

EUREKA TOWNSHIP
DAKOTA COUNTY, STATE OF MINNESOTA

ANNUAL TOWN MEETING OF MARCH 14, 2023

Call to Order

The 2023 Eureka Township Annual Meeting was called to order at 8:22 p.m. by Clerk Liz Atwater and the Pledge of Allegiance was given.

Residents Present: Timothy Kuntz, Randy Wood, Nancy Sauber, Chuck Kauffman, Kathleen Kauffman, Glenn Benson, Cheryl Groves, Timothy Murphy, Colleen Riley, Gary Gunderson, Paul Burkhardt, Deb Burkhardt, Andre Stouvenel, Ralph Fredlund, Ken Olstad, Mike Mahoney, Wendy Klager, Pete Storlie, Brian Ahern, Dave Wheeler, Beth Eilers, Lu Barfknecht, Lee Topp, Bev Topp, Allen Novacek, Judy Novacek, John Olson, Bob Fredrickson, Stephen , Mike Groves, Alan Storlie, Pete Klager, Stephen Ryan, Melanie Storlie, Kendyl Storlie, Mark Ceminsky, Chris Nielson, Mark Pflaum, Dan Heyda.

Others Present: Liz Atwater, Amy Liberty.

Zoom Attendance: Amy Johnson, Shelley Clubb, Lynne Olson, Cheryl L, Theresa Larson, Jeff Otto, Julie Larson, Gloria Belzer, Carrie Jennings.

Election of Moderator

The floor was opened for nominations for moderator. Mark Ceminsky moved to nominate Pete Storlie. Andre Stouvenel seconded the nomination. The Clerk called for any other nominations. Donovan Palmquist moved to nominate Ken Olstad. Kathleen Kauffman seconded the nomination. Ralph Fredlund moved to close the floor for nominations. Pete Storlie received 18 votes and Ken Olstad received 21 votes.

Planning Commission Report

Planning Commission members 2022-2023

Bill Clancy, Chair (2025), Deb Burkhardt, Vice Chair (2024), Randy Wood (2023), Beth Eilers (2023).

Planning Commission Research Conducted 2022-2023

- Mines: Ordinance review and revision beginning with placement of a one-year moratorium and concluding with an open house, public hearings, ongoing communication with the mines, and recommendation for approval to Town Board.
- Permitting – Inspection and Practices: Surveying other township processes, consistency in building measurement practices, review and recommend changes to permits/forms.
- Extended Home Business/Accessory Building Review: Ongoing research currently, including surveying other township ordinances.
- Housing Rights Review and Recommendations: Reviewed and recommended for approval to the Town Board.
- Township Website and Communication Improvements: Research alternative website providers for improved information accessibility and communications.

- 2040 Comprehensive Plan: Ongoing compliance with the Plan.
- Broadband Expansion: Survey of residential needs.
- Subdivision Ordinance: Review, host public hearing and recommended to the Town Board for approval.

2022 Eureka Township Permits

➤ New Residence	4	➤ Roofing/Siding/Window	57
➤ Accessory Building	3	➤ Plumbing	7
➤ Ag-exempt Building	1	➤ Mechanical	13
➤ Remodel/Addition	4	➤ Septic	7
➤ Demolition	3	➤ Swimming Pool	1
➤ Solar Energy (roof-mounted)	2	➤ Deck	2
Total Permits: 105			

Town Board Report

Town Board members 2022-2023

Lu Barfknecht, Chair (2025), Donovan Palmquist, Vice Chair (2023), Ralph Fredlund (2023), Nancy Sauber (2024), Kathleen Kauffman (2024).

Town Board Accomplishments 2022-2023

- Home Extended Business research
- Expanded Town Hall hours: 10-6 Tuesdays
- Interim Ordinance authorizing a study and placing a moratorium on the establishment of new mining facilities
- Hired Mining Superintendent: Carrie Jennings
- Broadband Grant \$266,152, cost to Township \$56,538 serve roughly 101 homes in Eureka Center and Eureka Estates
- Recodification of Ordinances:
 - Placed similar items in the same chapter
 - Performed legal analysis by comparing the Ordinances against state and federal statutes to ensure they align
 - Implemented all Ordinance amendments that have been adopted since the 2017 recodification
- Ordinance Amendments:
 - 2023-01 amending Subdivision Ordinance
 - 2023-02 amending Housing Rights and Transfers
 - 2023-03 amending Mining Ordinance
 - 2023-04 amending Nuisance Ordinance
- Appointed Airlake Airport Advisory Committee liaisons
- Special Town Meeting on Administrative Hearing Process
- Sat as Board of Adjustments and Appeals to grant Adelman variance
- Housing Rights/Land Use database for Township Clerks
- Interviews for new Clerk/Treasurer between September 2022-January 2023
- Researched outsourcing for Zoning Administration

