

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

**TOWN BOARD MEETING**  
**January 10, 2023 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:01 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

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

Supervisors Absent: Kathleen Kauffman

Others Present: Bill Clancy.

Zoom Attendance: Ranee Solis, Deb Burkhardt, Julie Larson, Carol Cooper, John Olson, Jeff Otto and Randy Wood.

**Approval of the Agenda**

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

**Website Issues**

The Clerk explained that the Township website is experiencing an issue in that current posts are not readily displayed without the users refreshing their screen. Deputy Clerk Liberty reached out to Marketing Clarity to repair the issue and is experiencing some difficulty in getting it resolved. The Clerk asked The Deputy Clerk to start searching for other website hosts in case the issue is not satisfactorily resolved. Supervisor Sauber noted that despite the website issue, all statutory postings have been fulfilled by posting on the Town Hall bulletin board and publishing in the official newspapers, as required.

Supervisor Sauber suggested removing the home page News and Notices as it is a duplicate of the push button. The Board agreed to table discussion until the website issue has been resolved.

**Road Report**

Mailbox damage – who is responsible for repairs?

Supervisor Fredlund reported that the damaged mailbox will be repaired in the spring at the expense of the road contractor.

**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 would like to make comment. Hearing none, the floor was closed.

**Citizen Inquiry - None**

**Planning Commission Update – Bill Clancy**

Summary of the January 3, 2023, Planning Commission meeting

- By a vote of 4-0, the Commissioners agreed to eliminate Citizen Inquiry from all future agendas after receiving attorney direction regarding providing good-faith recommendations to citizens and learning that it is not common practice.
- Commissioner Eilers will continue to follow the Met Council 2040 Comp Plan amendment.
- The Planning Commissioners have been focused on the text amendments and are making good progress.
- No action was taken on broadband.
- Continuing to revise the Citizen Complaint form, researching whether the signature of the complainant should continue to be required.

**Permit Requests - None**

**Land Use Requests - None**

**Treasurer’s Report**

Clerk/Treasurer Solis read the Treasurer’s Report As on December 31, 2022: New Market Bank checking account: \$38,131.73; Outstanding checks: \$38,847.73; General Fund savings account: \$597,747.89; Road & Bridge Fund savings account: \$628,795.34; Petty cash: \$100; Total assets: \$1,225,927.23; December disbursements: \$62,887.43; December receipts: \$10,660.55.

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

Net Pay and claims

The Clerk presented payroll in the amount of \$10,587.50 for payment.

The following claims in the amount of \$13,816.06 were presented for payment:

Internal Revenue Service	December payroll	\$1,741.05
Mn Dept of Revenue	4 <sup>th</sup> Qtr State tax	\$700.60
PERA	December payroll	\$946.46
Kennedy & Graven	Nov special counsel	\$3,723.14
Inspectron	December inspections	\$1,349.38
Mn Dept Labor & Industry	State surcharge	\$3,862.08
Point North	IT/email/phone	\$345.50
Dakota Electric	Town Hall	\$121.30

Dakota Electric	Storage building	\$17.90
De Lage Landen	Copier rental	\$95.83
Driessen Water	Water softener	\$41.19
Plunkett's Pest Control	Annual contract	\$446.13
Safety Signs	Signposts	\$400
Tops, Inc	December copies	\$19.87
April Elmer	Mileage	\$5.63
MATIT	Worker's Comp policy	\$1,118

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

### Receipts and Disbursements

The following receipts in the amount of \$10,660.55 were deposited in December:

Cheryl Fischer	Remodel application	\$25
Judith Novacek	Deck permit	\$333.43
Cheryl Fischer	Remodel permit	\$1,388.44
Dana Hoagland Plumbing	Plumbing permit	\$101
Wenzel-Plymouth Plumb	Plumbing permit	\$101
Thomas Heating & Air	Mechanical permit	\$101
Majestic Custom Construct	Mechanical permit	\$101
Mn Management & Budget	Ag preserve, Town aid, MVC	\$7,091.71
John Staurvlakis	ROW permit Frontier	\$200
New Market Bank	Qrtly interest GF Savings	\$613.06
New Market Bank	Qrtly interest RB Savings	\$604.91

The Clerk presented December disbursements in the amount of \$62,887.43.

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

### Remaining reports

The Cash Control Statement, Schedule 1 and Outstanding Checks were reviewed by the Board.

### Budget adjustments

The Board was presented with the following budget adjustment recommendations:

General Fund:

- Create fund 209 Building Permits – Building Official and disburse the budget funds as payments to the Building Official do not come from tax dollars.
- \$10,000 from Building Permits to Attorney Fees.
- \$3,900 from Building Permits to Office Assistant.
- \$1,100 from Building Permits to Office Equipment.
- \$10 from Misc. Other to Garbage.
- \$100 from Misc. Other to Town Hall Misc.
- \$650 from Elections Legal Notice to General Notice Publication.

## Road and Bridge

- Return \$4,200 to Ditch mowing.
- \$8,700 from Snow Removal to Gravel Hauling .
- \$4,200 from Snow Removal to Grading \$4,500.

*Motion:* Supervisor Fredlund moved to approve the budget adjustments and the new fund as presented. Supervisor Sauber seconded. *Motion carried 4-0.*

## Insured Cash Sweep

The Board requested the Clerk check with Steve Fenske at MAT regarding the program. The Clerk was also asked to check the rates of CDs with New Market Bank.

## Road Report – Mark Henry

- Received few complaints regarding the roads.
- Working to locate areas to push snow back.
- Chipping intersections and salting blacktop.

