

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

**TOWN BOARD MEETING**  
**June 13, 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, Tim Pope, and Randy Wood (Zoom).

Others Present: Liz Atwater, Brian Ahern, Ralph Fredlund, Gregory Langer, Linus Langer, David Valentini, Maura Suel, Adam Roozen, Richard Brama, John Storlie, Terri Petter, Adam Jakes, Melanie Storlie, Mark Henry, Chris Wenzel.

Zoom Attendance: Cory Newby, John Peterson, Bruce Boeder, Danielle Fox, Julie Larson, Donovan Palmquist, Gloria Belzer, Sara Hart.

**Approval of the Agenda**

The following change was made to the agenda:

- New Business I- ALAAC Report

*Motion:* Chair Barfknecht moved to approve the agenda as modified. Vice Chair Sauber 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.*

**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.

John Storlie - 23449 Dodd Blvd

Mr. Storlie asked the Board why 245<sup>th</sup> is closed. How much money did the Township spend to put the barricades up, make new signs, and the Township could have just put some rock down, graded it and put a sign up of limited use.

Chair Barfknecht explained the cost to maintain the road far exceeded the cost to put the signs up. The Board could consider opening it as a minimum maintenance road.

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

My name is Adam Roozen. I am here representing a Farmington-based small business called BKR Brands, which has been operating for about four years.

BKR Brands has invested significant capital to renovate a dilapidated greenhouse and property and is now cultivating agricultural products with organic and sustainable practices. Our products are organically certified, and we produce near-zero waste, outside of the

packaging from inbound mail. We've worked closely with members of local law enforcement, the University of Minnesota and the Minnesota Department of Agriculture.

We are asking that this ordinance not be passed and not implemented. I understand that there are concerns about commencing sales of cannabis products too quickly. We believe these concerns are primarily related to the existence of dispensaries and other retail businesses. BKR is not conducting retail nor dispensary business in the Eureka Township and do not have plans to. BKR Brands cultivates, manufactures and then distributes out to other areas.

Separate from those mitigated concerns, there are two distinct opportunities. Firstly, it's a missed opportunity to support the mental health and wellness of local residents. Without going into details at this moment, there's ample reason to believe that access to legitimate cannabis products is important for the well-being of a number of people. Secondly, it's a missed opportunity to support a Farmington-based small business, its employees, and the tax revenue for the Township. If this ordinance goes into effect, it will likely risk the viability of BKR Brands and risk the employment of its staff.

BKR Brands cultivates industrial hemp and distributes industrial hemp products; these products contain CBD and other derivatives. As other parts of the state activate sales of cannabis-related products, the market demand for industrial hemp products will reduce dramatically, directly and negatively impacting B K R Brands. As businesses from other parts of the state get a head start, they will cement partnerships and other relationships, effectively blocking other businesses from being able to participate and compete, including BKR Brands and other local businesses. If we are allowed to evolve from hemp into cannabis right away, our viability is solvent.

If this ordinance is implemented, it will negatively impact the long-term viability of BKR Brands, its eventual 40 employees, and the business opportunities for others in Eureka Township. It will also severely limit the long-term potential of tax revenue and further employment in the Township as these businesses are unable to get off the ground and compete due to having an 18-month go-to-market disadvantage.

This is not in the best interest of Eureka Township, its citizens, its small business owners, or its own treasury. On the contrary, if this ordinance is cancelled, BKR Brands, which has operated in Farmington for the last four years in an organic and sustainable way, will be able to continue its momentum, leveraging its in-market advantage over newly formed businesses from other parts of the State, improving the potential for long-term employment and tax revenue for Eureka Township.

Richard Brama- 7219 Gloucester Drive - BKR Brands 7987 257<sup>th</sup> Street W

Mr. Roozen explained they have been in the community for four years. They look at this as a long-term opportunity. He extended an offer for anyone to come out to the farm, take a tour and educate them on their operations.