Goals for 2023-2024

- Home Extended Business
- Accessory Buildings
- Broadband extensions
- Communication and transparency
- Road projects

New Attorneys that specialize in Townships

Couri & Ruppe: General Counsel

- Day-to-day questions
- Training workshops
- Leverage work from other townships
 - Represent hundreds including Credit River, Empire and Castle Rock
 - Inspectron contract
 - Contract for broadband investment
 - Nuisance Ordinance
 - Road closure
 - Outsourcing zoning
 - Accessory buildings
 - Ordinance enforcement
 - Orderly annexation
 - Complete recodification process
 - 1967 legislation governing Township's powers and responsibilities
 - New Data Practices Policy
 - New Ordinances
 - Subdivision Ordinance rewritten over Christmas when major problem discovered
 - Housing Right Transfer text amendment adopted after three years
 - Nuisance Ordinance
 - New Complaint Policy
 - Ordinance enforcement
 - Abatement agreements
 - Balance of Public Service and Township liability

Kennedy & Graven: Special Counsel

- Mining Ordinance
- Administrative Hearing process
- Pending litigation

Road Report

2022 Road Work Completed

- Limestone overlay and spot gravel \$153,951.90

225 th St W (Cedar to Highview):	1,821.70 ton	\$22,406.91
225 th St W (Denmark to Essex):	936.63 ton	\$11,520.55
Highview Avenue:	1,168.80 ton	\$14,376.24
235 th St W (Highview to City line):	1,997.78 ton	\$24,572.69
Ipava Ave (250 th to 267 th):	1,893.41 ton	\$23,288.95
Essex Ave (245 th to 255 th):	1,198.27 ton	\$14,738.72

Granada Avenue:	678.68 ton	\$ 8,347.76
Cedar Avenue:	302.21 ton	\$ 3,717.18
Fairgreen:	23.6 ton	\$ 290.28
Spot gravel:	2,455.93 ton	\$30,692.71

Future Road Work Planned

Project #1	Denmark	3,000 ton
Project #2	245th St W (Denmark to Essex)	1,000 ton
Project #3	225th St W (Denmark to Cedar)	5,500 ton
Project #4	225th St W (Cedar to Highview)	1,200 ton
Project #5	240th St W (Cedar to Highview)	1,200 ton
Project #6	240th St W (Dodd to Highview)	1,200 ton
Project #7	Spot gravel	300 ton

Treasurer's Report

Reading of the 2022 Treasurer's Report

Ralph Fredlund presented the Treasurer's Report. As of December 31, 2022:

2022	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance
General Fund	\$ 275,553.31	\$ 335,773.49	\$ 264,033.13	\$ 347,293.67
Road and Bridge	\$ 333,253.09	\$ 415,443.45	\$ 379,397.65	\$ 369,298.89
Permit Escrow - General Fund	\$ 5,500.00	\$ 1,500.00	\$ 5,500.00	\$ 1,500.00
Permit Escrow - Road & Bridge	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Petty Cash	\$ 100.00	\$ -	\$ -	\$ 100.00
Covid 19 - ARPA	\$ 77,347.70	\$ 83,094.87	\$ 2,130.00	\$ 158,312.57
Building Permits - Bldg Official	\$ 947.14	\$ 39,717.63	\$ 38,860.53	\$ 1,804.24
Fire and Rescue	\$ 10,307.68	\$ 80,639.02	\$ 86,473.10	\$ 4,473.60
Kelly Aggregate Engineering Fund	\$ 3,240.74	\$ -	\$ -	\$ 3,240.74
Professional Services	\$ 19,052.35	\$ 27,062.58	\$ 4,829.08	\$ 41,285.85
Storage Building	\$ 10,100.00	\$ 5,100.00	\$ -	\$ 15,200.00
Asphalt/Hard Surface Road	\$ 236,407.30	\$ 50,000.00	\$ 67,410.85	\$ 218,996.45
Road and Bridge CIP	\$ 15,600.00	\$ 5,000.00	\$ -	\$ 20,600.00
Town Hall CIP	\$ 16,811.06	\$ 10,200.00	\$ 3,289.84	\$ 23,721.22
Emergency Road	\$ 10,100.00	\$ 5,000.00	\$ -	\$ 15,100.00
TOTAL	\$1,019,320.37	\$1,063,531.04	\$ 856,924.18	\$1,225,927.23

Bank Balances as on January 1, 2023

New Market Bank checking account:	\$ 38,131.73
Less outstanding checks:	\$ (38,847.73)
General Fund Savings account:	\$ 597,747.89
<u>Road and Bridge savings account:</u>	<u>\$ 628,795.34</u>
Total Bank Balances:	\$1,225,827.23

