

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
August 8, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:00 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

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

Supervisors Absent: Donovan Palmquist

Others Present: Randy Wood, Mark Nelson, Kristen Todd, Maxine Storlie, Kyle Luebeck, Bill Kanfield, Bruce Mohn, George Mwaura, Nancy Gakunju.

Zoom Attendance: Ranees Solis, Julie Larson, Taci Devasir, Deb Burkhardt, Gloria Belzer, Jamin Malz, Richard Gephart, Bill Clancy, Chip Mauri, Jeff Otto, Brian Ahern, Bill Roske.

Approval of the Agenda

The following changes were made to the agenda:

1. Move Attorney Items after New Business.
2. Table Consent Agenda until next meeting.
3. Add D. Hiring temporary office help under New Business.
4. Add D. Otto ordinance last edits/housing right status under Old Business.
5. Add E. Building permit modification under New Business.
6. Add E. Timeliness of agenda items under Old Business.

Motion: Supervisor Sauber moved to approve the agenda as amended. Supervisor Fredlund seconded. *Motion carried 4-0.*

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.

Kristen Todd, 6385 265th St. and Maxine Storlie, 6935 265th St.

Spoke about the increased traffic, high speeds, dust, semi and trailer traffic and extra wear and tear on 265th due to the County Road 86 project. They suggested placing a sign on Denmark in Castle Rock.

Chair Barfknecht reported that she reached out to Jacob Chapek, Senior Project Manager with the Dakota County Transportation Department, with the issues that have been reported from citizens over the weekend. Mainly high speeds, dust and rocks thrown up, damage to the road, no signage indicating “No thru traffic” on the end of 265th at Denmark.

Mr. Chapek ‘s response: I passed along the construction issue to Jeannine Briol, Dakota County’s construction engineer who is overseeing this project. As construction is just getting underway, it often takes a week or two for traffic to normalize onto the detour routes. However, if 265th is too accessible to thru traffic, the issue can persist. We certainly will evaluate and address to avoid any safety issues the residents pointed out. I will follow up once construction has been able to evaluate the issue.

Chair Barfknecht offered to reach out to the Sheriff’s Department to request extra patrol on 265th from 6-9 a.m. and from 3-6 p.m., and the issuance of tickets. She will copy County Commissioner Mike Slavik as well.

Mark Nelson, 5255 265th St. W.

Reported a mattress in the ditch on the north side of 265th, just east of his home.

Bruce Mohn, 27605 Pillsbury Ave

Spoke regarding the closing of 245th St., stating it is an inconvenience for residents and is inhibiting commerce. He asked the Board to consider alternatives such as minimum maintenance or “No thru traffic” signs.

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

The following inquiries were on the Planning Commission agenda:

1. Nate Brooberg, Housing rights, 13-00100-26-025, 13-00100-26-026, 13-00100-26-027. The inquirer did not appear at the Planning Commission meeting.
2. Jim & Mary Bambenek, 26386 Highview Ave – Housing right/land use. The inquiry was withdrawn.
3. Tim Woolery, 13-02800-26-012 – Building restrictions. The inquiry was withdrawn.

Planning Commission Update – Randy Wood

Summary of the August 2, 2022, Planning Commission meeting

- Had three citizen inquiries that did not attend the meeting. The minutes will reflect the findings.
- Recommended approval of the Jamin Malz above-ground pool application with a penalty for building without a permit.
- Recommended approval of the Kyle Luebeck new residence.
- Recommended approval of the Hugh (Chip) Mauri new residence.
- Recommended approval of the Gary Petrash lot split.
- Recommended approval of the Christiana Church lot split.
- Recommended approval of the Niel & Tacie Devasir lot split.

- Commissioners Burkhardt and Eilers are benchmarking accessory building information and will address the hole in the ordinance which does not preclude someone from getting around the accessory building square footage limits by simply attaching them to the house.

