

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

**AGENDA**  
**SPECIAL TOWN BOARD MEETING**  
**March 21, 2023 – 3:30 p.m.**

- I. Call to Order and Pledge of Allegiance
- II. Attorney Matters
  - A. Potential Zoning violations Heyda, Sather, Pope
  - B. Supervisor Seat #3
- III. Road's concerns raised at annual meeting
- IV. Old Business
  - A. Draft Data Practices Policy
- V. Adjournment

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**If unable to attend in person, you can join via Zoom Meetings one of the following ways:**

1. Navigate to: <https://zoom.us/j/3134376987?pwd=V3VRRkJKblUxeUY1elJBdmVNUmUrdz09>  
Meeting ID: 313 437 6987
2. One tap mobile: dial 1-312-626-6799,, 3134376987#

To: Town Board  
From: Bob Ruppe, Town Attorney  
Date: March 30, 2022  
Re: Appointment of Kathleen Kaufmann

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I have been asked to clarify the term of office of Kathleen Kauffman who was appointed to temporarily fill the Supervisor seat held by Tim Murphy pursuant to Minnesota Statute § 367.03, subdivision 7. It is my understanding that Mr. Murphy was elected Supervisor in March 2021 but was incapacitated after taking the oath of office. After Mr. Murphy was unable to perform his duties and/or attend Town Board meetings for over a 90-day period due to health reasons, the Town Board posted a request for volunteers. Ms. Kauffman was the only volunteer. An appointment committee made up of the remaining Supervisors and the Town Clerk, appointed Ms. Kauffman to perform the duties of absent Supervisor Murphy until such time as the Town Board by Resolution finds that Supervisor Murphy is again able to resume his duties and/or attend Town Board meetings, whichever is earlier.

Pursuant to Minnesota Statute § 367.03, subdivision 7, if a Town Board officer cannot or refuses to attend a meeting for a 90-day period, then the Town Board may by resolution declare a temporary vacancy for the position. Subdivision 7 of the statute states:

**Subd. 7. Inability or refusal to serve.**

In addition to the events specified in section 351.02, a vacancy in a town office may be declared by the town board when an officer is unable to serve in the office or attend board meetings for a 90-day period because of illness, or because of absence from or refusal to attend board meetings for a 90-day period. If any of the preceding conditions occurs, the town board may, after the board by resolution has declared a vacancy to exist, make an appointment to fill the vacancy at a regular or special meeting for the remainder of the unexpired term or until the ill or absent member is again able to resume duties and attend board meetings, whichever is earlier. If the vacancy is in the office of supervisor, the vacancy must be filled by an appointment committee made up of the remaining supervisors and the town clerk. If the original member is again able to resume duties and attend board meetings, the board shall by resolution

so determine and remove the appointed officeholder and restore the original member to office.

Upon declaring a temporary vacancy exists in the position of Supervisor, an appointment committee made up of the remaining Supervisors and the Town Clerk may make an appointment to fill the vacancy at a regular or special Town Board meeting. The person appointed serves for the remainder of the unexpired term of the absent Supervisor or until the ill or absent Supervisor is again able to resume duties and/or attend Town Board meetings, whichever is earlier. The statute also provides that if the absent Supervisor is again able to resume his duties and/or attend Town Board meetings, the Town Board shall by resolution so determine and remove the appointed office holder and restore the original member to office.

Under Minnesota law, Kathleen Kauffman shall serve as a Town Board Supervisor for the remainder of Mr. Murphy's term in office or until he is able to resume this duties as a Town Board Supervisor and/or attend meetings, whichever is earlier. If Mr. Murphy is able someday to resume his duties and/or attend Town Board meetings, the Town Board shall by resolution so determine and remove Kathleen Kauffman from office and restore Mr. Murphy to his position as Supervisor on the Town Board. However, given Mr. Murphy's comments at a recent Town Board meeting that he does not expect to ever return to his position on the Town Board, it is expected that Ms. Kauffman will actually serve out the remainder of Mr. Murphy's term in office.

If you have any questions, please do not hesitate to contact this office.