

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
February 13, 2024 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:02 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, Kathy Parranto, Erik Nelson, Bill Clancy, Brian Ahern, and Dan Ames

Zoom Attendance: Deb Burkhardt, Jen Busch, Ralph Fredlund, Liz Ennegna, Julie Larson, Carol Cooper

Approval of the Agenda

Vice Chair Sauber made the following deletions:

- o New Business:

~~G- Disclosure of zoning Violation Facts~~

Supervisor Pope made the following additions:

- o New Business:

G- Budget and Attorney Costs

Clerk Atwater made the following additions:

- o New Business:

H- 2nd February meeting

Motion: Chair Barfknecht moved to approve the agenda as amended. Vice Chair 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 a comment. Hearing none, the floor was closed.

Citizen Inquiry

Lot Split: 22702 Hamburg Ave, Lakeville, MN

Kathy Parranto explained that they are trying to sell their property which includes an apple orchard and residence. She wanted to know if they get a buyer that wants the apple orchard and not the residence, how would they do that with the required setbacks. The access to their property was issued through Dakota County Highway Department, and is a commercial access, not a residential

access. Ms. Parranto further asked if the house was separated from the orchard, is there a way to have another access to the house on Hamburg. Vice Chair Sauber explained that adding a driveway would be a matter of how the lot would be split and the driveway has the adequate distance and drainage per the ordinance. Vice Chair Sauber also explained that for the lot split, they would need to fill out the Lot Split Application, along with a survey. The information would come before the Planning Commission and the Town Board. Ms. Parranto was advised to work with the Clerks on the paperwork and process requirements.

Reports

ALAAC

Planning Commission Palmquist will be appointed as a member. Supervisor Pope will serve as primary alternate and Chair Barfknecht as secondary alternate.

Town Hall Furnaces

Clerk Atwater reported that the three Town Hall furnaces were installed.

Planning Commission

Planning Commission Chair Bill Clancy shared items that were discussed at the February Planning Commission meeting. The full report is on pages 7-9 of the minutes.

The Board had further discussion on Chapter 235 of the Ordinance and the authority was given Vermillion Watershed. The following research will be conducted by the Town Board and reported at the next Town Board meeting on the Vermillion Water JPO, water plan and/or ordinance. Vice Chair Sauber will review second half 2016 minutes, Supervisor Wood will review January-June 2015 minutes, Supervisor Pope will review July- December 2015 minutes, and Chair Barfknecht will review first half of 2016 minutes.

Permits

5525 235th Street W., PIN 13-01100-09-010- Anthony Trevis

Motion: Chair Barfknecht moved to approve the removal and replacement of the deck at property 5525 235th Street W., PIN 13-01100-09-010. Vice Chair Sauber seconded the motion. *Motion carried 5-0.*

Minutes

Motion: Vice Chair Sauber moved to approve as a consent agenda the minutes from January 9, 2024, Special Town Board meeting and Town Board meeting, January 23, 2024, Special Town Board meeting and Town Board meeting, and January 26, 2024, Emergency Town Board meeting. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

Treasurer's Report

Clerk/Treasurer Atwater read the Treasurer's Report as of January 31, 2024: Total of all accounts is: \$1,090,864.82.

Motion: Vice Chair Sauber moved to approve the Treasurer's Report from January 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 \$3,223.54 for payment.

Claims in the amount of \$27,463.37 were presented for payment. See page 6 for a list of claims.

Motion: Chair Barfknecht moved to approve the net pay and claims as presented.

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 Disbursements

Clerk/Treasurer Atwater presented the January receipts in the amount of \$168,114.68 and January disbursements in the amount of \$234,001.93.

Other Treasurer Reports

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

Task List

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

- Ploog- MPCA
- Identify Illegal Signs and Remove them- Road Superintendent Henry
 - Signs removed need to be documented.
- Quote for trimming branches that are hanging in the right of way- Road Superintendent Henry
- Rural Solid Waste Abatement Grant Program- Clerk Atwater
- Jake Braking Sign Quote- Road Superintendent Henry

Unfinished Business

245th Closed Road

Nothing was discussed.