Permit Requests

Jamin Malz, 25615 Granite Path, 13-02100-76-010 – Above-ground swimming pool

Motion: Chair Barfknecht moved to approve the pool permit for Jamin Malz at 25615 Granite Path with PID 13-02100-76-010, as well as the double permit fee as recommended by the Planning Commission. Supervisor Kauffman seconded. *Motion carried 4-0.*

Supervisor Sauber noted that the site plan needs to be updated with the distances to the property line and centerline of the road and initialed by the applicant.

Kyle Luebeck, xxx 265th St. W., 13-02700-75-013 – New residence

Motion: Chair Barfknecht moved to approve the new residence permit for Kyle Luebeck at the property on 265th with PID 13-02700-75-013 as recommended by the Planning Commission. Seconded by Supervisor Kauffman. *Motion carried 4-0.*

The Board acknowledged that the owners signed the application as requested and acknowledged the receipt proving recording of the transfer agreement.

Hugh Mauri, xxx 265th St. W., 13-02700-75-012 – New residence

Motion: Chair Barfknecht moved to approve the new residence permit for Hugh Mauri at the property on 265th with PID 13-02700-75-012 as recommended by the Planning Commission. Seconded by Supervisor Kauffman. *Motion carried 4-0.*

The Board acknowledged that the owners signed the application as requested and acknowledged the receipt proving recording of the transfer agreement.

Land Use Requests

Gary Petrash, 24300 Highview Ave, 13-01600-26-017 – Lot split

Motion: Chair Barfknecht moved to approve the lot split for PID 13-01600-26-017 splitting Parcel B consisting of 5.0 acres from the original parcel consisting of 29.07 acres. Supervisor Kauffman seconded. *Motion carried 4-0.*

Christiana Lutheran Church, 13-02900-77-010 – Lot split

Motion: Supervisor Sauber moved to approve the lot split for PID 13-02900-77-010 splitting parcel B consisting of 3.32 acres and parcel C consisting of 3.32 acres from the original parcel consisting of 72.47 acres. Seconded by Supervisor Kauffman. *Motion carried 4-0.*

Niel & Tacie Devasir, 8258 257th St. W., 13-02100-52-021 – Lot split

Motion: Chair Barfknecht moved to approve the zoning ordinance violation abatement agreement as written. Seconded by Supervisor Fredlund. *Motion carried 4-0.*

Motion: Chair Barfknecht moved to approve the lot split for PID 13-02100-52-021 splitting parcel B consisting of 2.0 acres from the original parcel consisting of 28.25 acres. Supervisor Kauffman seconded. *Motion carried 4-0.*

Road Report – Mark Henry

- Reached out to Todd Howard regarding the issues on 265th. He suggested a “local traffic only” sign and has offered to place dust control on the 265th at no cost to the Township.
- Still trying to locate dust control for the remaining roads.

Bill Roske asked to speak regarding the increased traffic on 265th St. His grandson is deaf, and he fears for him with the increase of high-speed traffic during the County Road 86 project.

Motion: Chair Barfknecht moved for the Township to purchase two “Deaf Child Area” signs and place them on 265th in both directions for Bill Roske’s property. Supervisor Sauber seconded. *Motion carried 4-0.*

CUP Annual Reviews

Spirit Ranch I – Chris Hale, 24005 Dodd Blvd

The owner did not appear to represent the review. The Board agreed to submit the CUP to the attorney for review of possible revocation.

Spirit Ranch II – Terri Petter, 10132 235th St. W.

The owner did not appear to represent the review. The Board agreed to submit the CUP to the attorney for review of possible revocation.

Airstrip – Mark Nelson, 5255 265th St. W.

The Board noted there have been no complaints regarding the CUP. Mr. Nelson was asked if he was registered as an airport with the state. Mr. Nelson responded that he is not registered as he is not on the aviation charts.

Motion: Supervisor Sauber moved to approve the review of the airstrip for Mark Nelson. Chair Barfknecht seconded. *Motion carried 4-0.*

Airstrip/ 2nd Farmhouse dwelling – George Mwaura, 26120 Highview Ave

Motion: Supervisor Sauber moved to approve the review of the airstrip and 2nd farmhouse dwelling for George Mwaura and Nancy Gakunju. Chair Barfknecht seconded. *Motion carried 4-0.*

The Board informed the Mr. Mwaura and Ms. Gakunju that at next year’s annual review they must provide proof of a state airport license as well as proof that a farmhand is residing in the farmhouse dwelling in order to comply with the conditions of the CUP.

