

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
June 14, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:06 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

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

Others Present: Ranee Solis, Bill Clancy, Randy Wood, Bev Swanson, Jason Lybarger, Chad Forsell, Mark Henry.

Zoom Attendance: Julie Larson, Shawn Barrett, Carol Cooper.

Approval of the Agenda

The following changes were made to the agenda:

1. Add F. Met Council report under New Business
2. Table New Business items C. Role of attorney liaisons and E. Pre-1982 Lot of Record

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

Inquired about when chloride will be applied to the roads.

Jason Lybarger

Spoke to the agenda item regarding financial responsibility for the fallen tree that had to be removed from the road. The tree in question was on his property. He reported the fallen tree to the Sheriff's Department and was willing to assist with the cleanup but was never contacted. The tree was placed back on his property, and he spent 6 hours cleaning up and disposing of the tree. He does not feel any further costs should be assessed to him as the tree was not defective and there was no communication with him.

Shawn Barrett, 24415 Rice Lake Drive, Lakeville

Spoke regarding the closure of 245th St. There has been strong truck activity on 245th, and he is in favor of the closure. As a consequence, Lakeville is refusing to deliver mail and residents have to pick up their mail at the post office. What can we do to rectify the situation?

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

Chad Forsell – Housing right verification for 13-01400-25-018

The Clerk provided that on June 22, 1981, Mr. Danner split his property into four parcels: 13-01400-25-015, 13-01400-25-016, 13-01400-25-017 and 13-01400-25-018. The Clerk confirmed that there have been no changes to those parcels.

Motion: Supervisor Sauber moved to confirm a housing right on 13-01400-25-018 as it has been established and shown that it was split in 1981 and remains the same as it was in 1981 based on the Clerk’s research. Supervisor Fredlund seconded. *Motion carried 5-0.*

Motion: Supervisor Sauber moved that the previous motion is subject to Jeff Otto’s verification that no rights have been transferred from the parcel. Chair Barfknecht seconded. There was no vote on the motion.

Planning Commission Update – Deb Burkhardt

Summary of the June 7, 2022, Public Hearing on Fences

The Planning Commission moved to forward to the Board with three recommendations:

- Clarify the definition of a temporary fence by adding “less than 180 days” to it.
- Change fence height to 3 feet or less.
- Consider an exception of up to a 4-foot fence.

Summary of the June 7, 2022, Planning Commission meeting

- Citizen inquiry regarding a variance for a chicken coop on a 1-acre property.
- Recommended approval of the Adelman variance request.
- Recommended approval of the Oksnevad permits.
- Discussed accessory building measurements.
- Discussed solar panels and agreed that measurements should be from the drip line of the four corners. Also discussed the need to update the solar application form and that the Board should take into consideration glare issues, life span of the panels, buffers and screening.

Supervisor Kauffman asked that the Commissioners also consider why solar panels are viewed as accessory buildings. Solar panels produce energy, they do not house things.

Permit Requests - None

Road Report – Mark Henry

- We are in the process of graveling. We are working under the JPA with the county for dust proofing, and they are understaffed. I put in call today for a quote from Quality Propane. Granite Path will be on the top of the list.
- Graveling is under way. Once we are done with the main graveling, we will work on getting crowns on the roads.
- 245th St. road closure - We completed the project last Thursday, and now one of the barricades has been driven over and destroyed. The Board requested Mark Henry check into pricing to rent jersey barriers. Chair Barfknecht will follow up about the mail delivery.
- We need to clean out the east channel approach of the Vermillion River aqueduct. Mark will check first to see if we need a permit.
- The Eureka Estates drainage project is scheduled to begin this week. They will send an estimate on the culverts as soon as possible.

Fallen tree – Financial responsibility

Supervisor Kathleen requested that Mr. Lybarger submit a picture of the tree, and she will speak with the attorney.

Land Use Requests

Schedule Board of Adjustments and Appeals – Adelman variance request

The Board agreed to schedule the Board of Adjustments and Appeals to be held at the regular meeting on June 28, 2022.

Treasurer’s Report

Clerk/Treasurer Solis read the Treasurer’s Report As on May 31, 2022: New Market Bank checking account: \$25,203.72; Outstanding checks: \$23,373.24; General Fund savings account: \$402,203.90; Road & Bridge Fund savings account:\$592,981.18; Petty cash: \$100; Total assets: \$997,115.56; May disbursements: \$36,801.36; May receipts: \$31,039.07.

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

Net Pay and claims

The Clerk presented payroll in the amount of \$2,811.74 for payment.

