

EUREKA TOWNSHIP

Dakota County, State of Minnesota

TOWN BOARD MEETING January 9, 2024 – 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, Tim Pope, Allen Novacek, Nancy Sauber, and Randy Wood.

Others Present: Liz Atwater, Matt Miller, Bill Clancy, Peter Grand, Venerable Song

Zoom Attendance: Carol Cooper, Bob Ruppe, Brian Ahern, Julie Larson, Gloria Belzer

Approval of the Agenda

Vice Chair Sauber made the following additions:

- Attorney Questions: Jake Braking, Fire Contract and Wat Lao CUP
- New Business: C- Oien

Motion: Chair Barfknecht moved to approve the agenda as amended. 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.

9995 250th Street W -Matt Miller

Mr. Miller requested feedback from the Board on where they stand and on the status of a Jake Braking Ordinance.

25511 Ipava Ave- Bill Clancy

See page 7 for submitted comments.

Chair Barfknecht asked three times if there were any additional attendees who would like to make a comment. Hearing none, the floor was closed.

Attorney Questions

Jake Braking

Attorney Ruppe explained the proposed engine brake (jake braking) ordinance would prohibit the action of engine braking. The noise is not being regulated, but the actual action.

Posting signs is not a legal requirement, it is just best practice. It is a way to get information out to people so there are aware of the violation.

Motion: Vice Chair Sauber moved to adopt the Jake Braking Ordinance, which is 2024-01. Supervisor Wood seconded the motion. Lu Barfknecht – Aye; Randy Wood – Aye, Nancy Sauber – Aye; Allen Novacek- Nay; Tim Pope – Nay. *Motion carried 3-2.*

Motion: Vice Chair Sauber moved to approve Resolution 2024-01 approving summary language for publication of an ordinance prohibiting the use of engine brakes. Chair Barfknecht seconded the motion. Lu Barfknecht – Aye; Randy Wood – Aye, Nancy Sauber – Aye; Tim Pope- Aye; Allen Novacek- Nay. *Motion carried 4-1.*

Wat Lao CUP

Vice Chair Sauber asked the Attorney about Wat Lao’s CUP. It states they can have an assembly of up to 500 people. However, the Township Ordinance is now at 300 people. Attorney Ruppe explained that their CUP would supersede Township Ordinance and would be considered a legal non-conforming, because the CUP was approved prior to the Township changing the Ordinance.

Fire Contract

Motion: Vice Chair Sauber moved to approve the Farmington Fire contract subject to our Attorney’s approval of the contract language. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

Reports

Annual Noxious Weed Report-

Supervisor Pope reported he spoke to Todd Matzke at Dakota County regarding filling out the form. He is going to speak with Mark Henry and Donovan Palmquist to find out if they have the reports from previous years.

Planning Commission Update-

Planning Commissioner Donovan Palmquist shared items that were discussed at the January 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.

Permit Requests

6035 235th Street W., PIN 13-01100-30-011- Brian Nelson

Vice Chair Sauber stated for the record that “he is within the amount of accessory building square footage that he is allowed on his property, it’s larger enough to get more than a smaller property. I would also add, for the record, that you are advised that this is used for personal use only. Just so that it’s on the record that you understand that.”

Motion: Supervisor Novacek moved to approve the accessory building for Brian Nelson, PIN 13-0100-30-011. Vice Chair Sauber made a friendly amendment to include it’s for an addition to his accessory building. The size of it is 45x28. Supervisor Novacek declined the

friendly amendment. Supervisor Pope seconded the motion as stated by Supervisor Novacek. *Motion carried 5-0.*

Vice Chair Sauber requested the record show that this addition is an addition to an accessory building on Mr. Nelson's property and the size of 45x28.

CUP Review and Complaints

Wat Lao of Minnesota- Peter Grand and Venerable Song

The Board reviewed the CUP and the complaint about the property. Clerk Atwater will send a letter to Wat Lao with a deadline of March 31, 2024, to be in compliance with the Township Ordinance.

