

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**TOWN BOARD MEETING**  
**August 8, 2023 – 7:00 P.M.**

**Call to Order**

The Eureka Township 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, Bryan Wolfe, Matt Belanger, Robert Piekarski, Donald Oveskovich, Kari Juffer, Harold Overbye, Steve Sauber, Emily Cuphart, Cody Nelson, Beth Eilers, Ben Blomgren.

Zoom Attendance: Deb Burkhart, Ralph Fredlund, Donovan Palmquist, Carol Cooper, Julie Larson, Brian Ahern.

**Approval of the Agenda**

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

**Road Report**

Supervisor Wood reported he spoke with Mr. Henry regarding finishing up dust control. Clerk Atwater reported she spoke with the Township Attorney and because of the classification of the Road Superintendent, that position is now eligible to participate in PERA as of July 1, 2023, per the new requirements. Road Superintendent Henry submitted 4 additional Road projects for 2023 to the Board.

1. Conversion of Fairgreen between 265th St and 280th St approximately 2000 tons of CLS modified lime rock. \$25,000 to \$30,000 with placement.
2. Conversion of Hamburg between 225th Street and 240th Street approximately 2000 tons of CLS modified lime rock. \$25,000 to \$30,000 with placement.
3. Removal of overhanging on intrusive branches on 257th – Granite Path -255th and Cedar. Also 235th Street. Approx \$4000.00.
4. 4 spot gravel. 25 loads approximately 600 tons. \$8,000 plus placement costs.

*Motion:* Vice Chair Sauber moved to move ahead with numbers 3 and 4 on the proposed additional road projects list. Chair Barfknecht seconded the motion. Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Nay; Randy Wood – Aye; Lu Barfknecht- Aye. *Motion carried 4-1.*

*Motion:* Supervisor Novacek moved to proceed with numbers 1 and 2. Motion not seconded. *Motion failed.*

**Dakota County Ground Water Protection**

Dakota Environmental Specialist Matthew Belanger gave a presentation on the Community Focused Sampling Program and the Ag Chemical Reaction Effort (ACRE). Dakota offers this

program to private well owners in the county to test their water for several contaminants every five years.

### **Broad Band Update**

Ben Blomberg from JTN reported the distribution cabinet has been completed. Conduit has been run on Cedar, 255<sup>th</sup>, 257, Highview, 80 and 250<sup>th</sup>, they will be working on Eureka Estates next. Cable and splicing should be completed at the end of 2023. Looking at connecting homes in late 2023 or early 2024.

### **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.

#### Fieldstone Family Homes, Inc. – Bryan Wolfe

Mr. Wolfe explained that he is the new contractor for Mr. and Mrs. LaFavre. The previous plans were approved and have since changed. Mr. Wolfe stated he believed they could just apply for the building permits based on previous approvals. Deputy Clerk Liberty explained the process, and since the plans have changed, they would need to go through the building permit process again and gain new approvals. Mr. Wolfe questioned this process to the Board. Vice Chair Sauber explained that since the plan has changed, they must come back before the Planning Commission and the Board, because they do not have zoning approval for the new plans. Mr. Wolfe asked if he could request a Special Meeting. Vice Chair Sauber explained that would be at their expense and would require a meeting with the Planning Commission and the Town Board. Mr. Wolfe will be in contact with the Clerk to request and schedule the Special Meetings.

#### 24510 Highview Ave – Julie Larson

Ms. Larson stated she contacted Road Supervisor Wood regarding the right of way on PID 13-01600-26-018 and PID 13-01600-26-020. The current slope on the right of way is about 1 to 1. For reference the normal slope is a 3 to 1. This presents rollover potential in that right of way. Supervisor Wood contacted Road Superintendent Mark Henry and was informed it was not a priority in the Township. Ms. Larson stated they have the resources and the dirt to fix the slope and asked if that would be allowed by the Township. Vice Chair Sauber will ask the attorney about liability and requirements if the resident is granted permission from the Township to fix the slope. The ordinance will need to be checked to insure compliance.

### **Complaints –**

#### 2023-04 and 2023-05 – 24465 Highview Ave

Supervisor Novacek reported he, along with Supervisor Pope, followed up with the Sheriff's office. Supervisor Novacek stated on July 28, he spoke with Sergeant Matt R. who checked with Becca, a 911 operator, and they reported they could not find a 911 call regarding this complaint.

The Town Board directed the Clerk to send a follow-up letter to the complainants and the resident who the complaint was filed against with a copy of the ordinance. Chair Barfknecht stated the audio from the July 11, 2023, meeting was sent to all Supervisors so they could listen to the conversation regarding Supervisor Novacek recorded statement from the July 25<sup>th</sup>, meeting: "For the record I state 'that Lu said she was going to do it. If she says she didn't say it, fine, then listen to the recording if you want. That is why I didn't call up the Sheriff.'" Chair Barfknecht stated the meeting recording did confirm that it was the responsibility of Supervisor Novacek to call the Sheriff.

