

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

TOWN BOARD MEETING OF MAY 24, 2021

Due to the Peacetime Emergency and social distancing guidelines, the Town Board Chair has determined it is neither practical nor prudent to conduct an in-person meeting. Accordingly, under Minnesota Statute section 13D.021, the following meeting shall be conducted entirely through teleconferencing or other electronic means.

Call to Order

The Eureka Township Town Board meeting was called to order, via Zoom Meetings, at 7:02 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Lu Barfknecht, Nancy Sauber, Ralph Fredlund (arrived at 7:10).

Supervisors Absent: Tim Murphy

Others Present: Ranees Solis, Chad Lemmons, Julie Larson, Randy Wood, Mark Henry, Debbie Burkhardt, Bill Clancy, Jody Arman-Jones, Dan Adelman, Brian Ahern.

Approval of the Agenda

The following changes were made to the agenda:

1. Swap items A. & B. under Old Business.
2. Add item B. Other Updates under Other Business
3. Add item E. Updates on Road Project State funding under Old Business.

Motion: Chair Palmquist moved to approve the agenda as amended, seconded by Supervisor Barfknecht. Roll Call vote: Donovan Palmquist – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 3-0.*

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 Palmquist opened the floor for public comment. Chair Palmquist asked three times if there were any attendees who would like to make comment, and hearing none, closed the floor.

Vice Chair Fredlund joined the meeting.

Road Report

Mark Henry provided the following update:

- With the forecast for rain, Otte Excavating has been instructed to grade all Township roads.

- Gravel will be done as soon as possible.
- Double arrow signs have been added to the list.

Vice Chair Fredlund added that the grading of Highview and 225th had left the roads extremely muddy.

Land Use Requests

Dan Adelman – Housing Right Transfer

Supervisor Sauber noted that the Planning Commission had discussed the Adelman's questions regarding a housing right transfer as a citizen inquiry, but had not reviewed the application in an official capacity. Due to the time sensitivity issue of annexation, the Town Board is reviewing the application without Planning Commission review.

Motion: Supervisor Sauber moved to approve the housing right transfer for Dan & Char Adelman from PID 13-00300-01-013, the SW ¼ of the NE ¼ of section 3, to PID 13-00900-25-013 as submitted, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Old Business

Housing transfer input

Supervisor Sauber provided input on the proposed changes to transfer of building rights (comments attached). The Board was in agreement with the comments presented.

Transfer of Housing Rights Forms – Jeff Otto

Motion: Supervisor Sauber moved to approve the Housing Right Transfer Agreement as submitted, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Motion: Supervisor Sauber moved to approve the Housing Right Transfer Application as presented, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

In addition, the Board agreed to the following for the summaries:

- The word “initiate” should be changed to “execute”.
- Change the time frame for documents to be executed within 30 days and recorded within 45 days.
- If the Clerk is submitting documents to the County Recorder, the applicant should write a check payable to the County for the recording fee.

Supervisor Sauber will provide Jeff Otto with the requested changes to the summaries for review at the June meeting.

Annual CUP review – Spirit Ranch II – Terri Petter

After review of the full CUP file for Spirit Ranch I and II, the attorney and Board agree that the CUP for Spirit Ranch II only allows for the boarding, breeding and sale of cattle. The

receipts ledgers show that payments for a dog kennel license were only received for Spirit Ranch I. The Board directed the attorney to draft a letter to Ms. Petter explaining the reasoning behind the Board's findings.

Newsletter on housing density

The Board noted several changes to be made to the draft newsletter and directed the Clerk to forward those changes to the editor for finalizing.

Updates on Road Project State funding

Chair Palmquist offered to reach out to Todd Howard to see if a decision has been made regarding the Township's grant application.

New Business

Personnel files

Supervisor Sauber requested clarification of the information that would be stored in personnel files. Clerk Solis explained that the files will be used to store standard HR and payroll documents.

