

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

**TOWN BOARD MEETING**  
**December 10, 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 Pete Storlie and the Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Mark Ceminsky, Allen Novacek, Tim Pope, and Pete Storlie.

Others Present: Liz Atwater, Melanie Storlie, Rocky and Joanne Ranch, David and Gina King, Tarell Friedley, Troy Gilchrist

Zoom Attendance: Julie Larson, Jim Sauber, Myrna, Jeff Otto, Ashley, \*9520.

**Approval of the Agenda**

Clerk/Treasurer Atwater requested the following be added to the agenda:

XI. New Business

G. Lewis, Kisch & Associates- Audit

*Motion:* Chair Pete Storlie moved to approve the agenda as amended. Supervisor Pope 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 Storlie opened the floor for public comment and reminded that if anyone has comment regarding any agenda items, now is your time to speak.

Chair Storlie closed the floor for public comment.

**Reports**

Planning Commission- Donovan Palmquist

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

**Applewood Orchard**

David and Gina King 7820 200<sup>th</sup> Street W.

Mr. King explained that they have withdrawn their application for an IUP. They will be submitting a new IUP application. Chair Pete Storlie stated they will need to have an IUP before their next season to be in compliance with the Township's Ordinances.

## **Permit**

King, David (Applewood Orchard) 22702 Hamburg Ave., PIN 13-00400-75-020 \*AG Exempt

*Motion:* Supervisor Novacek moved to approve the Applewood Orchard AG exempt permit located at 22702 Hamburg Ave., PIN 13-00400-75-020. Supervisor Pope seconded the motion. *Motion carried 5-0.*

## **Roads**

### Road Report

Vice Chair Ceminsky reported that roads have been in rough shape due to all the rain. A lot of garbage has been dumped on the roads. After grading, it has been reported people are driving and destroying areas of road. Residents who witness dumping or motor vehicles damaging roads should call the Sheriff department. If a resident notices an issue, but does not see it happen, they can report it to the Town Hall. Out of the Township's 34.8 miles of gravel road, 13.9 miles had overlay gravel applied.

## **Consent Agenda**

*Motion:* Vice Chair Ceminsky moved to approve items A, B, and C on the consent agenda for Township meeting minutes. Chair Pete Storlie seconded the motion. *Motion carried 5-0.*

*Items were as follows:*

- a. 10.8.2024 Town Board Minutes
- b. 11.12.2024 Special Town Board Minutes
- c. 11.12.2024 Town Board Minutes

## **Treasurer's Report**

Clerk/Treasurer Atwater read the Treasurer's Report as of November 30, 2024: Total of all accounts was: \$1,244,492.07.

*Motion:* Vice Chair Ceminsky moved to accept the Treasurer's Report as presented. Supervisor Barfknecht seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*

### Net Pay and claims

The Clerk presented payroll in the amount of \$3,479.21 and claims in the amount of \$52,032.90 for payment. See page 7 for a list of claims.

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

### Receipts and Disbursements

Clerk/Treasurer Atwater presented the November receipts in the amount of \$385,437.10 disbursements in the amount of \$120,269.68.

### Other Treasurer Reports

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

### CD Recommendations

Clerk/Treasurer Atwater reported the Township has 4 CDs that are maturing soon.

- General Fund 9-month CD at Genisys- \$30,000
- General Fund 7-month CD at Genisys- \$30,000  
*Motion:* Vice Chair Ceminsky moved to combine the two CDs into one CD at Genisys for 7-months at 4.65%. Supervisor Novacek seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*
- Road and Bridge 9-month CD at Genisys - \$35,000  
*Motion:* Vice Chair Ceminsky moved to the Road and Bridge CD in a 7-month CD at Genisys at 4.65%. Supervisor Novacek seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*
- Town Hall CIP 9-month CD at Genisys- \$35,000  
*Motion:* Supervisor Novacek moved to reinvest the \$35,000 Town Hall CD at 7-month CD at Genisys at 4.65%. Supervisor Pope seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*

### Additional Claim

The Clerk/Treasurer presented an additional claim in the amount of \$500.00 for payment. See page 7 for a list of claims.