#### 2023-06 25500 Highview Ave

A complaint was submitted about a Commercial Excavating Company operating at this address. Mr. Oreskovich was present at the meeting. Supervisor Novacek asked "Are you operating a commercial excavating property from your 2.41-acre residential property?" Mr. Oreskovich stated, "No." He further explained that he has brought a backhoe home to tear down trees. He stated he does bring equipment home once or twice a year to work around the yard and does not keep any equipment at his property. Equipment is kept on the job site and at another property not in the Township. Vice Chair Sauber asked about the gravel trucks with the company information on the side of the trucks. Mr. Oreskovich stated that the two trucks are for driving to and from the job sites by him and his grandson who lives with him. Mr. Oreskovich stated that he is not running a business on his property. The Town Board agreed not to move forward with this complaint. The Town Board directed the Clerk to send a letter to the complainant explaining that Mr. Oreskovich explained the activity that was photographed.

#### **Planning Commission Update**

Planning Commissioner Palmquist shared items that were discussed at the August Planning Commission meeting. A full summary is provided in the meeting minutes and is available for viewing at the Town Hall and on the website.

#### **Permits**

Robert Piekarski, 6655 245<sup>th</sup> Street W., PIN 13-01500-08-010

*Motion:* Supervisor Pope moved to approve Robert Piekarski at 6655 245<sup>th</sup> Street W PID 13-01500-08-010 accessory building permit application for a 24 by 24 shed. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

Kari Juffer, xxxx Fairgreen Ave., PIN 13-01100-51-012

*Motion:* Supervisor Pope moved to approve the new construction permit for Kari Juffer, Fairgreen Ave, PID 13-01100-51-012 for the new construction of a new home. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

#### **Land Use**

Jeff Krapu, 24315 Dodd Blvd., PIN 13-01800-25-030

*Motion:* Vice Chair Sauber moved to approve the lot split for Jeff and Andi Krapu at 24315 Dodd Blvd with the original parcel consisting of 29.05 acres into two parcels: parcel A: 4.91 acres and parcel B: 24.14 acres. Chair Barfknecht seconded the motion. *Motion carried 5-0.* The CUP will remain with Parcel B.

*Motion:* Vice Chair Sauber moved to approve the transfer of the building right to the 4.91-acre parcel that they are splitting off for Jeff and Andi Krapu at 24315 Dodd Blvd PIN 13-01800-25-030. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

**George Mwauri Airstrip CUP**

Chair Barfknecht reported that the Attorney stated that having an airport license is a condition of the CUP and without that being met then the CUP would be revoked. The Clerk will send a letter with this information with a 30-day deadline to let the Town Board know if they are going to get a license or if the Town Board needs to start the process of the revocation of the CUP. If the license is obtained, they must send a copy to the Township.

**Treasurer’s Report**

Clerk/Treasurer Atwater read the Treasurer’s Report as of July 31, 2023: Total of all accounts is \$1,235,974.88; Total assets: \$1,236,074.88.

*Motion:* Vice Chair Sauber moved to approve the Treasurer’s Report as presented. Chair 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.*

*Motion:* Chair Barfknecht moved to approve Resolution 2023-20 for Financials at Frandsen Bank and Trust. Vice Chair Sauber 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 \$2,669.15 for payment.

The following claims in the amount of \$345,947.70 were presented for payment:

PERA	July Payroll	\$956.74
IRS	Taxes July Payroll	\$2,659.17
Alexander Exteriors	Reroofing/Insurance Claim	\$29,327.27
Dakota Electric	Electric	\$17.62
Dakota Electric	Electric	\$223.15
MATIT	Overpayment Insurance Claim	\$249.50
Metro Alarm & Lock	Quarterly Alarm	\$90.00
Milestone Materials	Road Materials	\$51,103.54
Pam Cappetto	Refund of Special Meeting Escrow	\$500.00
Point North	IT Services	\$363.00
TOPS, Inc	July Copies	\$78.25
Victor Lundeen	Checks	\$332.46
Visa	Office Supplies	\$233.68
Genisys Credit Union	GF- 7-month CD	\$25,000.00
Genisys Credit Union	TH-CIP – 7-month CD	\$50,000.00
Genisys Credit Union	RB- 7-month CD	\$30,000.00
DSI	August Garbage	\$135.85
Kennedy & Graven	July Special Counsel	\$3,152.57
Ottomatic Lawn Care	June and July Town Hall Mowing	\$1,500.00

Visa	Annual Fee	\$25.00
Frandsen Bank	RB Asphalt Fund 10-month CD	\$150,000.00

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

Receipts and Disbursements

The Clerk/Treasurer presented July receipts in the amount of \$584,854.25 and July disbursements in the amount of \$333,740.20.

Other Treasurer Reports

Clerk Atwater discussed the Cash Control Statement, the PTO balance report, ICS interest increase from 3.25 to 3.5%, and year-to-date expenses vs budget. Clerk Atwater recommended reducing the balance kept in the New Market savings accounts to \$5,000-10,000 and keeping more money in the ICS to gain interest.

