

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

**TOWN BOARD MEETING**  
**July 25, 2023 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:00 p.m. by Chair Barfknecht and the Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Nancy Sauber, Allen Novacek (7:27 pm) Tim Pope, and Randy Wood.

Others Present: Liz Atwater, Melanie Storlie, Brian Ahern, Mike Slavik, George Mwauri, Nancy Gakunjo, Beth Eilers, Adam Roozen.

Zoom Attendance: Ralph Fredlund, Deb Burkhart, Lynn Olson, Carol Cooper, Gloria Belzer, Julie Larson.

**Approval of the Agenda**

Vice Chair Sauber requested the following:

II- New Business

D- Closed Meeting with Attorney Alsop

*Motion:* Chair Barfknecht moved to approve the agenda as amended. Vice Chair Sauber seconded the motion. *Motion carried 4-0.*

**Road Report**

Supervisor Wood reported he spoke with Mr. Henry regarding the barricade on 245<sup>th</sup>. Supervisor Wood will follow up with Safety Signs on getting a quote to move the barricade and to get an answer regarding who can move the barricade, the Township or Safety Signs.

Supervisor Wood approved Mr. Henry's request to finish the dust proofing on Ipava and Highview.

Clerk Atwater reported that on the 2023 Road Project. The total cost for just the gravel/rock was \$172,627.27, and the budget was \$171,520.00. Clerk Atwater reported she is working on the JPA for Roads with Farmington and Lakeville.

Clerk Atwater reported that PERA has lowered their eligibility requirements for employees to be eligible for PERA. As of July 1, Mr. Henry would qualify for PERA as an employee of the Township. The question was asked why Mr. Henry is an employee vs contractor? Vice Chair Sauber recommended this be forwarded to the Attorney. Chair Barfknecht or Clerk Atwater will reach out to Township Attorney, Mr. Ruppe.

**Dakota County Commissioner Slavik**

Commissioner Slavik shared there have been conversations started with the Commissioner from Scott County regarding 245<sup>th</sup>. Any decisions that Dakota County would make would only

be if there was a long-term commitment from Scott County regarding keeping their portion of 245<sup>th</sup> as a county road.

### **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.

#### Adam Roozen- 5604 Trailhead Lane SE – BKR Brands 7987 257<sup>th</sup> Street W

Mr. Roozen stated that BKR Brands reviewed the proposed Interim Ordinance last night and the updated version today. They respect the decision of the Board regarding the updated proposed Interim Ordinance on the Cannabis Moratorium.

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

### **Complaints –**

#### 2023-04 and 2023-05 – 24465 Highview Ave

Supervisor Novacek reported he called one of the complainants who gave permission to be contacted during the investigation portion. The complainant was unable to talk and stated they would call Supervisor Novacek back. As of the meeting he had not heard anything further. He had not followed up with the Sheriff as he remembers that Chair Barfknecht was going to follow up. Chair Barfknecht stated she did not follow up since Supervisor Novacek and Supervisor Pope were assigned the complaint. Supervisor Novacek said “For the record I state ‘that Lu said she was going to do it. If she says she didn’t say it, fine, then listen to the recording if you want. That is why I didn’t call up the Sheriff.’” Vice Chair Sauber recommended that Supervisor Novacek talk with the Sheriff and see if a report was filed. Supervisor Novacek stated for the record “I will check with the Sheriff again. I tried once. I will check with him again.”

#### George Mwauri 2<sup>nd</sup> Dwelling CUP

Mr. Mwauri explained they were unable to find someone to help with the farm work, so they tore the dwelling down. Vice Chair Sauber stated he is currently not using the CUP, but the CUP runs with the land, unless he wanted it revoked. Mr. Mwauri requested to keep the CUP and not have it revoked. When they were to find someone to work, they would reconstruct the house.

*Motion:* Vice Chair Sauber moved that George Mwauri’s CUP for the 2<sup>nd</sup> single family farm dwelling, does not require a review each year until such time as they should want to reconstruct a house and have an employee live there. Chair Barfknecht seconded the motion.  
*Motion carried 4-0.*

### George Mwauri Airstrip CUP

Mr. Mwauri explained that his daughter was going to use the airstrip, but now living out of the country. He asked the board not to revoke the CUP and to ask for the same review conditions as the 2<sup>nd</sup> dwelling. Vice Chair Sauber stated the CUP does require a Minnesota state airport license. Mr. Mwauri stated he does not currently have one.

