

EUREKA TOWNSHIP
Dakota County, State of Minnesota

SPECIAL TOWN BOARD MEETING

March 7, 2023 - Immediately following the Public Hearing on Redevelopment Agency

Call to Order

The Special Town Board meeting was called to order at 6:32 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, Brian Ahern, John Rivisto, Matt Mettling, John Storlie, Pat Mason, Dan Ames.

Zoom Attendance: Andrew Wojtowicz, Julie Larson, Kelly Brosseth, Peder, Lauri G, Deb Burkhardt, Annie, Colleen Riley, Jeff Otto, Mark Butler, Bob Ruppe, Ranee Solis.

Review projected revenues and expenditures for 2024.

Supervisor Fredlund announced that the 2022 audit has been received with no exceptions or issues. The only recommendation made was to create a Policy and Procedures manual which would enhance our operations.

The Board reviewed and discussed the road budget proposed, noting an increase of only \$400 more than last year. Vice Chair Palmquist explained that due to the hefty road budget approved a few years ago to get the roads back on track, and that we have been economic on how we have used the road budget, Mark Henry feels we can continue the work with the existing budget.

Supervisor Kauffman reminded given that we are making a huge guess on gravel, which is a large portion of the road budget, the Board can offer the citizens the option to approve the final levy at a meeting in August when we will have more concrete numbers. Agreed no changes to this projected budget. Levy amount of \$788,835 and budget of 899,060.

Motion: Supervisor Fredlund moved to propose a 2024 levy in the amount of \$788,835. Vice Chair Palmquist seconded. Supervisor Kauffman made an amendment to explain the option of waiting for a more defined figure in the fall. *Motion withdrawn.*

Motion: Supervisor Fredlund moved to propose the 2024 levy amount of \$788,835 and give the citizens the option to wait until August to finalize the levy figure. Supervisor Sauber made an amendment to continue the Annual Meeting to August for purposes of setting the levy. Supervisor Kauffman seconded. *Motion carried 5-0.*

Ordinance 2023-03 amending Chapter 165, Mining

Supervisor Kauffman summarized the text amendment activity stating that the major change was made to the reclamation standards. These standards were drafted by our

special counsel attorney, Troy Gilchrist, based on what their planner drafted for the UMore project. The Planning Commission was instrumental in opening the lines of communication between the mines and the Township. They held both an open house and a public hearing, allowing for very productive discussions with our mines. Commission Chair, Bill Clancy, will work with the mines to set up a committee to continue the dialogue on an ongoing basis.

The Township retained the services of Dr. Carrie Jennings who gave a presentation of the mines in Eureka Township and provided an efficient and productive annual review of the mines.

The new Ordinance provides for annual review by the Planning Commission in February, with the participation of the Mining Superintendent, Carrie Jennings, prior to the Town Board reviews in March. This will result in developing a more robust and thorough record and allow for follow-up prior to the Town Board reviews. There is now a clear cut between new mines, IUP mines, 2002 mines, and the old State pit.

Supervisor Kauffman noted an error in § 165-30(I) in that item U should be struck.

Chair Barfknecht asked if any of the mine owners or operators had any questions. Pat Mason of Dakota Aggregates stated they greatly appreciate the time Bill Clancy and Kathleen Kauffman spent on this.

Motion: Vice Chair Palmquist moved to adopt Ordinance 2023-03 amending Chapter 165 regarding mining regulations as edited. Supervisor Kauffman seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

Motion: Supervisor Kauffman moved to adopt Resolution 2023-06 approving summary language for publication of Ordinance 2023-03 amending chapter 165 of the Township Code regarding mining. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

Ordinance 2023-02 amending Chapter 240, Zoning, and Chapter 198, Roads

The Board agreed to the following changes to the definitions in Ordinance 2023-02:

1. Grandfathered Lot. Insert "a lot that has been verified as having grandfather status shall not lose its grandfather status due to a boundary change by higher authority, such as widening of a public road right-of-way or court order. To protect possible grandfathering of a lot that has not yet been verified as qualifying for grandfather protection, if its boundary has been changed by outside higher authority, the owner may provide the evidence of boundary matching to the date of the imposed change rather than the current date of the owner's application.
2. Driveway. Delete the word path.
3. Field Access. Delete the word path.

