

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

**TOWN BOARD MEETING**  
**April 12, 2022 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:08 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

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

Others Present: Ranee Solis, Bill Clancy, Randy Wood, Deb Burkhardt, Beth Eilers, Mike Callahan, Nathan Shaw, Stacy Shaw, Ken Malecha, Mark Henry, Dan Enser, Georgie Molitor, Bev Swanson.

Zoom Attendance: Jim Sauber, Julie Larson, Brian Ahern.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Remove A. Friedges/Hyponex from Permit Requests at the applicant's request.
2. Add H. Follow up on filed complaints to Old Business.
3. Add I. Mining engineer to Old Business.
4. Remove A. Schedule Round Table meeting from Clerk Matters.
5. Add A. Minutes on website to Clerk Matters.
6. Add B. Resolution designating polling place to Clerk Matters.
7. Add C. Complete copy of ordinances on website to Clerk Matters.

*Motion:* Chair Barfknecht moved to approve the agenda as amended. Supervisor Fredlund seconded. *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.

Bev Swanson – 25545 Granite Path

Ms. Swanson commented on the potholes that have developed on Cedar, noting that there is not enough material on the road for grading. This is a heavily travelled road and needs to be addressed.

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

### **Citizen Inquiry**

#### Kathleen Kauffman – 25506 Ipava Avenue

Ms. Kauffman noted that she has a solar array and may add to the solar array. Under our Ordinances, solar arrays count toward the total accessory building limit. She requested that the Planning Commission and Board research how to measure the solar array for the purpose of calculating the square footage of accessory structures as there is no clear system in place at this time.

### **Planning Commission Update – Bill Clancy**

#### Summary of the April 5, 2022, Planning Commission meeting

- Approved the pole shed building permit for Dan Enser with a foundation size of 1,448 sq. ft. We noted overhangs on all 4 sides giving a roof size of 1,700 sq. ft. However, size is not an issue as there are no other accessory buildings or structures on the property.
- Approved Dylan & Julie Larson's pad and grain dryer request. There is uncertainty whether a permit is required for this ag project, but the applicants completed an application just in case.
- Approved the lot split for 9-M Corp. creating 5 parcels which comply with the 33 ft. road frontage requirement.
- Approved 2 separate residential housing right transfers for 9-M Corp. in connection with the lot split. Housing rights were verified by Jeff Otto from the data base.
- Approved the lot split for GTJ Company creating 2 parcels, separating the 1920 house from the pole barn and other outbuildings. However, Ordinance 3, Chapter 4, Section B(3) requires that all residences must have a garage with a minimum size of 22x22 sq. ft. They split the lot to allow their children to buy the house and build a new garage. The Planning Commission chose a parallel path to approval: 1) Request legal review to see if the house constructed in 1920 is possibly exempt from the garage requirement in the Ordinance; or 2) The citizens agree to immediately apply for a garage permit.
- Review of MPMs reclamation plan. An initial summary letter received regarding the reclamation was a partial plan for phases 3-5. MPM has submitted a subsequent letter stating they will simply follow the original reclamation plan.
- Proposed text amendment to Ordinance 3. Working with the author, Jeff Otto, the Planning Commission has finalized its revisions and is ready for Town Board review prior to a public hearing. A synopsis of the changes is being drafted.
- Township zoning issue regarding measurements. The Planning Commission discussed how to best measure buildings as part of the application review. Historically we have used outside measurements to determine the square footage for zoning. However, the building inspector uses internal measurements for compliance with building codes. With strong, diverse opinions as to how measurements should be taken in the future, I recommended the Planning Commission investigate the best practices of other townships as a basis for discussion. This item was tabled for further research.
- Reviewed the March 4<sup>th</sup> email titled Planning Commission quality/continuous improvement. We reviewed ideas on increasing the expertise of Planning Commission members including training, possible forms, as well as benchmarking other township

Planning Commissions. Planning Commission members were asked to consider how much more time they can book on an ongoing basis, and we tabled for further discussion.