Chair Barfknecht recommended the attorney be asked to review the CUP to see if an airport license is required even if they are not using the airstrip to be in compliance with the conditions of the CUP. The board tabled discussion to a later meeting and after the attorney review.

### **Treasurer's Report**

#### Net Pay and claims

The Clerk presented payroll in the amount of \$3,391.57 for payment.

The following claims in the amount of \$90,795.17 were presented for payment:

Anderson Rock and Lime	Gravel	\$11,311.46
Benafica, LLC	HRA	\$530.50
Central Farm Services	LP Tank	\$270.87
Couri & Ruppe	Legal Services May 2023	\$625.00
Driessen Water	Rental	\$41.19
DSI	July Garbage	\$135.95
ECM Publishers	Cannabis Moratorium	\$56.00
Envirotech	Dust Control	\$46,023.28
Inspectron	June 2023 Inspections	\$4,585.38
Elizabeth Atwater	Amazon and Sam's Club	\$379.28
Mark Henry	Mileage June	\$231.87
MN Department of Labor	State Surcharge Quarter 2	\$326.56
Pam Cappetto	Refund of Special Meeting Escrow	\$500.00
T&C Cleaning	July Cleaning	\$150.00
De Lage Landen Financial	Copier	\$95.83
Grossman Companies	July 11, 2023, Invoice	\$25,333.00
JTN Communications	Internet	\$199.00

Vice Chair Sauber asked for additional information regarding what cost, if any, was incurred by Pam Cappetto for the changes to the building plans from Inspectron. Any additional costs should be paid out of the escrow amount. Clerk Atwater will contact Inspectron.

*Motion:* Vice Chair Sauber moved to approve the net pay and claims for July 25, 2023, with the exception of the refund of the \$500.00 escrow to Pam Cappetto following the follow-up with Inspectron. Chair Barfknecht seconded the motion. Roll call vote: Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

### CD Recommendation

Clerk Atwater presented a recommendation to purchase a \$25,000 7-month CD at 5.1% from General Fund and a \$50,000 7-month CD at 5.1% from the Town Hall CIP Fund.

*Motion:* Vice Chair Sauber moved to take \$25,000 out of the General Fund and invest it in a 7-month CD at the current rate being 5.1% at Genisys Credit Union. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

*Motion:* Vice Chair Sauber moved to move \$50,000 from the Town Hall CIP Fund into a 7-month CD at the current rate being 5.1% at Genisys Credit Union. Supervisor Novacek seconded the motion. Roll call vote: Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

Clerk Atwater presented a recommendation to purchase a \$30,000 7-month CD at 5.1% from Road & Bridge Fund and a \$150,000 in a CD from the Asphalt/Hard Surfaces Fund.

Clerk Atwater recommended to the Board make a motion to purchase a \$30,000 CD out of Road and Bridge at Genisys 7-month at 5.1%. Supervisor Novacek so moved. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

Clerk Atwater recommended to the Board to make a motion to purchase a \$150,000 CD out of the Road and Bridge Asphalt/Hard Surfaces Fund, a short-term month CD based on the rates that the clerk can find. Supervisor Novacek so moved but to identify as a 7-10-month CD. Chair Barfknecht asked for Supervisor Novacek to restate the motion. Supervisor Novacek withdrew the motion.

Supervisor Pope moved to take \$150,000 from the Asphalt/Hard Services Fund and put it in a 7-month CD that Liz is going to find, and she will present at the next meeting. Supervisor Wood made a friendly amendment that the CD will be 7-10-months. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

### **Unfinished Business**

#### Ordinance Permit Pricing vs Referring to a Fee Schedule

The Clerks will be reviewing the ordinance and will make recommendations to the Board.

#### Township Road Speed Project/Laws on Putting up Speed Limit Signs

Commissioners Burkhart and Eilers will present to the Board at the August 22, 2023, meeting.

#### Night to Unite

Commissioner Eilers gave an update about the food and beverages, donations, games, and prizes.

