

# **EUREKA TOWNSHIP**

*Dakota County, State of Minnesota*

## **SPECIAL TOWN BOARD MEETING**

**March 13, 2023 – 5:00 P.M.**

### **Call to Order**

The Eureka Township Special Town Board meeting was called to order at 5:03 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: Liz Atwater, Mark Henry, Beth Eilers, Dan Heyda, Brian Ahern, Anthony Pederson.

Zoom Attendance: Andrew Wojtowicz, Ranee Solis, Julie Larson, Deb Burkhardt, Bill Clancy, Gloria Belzer and Jeff Otto.

### **Approval of the Agenda**

The following change was made to the agenda:

- Move Annual Meeting to item A under Old Business.

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

### **Road Report - Mark Henry**

- Sat down with Supervisors Fredlund and Palmquist and put together a quote package of projects for the budget.
- Looking at upgrading Hamburg and Fairgreen.
- Unusual weather has wreaked havoc on roads this year.
- Fairgreen from County Road 86 to 265<sup>th</sup> should be closed.
- Recommend bringing in some clear rock to fill the potholes on Denmark and provide better access to the school, at an approximate cost of \$3,000-\$5,000.

*Motion:* Supervisor Fredlund moved to authorize placing of clear rock on Denmark Avenue. Vice Chair Palmquist seconded the motion. *Motion carried 5-0.*

Supervisor Kauffman suggested posting road conditions and projects on the Township website.

*Motion:* Supervisor Sauber moved to authorize the Road Superintendent and Town Clerk to create a road condition posting for the website. Supervisor Fredlund seconded the motion. *Motion carried 5-0.*

*Motion:* Supervisor Fredlund moved to temporarily close Fairgreen from 265<sup>th</sup> to County Road 86, if needed, based on agreement between Mark Henry and Supervisors Palmquist and Fredlund. Supervisor Sauber seconded the motion. *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 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 comments. Hearing none, the floor was closed.

### **Citizen Inquiry - None**

### **Planning Commission Update – Randy Wood**

#### Summary of the March 6, 2023, Special Planning Commission Meeting

- Recommended approval of the pole shed request for Anthony and Kirsten Pederson with an additional 2 feet added to the setback.
- Mining text amendment discussion.
- Reviewed the Major Activity Tracker.
- Commissioner Eilers continues to research web site hosts.
- Discussion of accessory building height limits and current Ordinances.
- Discussed Dakota County Model Mining Workshops.
- Reviewed Planning Commission Annual Meeting slides.

### **Eureka Pit/MPM IUP Annual Review**

Tabled awaiting requested information due by March 31, 2023.

### **Permit Requests**

#### Anthony & Kirsten Pederson, 5965 235<sup>th</sup> St. W., 13-01100-02-013 – Accessory building

Mr. Pederson was asked to initial the site plan showing the 32-foot setback and acknowledge that the accessory building is for personal use only.

*Motion:* Supervisor Fredlund moved to approve the 36x48x14 accessory building for Anthony and Kirsten Pederson at 5965 235<sup>th</sup> St. W. and PID 13-01100-02-013, with the setback amendment of 32 feet. Supervisor Sauber seconded the motion. *Motion carried 5-0.*

### **Treasurer's Report**

Clerk/Treasurer Atwater read the Treasurer's Report as on February 28, 2023: New Market Bank checking account: \$21,237.49; Outstanding checks: \$21,237.50; General Fund savings account: \$545,831.56; Road & Bridge Fund savings account: \$638,984.98; Petty cash: \$100; Total assets: \$1,184,916.54; February disbursements: \$34,817.50; February receipts: \$27,009.12.

*Motion:* Supervisor Fredlund moved to approve the Treasurer's Report as presented. Vice Chair Palmquist 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 \$2,996.76 for payment.

The following claims in the amount of \$33,275.11 were presented for payment:

IRS	February payroll tax due	\$2,816.24
PERA	February payroll retirement	\$1,588.81
Dakota County Assn Twp	Annual dues	\$1,072.76
Driessen Water	Water softener rental	\$41.19
Custom Office Products	Office supplies	\$85.54
Dakota Electric	Town Hall billing	\$146.95
DSI/LSI	February garbage bill	\$166.71
ECM Publishers	Ordinance publication	\$154.00
Mark Henry	February road mileage	\$131.66
Inspectron Inc	January inspections	\$65.00
Ranee Solis	February consulting	\$1,680.00
Liz Atwater	Elections mileage	\$34.72
Dakota Electric	Storage building billing	\$17.46
De Lage Landen	Copier rental	\$95.83
ECM Publishers	Annual mtg/election	\$349.98
Grossman Companies	Jan/Feb snow removal	\$20,937.11
Kennedy & Graven	Jan spec counsel matters	\$3,454.00
Point North Networks	Feb IT, email, phone	\$345.50
Tops Inc	Feb copies	\$91.65

*Motion:* Supervisor Fredlund moved to approve the net pay and claims as presented. Chair Barfknecht 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 \$27,009.12 were deposited in February:

Dakota Aggregates	Brosseth mining review	\$880.40
Dakota Aggregates	Storlie mining review	\$150.00
Vermillion River Agg	Annual mining review	\$213.79
Warner's Stellian	Plumbing permit	\$202.00
Dakota Electric	ROW permit	\$200.00
Benefica	HRA reimbursement Dec	\$500.00
Drain Pro Plumbing	Plumbing permit	\$101.00
Kirsten Pederson	Permit application fee	\$25.00
Dakota County	2022 Twp Road Allotment	\$24,736.93

The Clerk presented February disbursements in the amount of \$34,817.50.