Supervisor Fredlund commented that he found Commissioner Clancy's proposal for the Planning Commission activity tracker/ resource allocation spreadsheet a great idea. The Board noted it could possibly be implemented at the Town Board level.

### **Permit Requests**

Dan Enser, 7346 Granite Path, 13-02200-50-011 – Accessory building

*Motion:* Chair Barfknecht moved to approve the 30x48 sq. ft. accessory building permit for Dan Enser at 7346 Granite Path with PID 13-02200-50-01. Supervisor Sauber seconded. *Motion carried 5-0.*

Dylan & Julie Larson, 24510 Highview Ave, 13-01600-51-020 – Pad/Grain dryer

The Board agreed that the Ordinances do not require a building permit for the pad and grain dryer. A grain bin is a structure and would require a permit, but the grain dryer is farm equipment.

*Motion:* Supervisor Sauber moved for the Clerk to draft a letter to the Larsons stating that a permit is not needed for the pad and grain dryer. Supervisor Fredlund seconded. *Motion carried 5-0.*

### **Land Use Requests**

GTJ Company, 9025 225<sup>th</sup> St. W., 13-00500-25-010 – Lot split

Georgie Molitor represented the application. The Board discussed the issue that post-split, the residence will no longer have a garage as required by the Ordinance. Chair Barfknecht noted that there is no grandfathering because the nonconforming condition was created by the act of splitting the lot. The Township Attorney has suggested submitting a parallel garage permit and escrow to ensure that a garage will be built. Supervisor Sauber noted the applicants have brought this proposed lot split several times to the Planning Commission and Town Board and neither body noticed the garage issue. Supervisor Kauffman suggested entering into a binding agreement with the owners to build a garage within 2 years, and if not fulfilled, the owner will pay the Township to build the garage.

*Motion:* Chair Barfknecht moved to approve the lot split request from GTJ Company on PID 13-00500-25-010 splitting Parcel B, consisting of 2.0 acres, from Parcel A, consisting of 80.66 acres, with the condition that the owners submit an escrow in the amount of \$1,000 along with a signed, binding legal agreement stating a garage will be built within 2 years or the owners will pay the Township for the build of a minimum-size garage. Supervisor Kauffman seconded. Supervisor Sauber made a friendly amendment that the attorney costs to draft the agreement will be paid by the applicants. Supervisors Barfknecht and Kauffman accepted the amendment. *Motion carried 5-0.*

Supervisor Sauber noted for the record she has no financial interest in this transaction.

### **Road Report – Mark Henry**

Gravel quotes

*Motion:* Supervisor Fredlund moved to approve the gravel quote from Anderson Rock and Lime for projects 1-7, and to approve the quotes from both Anderson Rock and Lime and Castle Rock Materials for project 8, spot gravel. Chair Barfknecht seconded. *Motion carried 5-0.*

Mark Henry noted that 235<sup>th</sup> had been graded by someone other than the road contractor. The Board informed him that Dan Ames had been given permission to truck in 4 loads of gravel to fortify 235<sup>th</sup> near the mine.

Chair Barfknecht provided an update on the Eureka Estates drainage project stating that TJ Grossman hopes to be able to begin the project in late May once the moisture is out of the ground.

Chair Barfknecht informed the Road Superintendent that the Board is considering a closure of 245<sup>th</sup> St. from Dodd to the Scott County border. The Township attorney has drafted the following resolution:

**WHEREAS**, the Town Board is the road authority for town roads in Eureka Township pursuant to Minn. Stat. § 164.02; and

**WHEREAS**, the Town Board works with limited road and bridge funds set by a levy determined by the town electors at the annual town meeting; and

**WHEREAS**, the Town Board finds that 245<sup>th</sup> Street West is infrequently used and does not provide direct access to homes; and

**WHEREAS**, the Town Board determines keeping 245<sup>th</sup> Street West open would impose an unreasonable burden on the Town's maintenance funds given its low level of use and high maintenance cost; and

**WHEREAS**, town boards have the authority under Minn. Stat. §§ 164.152 & 160.16 to close and barricade town roads.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Eureka Township, Dakota County, Minnesota that 245<sup>th</sup> Street West within the boundary of Eureka Township shall be closed effective as of the date that the Township causes barricades and proper signage to be placed on said road and running until such time when Town Board determines that the road is needed to accommodate traffic and orders the barricades and signs removed.