*Motion:* Supervisor Novacek moved to approve that \$500 claim for tree clean up on 10.6.2024. Chair Pete Storlie seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Lu Barfknecht - Aye. *Motion carried 4-0. Supervisor Ceminsky abstained.*

### **Unfinished Business**

#### JPA with Dakota County Sheriff

Attorney Gilchrist discussed with the Town Board the potential risks and benefits of a joint powers agreement (JPA) with the Dakota County Sheriff's department for enforcing the Town Ordinances. Attorney Gilchrist expressed concerns about the indemnification clause, which could leave the town liable for any damages or lawsuits resulting from the Sheriff's department's actions. The Town Board discussed exploring alternative solutions, such as hiring a law firm or prosecutor to handle ordinance enforcement. The Town Board directed the Township Attorney to do additional research on alternative solutions.

*Motion:* Vice Chair Ceminsky moved to not sign the JPA with the Dakota County Sheriff. Supervisor Pope seconded the motion. *Motion carried 5-0.*

#### Lakeville Fire Contract

*Motion:* Chair Pete Storlie moved to approve the Lakeville fire contract. Supervisor Pope seconded the motion. *Motion carried 5-0.*

### MPM/Chard Mining IUP Expiration

Chair Pete Storlie reported that he and Vice Chair Ceminsky met with MPM and Mr. Chard.

### Planning Commission Items: Draft Ordinance of home extended business and Draft Survey

The Town Board agreed that since the planner has now been hired to work with the Planning Commission, there is no action for the Town Board to take.

### 2025 Budget recommendations to review

This was discussed at the 12.10.2024 special meeting.

### Sealed Bids for Gravel 2025

*Motion:* Vice Chair Ceminsky moved to accept the Anderson Rock and Lime quote out of the Solberg quarry at \$6.00 a ton for materials and \$6.70 a ton for trucking. Supervisor Novacek seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Lu Barfknecht - Aye. *Motion carried 5-0.*

The Town Board discussed that they will need to revisit which roads will be done and adjust the tonnage to stay within the budget.

### Quotes for Street Sweeping 2025

*Motion:* Vice Chair Ceminsky moved to not accept a street sweeping quote at this time. Supervisor Barfknecht seconded the motion. *Motion carried 5-0.*

### Quotes for Dustproofing 2025

*Motion:* Chair Pete Storlie moved to accept the Envirotech Durablend at \$1.59 a gallon. Vice Chair Ceminsky seconded the motion. *Motion carried 5-0.*

### Tree Trimming in Right of Ways

*Motion:* Chair Pete Storlie moved to approve Otte's tree trimming in the various areas as needed along Eureka Township right of way road ditches. With the intent this is not to exceed \$20,000 a year. Vice Chair Ceminsky seconded the motion. *Motion carried 4-1 with Supervisor Pope voting Nay.*

### Orderly Annexation Agreements

Attorney Gilchrist suggested the Town Board have a work session in January.

### Dakota County Tax Forfeiture Parcel

*Motion:* Chair Pete to authorize Supervisor Ceminsky to go to the auction for the tax forfeiture parcel 13-00800-76-010 and give him a check since that is what they require for payment. Supervisor Barfknecht seconded the motion. *Motion carried 3-1 with Supervisor Novacek voting Nay and Vice Chair Ceminsky abstaining.*

### Open House

An Open House will be on December 17, 2024, from 5:30-7:30 pm. Topic: Challenges facing the Township's Future. This is not a meeting format, but to engage in conversation for citizens to provide their views on challenges and solutions for the Township.

## **New Business**

### Resolution 2024-27 Staff Compensation and Reimbursement Policy 2025

*Motion:* Vice Chair Mark Ceminsky moved to accept Resolution 2024-27 Staff Compensation and Reimbursement Policy for 2025. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

### Ordinance 2024-05 Amending Chapter 240 Cannabis Businesses

Attorney Gilchrist discussed the differences between the proposed ordinance and the state model, noting that the proposed ordinance was more specific and stricter. He clarified that the state has taken control of zoning and that towns can only adopt reasonable restrictions. Concerns were addressed about the potential for cannabis businesses to be located anywhere, stating that they could be forced to move to a specific zoned area if a commercial district is established in the future. Attorney Gilchrist emphasized the importance of adopting the ordinance to avoid potential legal issues and to have a framework in place for future adjustments.