Finals from Inspectron/billing

Vice Chair Fredlund was assigned to reach out to Inspectron to request copies of all final inspections not yet submitted to the Township.

Commercial use on Highview

A recent bill from Inspectron noted a "commercial addition" at 25500 Highview Avenue, which appears to be an excavating business. As Interim Deputy Clerk, Julie Larson attests that when the application for an accessory building was received, she specifically asked whether the building would be used for personal storage and was told that it would. The fact that Inspectron has deemed this to be a commercial use creates an issue. The Board believes that the applicant may not be aware that the storage of business equipment is not an allowed use and directed the Clerk to send a letter to the resident requesting that they attend the June 14th meeting to address this issue.

Letter to employee complainant

The Board requested that the attorney forward the letter to the Clerk for disbursement to the subjects of the complaint for their record.

Complaint forms review

The Board discussed the disclaimer which states I "declare that, if required, I will provide or present evidence in support of this complaint at any hearings in a court of law".

Commissioner Clancy presented that the Township should protect the complainant's identity entirely. As it stands, we are stating that we will protect the identity of the complainant unless we go to court. If we force residents to cooperate with this, we will not receive complaints, which is the only system in place for enforcing the ordinance. Once the Board receives a complaint, two Supervisors are assigned to investigate. If the Board

determines that a complaint is valid, would not the Board then become the witness at this point?

Attorney Lemmons provided that if the Township takes criminal action, witnesses are needed to testify and prove the facts. He agreed that the Township could request testimony, but not require it.

The Board agreed that the suggested language could state "I understand that I may be asked by the Township to cooperate in this investigation and any future court hearing on this matter where eyewitness testimony is needed".

It was noted that a violator has the right to respond to complaints and correct the violation to be in compliance.

Preparedness Plan

The Board discussed developing a Preparedness Plan for opening Town Hall to the public, and agreed to continue with Zoom meetings through the first July meeting. At the July 12th meeting, the Board will readdress this topic.

Recodification question regarding the VRWJPO language

The Board agreed that the VRWJO language must be part of the ordinance.

Net Pay and Claims

Clerk/Treasurer Solis reported net pay in the amount of \$2,594.80 and claims in the amount of \$1,564.60.

The claim for Beaver Creek Companies in the amount of \$675 for April Town Hall mowing was questioned. Chad Lemmons advised that the contract with Beaver Creek runs through the end of May and must be paid.

Motion: Supervisor Fredlund moved to approve the net pay and claims as presented, seconded by Chair Palmquist. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Other Business

Updated non-pump list

The Board discussed whether the ordinance states that septic systems must be inspected every three years or must be pumped every three years. Debbie Burkhardt offered that the letter she received from the County states that it must be pumped every three years. The Board agreed to review the septic ordinance in more detail and continue discussion at the next meeting.

Other updates

1. Status of the lien ordinance

The revised ordinance language will be presented at the next Board meeting.

2. Status of the letter to Lakeville regarding the green zone buffer
Chair Palmquist will draft the letter.

3. Status of the revised retention schedule
The revised schedule will be presented at the next Board meeting.

4. Status of the \$135 bill to Butch Hansen
The Clerk has not drafted the letter, but will do so this week.

Approval of Meeting Minutes

Chair Palmquist suggested that the minutes could be reviewed by Supervisor Sauber for revisions prior to the meeting so that the minutes could be placed on a consent agenda. Supervisor Barfknecht suggested that content of the minutes should reflect what was done at the meeting, not what was said. However, there will be some topics that are important and need to be more detailed. Supervisor Sauber added that we need to provide enough information as rationale for decisions made. Chad Lemmons advised that issues involving zoning must have findings of fact.

March 3, 2021, Emergency Town Board meeting

Motion: Chair Palmquist moved to approve the meeting minutes as presented, seconded by Vice Chair Fredlund. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting, seconded by Vice Chair Fredlund. Roll Call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye. *Motion carried 4-0.*

Meeting adjourned at 9:42 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Town Chair Date