Supervisor Kauffman noted the attorney advised that although the Township is not required to give notice to neighbors, he recommends we give notice to the Dakota County Sheriff and emergency services.

Mark Henry asked if the attorney considered minimum maintenance as opposed to closure. We would not plow the road in the winter and would blade it once per year. Supervisor Kauffman stated her suggestion is the Board pass the resolution, place a barricade at the Scott County line and a No Through Traffic sign at Dodd. Vice Chair Palmquist noted that the cost of a barrier is very minimal compared to the amount of maintenance that would be required with heavier traffic.

Mark Henry offered to check the cost of a barricade with the County and noted that we have several 20-foot-long guard rails in the Town Hall storage shed.

\*Due to heavy wind and rain, the internet connection was lost allowing no further Zoom attendance.

*Motion:* Supervisor Kauffman moved to adopt Resolution 2022-04 temporarily closing 245<sup>th</sup> St. W. Supervisor Sauber seconded.

Mark Henry suggested the Board consider the effect the closure will have on other roads. He also questioned whether the closure would cause the Township to lose its ownership rights. The Board agreed to table the resolution to allow time to pose these questions to the attorney. *Motion withdrawn.*

Supervisor Kauffman was tasked with checking with the attorney on minimum maintenance roads and the impact the road closure would have on our authority over the right-of-way.

Mark Henry notified the Board that he has scheduled tree trimming and/or tree removal by the cemetery and along both sides of the bridge.

### **Land Use** *(continued)*

#### 9-M Corporation - Ken Malecha, xxx 265<sup>th</sup> St. W., 13-02700-75-010 – Lot split

*Motion:* Chair Barfknecht moved to approve the lot split application for 9-M Corporation on PID 13-02700-75-010 splitting Parcel A, consisting of 39.23 acres as follows: Parcel B, consisting of 9.03 acres; Parcel C, consisting of 19.17 acres; Parcel D, consisting of 9.05 acres; leaving Parcel A with 1.98 acres. Supervisor Fredlund seconded. Supervisor Sauber made a friendly amendment that Parcel A, post-split, is not a buildable parcel. *Motion carried 4-0, with Vice Chair Palmquist no longer in attendance.*

#### 9-M Corporation - Ken Malecha, Residential housing right transfer

*Motion:* Chair Barfknecht moved to approve the housing right transfer for 9-M Corporation sending the transferred right from parcel 13-03400-01-011 to the NE quarter of the SE quarter of section 27, noted as receiving parcel D on the survey. Supervisor Sauber seconded. *Motion carried 4-0.*

#### 9-M Corporation - Ken Malecha, Residential housing right transfer

*Motion:* Supervisor Sauber moved to approve the housing right transfer for 9-M Corporation sending the native right from parcel 13-03400-01-011 to the NE quarter of the SE quarter of section 27, noted as receiving parcel C on the survey. Chair Barfknecht seconded. *Motion carried 4-0.*

### **MPM Reclamation Plan status**

Supervisor Sauber recused herself from discussion. Supervisor Kauffman asked Mike Callahan questions regarding the status of the MPM mine reclamation.

- The reclamation plan provides for 5 phases.
- MPM has operated the mine since 2017 and has only mined in Phase 1, which is left open for operational purposes.
- MPM has completed reclamation of Phases 2 and 3.
- The property owner believes there may be additional deposits to mine in Phases 4 and 5 and wants them to remain open. MPM has no interest in mining those deposits.