*Motion:* Vice Chair Sauber moved that the Board approve the recommendation from the Clerk to keep about \$5,000.00 in the savings accounts for the Township. Chair Barfknecht seconded the motion. Roll call vote: Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*

**Unfinished Business**

Ordinance Permit Pricing vs Referring to a Fee Schedule

The Clerks will be reviewing the ordinance and will make recommendations to the Board.

Township Road Speed Project/Laws on Putting up Speed Limit Signs

Commissioners Burkhardt and Eilers will present to the Board at the August 22, 2023, meeting.

Night to Unite

*Motion:* Vice Chair Sauber moved to approve Resolution 2023-19 accepting Donations for the Night to Unite event. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

Commissioner Eilers reported that any remaining perishable items were donated to the food shelf. The leftover supplies are being saved for next year. The Town Board discussed making this an annual event. Minnesota Association of Township Attorney recommended having this go to the electors to approve a community celebration and possible approve funds per Minnesota State Statute 365.10. subd. 12. Business can still donate to the event. Commissioner Eilers asked If the Planning Commission could present this at the annual meeting and the Town Board agreed.

ARPA Funds

JTN provided four quotes for additional broadband expansion for the Town Board to review. Clerk Atwater was directed to contact the Attorney regarding the process and requirements if the quote(s) were approved.

MPM/Chard Mining

The Town Board agreed, with Supervisor Sauber recusing herself, for Clerk Atwater to contact the Attorney to request another letter be sent.

#### MPCA

Supervisor Sauber reported the manure pile is still there. Clerk Atwater reported she called to talk to MPCA and the person she needed to talk to was out of the office this week and should be calling her back next week.

#### Closed Road -245<sup>th</sup> between Dodd and County Line

Supervisor Wood reported he spoke with Safety Signs and the Township can put the barriers back; it does not have to be Safety Signs.

*Motion:* Supervisor Wood moved that they allow 245<sup>th</sup> barricades and barriers be put back in place for no more than \$1,000.00. Nancy Sauber – Aye; Allen Novacek – Nay; Tim Pope – Nay; Randy Wood – Aye; Lu Barfknecht - Aye. *Motion carried 3-2.*

Supervisor Pope requested an estimate on how much it would cost for the road to be maintained. Supervisor Sauber stated that information should be submitted in person from the Road Superintendent Mark Henry.

#### Point North/IT Services

Clerk Atwater has met with Point North and two more companies and is getting proposals for IT management and phones. She is planning to present the information and quotes to the Town Board in September.

#### Planning Commission Application Recommendation

The Planning Commission is planning to present at the September 12<sup>th</sup> meeting.

#### **New Business**

##### Dakota Sheriff- proposal

Clerk Atwater will draft a Resolution for the next Town Board meeting to review.

##### Dakota County Mail-in Ballot

Dakota County Elections is having webinars on August 23 and 24<sup>th</sup>. Clerk Atwater will share the information gathered with the Town Board.

#### **Minutes for Approval**

##### 6.5.2023 TB and PC Round Table Minutes

Vice Chair Sauber made the following corrections on page 2:

- “However, be mindful that all information is one-way, we cannot use the Clerk to get around the open meeting law.” The comma should be a semicolon.
- MPM Reclamation- Dakota County Tax Funding: add the following: “Town Board Vice Chair Sauber did not participate in the discussion of this topic.”

*Motion:* Vice Chair Sauber moved to approve the minutes from June 5, 2023, as amended. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

6.27.2023 Town Board Meeting Minutes

*Motion:* Vice Chair Sauber moved to approve the minutes from June 27, 2023, as presented. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

7.11.2023 Town Board Meeting Minutes

*Motion:* Vice Chair Sauber moved to approve the minutes from June 27, 2023, as presented. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

**Clerk Matters**

Supervisor/Commissioner time for training

The Board discussed that Supervisors and Commissioners are not paid for their time for online or in person training. The Township will pay for the classes and training and for mileage.

Township Logo

Clerk Atwater asked the Board if they would consider getting a new Township logo. The Board discussed having a contest or posting on the website about designing a Township logo.

Clerks Identification

Clerk Atwater asked the Board to consider approving the Clerks getting identification wear, such as a t-shirt, polo, or cardigan. Clerk Atwater will get the pricing to present to the Board.

Training

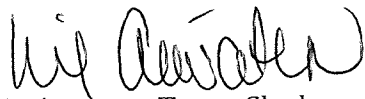
Clerk Atwater and Deputy Clerk Liberty will be attending MAT Training for Clerks and Treasurers on September 18<sup>th</sup>.

**Adjournment**

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

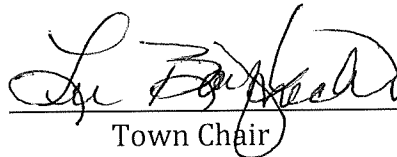
Meeting adjourned at 10:00 pm

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:

  
Town Chair

on:

8/22/23

Date