9235 Upper 240th Street W- Oien Property Inspection

Chair Barfknecht and Supervisor Novacek inspected the property and submitted a formal report that documents the cleanup and improvement of the property. No further action will be taken at this time.

250th Speed Study

Clerk Atwater explained that the County is requiring a resolution from the Town Board and a reason for the speed study request aside from speeding. The Town Board requested input from Planning Commissioner Eilers. Clerk Atwater will send an email to Commissioner Eilers.

Scotts Miracle-Gro Trees

Vice Chair Sauber requested this remain on the agenda until spring when the dead trees can be identified. Clerk Atwater stated she spoke with Allen Wagner at Scott's and brought the concerns to his attention.

10135 235th Street W.

A letter of concern was received at the Town Hall regarding 10135 235th Street W. and work being done at the property. The Town Board directed the Clerk to have Inspectron visit the property and report back to the Town Board.

Cannabis Update

Vice Chair Sauber spoke with Attorney Troy Gilchrist and asked he submit a memorandum to the Board with an update on the Cannabis regulations. Vice Chair Sauber shared that the Moratorium will expire January 1, 2025. The Minnesota Office of Cannabis Management is still under development. The Township will have options for management of regulatory issues and registration. The Town Board should start to consider policy questions, limiting numbers of cannabis business and zoning regulations.

Jake Braking

Clerk Atwater explained that this new ordinance requires a request to and approval from Dakota County to add the Ordinance for the Sheriff’s department to enforce. The Town Board needs to recommend a payable fine amount. The Sheriff’s department recommends the installation of signs prohibiting engine/jake braking.

Motion: Vice Chair Sauber moved that we recommend a fine of up to \$300.00. Supervisor Wood seconded the motion. Lu Barfknecht – Aye; Randy Wood – Aye, Nancy Sauber – Aye; Allen Novacek – Nay; Tim Pope – Nay. *Motion carried 3-2.*

Road Superintendent Henry provided a list of entrance signs for the Township.

Motion: Vice Chair Sauber moved that we ask Mark Henry to get quotes for the number of signs and to also report to us about how it legally has to be presented on the signs, so it is enforceable. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

New Business

Resolution 2024-03 Appointing Election Judges for the Township Election

Motion: Vice Chair Sauber moved to approve Resolution 2024-03 Resolution Appointing Election Judges as presented. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

Invitation for Gravel Quotes 2024

Project #1	Spot Gravel	900 ton
Project #2	257 th (Highview Ave to Cedar Ave)	720 ton
Project #3	Flagstaff (225 th St to N Township line)	600 ton
Project #4	225 th (Dodd Blvd to Cedar Ave)	1,000 ton
Project #5	245 th (Essex Ave to Denmark Ave)	1,000 ton
Project #6	Essex Avenue (235 th Street W to 245 th St W)	1,200 ton
Project #7	247 th (Cedar Ave to Essex Ave)	1,000 ton
Project #8	Iberia Avenue (267 th St W to 280 th St W)	750 ton

Motion: Chair Barfknecht moved to approve the Invitation to Quote for the gravel quote. Supervisor Pope seconded the motion. *Motion carried 5-0.*

Requested meeting with the City of Farmington

The Town Board agreed the meeting should be after the March elections and new Town Board should meet with the City of Farmington.

2024 Septic Letter

Town Board reviewed the 2024 septic letter and agreed the Clerks can send it out to residents who are not in compliance.

Township Officers Meeting

Dakota County Township Officers Association spring annual meeting will be Saturday March 23, 2024.

Updated Response to Dan Heyda Complainant

Vice Chair Sauber requested the Clerk send a letter to the complainant as to what action the Town Board has taken.

Budget and Attorney costs

Supervisor Pope expressed his concern that the Attorney fees went over budget for 2023. Supervisor Pope also stated for the record "I believe we did not, I have heard it twice from different Board and former Board members, it is very advisable to listen to our Attorney." He went on to say, "so it's not all the time, it's only when we decide that we don't want to listen to our attorney." This was in regard to comments made by another Board member.

Second February Meeting

The Regular Town Board Meeting is scheduled for Tuesday, February 27. Per State Statutes, meetings cannot be held on the night of the Caucuses after 6pm. A Special Town Board meeting will be on Wednesday, February 28, 2024, at 6pm.