David Valentini- BKR Brands – 331 2<sup>nd</sup> Ave S. Suite 705, Minneapolis

Mr. Valentini stated he is the lawyer and investor in BKR Brands. They are fully licensed by the State of Minnesota. The State of Minnesota and Department of Agriculture conduct

testing on the CBD they grow. The business has always been in compliance. BKR Brands has three licenses for cultivating, processing, and distribution. Mr. Valentini stated they are currently using about 15,000 square feet of their 45,000 square feet capability. He requested that the Board does not pass the moratorium that puts it off until 2025.

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

### **Citizen Inquiry –**

#### **10132 235<sup>th</sup> Street- Terri Petter & Corey Newby**

Ms. Petter requested clarification for potential buyers what is a home-based business. The Board directed Ms. Petter to the Township Ordinances. Vice Chair Sauber recommended that further questions be in writing and be directed to the Township Attorney.

Ms. Petter asked if she had a housing/building right on the one parcel where the house burned on the quarter-quarter section. The Board confirmed there is one housing right on the property.

Mr. Newby, potential buyer for 10132 235<sup>th</sup> Street, asked questions about amending the ordinance to his ability to run an online business. Supervisor Sauber told Mr. Newby that if he wanted to change the Ordinance, he could apply for it as stated in the Township Ordinances. The board would not make a statement ahead of time having not seen anything he might be submitting. Chair Barfknecht did state the Ordinances state what types of CUPs are allowed in the Township.

#### **PID: 13-01100-51-0013 Delmore**

Chair Barfknecht to drive by to see what activity is going on and if a letter needs to be sent regarding permit requirements.

### **Road Report- Mark Henry**

Road Superintendent Henry reported they finished up 225<sup>th</sup> between Cedar and Denmark. They are working on dust proofing on 225<sup>th</sup>, touching up Denmark and finishing up 225<sup>th</sup> west of Cedar and 240<sup>th</sup>.

### **Planning Commission Update**

Planning Commissioner Burkhart shared items that were discussed at the June Planning Commission meeting. A full summary is provided in the meeting minutes and is available for viewing at the Town Hall and on the website.

### **Glory to Glory CUP Follow-up**

Chair Barfknecht stated they did follow their CUP for the lighted sign. They did add a light to the sign, however, there is nothing in the ordinances that state they cannot put a light up and there is no permit for putting up a light.

### **Permits**

Fox, Blake and Danielle, 24656 Fordham Ave, PIN 13-01500-77-015

*Motion:* Chair Barfknecht moved to approve the building permit application for Blake and Danielle Fox for the deck. For PIN: 13-01500-77-015. Vice Chair Sauber 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.*

Jakes, Adam, 25681 Ipava Ave, PIN 13-01900-78-12

*Motion:* Vice Chair Sauber moved to approve the pool application for Adam Jakes and Rachel Ecker at 25681 Ipava Ave as submitted. 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.*

Endres, Ed, 25735 Denmark Ave, PIN 13-02400-75-050

*Motion:* Supervisor Novacek moved to approve the permit for an addition at 25735 Denmark Ave, PIN 13-02400-75-050. Supervisor Pope 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.*

**Land Use**

Donald L. Peterson Family, 5304 220<sup>th</sup> Street W, PIN 13-00100-26-025

*Motion:* Vice Chair Sauber moved to approve the lot split for PIN 13-00100-26-025 from an original parcel of 74.06 acres to parcel A of 9.36 acres and parcel B 64.70 acres. Supervisor Pope 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.*

**Treasurer’s Report**

Clerk/Treasurer Atwater read the Treasurer’s Report as of May 31, 2023: Total of all accounts is \$1,086,934.22; Total assets: \$1,087,034.22.

*Motion:* Vice Chair Sauber moved to approve the Treasurer’s Report for June 13, 2023, as presented. 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.*

Resolution for financials at Genisys Credit Union

Supervisor Sauber made punctuation, grammar, and spelling corrections to the Resolution.