Chair Storlie asked for the record “What happens if we do nothing? We don’t pass it; we say we’re not going to allow cannabis. What happens? What’s the outcome?” Attorney Gilchrist replied “This is my concern for Towns that have zoning that aren’t really paying attention to this issue. We know that zoning says if isn’t expressly allowed, it is prohibited. If you don’t amend your ordinance to expressly allow it, then technically you are in violation of State Law.”

*Motion:* Vice Chair Mark Ceminsky moved to adopt Ordinance Amending Chapter 240 of the Eureka Town code regarding cannabis businesses Ordinance 2024-05. Supervisor Barfknecht seconded the motion. *Motion carried 5-0.*

### Resolution 2024-28 Summary Resolution for Publication for Ordinance 2024-05

*Motion:* Vice Chair Mark Ceminsky moved to approve Resolution 2024-28 Summary Resolution for Publication for Ordinance 2024-05. Supervisor Barfknecht seconded the motion. *Motion carried 5-0.*

### Mailings

*Motion:* Vice Chair Mark Ceminsky moved to have a letter sent out to residents to let them know the Township is no longer sending letters and to sign up for the email notification list. Supervisor Barfknecht seconded the motion. *Motion carried 4-1 with Supervisor Pope voting Nay.*

Clerks to draft a letter for the Board to review at the January meeting. Clerks will not send out letters to those already on the email list.

### Policy on Citizen Input and Conduct at Township Meetings

*Motion:* Vice Chair Mark Ceminsky moved to adopt the Policy on Citizen Inquiry, Public Comment and Conduct at Township Meetings. Chair Pete Storlie seconded the motion. *Motion carried 5-0.*

### 2025 Annual Meeting and 2026 Levy Planning

Special Town Board Meeting on January 14, 2024, at 6pm.

### Lewis, Kisch & Associates - Audit

*Motion:* Vice Chair Mark Ceminsky moved to accept Lewis, Kisch & Associates, LTD, to do the Annual Audit. Supervisor Novacek seconded the motion. *Motion carried 4-1 with Supervisor Pope voting Nay.*

**Adjournment**

*Motion:* Chair Storlie moved to adjourn the meeting. Vice Chair Ceminsky seconded the motion.  
*Motion carried 5-0.*

The meeting was adjourned at 9:09pm.

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:  on: 1-14-25  
Town Chair Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
12/10/2024	Payroll ending 11/30/2024	11567	Payroll ending 11/30/2024	\$ 2,014.22
12/10/2024	Payroll ending 11/30/2024	11568	Payroll ending 11/30/2024	\$ 725.00
12/10/2024	Payroll ending 11/30/2024	11569	Payroll ending 11/30/2024	\$ 739.99
12/10/2024	Elizabeth Atwater	11570	Mileage	\$ 34.17
12/10/2024	Mark Ceminsky	11571	Mileage	\$ 229.14
12/10/2024	City of Farmington	11572	4 <sup>th</sup> Quarter Fire Contract	\$ 13,281.55
12/10/2024	ECM Publishing	11573	Sealed Gravel Bids	\$ 499.20
12/10/2024	Grossman Companies	11574	Grading	\$ 3,538.50
12/10/2024	Grossman	11575	Grading	\$ 480.00
12/10/2024	Grossman	11576	Grading	\$ 23,512.50
12/10/2024	JTN	11577	Internet	\$ 199.00
12/10/2024	Kennedy & Graven	11578	Enforcement	\$ 3,886.04
12/10/2024	Metro Sales	11579	Copier	\$ 121.67
12/10/2024	Pressnall Plumbing	11580	Install Water Line Town Hall	\$ 755.00
12/10/2024	T&C Cleaning	11581	Cleaning	\$ 150.00
12/10/2024	Town Law Center	11582	Attorney	\$ 1,265.00
12/10/2024	Mark Ceminsky	11583	Tree Removal	\$ 500.00
12/10/2024	IRS	20241210 EFT1	November Payroll	\$ 2,065.77
12/10/2024	PERA	20241210 EFT2	November Payroll	\$ 1,113.02
12/10/2024	Dakota Electric	20241210 EFT3	Electric	\$ 169.07
12/10/2024	DSI	20241210 EFT4	Garbage	\$ 163.05
12/10/2024	Point North	20241210 EFT5	Monthly IT	\$ 527.00
12/10/2024	Visa	20241210 EFT6	Adobe	\$ 43.22