The following claims in the amount of \$16,356.06 were presented for payment:

IRS	Tax due May	\$1,229.27
PERA	May Payroll	\$865.77
Couri & Ruppe	May legal bill	\$2,530
Kennedy & Graven	April special counsel	\$672
City of Farmington	2 nd Qtr fire contract	\$9,727.52
Point North	June service	\$333
ECM Publishers	Fence Ordinance	\$329
Frontier	May phone bill	\$72.66
T&C Cleaning	June Town Hall cleaning	\$150

Dakota Electric	Storage building – May	\$18.43
Dakota Electric	Town Hall – May	\$116.28
TOPS	May copies	\$50
Driessen/Culligan	May water softener	\$37.44
Marketing Clarity	Website admin work	\$101.25
Mark Henry	April road mileage	\$123.44

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

Receipts and Disbursements

The following receipts in the amount of \$31,039.07 were deposited in May:

City of Lakeville	Tax reimbursement	\$23,385.35
Jerome Phillipe	Amended application	\$25
Susan Khoury	Permit application	\$25
Inspectron	Permit 2022-00017	\$281
Mark Nelson	CUP annual review fee	\$15
Margaret Enser	Permit 2022-00019	\$1,027.24
Mount Olivet	In lieu of tax	\$1,775
MN Energy Resources	ROW permit/escrow	\$2,700
Genz Ryan	Mechanical permit	\$92
Beth Eilers	Permit application	\$25
Stacy Shaw	Permit penalty	\$333.48
Char Adelmann	Variance/permits	\$725
Char Adelmann	Escrow	\$500
Terri Petter	CUP annual review fee	\$130

The Clerk presented May disbursements in the amount of \$36,801.36.

The Clerk inquired as to whether Town Board or Planning Commission members should receive pay for a meeting that they did not fully attend. The Board agreed that the Chair of each body should decide on a case-by-case basis.

Remaining reports

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

Attorney Items

- Troy Gilchrist will be available on June 28th to provide an update on the administrative ordinance enforcement project.
- MAT responded that a study group looking into accessory buildings would be subject to the Open Meeting law.
- Cartways – Landowners are financially responsible for installing and maintaining the road.

- If a landowner splits a lot he/she must ensure that accessory buildings will not exceed the limits for the lot size.
- Scheduling a joint meeting with Bob Ruppe for training purposes.
- Any fundraising for the potential landscaping plan will require resolutions to acknowledge each gift.

Old Business

Annual CUP review: Spirit Ranch I – Chris Hale, 24005 Dodd Blvd.

With no response from the letter sent requesting presence at tonight’s meeting, the Board agreed to table the item until the next meeting.

Annual CUP review: Spirit Ranch II – Terri Petter, 10132 235th St. W.

The Board agreed to seek attorney advice on whether Spirit Ranch II is in violation of its CUP by having more than cattle on the property.

Annual CUP review: Air strip – Mark Nelson, 5255 265th St. W.

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

Annual CUP review: Air strip – Butch Hansen

The Board requested the Clerk send a letter to the new owner informing them to attend a meeting for review of the CUP. In addition, the farmhand dwelling needs to be discussed.

Special meeting posted agendas

Supervisor Sauber provided two advisory opinions as well as pages from the League of Minnesota Cities handbook regarding special meetings for the Board to review. She disagrees with the response received from MAT as residents have a right to be notified of certain topics and if an item is added at the meeting we have no way to notify them. Chair Barfknecht will send the memos and opinions to Steve Fenske for a response.

Resolution 2022-07/ Ordinance 2022-02 Amending Fee Schedule

Motion: Chair Barfknecht moved to adopt Resolution 2022-07 amending the fee schedule. Supervisor Sauber seconded. *Motion carried 5-0.*

Motion: Chair Barfknecht moved to adopt Ordinance 2022-02 amending Ordinance 7 Fees. Supervisor Fredlund seconded. *Motion carried 5-0.*

New Business

Resolution 2022-08 adopting Planning Commission meeting dates

Motion: Vice Chair Palmquist moved to adopt Resolution 2022-08 adopting regular Planning Commission meeting dates. Chair Barfknecht seconded. *Motion carried 5-0.*

Broadband grant opportunity

Supervisor Kauffman reported that we have received notice that the federal broadband grant application was denied. She requested that she and Supervisor Fredlund meet to discuss whether applying for a state grant program would be worthwhile.

Chair Barfknecht requested that the Board members review the population survey from Met Council and let the Clerk know if they have any comments by the June 24th deadline.

Motion: Chair Barfknecht moved to forward the remaining agenda items to the next Town Board meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

Adjournment

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

Meeting adjourned at 10:10 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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