2024 Proposed Levy and Budget

Revenue	2021 Approved	2022 Approved	2023 Approved	2024 Proposed
General Fund Levy Income	\$213,272	\$215,712	\$225,229	\$249,335
General Fund	\$172,472	\$174,912	\$180,479	\$204,335
Professional Services Fund	\$25,500	\$25,500	\$27,650	\$25,000
Storage Building Fund	\$5,100	\$5,100	\$5,600	\$5,000
Town Hall CIP Fund	\$10,200	\$10,200	\$11,500	\$15,000
Fire & Rescue Levy Income	\$89,000	\$86,500	\$90,600	\$93,850
Road & Bridge Levy Income	\$405,440	\$405,500	\$448,500	\$445,650
Road & Bridge Fund	\$344,240	\$345,500	\$382,500	\$385,650
Asphalt/Hard Surface	\$51,000	\$50,000	\$55,000	\$50,000
Road & Bridge CIP Fund	\$5,100	\$5,000	\$5,500	\$5,000
Emergency Road Fund	\$5,100	\$5,000	\$5,500	\$5,000
TOTAL LEVY INCOME	\$707,712	\$707,712	\$764,329	\$788,835

Total Levy Income	\$707,712	\$707,712	\$764,329	\$788,835
Total General Fund Income	\$66,050	\$75,900	\$78,400	\$83,225
Total Road & Bridge Income	\$25,000	\$23,750	\$23,750	\$27,000
TOTAL BUDGET INCOME	\$798,762	\$807,362	\$866,479	\$899,060

Ralph Fredlund explained that the final levy is not reported to the County until September and noted that we can set the levy tonight or continue the Annual Meeting until August, at which time we would have more up-to-date information to finalize the levy.

Ralph Fredlund moved to decide whether to set the levy tonight or to set the levy at a continued Annual meeting in August. Andre Stouvenel seconded the motion. Motion withdrawn.

Kathleen Kauffman moved to decide on the levy tonight in the amount of \$788,835. Lu Barfknecht seconded the motion.

Mark Ceminsky questioned why the staff income is not presented in the budget information. In addition, he asked what preempted the decrease in the amount of road grading being done.

Kathleen Kauffman responded that the Road Superintendent, Mark Henry, pointed out that the previous road contractor was grading at the wrong time and in the wrong conditions, resulting in the gravel being pushed into the ditches. The employee expenses were increased after discovering that it was impossible to attract a replacement Clerk without offering benefits.

Mark Ceminsky added that we cannot always wait until it rains to grade the roads. Why not add a requirement that the road contractor have a water truck if that is our concern? Regarding staff, we had always run the Town Hall with 20 hours per week until Rane was hired and maintained full-time hours. If we have full-time staff the Town Hall should be open full-time.

Mark Wheeler noted that we have a lot of money in our savings accounts and asked whether that money is FDIC insured. Ralph Fredlund responded that state law requires that banks pledge assets to cover the money. Clerk Atwater added that New Market Bank presents a monthly statement of pledged securities. We are currently looking into CDs and the Insured Cash Sweep program for investing.

Kathleen Kauffman commented that the Town Board hired Mark Henry as the Road Superintendent. He is experienced and well-connected with the County. Our roads were in bad shape, and we have worked hard to get them back in good shape, but it will be another 2-3 years.

Mark Pflaum asked why the levy needs to be increased if we have a million dollars in the bank. Ralph Fredlund responded that it is recommended that we have one year's worth of budgeted income in reserves at all times. We do not receive the first levy payments until July of each year, so the first half of the year's bills are paid out of reserves. In addition, the money in the bank includes cash reserves, it is not all budget.

Mark Pflaum commented that all Township roads do not seem to be receiving the same service. This is unacceptable and we need to take the same care with all of the roads.

Pete Storlie commented that there seems to be a difference in the quality of materials used on the roads, and asked whether the road contract is being put out for bids. Given that the Township Supervisors are not engineers, perhaps we should obtain an opinion from an engineer or another road contractor.

Kathleen Kauffman responded that these are productive suggestions for the Town Board to consider.

Beth Eilers commented that the past two years are the first time that 250th has had Class V with clay placed on it. Previously, it was river rock with sand which ended up in the ditches.

Pete Storlie requested a report of the 2023 and 2024 wages and benefit packages of all employees of the Township.

Gary Gunderson commented that given the amount of inflation we are all experiencing, it is amazing that the budget consists only of a 3% increase and urged voting on the levy.

Nancy Sauber added that the costs of the Mining Superintendent are passed on to the mines.

An unidentified audience member suggested waiting to set the levy until August as we have two new Town Board members, Allen Novacek and Tim Pope have won.

Lu Barfknecht called for a vote on the motion.

Motion failed 27-18.

Motion to approve the Treasurer's Report

Dave Wheeler moved to accept the Treasurer's Report as presented. Kathleen Kauffman seconded the motion. Motion carried.

