

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

**TOWN BOARD MEETING**  
**May 10, 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, Donovan Palmquist, Ralph Fredlund, Nancy Sauber and Kathleen Kauffman.

Others Present: Ranees Solis, Bill Clancy, Randy Wood, Bill Roske, Dan Adelman, Char Adelman, Beth Eilers, Mark Henry.

Zoom Attendance: Julie Larson, Jeff Otto, Deb Burkhardt, Carol Cooper.

**Approval of the Agenda**

The following changes were made to the agenda:

1. Add C. Update to recodification under Old Business.
2. Add D. Re-vote on summary notice for moratorium under Old Business.
3. Add D. Citizen complaint under New Business.

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

**Road Report** – Mark Henry

- We are dealing with subpar roads, so we will be dealing with the problem areas first.
- The Eureka Estates project will be scheduled to begin once the ditches are completely dry.

**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.

Beth Eilers – 10185 250<sup>th</sup> St. W.

As a longtime resident of Eureka Township, I was at the public hearing years ago regarding the transfer of housing rights. I was told then that few people were expected to use the change so it would not be a big deal.

Now, how many years later, because of the bidding wars on existing homes in the metro and beyond...building sites are in high demand in Lakeville and throughout the metro and mortgage rates, while inching up, are still very low. These two things, along with the housing rights transfer text amendment, are a recipe for pop up developments in Eureka Township.

The people who bought a house on the 5 and 10 acre lots that are surrounded by the 20 plus acres are now concerned about the real possibility of a pop-up development being created by virtue of the housing rights text amendment.

The private and quiet home setting these folks bought 20 years ago is now in jeopardy of being surrounded by multiple homes, bringing in noise, light pollution and more vehicle traffic. The potential for more wear and tear on the roads would cause taxes to increase due to increased maintenance.

It is my hope that the members of the Town Board seriously consider this factor when reviewing the housing rights text amendment and other amendments that relate to it.

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

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

#### **Summary of the May 3, 2022, Planning Commission meeting**

- The Planning Commission elected Bill Clancy as Chair, and Deb Burkhardt as Vice Chair.
- Citizen Inquiry with the Lutheran Church.
- Discussed potential lot splits with Carol Cooper.
- Approve the garage permit for Bill Roske.
- GTJ withdrew their application for a garage, they are looking to place it in a different location.
- Approved two lot splits for Dan and Char Adelman.
- Looking into measuring buildings for zoning, benchmarking other municipalities.
- Discussed the text of driveway sharing with Jeff Otto.
- Adopted Planning Commission meeting dates, assigned liaisons, and are keeping current with the activity tracker.
- Looking into how to measure solar arrays.
- Tentatively scheduled a public hearing for the fence ordinance at 6:30 before the June Planning Commission meeting.

Supervisor Kauffman requested that the Planning Commission check with the building inspector for information on measuring as well.

### **Permit Requests**

#### **William Roske, 6335 265<sup>th</sup> St., 13-02600-26-016 – Garage**

*Motion:* Supervisor Kauffman moved to approve the 30x50 sq. ft. accessory building permit for Bill Roske at 6335 265<sup>th</sup> St. with PID 13-02600-26-016. Supervisor Sauber seconded, noting that the Planning Commission confirmed the building is for personal use. *Motion carried 5-0.*

**Land Use Requests**

Dan and Char Adelman, 23733 Hamburg Ave, 13-00900-50-013 – Lot split

*Motion:* Supervisor Sauber moved to approve the lot split for Dan & Char Adelman on PID 13-00900-50-013, splitting 3.03 acres from the original 40.6 acres. Supervisor Fredlund seconded. *Motion carried 5-0.*

Supervisor Sauber pointed out that parcel A on the survey is parcel B on the lot split form. The Board agreed that the permit form should be changed so that Parcel A is now Original Parcel to eliminate confusion.