Motion: Supervisor Fredlund moved to amend the motion previously adopted February 28, 2023, to now read to adopt Ordinance 2023-02 amending Chapters 240, Zoning and 198

Roads of the Eureka Town Code, with the three definition changes discussed at this meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

Complaint Policy

Supervisor Kauffman expressed her position regarding complaint follow-up for the Board to consider before the next meeting. The previous language stating that ordinance enforcement was citizen-driven was taken by many citizens to mean that this excluded Township officials. But the reality is that we, too, are citizens of the Township with the same rights to file complaints. Town Attorney, Bob Ruppe, made clear that Eureka Township has an unusual straitjacket in terms of requiring citizens to sign their complaints. No other townships do this. There are many ways the Township receives information about Ordinance violations which are not limited to complaint forms submitted by citizens.

Supervisor Kauffman has a concern regarding anonymous complaints filed by Township officials. She feels that if she cannot sign her name on a complaint, she should have no business being on the Board. She continued that this kind of heat comes with the job. Since learning that the Town Board may know the identity of the complainants she will always ask, and if it is Supervisor, she would never agree to have that Supervisor be the one who investigates or votes to take enforcement action. It is her hope that the Town Board considers making this a policy.

Chair Barfknecht clarified that the Clerk must know the identity of the complainant, but this does not require signatures on the complaint form.

Supervisor Sauber stated her opinion that it is better that the Supervisors do not know the identity to avoid violating the complainant's privacy. The residents cannot object to the Board enforcing the Ordinances as it is the duty of the Board per the Ordinance. If citizens believe that "citizen-driven" does not include Town Board or Planning Commission members, that is their error. The Town Board is the enforcing body versus having a Code Enforcement Officer, which we cannot afford. Further, Supervisor Sauber feels that all complaints should be given the same weight, whether they are signed or not. She would also like to add a sentence that states that if the complaint results in a lawsuit the judge may require the identity of the complainant. She did not believe this was made clear in the current policy.

The Board agreed to place this on the next meeting agenda for revisions and approval.

Annual Meeting

Supervisor Sauber expressed concern with information being proposed by some of the Planning Commissioners which is a departure from reports held in the past. The Board agreed that all Annual Meeting slides will undergo final approval prior to the meeting.

The Board reviewed and approved the order of the agenda items. Colleen Riley displayed graphs and charts to the Board, along with a slide show to display to the citizens prior to the start of the meeting.

Motion: Chair Barfknecht moved to approve graphic design for the Annual Meeting of no more than \$500. Supervisor Kauffman seconded. *Motion carried 4-0*, with Supervisor Palmquist recused.

Closed session

Motion: Chair Barfknecht moved to go into a closed session pursuant to Minn. Stat. 13D.04, subd. 2, to discuss current litigation concerning *Eureka Township vs. Daniel Heyda*, *Eureka Township vs. Ridge Oien*, and the Sather zoning violation. Supervisor Fredlund seconded. *Motion carried 5-0.*

Chair Barfknecht reopened the meeting and announced that the Board discussed the current litigation regarding *Eureka Township vs. Daniela Hedy* and the Sather zoning enforcement with the Town Attorney. In addition, the Board discussed the *Eureka Township vs. Ridge Oien* motion to compel producing the names of the people who brought the complaint.

Adjournment

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

Meeting adjourned at 9:34 p.m.

Respectfully submitted,


Liz Atwater, Town Clerk

Minutes Officially Approved by:  on: 5/23/23
Town Board Chair Date