## Township snow removal guidelines

The Board reviewed Resolution #31, the Township snow removal guidelines, with Mark Henry. Mark confirmed that “salt” includes all chlorides and that the Township uses salt/sand to minimize the amount of chloride being placed. Several grammatical errors were noted. The Board agreed to retain these guidelines with the Town Board Policies with a note that review took place 1/10/23 and grammatical errors were corrected.

## Old Business

### Subdivision Ordinance amendment

Planning Commission Chair Bill Clancy provided the status of the text amendment. He submitted a list of possible modifications to Town Attorney Ruppe, who was in agreement with the changes. Bob Ruppe suggested adding the sentence “definitions in this chapter are for this chapter only”. There are two areas that the Planning Commission is still reviewing. The first is regarding the Fees chapter. Bob Ruppe took a definitive approach and added a menu-style section on fees. The Planning Commission agreed that this approach works for platted subdivisions. However, for the simple lot splits it was agreed that a statement of mechanism, rather than dollar amounts, is more appropriate in the body and list the dollar amounts in the Fee Schedule. The Board agreed that the Fee Schedule should then reference the platted subdivision chapter.

The second area is regarding the variance section. The Planning Commission is looking at whether the language should be removed and add a reference to §240-33, the variance section. The Board agreed that Bob Ruppe should weigh in on this change.

### Nuisance Ordinance amendment

The Planning Commission is continuing to review the text amendment and will get a final document to Town Board once it is complete. Since this is not zoning, the text amendment will not require a public hearing.

### Mining Ordinance amendment

The Planning Commission identified the following goals:

1. Establish a Mining Superintendent, to be paid for by mines, to monitor and communicate with mines operating within the Township more professionally and actively.
2. Ensure strong limitations on mines to protect the right of neighboring properties to peace, quiet, dust-free conditions, and safe water resources.
3. Improve enforcement and fining mechanisms to better assure compliance.
4. Eliminate cement plants.
5. Make mines responsible for wear and tear on Township roads.
6. Make the ordinances consistent with Eureka's long-standing goal that mines be opened, efficiently and safely mined, and then closed and reclaimed.
7. Continue to improve annual reporting and testing requirements for meaningful annual reviews.
8. Continue to improve our ordinances to be consistent with current best practices.

There is more work to be done but our target deadline is to have a document ready for review at our February Planning Commission meeting.

Supervisor Sauber did not participate in discussion of the mining ordinance.

### Housing Right Transfer Ordinance amendment

Jeff Otto presented Bob Ruppe's recommended edits as follows:

1. Placed the permit conditions in the ordinance as opposed to the application form in order to make them easier to enforce.
2. Shifted the definitions dealing with housing rights to the beginning of the chapter.
3. Changed "building eligibility permit" to "housing eligibility permit".
4. 12-month time limit between building eligibility approval and initiating construction of a building permit was added by Bob Ruppe. The Board agreed that it is not necessary to address the timing of building permits in the housing rights section.
5. Bob Ruppe added a requirement for a driveway permit. However, the 300-foot separation requirement for field access is a problem. The Board pointed out that the 300-foot separations is to the intersection and there is no such requirement between driveways or field access. Chair Barfknecht will submit an email to Bob Ruppe regarding this issue.
6. Supervisor Sauber requested clear language stating that splitting a lot does not create a new housing right.

Jeff Otto asked for the Board to determine a policy for sharing the housing rights database and advocated publishing reports of the database, available for download, on the website with disclaimers. The Board agreed that it would be good to provide the information to the residents, but are unsure if the website is the proper way to do it. Supervisor Sauber pointed out that the Town Attorney has advised against providing too much advocating and not enough administering. The Board agreed that Chair Barfknecht would present this question to Bob Ruppe for advisement.

Jeff Otto agreed to host an Open House on the Housing Rights and Transfers text amendment at 7:00 pm on February 2, 2023. The Board approved for the Clerk to submit an invitation to the Open House, along with the summary of changes, to Tops, Inc. for printing and mailing. In addition, the Clerk was asked to poll the Planning Commission on their availability to hold the Public Hearing the week of February 21<sup>st</sup>.

**New Business**

Border to Border internet grant

The Clerk was asked to confirm that Ben at JTN is sending the required notification to Frontier by the January 19<sup>th</sup> deadline.

**Clerk Matters**

Clerk/Treasurer interview/Hiring status

Supervisors Sauber and Fredlund met with Liz Atwater for the Clerk/Treasurer position prior to the Town Board meeting. They reported that, in their opinion, Liz is highly qualified and has experience in both aspects of the Clerk/Treasurer duties. Supervisor Fredlund shared Ms. Atwater’s writing samples and references with the Board. The Board agreed for the Clerk to communicate a job offer of \$25 per hour and HRA benefit of \$500 per month.

Schedule budget meeting

The Board agreed to schedule the Board of Audit/Budget meeting on February 9<sup>th</sup> at 6:30. Pre-audit not necessary.

Glory to Glory CUP

Supervisor Sauber indicated that Glory to Glory is a church and a school, so they need to come in annually to show they meet state requirements to function as a school. The Clerk reported that she has drafted letters to all CUP holders and is placing all CUP reviews on the second monthly meeting in which their CUP states. Glory to Glory is slated to appear on the 2<sup>nd</sup> March meeting agenda. With no contact information for the utility CUPs, the Board agreed not to pursue reviews.

**Adjournment**

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

Meeting adjourned at 9:51 pm

Respectfully submitted,

Ranee Solis, Town Clerk

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