Adjournment


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

The meeting adjourned at 8:48 pm.

Respectfully submitted,


Liz Atwater, Town Clerk

Minutes Officially Approved By: _____



Town Chair

on: 3/13/24
Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
02/13/2024	Payroll ending 1/31/2024	11231	Payroll ending 1/31/2024	\$ 2,014.22
02/13/2024	Payroll ending 1/31/2024	11232	Payroll ending 1/31/2024	\$ 331.59
02/13/2024	Payroll ending 1/31/2024	11233	Payroll ending 1/31/2024	\$ 877.73
02/13/2024	Internal Revenue Service	11234	Tax January Payroll	\$ 2,413.76
02/13/2024	PERA	11235	January Payroll	\$ 1,133.24
02/13/2024	ALF Ambulance	11236	Annual Ambulance Contract	\$ 500.00
02/13/2024	Dakota Electric Association	11237	12/15/2023-1/14/2024 Shed	\$ 17.47
02/13/2024	Dakota Electric Association	11238	12/15/2023-1/14/2024 Town Hall	\$ 234.83
02/13/2024	DSI/LSI	11239	February 2024 Garbage	\$ 163.05
02/13/2024	ECM Publisher	11240	Ordinance 2024-01 Jake Brake	\$ 91.00
02/13/2024	General Code	11241	Supplement Project	\$ 413.00
02/13/2024	Inspectron, INC	11242	January 2024 Inspections	\$ 1,253.40
02/13/2024	Kennedy & Graven	11243	December Enforcement	\$ 55.00
02/13/2024	Elizabeth Atwater	11244	January Mileage	\$ 69.68
02/13/2024	Mark Henry	11245	January Mileage	\$ 139.36
02/13/2024	Metro Alarm and Lock	11246	Quarterly Billing	\$ 90.00
02/13/2024	Metro Air Heating & Cooling	11247	Replace 3 furnaces in Town Hall	\$ 19,896.97
02/13/2024	Point North Network	11248	February 2024 Billing	\$ 548.00
02/13/2024	Tim Pope	11249	CO Alarms for Town Hall	\$ 48.63
02/13/2024	Visa	11250	Adobe, Amazon, Onlinefiletaxes	\$ 395.98
				<u>\$ 30,686.91</u>

wtclancyjr@gmail.com

From: wtclancyjr@gmail.com
Sent: Tuesday, February 13, 2024 1:18 PM
To: wtclancyjr@gmail.com
Subject: Planning Commission Mtg Feb 6 2024 - Overview for Liaison Report to TB on Feb 17

Four Commissioners participated: Burkhardt, Clancy, Eilers, Storlie.
Palmquist zoomed in to listen as citizen as unable to be present and zoom in option not posted in time.

We approved:

- 1-The PC Presentation for the Annual Meeting and forwarded to Town Board as requested. Presenters will be Eilers and Palmquist.
- 2- The minutes of the Jan 2 PC meeting.
- 3- A building permit request for Anthony Trevis for rebuilding his deck, no concerns, 4-0 vote.

We discussed for many hours a Permit Request by Kasprzyk Enterprises to construct three large 80 feet by 350 feet buildings totaling 84,000 square feet to be used in their commercial agricultural production, which at this time is limited to Hemp but may change to Marijuana pending legislation changes. This is a large scale commercial Agricultural operation far beyond our simple normal historical agricultural permit to put up a pole barn for farm equipment.

Applicant re-iterated they produce hemp which is sold to another firm who manufacturers into various products, and stated they are no longer bringing products back into site for storage and distribution as that violated ordinance against commercial operation.

Applicant clarified they are only a Grower, no longer a Processor per prior year licenses submitted, via the license for 2024 submitted next day.

Through further review and discussion in meeting of the many documents submitted, we determined that the application was not complete and tabled it, rather than denying it, as an act of good faith by the Township. Applicant agreed to the continuation and to provide missing documentation. In joint agreement we scheduled a Special Planning Commission Meeting on February 20th at 7pm, at applicant request and cost, to review application again as soon as possible. In the interim applicant will strive to submit all data asap.

The missing information was extensive and documented in the attached correspondence of Feb 9 attached.