*Motion:* Vice Chair Sauber moved to approve Resolution 2023-17 for accepting donations for our Night to Unite. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

**Dakota County Sheriff and Commissioner Presentation**

Chair Barfknecht paused the business to call upon the Dakota County Sheriff Leko and Commissioner Mike Slavik.

Sheriff Leko stated that the Dakota County patrol division is comprised of 27 Deputies and supervisors who cover 355 square miles which includes townships and cities. Sheriff Leko stated the number of patrol deputies has not increased in the last 26 years except for a 40-hour contracted Deputy in the city of Empire. Patrol deputy was added in 2021 through the County Board approval, and one commercial vehicle enforcement. The call natures, population, traffic, and demands have changed over the years. Careers of the deputies are shorter due to lack of resources, backup, and stress. They want a healthy workforce, because a healthy workforce is best and provides the best coverage and safety.

Commissioner Slavik stated the County Board and Sheriff’s office worked on a study to determine how to do better policing and what is the right staff ratio. The data showed that they were underserved as a department. The study is still showing an additional 3 plus deputies are needed. The proposal that was recommended by the committee that was comprised of 5 townships and 1 city, to join the Dakota911 JPA and phase in a proportionate share of 911 costs to the Township over a five-year period.

Estimate of cost for Eureka Township:

	2020 Census	Est. Share 911 Charges 100%	Est. 2024 20%	Est. 2025 40%	Est. 2026 60%	Est. 2027 80%	Est. 2028 100%
Eureka Township	1,373	\$31,161	\$6,232	\$12,464	\$18,697	\$24,929	\$31,161

**Unfinished Business Continued**

ARPA Funds

JTN getting the Township Quote for additional future expansions in the Townships.

MPM/Chard Mining

A letter was sent to MPM and Mr. Chard from the Township Attorney. Chair Barfknecht will email the attorney to follow-up on status and what next steps will be.

MPCA

A letter was sent to the resident on 6.21.2023 with a 30-day notice to comply. MPCA gave them until August 1, 2023.

Closed Road -245<sup>th</sup> between Dodd and County Line

Discussed during the Road Report.

## Point North

No updates.

## Public Hearing- Cannabis Moratorium

The Town Board held a Public Hearing on July 24<sup>th</sup> at 7 pm at the Town Hall.

*Motion:* Vice Chair Sauber moved to approve Eureka Township ordinance 2023-05 which is an interim ordinance authorizing a study and imposing a moratorium on the operation of cannabis businesses. Supervisor Wood made a friendly amendment that this is version 2 which will include the updated language under expectations. Vice Chair Sauber accepted the amendment. Supervisor Pope seconded the motion. *Motion carried 5-0.*

*Motion:* Vice Chair Sauber moved to approve Resolution 2023-18 which is a resolution approving the summary language for publication of an interim ordinance placing a moratorium on cannabis businesses. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

## Planning Commission Application Recommendation-

The Planning Commission is reviewing and will present to the Board at a Future meeting.

## **New Business**

### Dakota County Sheriff-Proposal

The Town Board will discuss it at the next meeting.

### Dakota County Mail Balloting

The Town Board will discuss it at the next meeting.

### Copier Quotes

Clerk Atwater presented quotes from TOPS and Metro Sales for getting a new copier.

*Motion:* Chair Barfknecht moved to go with the Metro Sales quote as presented. Vice Chair Sauber seconded the motion. *Motion carried 5-0.*

### Closed Meeting with Attorney Alsop

Clerk Atwater will check with the attorney regarding Tuesday, August 8 at 6:00 pm. If not available, see what other dates he is available.

## **Clerk Matters**

Clerk Atwater reported that a new state flag was purchased and has been put up. The website has been updated a bit and there is a link on the front page if they want to join the email list. Clerk Atwater asked the Board to consider getting an updated logo for the Township. The Clerks would like to get some identification gear, such as shirts, with the new logo to wear at the Town Hall and for events representing the Township.

**Adjournment**

*Motion:* Supervisor Wood moved to adjourn the meeting. Supervisor Pope seconded the motion. *Motion carried 5-0.*

Meeting adjourned at 10:09 pm

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:

  
Town Chair

on:

8/22/23  
Date