- MPM may do some partial reclamation in Phases 4 and 5 pending owner approval.

**Planning Commission letters of interest**

The Board received letters of interest from Bill Clancy and Beth Eilers for the two vacant Planning Commission seats.

*Motion:* Supervisor Sauber moved to re-appoint Bill Clancy to the 3-year term on the Planning Commission. Supervisor Kauffman seconded. *Motion carried 4-0.*

Beth Eilers stated she is willing to attend classes and put in the necessary time. Supervisor Kauffman noted that Beth is intelligent, has excellent communication skills, and is very committed to the Township.

*Motion:* Supervisor Fredlund moved to appoint Beth Eilers to the 1-year vacancy on the Planning Commission. Chair Barfknecht seconded. *Motion carried 4-0.*

**Treasurer’s Report**

Clerk/Treasurer Solis read the Treasurer’s Report As on March 31, 2022: New Market Bank checking account: \$22,940.07; Outstanding checks: \$23,728.02; General Fund savings account: \$387,245.52; Road & Bridge Fund savings account:\$614,091.54; Petty cash: \$100; Total assets: \$1,000,649.11; March disbursements: \$40,022.55; March receipts: \$37,655.12.

*Motion:* Supervisor Sauber moved to approve the Treasurer’s Report as presented. Supervisor Fredlund seconded. Roll call vote: Lu Barfknecht – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman – Aye. *Motion carried 4-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$9,596.97 for payment.

The following claims in the amount of \$18,627.67 were presented for payment:

Mark Henry	March road mileage	\$170.82
Debra Burkhardt	Training reimbursement	\$129.00
Kelly & Lemmons	March legal service	\$2,043.50
Inspectron, Inc	March building inspections	\$1,024.35
Lewis, Kisch & Associates	2021 Audit	\$7,650.00
Anderson Rock & Lime	Gravel for 2225 <sup>th</sup> St.	\$3,542.55
De Lage Landen	Copier rental	\$100.97
Dakota Electric	Town Hall	\$136.34
Dakota Electric	Storage Building	\$20.71
Frontier	March phone bill	\$69.09
DSI/LSI	March garbage bill	\$123.39
Tops Inc	March copies	\$49.79
T & C Cleaning	April Town Hall cleaning	\$150.00
Driessen Water	Water softener Jan-Mar	\$171.45
Point North Networks	March IT/Email/Phone	\$333.00
Internal Revenue Service	Tax for March payroll	\$1,571.38

PERA	Retirement for March payroll	\$872.97
MN Dept. of Revenue	Tax for 1 <sup>st</sup> Qtr payroll	\$468.35

Chair Barfknecht questioned some items on the attorney bill, noting that she will clarify these items with Chad Lemmons before we receive the April billing.

*Motion:* Supervisor Fredlund moved to approve the net pay and claims as presented. Supervisor Sauber seconded. Roll call vote: Lu Barfknecht – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 4-0.*

Receipts and Disbursements

The following receipts in the amount of \$37,655.12 were deposited in March:

Chad Harmer	Application fee - Ag-exempt bldg.	\$50.00
Monica Tucker	Application fee – garage/demo	\$50.00
Scotts Company	Application fee – Accessory bldg.	\$25.00
Dakota County	Town road allotment	\$34,510.23
Central Farm Svc	2001 deferred equity	\$5.37
Aire Force Heating	Permit fee – Mechanical	\$50.00
Aire Force Heating	Permit fee – Mechanical	\$100.00
Beaver Creek Co.	Permit fee – Door replacement	\$101.00
Georgie Molitor	Application fee – Lot split	\$25.00
9-M Corp.	Application fee – Lot split	\$25.00
Blue Sy Chimney	Application fee – masonry	\$25.00
Dan Enser	Application fee – Accessory bldg.	\$25.00
Friedges/Hyponex	Application fee – Accessory bldg.	\$25.00
Ken Malecha	Application fee – Housing rights	\$50.00
Monica Tucker	Permit fee – Demo balance	\$76.00
New Market Bank	Qrtly interest General Fund	\$330.19
New Market Bank	Qrtly interest Road & Bridge	\$482.33

The Clerk presented March disbursements in the amount of \$40,022.55.