*Motion:* Vice Chair Sauber moved to approve Resolution 2023-15: Resolution for financials at Genisys Credit Union as edits. 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.*

Net Pay and claims

The Clerk presented payroll in the amount of \$3,046.29 for payment.

The following claims in the amount of \$104,830.30 were presented for payment:

PERA	May Payroll	\$986.50
IRS	Taxes May Payroll	\$1,743.71
Anderson Rock and Lime	Gravel	\$26,977.71

City of Farmington	2 <sup>nd</sup> Quarter Fire Services	\$10,019.35
Driessen Water	Water Softener and Salt	\$77.94
Dakota Electric	Electric	\$17.60
Dakota Electric	Electric	\$150.99
DSI	Garbage	\$136.98
Grossman Companies	May 9, 2023, Asphalt Paving	\$7,800.00
Grossman Companies	May 5-17 Grading	\$11,454.00
Inspectron	May 2023 Inspections	\$5751.40
JTN	Internet	\$199.00
Lewis, Kisch & Associates	2022 Audit	\$8,425.00
Mark Henry	Road Mileage	\$144.76
MN Labor & Industry	State Surcharge 1 <sup>st</sup> Quarter	\$36.00
M & R Signs	Road Sign- Double Arrow	\$173.57
Ottomatic Lawn Care	Town Hall Mowing- May	\$750.00
Kennedy & Graven	Legal Services April	\$4,158.00
Point North	IT Services	\$345.50
Ranee Solis	Consulting	\$400.00
Genisys Credit Union	Open Membership Checking	\$5.00
Genisys Credit Union	Purchase 7-month CD	\$25,000.00
Elizabeth Atwater	Mileage Seminar	\$77.29

*Motion:* Vice Chair Sauber moved to approve the net pay and claims as presented. Chair Barfknecht seconded the motion. Roll call vote: Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

Receipts and Disbursements

The Clerk/Treasurer presented May receipts in the amount of \$47,536.98 and May disbursements in the amount of \$90,504.77.

Other Reports

Clerk/Treasurer Atwater reviewed the Cash Control Statement, PTO Balances and 2023 year to date expenses vs budgets.

General Fund Budget Adjustments

*Motion:* Chair Barfknecht moved to approve the recommended adjustments in the general fund per Liz’s recommendation. Supervisor Novacek seconded the motion. Roll call vote: Nancy Sauber – Aye; Allen Novacek – Aye; Tim Pope – Aye; Randy Wood - Aye. *Motion carried 5-0.*

**Unfinished Business**

Inspectron Contract

The Board discussed the current contract and changes they wanted to present to Inspectron. Clerk Atwater will make the changes to the contract and send to Inspectron for review.

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  
Will be discussed at a future meeting.

Night to Unite  
Will be discussed at a future meeting.

ARPA Funds  
Will be discussed at a future meeting.

General Code  
Clerk Atwater gave an update on the timeline of the project and should be completed by the next meeting on June 27, 2023.

MPM/Chard Mining  
Chair Barfknecht discussed the letter the Attorney sent to MPM and Mr. Chard. She will follow up with the Attorney on what the deadline and next steps will be.

### **New Business**

#### Resolution- Juneteenth

*Motion:* Vice Chair Sauber moved to approve Resolution 2023-16 which is a resolution to amend Resolution 2023-13 in reference to Juneteenth as a State holiday. As such, will be added to our holiday schedule. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht- Aye; Nancy Sauber – Aye; Randy Wood- Aye; Tim Pope- Nay; Allen Novacek – abstain. *Motion carried 3-1.*

#### Attorney Contact/Liaison

Chair Barfknecht stated that anyone on the Board can go to the MAT attorneys for questions. Other questions should be put in writing and sent to the Attorney Liaisons, and they will be forwarded to the Township Attorney. The Clerks also have access to the Township Attorneys if they can't get answers from the MAT Attorney. The Clerks should also be copied on all email communications with the Attorney.