Motion: Chair Barfknecht moved to approve the review for the Wat Lao Conditional Use Permit. Supervisor Wood seconded the motion. *Motion carried 5-0.*

Treasurer's Report

Clerk/Treasurer Atwater read the Treasurer's Report as of December 31, 2024: Total of all accounts is: \$1,181,752.07.

Motion: Vice Chair Sauber moved to approve the Treasurer's Report from December 31, 2024, as presented. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood – Aye, Nancy Sauber - Aye. *Motion carried 5-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$7,296.59 for payment. Claims in the amount of \$43,854.31 were presented for payment. See page 6 for a list of claims.

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

Motion: Supervisor Pope moved to hold the check to Dakota County for \$38,251.46 for crack sealing until they get clarification on when the work was completed. Supervisor Wood seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

Receipts and Disbursement

Clerk/Treasurer Atwater presented the December receipts in the amount of \$21,644.62 and December disbursement in the amount of \$57,085.91.

Other Treasurer Reports

Clerk Atwater reviewed the Cash Control Statement, Schedule 1, PTO balances, and Investments with the Board.

CD Recommendations

GF2023-01 Genisys CD matures on 1/20/2024.

Motion: Chair Barfknecht moved to renew the CD at Genisys at 5.4% for 7 months. Supervisor Pope seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye, Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

Task List

The Town Board reviewed the task list of the following items:

- 250th Speed Study- Clerk Atwater
- Farmington Fire Contract- Attorney/Clerk Atwater
- Ploog- MPCA
- Trash and Debris- Dumpster Quotes- Clerk Atwater
- Identify Illegal Signs and Remove them- Road Superintendent Henry
 - Signs removed need to be documented.

Unfinished Business

Road Superintendent Job Description

The Board reviewed and agreed on the job description. The clerk will email the Road Superintendent.

New Business

245th Closed Road

Deputy Clerk Liberty had received a visit from the Dakota County Sheriff who expressed concerns regarding 245th. Barriers and signs are being moved, and the officers cannot give out citations if there is not proper signage indicating the road is closed. The Board discussed options for keeping the road closed and opening the road back up. Supervisor Novacek moved that we table any further discussion until we hear from the deputies. The Town Board agreed with the motion without a second to the motion and a vote.

Cannabis Moratorium

The Office of Cannabis Management is not expected to have rules for the new cannabis industry until the fall of 2024. The Township Cannabis Moratorium is set to expire on January 1, 2025. It was recommended for Attorney Liaisons to reach out to Attorney Gilchrist to see if the State is going to extend the period for the Moratorium or if any other updates are available.

Oien Matter

Complaint deadline was December 31, 2023. Supervisors Barfknecht and Novacek will set up a time to visit the property and review what has been completed compared to the settlement agreement.

Clerk Matters

Clerk Atwater reported that Town Hall is now hooked up to fiber. A new WIFI hub was installed and the guest WIFI now has a password that is posted in the Town Hall.

Farmington Fire Banquet is on January 12th and none of the Town Board Supervisors are available to attend. Clerk Atwater will attend on behalf of the Town Board.

Adjournment

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

The meeting adjourned at 9:03 pm.

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:


Town Chair

on:

