

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
DECEMBER 13, 2021 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:01 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Ralph Fredlund, Lu Barfknecht, Nancy Sauber and Kathleen Kauffman.

Others Present: Chad Lemmons, Chad Berg, Randy Wood, Mark Pflaum, Stacy Shaw, Nathan Shaw, Mike Hart, Sara Hart, Travis Tousignant, Margret McCue-Enser, Jason Lybarger, Carol Cooper.

Zoom Attendance: Ranee Solis, Julie Larson, Jody Arman-Jones, Brian Ahern, Mike Meyer, Deb Burkhardt, Shelley Clubb.

Approval of the Agenda

The following changes were made to the agenda:

1. Table Old Business items A. Shaw accessory building compliance and B. General questions for Inspectron until the December 27th meeting.
2. Add item E. Airlake Airport Advisory Committee meeting update under New Business.
3. Add item F. Reconfirm Town Board stance on working with liaisons for inspections and group emails under New Business.
4. The December 27th closed meeting should be noted on the calendar.
5. March 8th should list both the election and the annual meeting on the calendar.

Motion: Chair Palmquist moved to approve the agenda as amended. Supervisor Sauber seconded. *Motion carried 5-0.*

Road Report

Mark Henry

Chair Palmquist reported that snow removal was performed Saturday, and the roads looked good. Vice Chair Fredlund requested that Mark Henry be informed of a message received that Fairgreen had not been done as of Sunday. Supervisor Sauber requested an update on when the reported equipment in the ditch on 225th will be removed as it is hazardous to have it remain there. Chair Palmquist advised that Mark Henry and TJ Grossman are planning to have it removed.

Eureka Estates drainage project

Chair Palmquist reported that TJ Grossman has the Eureka Estates drainage project scheduled to begin as soon as the ground will allow in the spring.

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.

Mark Pflaum, 6100 225th St. W.

1. Trees are bending out over the road on the corner of Hamburg and 225th making it hazardous for residents going through with farm equipment.
2. Trees are bending out over the road on Highview where the Vermillion River crosses.
3. There is a lot of snowmobile traffic in the Township from non-residents. I am requesting that the Board get involved by setting the trail hours of operation, noise and speed enforcement.
4. On December 2nd at 10:20 a.m. I called the Airlake Airport noise number to report an airplane flying over at low altitude and was shamed for calling. I am requesting that the airport liaisons ask why the airport stated they do not want to get involved with planes that are in the air.

Sara Hart, 7345 Granite Path

Sara Hart requested information about the Administrative Hearing model ordinance and letter item on the agenda. Chair Palmquist responded that this is something the Board is looking at as an Ordinance enforcement mechanism. The Township does not have a police force and the Sheriff's Department does not enforce all of the Ordinances.

Ms. Hart asked if the Board would allow public input on this before adopting an Ordinance. The Board explained that this system is still in the research phase. Prior to the Board voting on it, the model Ordinance will appear in the meeting packet at a regular meeting for discussion. There is always an opportunity for citizens to speak during Public Comment at the regular meetings. Once we have solid language we will be sending it to the Attorney General's office for review. The goal of the Administrative Hearing system is to minimize the costs to the Township and the citizens for Ordinance violations by eliminating the need to take the citizens to court to bring about compliance with the Ordinance.

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

Citizen Inquiry - None

Planning Commission Update – Chad Berg

Summary of the December 7, 2021, Planning Commission meeting

- Citizen inquiry from realtor Mike Meyer inquiring about housing rights on the Jim Benson property. Jeff Otto is looking into this for Mr. Meyer.
- Reviewed the Ag-exempt permit application and instructions and revised them to include setbacks and signature lines for the Planning Commission and Town Board.

- Discussion on lean-to roof overhangs as they relate to the Ordinance. The consensus of the Planning Commission was to include the lean-to in the total square footage.
- Discussion on the verification of building location process.
- Update from Jeff Otto on the housing rights text amendment.

Permit Requests - None

Land Use Requests - None

Old Business

Complaint inspection for 6383 245th St. – Building without a permit

Supervisor Sauber reported that the property owner explained that they were creating a paved area leading up to their chicken coop. They are planning to make application next spring for an accessory building and apparently decided to complete all of the concrete work at the same time, not acknowledging that the footings for the building are part of the application which must be approved prior to performing any work. Supervisor Sauber informed them that they performed work without a permit and will be charged a double fee upon application. The Board agreed that a letter should be written to the resident with a copy to be placed in the property file.

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report as on November 30, 2021: New Market Bank checking account: \$809,211.63; Outstanding checks: \$9,133.22; petty cash: \$100; Total assets: \$800,178.41; November disbursements: \$31,298.89; November receipts: \$5,817.40.

Motion: Supervisor Sauber moved to approve the Treasurer's Report as presented. Supervisor Barfknecht seconded. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Budget coding update

The Treasurer requested confirmation that the Town Hall seal coating and air conditioner repairs should come out of the Town Hall CIP fund. Chad Lemmons advised that any goods or services including maintaining, repairing or purchasing are valid items for the CIP fund.