Treasurer’s Report

Clerk/Treasurer Solis read the Treasurer’s Report As on July 31, 2022: New Market Bank checking account: \$28,160.22; Outstanding checks: \$22,264.38; General Fund savings account: \$587,968.21; Road & Bridge Fund savings account: \$646,828.99; Petty cash: \$100; Total assets: \$1,240,793.04; July disbursements: \$188,594.77; July receipts: \$485,165.66.

Motion: Supervisor Fredlund moved to approve the Treasurer’s Report as presented. Chair Barfknecht 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 \$2,766.47 for payment.

The following claims in the amount of \$20,644.97 were presented for payment:

IRS	Tax due July	\$2,046.34
Charlene Adelman	Escrow refund	\$500
Couri & Ruppe	July legal bill	\$2,760
Kennedy & Graven	June special counsel	\$3,973
Envirotech	Dust control	\$6,306.30
Custom Office Products	Office supplies	\$81.86
General Code	Change order on Code	\$888
Dakota Electric	July electric Town Hall	\$133.06
Dakota Electric	July electric Storage Shed	\$19.34
De Lage Landen	September copier rental	\$95.83
DSI/LSI	July garbage bill	\$188.19
Metro Alarm	Qrtly access control	\$96.41
Point North Networks	August IT/email/phone	\$333
Tops, Inc.	July copies	\$50
Driessen Water	Water softener/salt	\$126.46
Mark Henry	July road mileage	\$165.63
Ottomatic Lawn Care	May/June/July lawn care	\$2,250
PERA	July payroll	\$631.55

Motion: Supervisor Fredlund moved to approve the net pay and claims as presented. Chair Barfknecht seconded. Roll call vote: Lu Barfknecht – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Abstain. *Motion carried 3-0.*

Receipts and Disbursements

The following receipts in the amount of \$485,165.66 were deposited in July:

MMB (Mn Mgmt & Budget)	ARPA Covid 19 Funds	\$80,541.01
Mn Restoration	Roofing permit	\$202
Craig Beeler	Application fee	\$25
Wolf River Electric	Application fee	\$25
CS Cooper Law Firm	Application fees	\$100
Ernesto Godinez	Application fee	\$25
Inspectron	Permit 2022-021	\$1,405.84
US Treasury	Refund 2021 Qrtly tax	\$1,534.97
US Treasury	Refund 2021 Qrtly tax	\$16.88
A Better Way to Build	Roofing permit	\$101
Jamin Malz	Application fee	\$25
Dawn Williams	Roof/siding/window permits	\$303

Bischel Building	Roofing permits	\$202
Rahn Home Services	Mechanical permit	\$89.01
All Energy Solar	Permit 2022-027	\$1,016.23
Dakota County	1 st half property tax	\$392,711.38
MMB (MN Mgt & Budget)	Town aid	\$946.50
Capital Construction	Roofing permit	\$101
Top Notch Properties	Application fee	\$25
Redstone Design	Application fee	\$25
Johnson Reiland Builders	Application fee	\$25
Christiana Church	Application fee	\$25
Wolf River Electric	Solar permit	\$804.13
BN Builders	Roofing permit	\$101
Crest Exteriors	Roofing permit	\$101
Phillip Pelletier	Application fee	\$25
Dan Adelman	Permit for home/septic	\$4,638.71
Tacie Devasir	Application fee	\$25
General Fund	Transfer to Professional Svcs	\$25,500
General Fund	Transfer to Storage Building	\$5,100
General Fund	Transfer to Town Hall CIP	\$10,200
Road & Bridge Fund	Transfer to Hard Surface	\$50,000
Road & Bridge Fund	Transfer to Road & Bridge CIP	\$5,000
Road & Bridge Fund	Transfer to Emergency Road	\$5,000

The Clerk presented July disbursements in the amount of \$188,594.77.

