

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
May 9, 2023 – 7:00 P.M.

Call to Order

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

Supervisors Present: Lu Barfknecht, Nancy Sauber, Allen Novacek, Tim Pope, and Randy Wood.

Others Present: Liz Atwater, Bill Roske, Brian Ahern, Mark and Dianne Geier, Pastor Dean Engelman, Bill Clancy, Beth Eilers.

Zoom Attendance: Carol Cooper, Deb Burkhart, Jeff Otto, Julie Larson, Ryan Murphy.

Approval of the Agenda

The following change was made to the agenda:

- Old Business add C- MPCA Manure Pile update.
- New Business add:
 - D- Solis consulting
 - E- Barnyard Buddies
 - F- Town Hall

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

Road Report –

Mark Henry was not available for the meeting. Supervisor Novacek gave a short report on his behalf which included a review of the Milestone quote for spot gravel.

Supervisors Novacek moved to accept the Milestone bid for spot gravel as a backup as needed. Supervisor Wood 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.

Beth Eilers - 10185 250th Street

Ms. Eilers stated her concerns about the Glory-to-Glory lighted sign at the end of their driveway. The church's CUP didn't allow for a light or lighted sign and the light is a hazard. The board should enforce the CUP.

Carol Cooper- 26437 Galaxie Ave W

At the board's last meeting, it approved the Pre-1982 Lot of Record Policy, which states in part:

An owner wishing to have a parcel approved for residential construction as a "Pre-1982 Lot of Record" shall provide the Town Board with an abstract or certificate of title which shows the creation of the proposed lot prior to April 12, 1982, and the maintenance of those lot boundaries to the date of application.

The provision that requires "the maintenance of those lot boundaries to the date of application" seems to contradict the language in Ordinance Section 240.10 B, which allows a lot to be "recreated to conform to the exact boundaries and dimensions as they existed when the lot of record was originally created."

This creates confusion on what proof is required to establish a pre-1982 Lot of Record. It would be helpful if the Township could either reconcile these conflicting statements or modify the Pre-1982 Lot of Record Policy to reflect this ordinance.

Bill Roske- 6335 265thg Street W

Mr. Roske discussed the road closure and asked the Board to have the road supervisor move the sign to reduce confusion and traffic.

Bev Swanson- 25545 Granite Paths

Ms. Swanson asked the board about gravel on her road and if dust control will be completed this year. She also stated that from Highview from 257th all the signs are down including the curve signs, children at play and speed limit signs. Chair Barfknecht requested an email be sent to the Road Supervisor to get these signs back up.

Chair Barfknecht asked three times if there were any attendees who would like to make a comment. Hearing no more, the floor was closed.

Citizen Inquiry - None

Planning Commission Update - Beth Eilers

Summary of the May 2, 2023, Special Planning Commission Meeting

- Elected Bill Clancy as Chair and Deb Burkhart as Vice-Chair
- Recommended approval the three permit requests: grain bin at 8305 250th W, ground-mounted solar panel at 6335 265th St W, and accessory building at 9180 225th St W
- Discussed road speed project- road survey has been completed. Commissioner Eilers and Commissioner Burkhart are in the process of identifying the number of signs and placement of signs. Before proceeding further, the Township needs to establish a prosecutor who will litigate any speed tickets that are contested. Conversations are needed with the Sheriff to be assured they will enforce the signs that will be put up on the Township roads.

- Recap of Dakota County Mining Policy meeting- compared between our current policy and the Dakota County Policy. The Planning Commission decided to let the Township current ordinance be, since it was just changed and revisit in the next year.
- MPM update.
- Reviewed the major activity tracker, few items have been completed and nothing on deck is urgent.
- Discussed status of website project. Putting together a Matrix with 3 vendors. The Planning Commission will present their findings and recommendations to the Town Board soon.
- Liaisons for Town Board assignments
- Commissioner Clancy shared what he learned at the Road Management class.
- Discussed how to get better dialogue and involvement of citizens.
- Recommending participating in National Night Out.
- Reviewed the definition assignment. Clerks have put together an unofficial ordinance book for the Planning Commission.
- Commissioner Storlie and Commissioner Burkhart to put together an application guide for future applicants interested in serving on the Planning Commission.

Complaint for Ordinance Violation

2023-02 25445 Ipava Setback violation- Chair Barfknecht explained that per Attorney review, the two property owners need to get a legal determination of the respective property boundaries, which does not involve the Township. After this has been determined by the courts, then the Township could review the complaint regarding the setback violation complaint.

Glory to Glory CUP- Dean Engelman

Vice Chair Sauber explained that the concern is the light at the end of the driveway is not hooded and shielded properly and causing issues for drivers. She further explained this light was not part of the original CUP and any modifications would require Glory to Glory to get an approved amendment to the CUP. Vice Chair Sauber recommended the Board allow Glory to Glory to have the light if it is determined by the Board that the illumination is downcast properly. Dean Engelman stated the light installed is a regular LED Parking lot light, down shielded that should only illuminate downward. Vice Chair Sauber stated that the light should be shielded and downward cast the same as the parking lot lights that were approved in the original CUP. Chair Barfknecht suggested all Board Supervisors drive past the light at night when it is on, and the Board will decide at the next meeting.