Net Pay and claims

Motion: Vice Chair Fredlund moved to approve the net pay and claims as presented. Supervisor Kauffman seconded. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Receipts and disbursements

Motion: Vice Chair Fredlund moved to approve the receipts and disbursements as presented. Supervisor Kauffman seconded. Roll call vote: Donovan Palmquist – Aye; Ralph Fredlund – Aye; Lu Barfknecht – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Remaining reports

The Cash Control Statement, Schedule 1, Interim Financial Report, Investment Activity and Outstanding Checks were reviewed by the Board.

ARPA information

- The State has moved the first ARPA fund reporting date to April 30, 2022.
- MAT online seminar regarding ARPA spending Resolutions on December 14th.
- Additional funds will be coming from redistribution of funds not applied for by other entities.

4th Quarter time sheets

The Treasurer requested that all mileage and inspections be submitted by December 22nd for 4th quarter payroll.

Attorney Items

Administrative Hearing system model ordinance and letter

Chad Lemmons received the revisions noted by Supervisors Kauffman and Sauber and will have a clean version of the document at the next meeting.

Status of General Code Ordinance draft

Chad Lemmons will call General Code tomorrow.

Status of County Ordinance on septic pumping vs. inspection

Chad Lemmons will contact the County to clarify whether residents are required to pump and/or to have their septic inspected every three years.

Update on outstanding complaints

1. 9390 267th St. W. Chad Lemmons reported that he received a response from the residents' attorney and asked how the Board wished to proceed. The Board requested that Chad Lemmons draft a letter for review at the next meeting notifying the resident that the Ordinance has not changed, and the business must cease. However, the Board is willing to discuss a reasonable period for the resident to find a new location to relocate his business. In addition, notify the resident that he has the right to apply for a CUP for providing ag services.
2. 9235 Upper 240th St. Chad Lemmons requested information to support the complaint. Chair Palmquist offered to forward pictures and correspondence as evidence.
3. 25500 Highview Ave. Attorney Carol Cooper spoke on behalf of the resident, stating that she has responded to all correspondence from the Township attorney. Ms. Cooper stated her disagreement and that the backhoe is for ag or personal use.
4. 24840 Dodd Blvd. Chad Lemmons reported that he has not received a response to his letters.

New Business

Complaint 2021-12, 25135 Cedar Avenue

The Board received a complaint alleging the following: 1) Rooster crowing all day; 2) Chicken coop placed closer than 175 feet of neighboring residence; 3) Other items placed within 4 feet of the property line; 4) Fence put up without a permit.

Jason Lybarger asked to speak to the complaint, stating that the rooster does not crow all day. The chicken coop is about 100 feet from the property line and can easily be moved to comply with the required setbacks. The Board advised that the coop must be securely anchored and that any fence that is less than 3 feet does not require a permit.

Supervisors Barfknecht and Kauffman were assigned to investigate the complaint. Mr. Lybarger was asked to contact the Clerk to request an inspection once the chicken coop has been moved.

Newsletter

Supervisor Sauber suggested adding information about snowmobile regulations. Chad Lemmons offered to review the Statutes and provide a memo to the Board. Supervisor Sauber requested to add a reminder about not pushing snow onto the roads and to add the December 27th closed meeting to the calendar.

2022 Election Filing Notice

The Clerk provided a copy of the 2022 Election Filing Notice to be published in the newspaper on December 17th and December 24th as required.

2022-2024 Lakeville Fire Fighting Service Agreement

Motion: Chair Palmquist moved to approve the 2022-2024 Lakeville Fire Fighting Service Agreement as presented. Supervisor Sauber seconded. *Motion carried 5-0.*

Airlake Airport Advisory Committee meeting update

Supervisor Sauber reported that the advisory committee will meet either twice per year or once per quarter.

Town Board's position on working with liaisons for inspections and group emails

Supervisor Sauber confirmed the following:

1. If there is a liaison, supervisors need to work through them with any questions. For example, all road questions or concerns should be directed to the road liaisons, Ralph Fredlund and Donovan Palmquist.
2. All inspections will be conducted by the two Supervisors assigned by the Board. If a supervisor is not available for an inspection he/she must find a replacement.
3. All information to be distributed to the Supervisors must go through the Clerk. Supervisors must not "reply all" when responding to the Clerk.

Approval of Meeting Minutes

October 25, 2021, Town Board meeting

A minor correction was noted.

Motion: Supervisor Sauber moved to approve the minutes of the October 25, 2021, Town Board meeting as amended. Supervisor Kauffman seconded. *Motion carried 5-0.*

November 8, 2021, Town Board meeting

A minor correction was noted.

Motion: Supervisor Sauber moved to approve the minutes of the November 8, 2021, Town Board meeting as amended. Supervisor Kauffman seconded. *Motion carried 5-0.*

November 15, 2021, Special Town Board/Planning Commission meeting

The Board tabled the joint meeting minutes to all the Planning Commission to review them first.

Clerk Matters - None

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting. Vice Chair Fredlund seconded. *Motion carried 5-0.*

Meeting adjourned at 9:34 p.m.

Respectfully submitted,

Ranee Solis

Ranee Solis, Town Clerk

Minutes Officially Approved By:  on: 2/14/22
Town Chair Date