*Motion:* Supervisor Fredlund moved to approve the receipts and disbursements as presented. Supervisor Sauber seconded. *Motion carried 4-0.*

Remaining reports

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

**Attorney Items**

Closure of 245<sup>th</sup> St. W. at the Scott County border

Tabled to seek attorney review, as discussed during the road report.

Status of Supervisor Kauffman’s appointment

The Memo from the attorney confirmed that Supervisor Kauffman is seated until the end of Tim Murphy’s term, or until he is able to resume his position, whichever occurs first.

### Inspectron contract

*Motion:* Supervisor Kauffman moved to authorized Chair Barfknecht to sign the Inspectron contract for a-1 year term, with the option to extend if both parties agree. Supervisor Sauber seconded. *Motion carried 4-0.*

### Town Hall rental

Supervisor Kauffman reported that the Board is not required to hold caucuses at the Town Hall, as our previous attorney had advised, and recommended that the Board discontinue renting out Town Hall due to our inability to secure the Deputy Clerk's workspace.

*Motion:* Supervisor Fredlund moved to discontinue renting out Town Hall. Supervisor Sauber seconded. *Motion carried 4-0.*

## **Old Business**

### Fence Ordinance

Supervisor Kauffman reported that she is awaiting a response from the attorney as to whether a new public hearing is required. The Board agreed to table the item until next meeting.

### Mining Ordinance

Supervisor Kauffman stated she would like to ask Troy Gilchrist to draft a resolution to place a moratorium on new mining permits and expansions, and to authorize him to review and rewrite the mining Ordinance to make it consistent with best practices and give us more enforcement power.

### Text amendment regarding play structures

The Board agreed to table this item until the next meeting.

### Text amendment Ordinance 2, Chapter 3

The Board agreed to table this item until the next meeting.

### Recodification project

The Board agreed to table this item until the next meeting.

### Town Hall quotes (sound equipment, roof, exterminator, lights)

The Board agreed to table seeking quotes for the roof inspection and exterminator for now, and to continue seeking quotes for the sound system and lights.

### 2<sup>nd</sup> Monthly meeting

Chair Barfknecht reminded the Board that the 2<sup>nd</sup> monthly meeting is meant to take care of carryover from first meeting, pay bills, and handle critical issues.

### Follow up on filed complaints

Supervisor Kauffman reported that the outstanding complaints are still on hold awaiting a meeting with Troy Gilchrist, potentially the 1<sup>st</sup> meeting in May.



Mining engineer

The Board agreed to table this item until the next meeting.

**Approval of Meeting Minutes**

*Motion:* Chair Barfknecht moved to approve the minutes of the January 24, 2022, Town Board meeting, February 14, 2022, Special Board of Audit meeting, February 14, 2022, Town Board meeting, February 28, 2022, Town Board meeting, and March 9, 2022, Special Board of Canvass meeting as submitted. Supervisor Fredlund seconded. *Motion carried 4-0.*

**Clerk Matters**

Minutes on website

The Board agreed to place older minutes on the website where we have electronic copies, then reassess if we want to go back further.

Resolution 2022-05 Designating polling place

*Motion:* Chair Barfknecht moved to approve Resolution 2022-05 designating Town Hall as the official polling place for upcoming elections. Supervisor Fredlund seconded. *Motion carried 4-0.*

Complete copy of Ordinances on website

The Clerk requested and received permission to reach out to Chad Lemmons for electronic copies of all approved Ordinance amendments from 2013 to present for placement on the website.

**Adjournment**

*Motion:* Supervisor Kauffman moved to adjourn the meeting. Chair Barfknecht seconded. *Motion carried 4-0.*

Meeting adjourned at 10:08 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ranee Solis, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Town Chair Date