Dan and Char Adelman, 23733 Hamburg Ave, 13-00900-25-013 – Lot split

*Motion:* Supervisor Sauber moved to approve the lot split for Dan & Char Adelman on PID 13-00900-25-013, splitting 2.51 acres from the original 22.64 acres. Vice Chair Palmquist seconded. *Motion carried 5-0.*

Supervisor Kauffman asked if the lot, after the split, is buildable under our current Ordinance. The Board agreed that it is not buildable, and the Adelmans noted their understanding.

**Treasurer’s Report**

Clerk/Treasurer Solis read the Treasurer’s Report As on April 30, 2022: New Market Bank checking account: \$18,682.93; Outstanding checks: \$8,875.87; General Fund savings account: \$386,324.28; Road & Bridge Fund savings account:\$606,447.51; Petty cash: \$100; Total assets: \$1,002,678.85; April disbursements: \$36,734.74; April receipts: \$38,764.48.

*Motion:* Supervisor Sauber moved to approve the Treasurer’s Report as presented. Supervisor Fredlund 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 \$2,456.70 for payment. The following claims in the amount of \$10,025.79 were presented for payment:

PERA	April balance	\$ .01
IRS	Tax due April	\$2,393.41
PERA	April Payroll	\$753.74
Couri & Ruppe	April legal bill	\$3,450
Kennedy & Graven	March special counsel	\$462
Inspectron	April building inspections	\$534
Frontier	April phone bill	\$72.66
T&C Cleaning	May Town Hall cleaning	\$150
Dakota Electric	Storage building – April	\$20.32
Dakota Electric	Town Hall – April	\$126.31
TOPS	April copies	\$50
Terpstra	Street sweeping	\$1,425
DSI/LSI	April garbage	\$129.36
Metro Alarm	Quarterly access control	\$96.41

Culligan	April water softener	\$10.12
Mark Henry	April road mileage	\$224.05
VISA	Zoom and Website renewal	\$128.40

*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 \$38,764.48 were deposited in April:

Dakota County	2021 gravel tax	\$28,957.41
Blue Sky Chimney	Fireplace balance due	\$51
Bill Roske	Permit application	\$25
Engel/Platinum Builders	Roofing permit	\$101
Erie Construction	Roofing permit	\$101
Monica Tucker	Garage permit	\$927.19
Downtown Owl	ROW permit	\$200
Chris Hale	CUP review/dog kennel	\$125
Georgie Molitor	Permit escrow	\$1,000
Dakota Electric	ROW permit	\$200
Georgie Molitor	Permit application	\$25
Genz Ryan	Water heater permit	\$76
Tony’s Appliance	Water softener permit	\$76
Char Adelman	Lot split application	\$25
Char Adelman	Lot split application	\$25
9-M Corp	Driveway permit	\$100
Millersburg Construction	Roofing permit	\$101
Dakota County	Conservation credit	\$6,648.88

The Clerk presented April disbursements in the amount of \$36,734.74.

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

City of Lakeville tax reimbursements

The Clerk presented a schedule of payments from Lakeville for the three annexed properties:

Item #	Property description	Resolution/Ordinance No	2021	2022	2023	2024	2025
1	Airport annexation	LV RES 19-135/ Eureka RES 2019-09	12,460.46	9,591.47	6,922.48	4,153.49	1,384.50
2	Adelman annexation	Ordinance No 1045		788.08	788.08		
3	Ruddle annexation	Ordinance No 1044		545.34	545.34		
			-	-	-	-	-
		<b>Total by Year</b>	<b>12,460.46</b>	<b>10,924.89</b>	<b>8,255.90</b>	<b>4,153.49</b>	<b>1,384.50</b>

### Minnesota Management and Budget payments

The Clerk reported that the outstanding payments from MMB since the bank change are currently being processed. Those amounts are as follows:

- \$7,380.13: 2<sup>nd</sup> half Agricultural Homestead Market Value credit \$5,373.30; 2<sup>nd</sup> half Township Aid \$816.00 and Metropolitan Agricultural Preserves Credit \$1,190.83.
- \$2,553.86 Supplemental ARPA Covid-19 payment.
- \$5,373.30 1<sup>st</sup> half Agricultural Homestead Market Value Credit.