#### Ruppe Legal Seminar

Clerk Atwater shared the power point handouts with the Board via email. She stated that one of the topics was about Township email accounts. It was highly recommended that all Supervisors, Commissioners and Staff should have and only use the Township email accounts. They should not be using personal email for Township business or communication. The Attorney recommended the Board to pass a policy for emails and usage. Clerk Atwater also explained the Township's retention schedule was approved on August 16, 2006, on Resolution 49 and then amended at the July 26, 2021, meeting in Resolution 2021-14.

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

Supervisor Novacek asked the Board to consider reopening the road and maintaining it, or to reopen it and make it a minimum maintenance road. Vice Chair Sauber stated the board needs to investigate requirements for a minimum maintenance road. Chair Barfknecht read State Statute 160.95 designation of a minimum-maintenance road.

*Motion:* Supervisor Novacek moved that 245<sup>th</sup> be reopened immediately and maintained as a regular road. Supervisor Pope seconded the motion. Roll call vote: Tim Pope- Aye; Allen Novacek – Aye; Nancy Sauber – Nay; Randy Wood- Nay; Lu Barfknecht- Nay. *Motion failed 2-3.*

#### Sheriff Liaison

Supervisor Novacek asked for clarification on the role and responsibility of the Sheriff Liaison. The Board discussed that residents should contact the Sheriff department with any emergencies. Anything related to the Sheriff's department regarding questions or concerns would go through the Sheriff Liaison.

#### City of Lakeville- Comprehensive Plan Amendment

*Motion:* Supervisor Sauber moved that we respond to the letter from Kris Jenson of the City of Lakeville. Check off the first line that says “The Comprehensive Plan Amendment is not anticipated to impact this jurisdiction. No comments on the application will be forthcoming.” Supervisor Pope seconded the motion. Roll call vote: Tim Pope- Aye; Allen Novacek – Aye; Nancy Sauber – Aye; Randy Wood- Aye; Lu Barfknecht- Aye. *Motion carried 5-0.*

#### Volunteer Agreement

Clerk Atwater stated that MAT recommends the Board to adopt a volunteer agreement for those wishing to volunteer with the Township for events such as Night to Unite. Vice Chair Sauber requested clarification on the agreement from the MAT Attorney.

#### New Cannabis Law

The Board discussed the Kennedy & Graven seminar on the recommended New Cannabis Business Interim Ordinance. Dates for a Public Hearing on the Ordinance were discussed for both the Planning Commission and the Town Board. Clerk Atwater will contact Attorney Troy Gilchrist about his availability to attend the Public Hearings.

#### **Minutes for Approval**

Vice Chair Sauber made the following corrections to the May 9, 2023, minutes:

- Page 3- last paragraph- Nanette should be Nanett

Supervisor Pope made the following corrections to the May 9, 2023, minutes:

- Page 4 – Supervisor Fredlund should be Supervisor Pope

*Motion:* Chair Barfknecht moved to approve the May 9, 2023, Town Board Meeting minutes as corrected. Supervisor Novacek seconded. Roll call vote: Tim Pope- Aye; Allen Novacek – Aye; Nancy Sauber – Aye; Randy Wood- Aye; Lu Barfknecht- Aye. *Motion carried 5-0.*

#### **Clerk Matters**

Clerk Atwater is on Vacation July 5-7. The deadline for packets is noon on Monday, July 3<sup>rd</sup>.

#### **Adjournment**

*Motion:* Chair Barfknecht moved to adjourn the meeting. Supervisor Pope seconded the motion. Roll call vote: Tim Pope- Aye; Allen Novacek – Aye; Nancy Sauber – Aye; Randy Wood- Aye; Lu Barfknecht- Aye. *Motion carried 5-0.*

Meeting adjourned at 10:41 pm

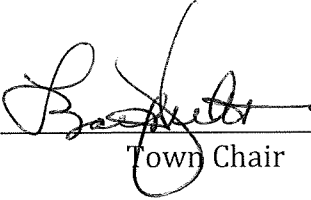
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Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:

  
Town Chair

on: 10/25/23  
Date