2-13-24
Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
01/09/2024	Payroll ending 12/31/2024	11187	Payroll ending 12/31/2024	\$ 1,933.31
01/09/2024	Payroll ending 12/31/2024	11188	Payroll ending 12/31/2024	\$ 309.06
01/09/2024	Payroll ending 12/31/2024	11189	Payroll ending 12/31/2024	\$ 704.55
01/09/2024	Payroll ending 12/31/2024	11190	Payroll ending 12/31/2024	\$ 406.34
01/09/2024	Payroll ending 12/31/2024	11191	Payroll ending 12/31/2024	\$ 277.05
01/09/2024	Payroll ending 12/31/2024	11192	Payroll ending 12/31/2024	\$ 203.17
01/09/2024	Payroll ending 12/31/2024	11193	Payroll ending 12/31/2024	\$ 360.16
01/09/2024	Payroll ending 12/31/2024	11194	Payroll ending 12/31/2024	\$ 637.21
01/09/2024	Payroll ending 12/31/2024	11195	Payroll ending 12/31/2024	\$ 184.70
01/09/2024	Payroll ending 12/31/2024	11200	Payroll ending 12/31/2024	\$ 554.10
01/09/2024	Payroll ending 12/31/2024	11201	Payroll ending 12/31/2024	\$ 729.56
01/09/2024	Payroll ending 12/31/2024	11202	Payroll ending 12/31/2024	\$ 443.28
01/09/2024	Payroll ending 12/31/2024	11203	Payroll ending 12/31/2024	\$ 554.10
01/09/2024	Internal Revenue Service	11204	Tax December Payroll	\$ 1,627.40
01/09/2024	PERA	11205	December Payroll	\$ 1,022.90
01/09/2024	Dakota County Financial Services	11206	JPA for Crack Sealing Eureka Estates and Jersey Court 98-029	\$ 38,251.46
01/09/2024	Dakota Electric	11207	service 11/15-12/14/2023	\$ 17.62
01/09/2024	Dakota Electric	11208	service 11/15-12/14/2023	\$ 230.79
01/09/2024	DSI	11209	January Garbage Bill	\$ 163.05
01/09/2024	Inspectron	11210	December 2023 Inspections	\$ 220.00
01/09/2024	Liz Atwater	11211	Postage	\$ 8.56
01/09/2024	Mark Henry	11212	December 2023 road mileage	\$ 119.87
01/09/2024	Minnesota Association of Townships	11213	2024 MAT Membership dues	\$ 845.84
01/09/2024	MN Department of Labor	11214	State Surcharge Quarter 4, 2023	\$ 207.08
01/09/2024	Plunkett's Pest Control	11215	Annual Contract 2024	\$ 540.49
01/09/2024	Point North Networks	11216	January 2024 Billing	\$ 548.00
01/09/2024	Victor Lundeen Company	11217	Notary Stamp for Clerk	\$ 35.05
01/09/2024	Visa	11218	Adobe for Deputy Clerk monthly fee	\$ 16.20
				<u>\$ 51,150.90</u>

Jan 9, 2024 - Town Board Eureka Township Meeting - Public Comment

Minnesota Association of Townships in the Manual on Town Government 2020 states:

"In many ways, an ordinance is only as good as its administration and enforcement. Little good and perhaps much harm, can result from enactment of an ordinance that is not administered and enforced. Regulations have at their core the protection of health, safety and welfare. Persons counting on those protections may be left more vulnerable with the enactment of a local ordinance that is not enforced than they would have been if no local ordinance existed at all.....

.....Enforcement is often based on complaints that bring a compliance issue to the town's attention since most towns do not have the staff or resources to actively engage in regular compliance reviews."

A long-term resident of Eureka Township for many decades, Mr. Gene Dietz, who is now deceased, stood in this room and asked a very astute question- "Why are you worried about whether my daughter's driveway will be 300 feet from an intersection when you have done nothing about the house down my street with 25 pickups in the front yard?" He was complaining about the Heyda residence, which he ironically used to own at one time.

Mr. Deitz served on the Planning Commission decades ago. He was pointing out that it is both unwise and unfair to allow a blatant ordinance violation of a junkyard full of trucks to be used for parts to be parked in a residential neighborhood to facilitate an illegal commercial truck repair shop operating without an approved Conditional Use Permit.

If citizens simply have to say, "that is why we moved out here," then no citizen needs to obey any of our local laws established by any ordinance. Welcome to chaos.

Bill Clancy

25511 Ipava Ave, Lakeville MN 55044