### **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.

#### **Road Report** – Mark Henry

- Scheduling gravel placement on 235<sup>th</sup>.
- Checking on barricades for 245<sup>th</sup> and working with Scott County to get signs up on their end.
- Jersey Ct. needs to be reconstructed, crack sealing would be a waste of money and time.
- Will continue to blade after it rains.

#### Annual IUP review: Minnesota Paving & Materials – 5100 235<sup>th</sup> St. W.

*Motion:* Chair Barfknecht moved to approve the letter drafted by the attorney to MPM and the landowner regarding the Conclusion of Eureka Town Board 2021 review of Amended Eureka Pit IUP Annual Report, PID #13-01200-011-50. Supervisor Kauffman seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

#### Recodification update

General Code is drafting a new agreement to update the codification with all Ordinance amendments.

The Board requested the Clerk reach out to Chad Lemmons to request that Kelly and Lemmons turn over all stored records to the Township.

#### Re-vote on Resolution 2022-06/Ordinance 2022-01

In regard to Resolution 2022-06 approving summary language for publication of an interim Ordinance placing a moratorium on new mining facilities, Supervisor Kauffman reported that with one supervisor being absent at the last meeting and one supervisor recused, the vote of 3-0 did not meet the requirements for approving the summary publication of Ordinance 2022-01.

*Motion:* Supervisor Kauffman moved to approve the summary notice and Resolution for an Interim Ordinance authorizing a study and placing a moratorium on the establishment of new mining facilities. Chair Barfknecht seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

### Letters to complainants

The Board agreed for the Clerk to send letters to complainants of outstanding complaints to inform them that the Board is looking into an administrative process to enforce the Ordinances. The Board also agreed to place this in the newsletter as a “Did you know?.”

### Follow up on Housing Rights Transfer

The Board discussed that it was agreed upon that lot splits, after the ordinance is adopted, would require road frontage. That is not what is currently being proposed in the text amendment. Planning Commission Chair Clancy confirmed that the Commissioners agree that the 33-foot road frontage is to remain for all new lot splits.

The Board requested that Jeff Otto provide a map noting the 57 landlocked parcels for discussion at the next meeting in order to make an informed decision on the language being forwarded for the public hearing.

### NCRWMO

Supervisor Sauber reported that the meeting was held in Greenvale. They approved the bills. The water plan update is in the works.

### **New Business**

#### Authorize drafting of mining ordinance text amendment

*Motion:* Supervisor Kauffman moved to authorize Troy Gilchrist to redraft Ordinance 6 of the Eureka Township Ordinances to provide to the Town Board for possible implementation. Chair Barfknecht seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

#### Working process for Housing Right Transfer text amendment

Supervisor Kauffman expressed the importance of having one person hold the master text amendment to ensure that all changes are accurately reflected. Chair Barfknecht indicated the Clerk is to be the keeper of the master copy and will make any Board-authorized changes to the document.

#### Citizen complaint

Supervisor Fredlund reported a complaint he received about a resident on 235<sup>th</sup> bringing in trees and parking several campers/motorhomes on the property. The Board offered that the complainant should be notified to submit a formal, written complaint.

### **Approval of Meeting Minutes**

*Motion:* Chair Barfknecht moved to approve the minutes of the March 14, 2022, Town Board meeting, March 22, 2022, Special Town Board meeting, March 28, 2022, Town Board meeting, April 12, 2022, Town Board meeting as submitted. Vice Chair Palmquist seconded. *Motion carried 5-0.*

### **Clerk Matters**

#### Inspectron contract

The Clerk confirmed receipt of the signed Inspectron contract.

#### ATV road use reminder on website

The Board approved posting of the ATV road use reminder on the website.

Revise Town Board meeting date for March 2023

The Board agreed to change the date of the March 2023 meeting to Monday, March 6<sup>th</sup> due to a conflict with the annual meeting/election.

Round Table meeting

The Board confirmed the date for the Round Table meeting to be held May 26, 2022.

**Adjournment**

*Motion:* Supervisor Kauffman moved to adjourn the meeting. Supervisor Sauber seconded.  
*Motion carried 5-0.*

Meeting adjourned at 10:20 p.m.

Respectfully submitted,

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

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