

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
July 26, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:02 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 (via Zoom).

Others Present: Valerie Neppl, Mark Henry, Randy Wood,

Zoom Attendance: Rane Solis, Julie Larson, Deb Burkhardt and Carol Cooper.

Approval of the Agenda

The following changes were made to the agenda:

1. Add C. Follow-up on actions from the minutes under Old Business.
2. Add D. Follow-up on manure pile ordered to be removed by MPCA under Old Business.
3. Add E. Status of contempt of court citation under Old Business.
4. Add F. Inspectron update under Old Business.
5. Add G. Special meeting on broadband grant under Old Business.
6. Add C. Special Town Meeting prep under New Business.
7. Add D. Fenske/Ruppe opinions on Minn. Stat. 13D.021.

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

Sheriff's Department

- The Sheriff's Department has been cracking down on speeders.
- Extra patrol on 245th St. W. between 6:00-8:00 am and 4:00-6:00 pm.

Dakota County ACRE Plan – Valerie Neppl

- Receiving questions and comments about the plan through September 6th.
- The plan consists of voluntary measures to reduce nitrates and pesticides.
- Hired an engineer to draft a testing model to get below 10mg.
- Eureka has some wells that tested above standard levels.
- Will provide free testing to Eureka in 2023.
- Financial assistance incentives to increase cover crops and perennials.
- Work with the SWCD to determine which crops to plant.
- Combined effort for urban to convert turf grass to rain gardens.

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

Citizen Inquiry - None

Road Report

Budget

Mark Henry reported that an additional \$12,000-\$13,000 in spot gravel would increase the health of the roads for next year. There is adequate money in the budget for this action.

Motion: Supervisor Fredlund moved to approve the additional spot gravel for the roads. Chair Barfknecht seconded. *Motion carried 5-0.*

Status of the Lybarger tree

Supervisor Kauffman reported that the tree was healthy and maintained. If a natural act severs a limb, the owner is not at fault.

Treasurer’s Report

Net pay and claims

The Clerk presented payroll in the amount of \$1,368.06 for payment.

The following claims in the amount of \$13,460.71 were presented for payment:

JTN Communications	August internet	\$199
TKDA	Engineering MPM/Fridges	\$1,562.58
ECM Publishers	Clerk job ad	\$390
Quadient	Postage meter	\$53.83
VISA	Building Code books	\$335.30
Luhman’s Construction	Dust Control	\$10,920

Motion: Chair Barfknecht moved to approve the net pay and claims as presented. Supervisor Fredlund seconded. *Motion carried 5-0.*

Budget

The Clerk presented the budget balance through July 19, 2022. We are operating well within the budget with no areas of concern.

Old Business

Mining engineer scope of work

Supervisor Sauber recused herself from the discussion. Chair Barfknecht suggested adding to the scope of work that the engineer shall inspect the mines each year before the annual reviews and follow up as needed. Supervisor Kauffman suggested the engineer calculate the number of years to complete the mining activity. Vice Chair Palmquist will present the scope of work to Carrie Jennings and request any additional items she might suggest.

Contract agreement for citizen inquiry

Supervisor Kauffman reported that Bob Ruppe quoted a price of \$250-\$500 to draft an escrow agreement. This fee will be paid by the citizen. Chair Barfknecht agreed to reach out to the citizen to provide this information.

Follow-up on actions from the minutes

The Board requested the Clerk forward copies of the citizen letters to the Supervisors for informational purposes.

Follow-up on the 250th St. manure pile ordered to be removed by the MPCA

Supervisor Sauber requested an update on the status of removal. The Board agreed that the resident has one year to comply, and the year is not yet up.

Status of the contempt of court citation for Terri Petter

Supervisor Kauffman reported that the citation does not appear to exist. A closed meeting would be necessary to discuss this further.

Inspectron update

Vice Chair Palmquist spoke with Sandy at Inspectron. She has been accepting permit applications and payments on behalf of the Township and was notified to direct all applicants to the Township. The Clerk was directed to contact Sandy to request that Inspectron replace the ability to complete Inspectron's application on their website with a statement to contact Eureka Township for all permits. In addition, add language to the Eureka Township website to clarify that all permits must go through the Township.

Broadband

Supervisor Kauffman reported that Ben Blomgren of JTN Communications is drafting a grant application for broadband on behalf of Eureka Township. Mr. Blomgren is requesting a meeting with the Board to review his grant proposal which seeks a contribution of 25% from the Township. The Board agreed to post a Special Town Board meeting for August 2nd at 6:00 p.m.

New Business

NCRWMO July meeting report

Supervisor Sauber provided a report of the July NCRWMO meeting:

- Toured the dam which will power 2,400 homes once completed.

- Approved the framework update of the water plan which will be finalized in September.
- Received a grant to draft a model mining ordinance for the county.

Split of the Clerk/Treasurer

There have been no applications from the job posting. The Clerk requested the Board consider splitting the Clerk/Treasurer position. This would require a ballot question at the next annual election and must be presented to the state and the county by the end of the year. The Board agreed to look into the possibility of Clerk Solis continuing her role remotely after her move until a new Clerk and/or Treasurer has been hired.

Special Town Meeting prep

The Clerk will be posting notice of the meeting on the website and publishing the notice in the newspaper. In addition, the Board agreed to mail the newsletter to all residents as additional notice of the upcoming Special Town Meeting as postcards are not as timely.

Fenske/Ruppe opinion on Minn. Stat. §13D.021

Supervisor Sauber reached out to Steve Fenske with the Minnesota Association of Townships to ensure that a Supervisor may attend a meeting virtually from home. He advised that there are two remote meeting statutes:

Minn. Stat. §13D.02 allows Supervisors to attend remotely if the public can attend at the remote Supervisor's location. It also has the remote option 3 times per year without public access in certain circumstances.

Minn. Stat. 13D.021 requires the existence of a public health pandemic or an emergency under Chapter 12 of Minn. Statutes. The Chapter 12 emergency expired, but the pandemic provision remains in place. The World Health Organization (WHO) appears to label COVID as still being a pandemic. To have this status, the Board should look to some credible public health agency for an opinion to rely on. If there is a pandemic condition, the Board may follow the procedures in the statute to hold remote meetings. The Board should account for its practice over the past two years. If the Board did not hold remote meetings at the start of the pandemic, it would be of questionable credibility to hold a remote meeting under pandemic rules now when a Supervisor happens to be unable to attend an in-person meeting.

The Board agreed that further clarification should be sought. Supervisor Kauffman offered to request an opinion from the Town Attorney for discussion at the next meeting.

Adjournment

Motion: Chair Barfknecht moved to adjourn the meeting. Supervisor Fredlund seconded.
Motion carried 5-0.

Meeting adjourned at 9:01 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

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