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

Chair Barfknecht noted that with the receipt of electronic copies of the invoices and claims, paper copies should not be required due to the paper shortage and the undue burden on the Clerks to prepare the meeting packets. Supervisors Sauber and Fredlund requested to continue receiving paper copies.

Remaining reports

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

Old Business

General Code Ordinance draft

Supervisor Sauber noted that there are several pages that contain the phrase “undue hardship” that need to be changed to “practical difficulties” and asked if a public hearing is required to adopt the recodification. The Board agreed to submit the question to the attorney.

Supervisor Sauber asked why the majority of the firearms language had been stricken. The Clerk noted that the Board agreed to the change during the legal analysis review and offered to send the information to Supervisor Sauber for clarification.

Resolution 2022-11 Findings of Fact for Adelman variance

Motion: Supervisor Kauffman moved to adopt Resolution 2022-11 Findings of Fact for the Adelman variance. Chair Barfknecht seconded. *Motion carried 4-0.*

Otto ordinance last edits/housing right transfer status

The Board agreed to add this to the next meeting agenda for review of the last edits suggested by Jeff Otto before submission to the attorney for review.

Timeliness of agenda items

Chair Barfknecht noted that the policy on adhering to the permit deadlines is not being followed. The Deputy Clerk is under pressure to add last-minute agenda items for the Planning Commission packets. Planning Commission Chair Clancy noted he would communicate with the Deputy Clerk before requesting additions to the agenda after the deadline.

Chair Barfknecht noted that the Board had agreed, at the request of the Planning Commission, that no permits would be approved with contingencies.

In addition, Chair Barfknecht asked to clarify the process for lot splits and housing right transfers. The Board agreed that the lot split must be recorded first in order to receive a PIN code for the housing right transfer.

New Business

Resolution 2022-10 Adopting the 2023 budget and levy

Motion: Supervisor Kauffman moved to adopt resolution 2022-10 adopting the 2023 budget in the amount of \$866,479 and property tax levy in the amount of \$764,329. Supervisor Fredlund seconded. *Motion carried 4-0.*

Resolution 2022-12 Spending ARPA funds on broadband project

Motion: Supervisor Kauffman moved to adopt resolution 2022-12 to spend ARPA funds on the broadband project in the amount of \$56,538. Supervisor Fredlund seconded. *Motion carried 4-0.*

Computer for the housing rights/land use database

Chair Barfknecht proposed that the Board purchase a computer to be used strictly for the new housing right database. Jeff Otto suggested an external drive as well and requested to coordinate with Point North on a conference call with the Clerk. Supervisor Kauffman remarked that the Clerks need to be able to maintain the database in the future. Jeff Otto responded that he wrote the program and will need to be involved.

Motion: Supervisor Kauffman moved to authorize the purchase of a standalone computer for the housing rights database. Chair Barfknecht seconded. *Motion carried 4-0.*

Authorization to outsource the Special Edition Newsletter

The Board agreed to include an introduction to the Special Town Meeting, to be drafted by Supervisor Kauffman on behalf of the Board.

Motion: Supervisor Kauffman moved to authorize the Clerk to outsource the printing and mailing of the Township-wide Special Edition Newsletter. Chair Barfknecht seconded. *Motion carried 4-0.*

Temporary office help

Supervisor Kauffman suggested hiring temporary office help to assist with filing and miscellaneous duties.

Motion: Supervisor Kauffman moved to authorize the Deputy Clerk to hire a temporary worker for four weeks, up to 20 hours per week, at \$15 per hour. Supervisor Fredlund seconded. *Motion carried 4-0.*

Recruiting for Clerk/Treasurer

Motion: Supervisor Kauffman moved to authorize the Clerks to recruit for a Clerk/Treasurer from Indeed utilizing a \$200 off coupon. Supervisor Sauber seconded. *Motion carried 4-0.*

Attorney engagement

Supervisor Kauffman addressed the previous Board discussion regarding increasing controls of the attorney liaison. She requested the Board follow the current Attorney Engagement Policy as written.

Adjournment

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

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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