Spirit Ranch 2 CUP- Terri Petter

Chair Barfknecht explained that on CUP permit number 122 state "April 14, 2003, Spirit Ranch 1 to conduct a cattle, horse and dogs boarding, breeding and sales, 24005 Dodd Blvd, Lakeville." Permit number 123 states "April 14, 2003, Spirit Ranch 2 to conduct a cattle, horse and dogs boarding, breeding and sales, 10132 235th Street W, Lakeville." Both are signed by the clerk at the time, Nanette. Chair Barfknecht explained the minutes at the time were different than the actual permits issued.

Chair Barfknecht asked for the record to state, the original Conditional Use Permit for Spirit Ranch 2 dated April 14, 2003, does say, "A permit is granted to Spirit Ranch 2, to conduct a cattle, horse and dogs boarding, breeding, and sales, 10132 235th Street W in Lakeville. The Property description as indicated in Eureka Township, certification, State of Minnesota, County of Dakota Township as indicated and signed by Nannett Champlin dated September 14, 2007" as official record.

Permit Requests

Julie Larson, 8305 250th Street W, 13-01600-51-020 – Grain Bin

Motion: Supervisor Pope moved to approve Julie Larson’s Permit at 8305 250th Street W, PID 13-01600-51-020, Ag exempt grain bin. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

William Roske, 6335 265th Street W, 13-02600-26-016 – Solar ground-mounted

Motion: Supervisor Pope moved to approve William Roske’s Permit at 6335 265th Street W, PID 13-02600-26-016 solar ground-mounted system. Supervisor Novacek seconded the motion. Supervisor Wood asked for some clarification on square footage as it was different on different pages. Mr. Roske clarified that solar area will be 113 feet long X 12 feet wide = 1,356 sqft, as well as minimum of 30 ft, not 50 ft from the side of property. Mr. Roske signed changes on the application. *Motion carried 5-0.*

Ryan Murphy, 9180 225th St W, 13-00500-50-042 – Accessory Building

Motion: Supervisor Pope moved to approve Ryan Murphy’s permit at 9180 225th St W, PID 13-00500-50-042 for accessory building. Vice Chair Sauber seconded the motion. Vice Chair Sauber requested the minutes show that both the Commission and Board have advised Mr. Murphy that this can be used for personal use only. No business storage or activity allowed under the current ordinances. *Motion carried 5-0.*

Treasurer’s Report

Clerk/Treasurer Atwater read the Treasurer’s Report as on April 30, 2023: New Market Bank checking account: \$13,404.90; Outstanding checks: \$12,332.14; General Fund savings account: \$526,747.72; Road & Bridge Fund savings account: \$602,081.53; Petty cash: \$100; Total assets: \$1,130,002.01; February disbursements: \$76,668.74; February receipts: \$64,856.86.

Motion: Vice Chair Sauber moved to approve the Treasurer’s Report as presented. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$3,016.93 for payment.

The following claims in the amount of \$53,597.53 were presented for payment:

IRS	April payroll tax due	\$3,143.77
PERA	April payroll retirement	\$1,057.39
Anderson Rock and Lime	Rock	\$11,580.82
Driessen Water	Water softener rental	\$41.19
Custom Office Products	Office supplies	\$85.54

Dakota County Taxation	Notices	\$270.63
Dakota Electric	Town Hall billing	\$135.14
DSI/LSI	April garbage bill	\$139.01
Grossman Companies	Snow Removal, Grading, refuse	\$30,353.00
Kennedy & Graven	March spec counsel matters	\$3,696.00
Elizabeth Atwater	Office Supplies and Stamps	\$241.01
Metro Alarm	Quarterly Access and app Training	\$160.00
Point North Networks	Feb IT, email, phone	\$367.65
Ranee Solis	April Consulting	\$1,900.00
Tops Inc	April copies	\$69.56
Visa	Office Supplies and equipment	\$462.36

Motion: Chair Barfknecht moved to approve the net pay and claims as presented. Supervisor Novacek seconded the motion. Roll call vote: Lu Barfknecht - Aye; Nancy Sauber - Aye; Allen Novacek - Aye; Tim Pope - Aye; Randy Wood - Aye. *Motion carried 5-0.*

Receipts and Disbursements

The following receipts in the amount of \$64,856.86 were deposited in April:

Genz-Ryan	Mechanical Permit	\$101.00
Home Energy Center	Mechanical Permit	\$101.00
WS&D Permit Services	Window Permit	\$101.00
John Stavoulakis, LLLC	ROW Permit	\$200.00
Living Waters Baptist	Remodel Permit	\$194.39
Dakota County	Conservation Credit	\$3,877.78
American Excavating	Driveway Permit	\$100.00
Dakota County	Gravel Tax	\$44,981.69
Storage Fund	Transfer to Town Hall CIP	\$15,200.00

The Clerk presented April disbursements in the amount of \$76,668.74.