During the meeting I inquired of the Vermillion River Engineer if he could confirm he had, or will, confirm that the application was in compliance with all aspects of the Chapter 235 in our ordinance book.

I asked this question as there seemed to be several requirements of Chapter 235 not included in the application including but not limited to the following:

- a- 235-5 #5- Whereas there was no location of well on drawing C-101 or any drawing, if it was compliant with minimum 100 ft from new Basin?
- b- 235-5 Item D,, requiring a map 300 ft beyond property line to assure no draining issue onto adjoining property. This seems very germane to the review given Citizen input in the first meeting about both water flowing and trespass on adjacent property by someone digging a trench to direct water onto the adjacent property.

We await clarification of the standards used for approval letter from Vermillion River Watershed Joint Powers, seeking clarification of Chapter 235 in our ordinance book versus their standards.

Bill

wtclancyjr@gmail.com

From: Josh Kasprzyk <kasprzykenterprises@gmail.com>
Sent: Thursday, February 8, 2024 4:16 PM
To: Eureka Township Deputy Clerk
Cc: Bill Clancy; Deb Burkhardt; Steve Johnston
Subject: Re: Items needed for the February 20th meeting.
Attachments: site plan directions.pdf; Untitled attachment 00289.htm; GIS Documents for site map guidance.pdf; Untitled attachment 00292.htm

Thank you. I will get the checks sent out asap. I am copying Steve my engineer here to provide the missing information.

Thanks,

Josh Kasprzyk
Managing Member
Kasprzyk Enterprises LLC.
612-532-7889
Sent from my iPhone

On Feb 8, 2024, at 3:22 PM, Eureka Township Deputy Clerk <deputyclerk@eurekatownship-mn.us> wrote:

Hello,

As discussed at the Planning Commission meeting held on Tuesday, February 6th, both parties agreed to hold a special meeting at 7:00pm on Tuesday, February 20th.

The cost of this meeting stated in the current ordinance is as follows:

§ 126-2 Fees and escrow amounts established.

Special meeting of the Planning Commission: \$600 plus \$500 escrow for legal notices, planning, engineering, legal services, supplies, copies, Clerk's and/or Deputy Clerk's time for administrative duties regarding the special meeting and drafting of minutes.

Please send two separate checks for the amounts above to: Eureka Township
25043 Cedar Ave.
Farmington, MN 55024

Missing Items:

1. A more complete site map

All items should be on the same map. I have attached the directions and a sample site map that was originally sent to you on 1/30/24, along with GIS documents of your property for guidance. The engineering site map currently does not show the complete parcel and had missing items.

Below are Items that were not discovered on the submitted site map and **must** be included on the new legible site plan:

1. Lot Lines (dimensions and shape of the lot)

2. The location and size (including dimensions) of the structure to be erected or remodeled.
3. The location of existing driveway and roads, including width and distance to the nearest property line, on which the structure does now or is to front.
4. Setbacks: distance from the structure to the rear and side property lines, as well as to the center of the road on which the building fronts.
5. The location of and distance to all well, drainage and sewer systems
6. The location of and distance to all other structures on the lot (including houses, sheds, decks, signs, and agricultural buildings).
7. Location and distance to dwellings and agricultural buildings on adjoining lots

2. The final Braun Intertec Basin Letter Report (currently we have the DRAFT)

I also wanted to add correspondence regarding the missing items on the site map and note the engineer stated you were going to provide the location of the wells. I am not sure if you are aware that he was assuming you would be adding this.

From: Steve Johnston <sjohnston@stianlab.com>
Sent: Wednesday, January 31, 2024 10:22 AM
To: Eureka Township Deputy Clerk <deputyclerk@eurekatownship-mn.us>; Josh Kasprzyk <kasprzykenterprises@gmail.com>
Subject: RE: Site map

Amy,

See attached updated site plan with additional dimensions. The survey did not locate the existing well. Josh will need to tell you where that is and if a new well is needed.

STEVE JOHNSTON, PE
VP / PRINCIPAL ENGINEER
c 612.382.4804 | d 612.260.7982

Thank you,

Amy Liberty
Deputy Clerk
Eureka Township
(952) 469-3736
deputyclerk@eurekatownship-mn.us