1099s, 2022 W-2s, PERA Annual Exclusion Report, Worker's Comp Audit, and State Annual Income Tax Withholding.

New Business

Resolution 2023-01 Finances at New Market Bank

Motion: Chair Barfknecht moved to adopt Resolution 2023-01 designating the signers at New Market Bank as Donovan Palmquist, Lu Barfknecht, Ralph Fredlund, Nancy Sauber, Kathleen Kauffman, Liz Atwater, and Amy Liberty. Supervisor Sauber seconded. *Motion carried 5-0.*

Resolution 2023-02 Appointing Election Judges

Motion: Supervisor Sauber moved to adopt Resolution 2023-02 appointing the following election judges: Ellen Canfield (head judge), Mary Dawson, William Pekarna, Elaine Swedin, Jody Arman-Jones, Richard Fott and Susan Rogers. Supervisor Kauffman seconded. *Motion carried 5-0.*

Agreement for contract work with Rane Solis

The Board requested that Ms. Solis draft a proposal for training and consultant work with the new Clerk to be presented to the Board for consideration.

Questionnaire on broadband

Commissioner Eilers presented a voluntary internet satisfaction survey to be completed by Eureka residents for the purpose of areas cluster mapping of the Township with the highest need for internet service. The Board agreed to display the survey at all upcoming meetings and place the survey on the Township website, with a return target date of March 20th.

Broadband Line Extension Connection

Item tabled until the next meeting.

Clerk Matters

Schedule first March Town Board meeting

Motion: Supervisor Fredlund moved to change the March 14th Town Board meeting to March 13, 2023, at 7:00 pm as it conflicts with the Annual Meeting. Chair Barfknecht seconded. *Motion carried 5-0.*

Schedule Board of Canvass

The Board agreed to sit as the Board of Canvass on March 16, 2023, at 1:00 pm.

Overtime


Supervisor Kauffman reported that as a salaried employee, Clerk Atwater must not work more than 40 hours per week.

Adjournment

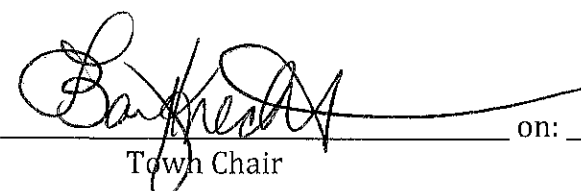
Motion: Supervisor Kauffman moved to adjourn the meeting. Vice Chair Palmquist seconded. *Motion carried 5-0.*

Meeting adjourned at 10:31 pm

Respectfully submitted,


Liz Atwater, Town Clerk

Minutes Officially Approved By:

 on: 5/9/2023
Town Chair Date