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

Remaining reports

The Cash Control Statement, Schedule 1 and PTO balances were reviewed by the Board.

Clerk/Treasurer Atwater reported that the current savings accounts get .20% interest. She explained that ICS (Insured Cash Sweep) currently gets 1.25% interest. The main bank would be New Market Bank, but the Township would transfer money as it got close to the \$250,000 FDIC limit for secured funds, to other banks, until requested or needed by the Township. She also discussed the option for rolling CDs, which New Market Bank currently has a special of 3.78% for a 7-month CD.

Clerk/Treasurer Atwater discussed the current balance of the ARPA funds is \$155,250.07. The Township has obligated \$56,538.00 toward JTN and the broadband infrastructure expansion. This would leave \$98,712.07 remaining for the Township to spend and allocate for project(s). ARPA Funds are restricted, and guidelines must be followed for what the funds

can be used for. Clerk/Treasurer Atwater wants the Board to start thinking about how the Township should spend these funds.

Unfinished Business

Draft Data Policy

The Board reviewed the current data practices policy and the proposed policy. The Board instructed the Clerk to make corrections and edits and then will review at the next Board meeting.

Inspectron Contract and Fee Schedule

Clerk Atwater stated she has requested an updated contract from Inspectron, and she has not received it yet.

MPCA Manure Follow-up

Chair Barfknecht has not emailed the information to Clerk Atwater but will do so this week.

New Business

Ordinance Permit Pricing vs Referring to a Fee Schedule

Supervisors Sauber explained the fees have been put into the ordinances per Attorney recommendation. Supervisor Sauber requested that she contact Attorney Ruppe to ask what his opinion is regarding having the fees in the ordinances verse having a Fee Schedule or link on the website and the requirements. The Town Board agreed.

Township Road Speed Project

Discussed during Commission Eilers planning commission report.

National Night Out/Night to Unite

Supervisor Wood suggested the idea of having an event for National Night Out or Night to Unite. This would be held Tuesday, August 1, 2023, from 5-7 pm, which is the same night as the Planning Commission meeting. Suggested ideas: mailing invites, food, games for kids, having the K9 unit attend and do a demonstration and door prizes.

Motion: Chair Barfknecht moved to go ahead with the National Night Out and Beth Eilers will be the lead on the event. Supervisor Wood seconded the motion. Supervisor Novacek made a friendly amendment to include that we are in the beginning process of planning National Night Out under the assumption of collecting donations. Chair Barfknecht and Supervisor Wood accepted the friendly amendment. *Motion carried 5-0.*

Solis Consulting

Supervisor Sauber asked Clerk Atwater about when Clerk Atwater will fully take over responsibilities. Clerk Atwater explained that Rane Solis has been helping get items caught up and the hours per month have dropped almost in half from month to month. Clerk Atwater explained that she is planning to work with Rane only as needed on projects or items that come up that she needs assistance with.

Barnyard Buddies Facebook post

Supervisor Sauber explained this was brought to her attention from a citizen. She further explained to the Town Board that it has been ongoing with legal action.

Supervisor Novacek asked if a complaint had been filed. Supervisor Sauber stated that she would file the complaint herself. As Attorney Liaison, Supervisor Sauber will reach out to the attorney on this matter.

Town Hall Cleaning Equipment

Motion: Chair Barfknecht moved to allow the clerk to purchase a new vacuum cleaner and spend no more than \$500. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

Minutes for Approval

Motion: Chair Barfknecht moved to allow the clerk to purchase a new vacuum cleaner and spend no more than \$500. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

Motion: Chair Barfknecht to approve the minutes from 2.14.2023 Town Board meeting. Vice Chair Sauber seconded the motion. Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – abstain; Tim Pope – abstain; Randy Wood - abstain. *Motion carried 2-0.*

Motion: Chair Barfknecht to approve the minutes from 2.28.2023 Town Board meeting. Vice Chair Sauber seconded the motion. Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – abstain; Tim Pope – abstain; Randy Wood - abstain. *Motion carried 2-0.*

Motion: Chair Barfknecht to approve the minutes from 2.28.2023 Special Town Board meeting. Vice Chair Sauber seconded the motion. Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – abstain; Tim Pope – abstain; Randy Wood - abstain. *Motion carried 2-0.*

Motion: Chair Barfknecht approved the minutes from 3.16.2023 Special Board of Canvass. All other Supervisors abstained as they were not at this meeting.

Clerk Matters

Town Hall will be Closed May 11, 2023

Adjournment

Motion: Chair Barfknecht moved to adjourn the meeting. Vice Chair Sauber seconded the motion. *Motion carried 4-1 with Supervisor Novacek voting Nay.*

Meeting adjourned at 10:23 pm

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:



Town Chair

on:

6-13-2023

Date