Motion to waive reading of checks written and received and accept the synopsis

Lu Barfknecht moved to waive the reading of checks written and received, and to accept the synopsis provided by the Treasurer. Ralph Fredlund seconded the motion. Motion carried.

Set the Levy for 2024

Pete Storlie moved to approve the 2024 Levy in the amount of \$764,329, the same amount as the 2023 budget. Ralph Fredlund seconded the motion. Motion carried.

Motion to waive reading of the 2022 Annual Meeting minutes

Ralph Fredlund moved to waive the reading of the 2022 Annual Meeting minutes. Donovan Palmquist seconded the motion. Motion carried unanimously.

Motion to approve the 2022 Annual Meeting minutes

Lu Barfknecht moved to approve the 2022 Annual Meeting minutes. Ralph Fredlund seconded the motion. Motion carried.

Set the date and place for the 2024 Annual Meeting

Mark Ceminsky moved to set the date and place for the 2024 Annual Meeting for Tuesday, March 12, 2024, at 8:15 p.m. at Town Hall. Chuck Kauffman seconded the motion. Motion carried.

Set the polling place and time for elections

Ken Olstad announced the 2024 polling place and time for elections is to be held at Town Hall on March 12, 2024, from 7:00 a.m. to 8:00 p.m.

Citizen Q & A

Mark Ceminsky moved to remove Kathleen Kauffman as an appointed Supervisor, based on Minn. Stat. 367.03, and set a Special Election on May 9, 2023, as her seat should have been on the ballot. Dan Heyda seconded the motion.

Kathleen Kauffman commented that both the previous and current attorneys confirmed that she held her seat until the end of Tim Murphy's term.

Ralph Fredlund reminded that the only vote that is binding on the Town Board is the levy. However, the vote of the citizens will be taken into consideration.

Lu Barfknecht advised that the Town Board posted the vacant seat, stating that if and when Tim Murphy was able to return to his position, the appointed individual would be required to step down. Kathleen Kauffman was the only resident who submitted a letter of interest for the vacant seat. Two separate attorneys addressed the question and, as secondary attorney liaison, I was included in the correspondence.

Dave Wheeler pointed out that the Board had the duty to appoint a Supervisor within 90 days of continuous absence of the elected Supervisor. Kathleen Kauffman was appointed February 28th. If the Township did not act correctly, the attorney opinion is not correct.

Gary Gunderson called for an end to the discussion.

Motion carried 22-19.

Mark Pflaum moved that at the next Annual Meeting, the Town Board provide a plan for the roads to improve service for all Eureka Township roads. Pete Storlie seconded the motion with an amendment to spend an additional \$100,000 in gravel from the General Fund in 2023 and seek bids for a new contractor, perhaps the County, within the next 2-3 months. Mark Pflaum accepted the amendment.

Lu Barfknecht advised that the Town Board applied for funds to help with the roads and the Governor denied us because we were too small. She recommended that the citizens write letters to the Governor. In addition, she welcomed all interested citizens to join the Township Road Advisory Committee.

Pete Storlie commented that having Mark Henry as our Road Superintendent concerns him, as does having Carrie Jennings as our Mining Superintendent. We have had a long-standing policy of not hiring Eureka residents as contractors. He asked if these positions were posted for open bidding.

Ralph Fredlund offered that the Town Board has 13,400 tons of gravel planned to be placed on the roads this spring. We are working as best we can to repair the roads but have experienced unusual weather. The Board is very conscientious of the money being spent on road maintenance.

Chuck Kauffman pointed out that the motion and amendment are contradictory. Lu Barfknecht agreed that there should be two separate motions since the motion deals with 2024 and the amendment deals with 2023.

Dan Heyda moved to withdraw the amendment to the motion, which was accepted. The vote on the motion carried.

Vote on the original motion carried.

Mark Ceminsky moved to spend \$100,000 from the General Fund in 2023 to place additional gravel on Township roads, when weather conditions allow, due to the emergency situation of the road conditions. Dan Wheeler seconded the motion.

Ralph Fredlund reminded that there is already \$160,000 being spent for this purpose.

Bev Topp commented that the 2023 levy did not include this additional expense and would put a burden on the Town Board to accomplish.

Pete Storlie responded that it will be tough to figure out, but the roads are in bad shape. He added that he hopes the Board take this motion as more than advisory.

Mark Ceminsky added that, with more than \$1,000,000 in the bank, it should not be hard to find the money.

Judy Novacek commented that without cutting the shoulders as well, there is nothing to stop standing water on the roads. This is equally as important as crowns.

Gary Gunderson called to end discussion. Mark Ceminsky seconded the motion. Motion carried.

Vote on the motion passed 22-18.

Adjournment

Gary Gunderson moved to adjourn the meeting. Dave Wheeler seconded the motion. Motion carried unanimously.

Meeting adjourned at 10:43 p.m.