*Motion:* Supervisor Fredlund moved to approve the receipts and disbursements as presented. Vice Chair Palmquist 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

Clerk Atwater announced that the annual audit is complete, and copies are available at Town Hall.

Supervisor Fredlund suggested that the previous Treasurer, Ranee Solis, draft an Accounting Procedures and Policies manual, as suggested by the auditor, to enhance operations. Chair Barfknecht recommended tabling this item until the transition of the new Clerk is complete.

#### **Attorney Matters**

##### Nuisance Ordinance

The Board discussed and agreed to the following revisions of the draft Nuisance Ordinance:

177-2 Public nuisance defined.

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any ~~considerable members of the public~~ resident; or

177-3 Public nuisance affecting health.

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter except those occurring in normal agricultural composting;
- D. Carcasses of animals not buried, destroyed, or composted according to accepted agricultural practices within 24 72 hours after death;
- E. Accumulations of excessive manure, refuse, or other debris;

177-5 Public nuisances affecting peace and safety.

- J. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk, or to flow across any sidewalk and allow to accumulate;
- X. The owner or keeper of any dog that allows the dog to bark, whine, or howl for 15 minutes or longer during any half hour of time if the noise can be heard outside the owner's property;
- Y. In all districts, any lighting used to illuminate a lot or structure (including signs) thereon shall be arranged so as to deflect light away from adjacent lots and streets. The source of light shall be hooded or shielded so as to prevent beams or rays of light from being directed on any portion of adjoining properties or streets or roads.

The Board agreed to revisit, at a later date, how to define stagnant (177-3C); how to define accepted agricultural practices (177-3D); how to define excessive (177-3E); 177-3G regarding agriculture; and consistently ad "or road" after every instance of the word street.

In addition, Supervisor Sauber requested the Town Attorney advise as to whether the Township can apply the light nuisance to county roads.

*Motion:* Supervisor Kauffman moved to adopt Ordinance 2023-04, defining nuisances, prohibiting their creation or maintenance, and providing for abatement and penalties for violation thereof, as amended tonight. Supervisor Sauber seconded the motion. *Motion carried 5-0.*

## **Old Business**

### Annual Meeting

The Board reviewed and approved the information to be placed on the slides for the Annual Meeting, with Clerk Atwater to produce the final slides.

### Complaint Policy

*Motion:* Chair Barfknecht moved to table the Complaint Policy agenda item. Supervisor Kauffman seconded the motion. *Motion carried 5-0.*

### NCRWMO Report

*Motion:* Chair Barfknecht moved to table the NCRWMO Report agenda item. Supervisor Kauffman seconded the motion. *Motion carried 5-0.*

### Data Practices Policy

*Motion:* Chair Barfknecht moved to table the Data Practices Policy agenda item. Supervisor Sauber seconded the motion. *Motion carried 5-0.*

### CD Recommendations / Insured Cash Sweep

*Motion:* Chair Barfknecht moved to table the CD Recommendations / Insured Cash Sweep agenda item. Supervisor Sauber seconded the motion. *Motion carried 5-0.*

### Housing Rights Ordinance Amendment

*Motion:* Supervisor Kauffman moved to adopt Resolution 2023-07, approving summary language for publication of Ordinance 2023-02 amending Chapters 240 and 198 of the Township Code regarding housing rights. Supervisor Fredlund seconded the motion. *Motion carried 5-0.*

## **New Business**

### Gravel Quotes

Supervisors Fredlund and Palmquist met with Mark Henry to determine a list of highest priority streets for gravel quotes, as follows:

225 <sup>th</sup> St. W. (Cedar to Highview)	1,821.70 ton
225 <sup>th</sup> St. W. (Denmark to Essex)	936.63 ton
Highview Ave (225 <sup>th</sup> to 235 <sup>th</sup> )	1,168.80 ton
235 <sup>th</sup> St. W. (Highview to city line)	1,997.78 ton
Ipava Ave (250 <sup>th</sup> to 267 <sup>th</sup> )	1,893.41 ton
Essex Ave (245 <sup>th</sup> to 255 <sup>th</sup> )	1,198.27 ton
Grenada Ave	678.68 ton
Cedar Ave	302.21 ton
Fairgreen	23.60 ton
Spot Gravel	2,455.93 ton

*Motion:* Supervisor Fredlund moved to send the list of road projects to the three suppliers as an invitation to quote on gravel. Supervisor Sauber seconded the motion. *Motion carried 5-0.*

Zoom and Public Hearings

Supervisor Fredlund requested, and the Board authorized, the attorney liaison to check with the Town Attorney as to whether a citizen may testify at a public hearing via Zoom or remote attendance.

**Clerk Matters**

Broadband Line Extension - Website

Clerk Atwater indicated that the Broadband line Extension information is posted on the Township website.

**Adjournment**

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

Meeting adjourned at 8:00 pm

Respectfully submitted,

  
Liz Atwater, Town Clerk

Minutes Officially Approved By:  on: 5/23/23  
Town Chair Date