

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
February 28, 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 Lu Barfknecht and the Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Donovan Palmquist (Zoom), Ralph Fredlund, Nancy Sauber and Kathleen Kauffman.

Others Present: Liz Atwater, Mark Henry, Dan Ames, Pat Mason, Matthew Mettling, Julie Backus, Bill Clancy, Beth Eilers, Carrie Jennings, Brian Ahern, Deb Burkhart, Matt Mettling, Kelly Brosseth, Andrew Wojtowicz, Deputy Jacob Kurshner

Zoom Attendance: Ranee Solis, Justin Friedges, Greg Tischbirek, Jeff Otto, Randy Wood, Bill Roske, Julie Larson

Approval of the Agenda

The following changes were made to the agenda:

1. Add PowerPoint presentation by Carrie Jennings before the mining annual reviews.
2. Move Solis consulting agreement from Clerk Matters to item A. under Old Business.
3. Table Old Business item C. Ordinance 2023-03 to a special meeting on March 7th at 7:30 pm.
4. Add item A. Farmington Comp Plan amendment under New Business.

Motion: Chair Barfknecht moved to approve the agenda as amended. Supervisor Fredlund seconded. *Motion carried 5-0.*

Sheriff's Department- Deputy Jacob Kurschner

No issues to report.

Road Report – Mark Henry

We have dealt with blizzards and ice storms this week and the contractor has done a good job staying ahead of it. I am working with Supervisors Palmquist and Fredlund on the 2024 road budget. We are continuing to work towards getting the crowns back to the standard 4-6%.

Julie Backus commented about the road conditions, stating that her children's school bus was stuck yesterday, and the kids had to walk to a second bus as the road was undrivable. The road conditions are unacceptable and are impeding the rural kids' educations. Mark Henry responded that busses should not have been on gravel roads yesterday. In these conditions, we also have to consider the safety of the road contractor. Supervisor Kauffman added that yesterday was an extraordinary weather day. Our roads have not been properly taken care of

for a long time and the Board has spent large amounts over the past 3 years to get them into reasonable shape.

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.

Bill Clancy, 25511 Ipava Avenue

Later tonight on the agenda the Town Board will consider if and how it will move forward using the skills of Ranee Solis on a part-time basis to complete the transition of Town Clerk responsibilities. I fully support utilizing her skills and knowledge to the full extent budgets for the Town Board will allow short-term for the transition of the Clerk's role, or perhaps even longer for procedures that exceed our onsite capabilities. As the Planning Commission Chair, I am grateful the Board has found a new Clerk, Liz, and very appreciative for the outstanding support provided by Amy as our Deputy Clerk handling Planning Commission business on a part-time basis. I simply want to state for the record how critical and excellent Ranee's work on the mining ordinance has been despite working remote from Florida. As the Board knows, the work of the Planning Commission is normally handled by the Deputy Clerk, but due to the number of tasks ongoing, the mining text amendment was assigned to Ranee and handled remotely. Please rest assured her work, which was handled remotely, was excellent. It was accurate despite numerous revisions needing immediate responses. Frankly, remote work productivity is always a concern of any manager of any business. The only way to ensure its value is by hiring the right person for that type of role. It is important the Board and citizens know the fact that tax dollars are being well spent in utilizing Ranee. work ethic and institutional knowledge in doing things right the first time, the only thing that has changed is the zip code. If the mining text amendment assigned was intended as a trial run, Ranee passed with flying colors. For those of you who do not know me, I would state this just as directly if the performance was lacking in any way.

Beth Eilers, 10152 250th

When 245th St. was closed, the amount of traffic that rolled over to 250th increased significantly. What we do not have on that road, or on many of our Township dirt roads, are speed signs. By putting up speed signs it allows the County to enforce the speed on those roads. Without any speed signs, it automatically defaults to 55 mph. I would encourage the Board to put legally enforceable speed limit signs indicating 45 mph to improve our roads and to improve the safety of our roads.

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

George Mwauri CUP Annual Review - Airstrip
Item tabled as Mr. Mwauri was not in attendance.

PowerPoint presentation – Carrie Jennings, Mining Consultant

- Why Mine? 54 lbs. of gravel are used per person per day for roads, bridges, and other structures.
- Eureka Township’s aggregate is deposited from glacial stream sediment.
- Aggregate quality is variable.
- Eureka Township’s highest quality gravel is found in the western part.
- The concern with mining close to a cold water stream is that warm pit water migrates into aquifers and may impact cold-water ecosystems.
- Eureka mines show no significant impact at this time.
- Western mining district: Brosseth/Dakota Aggregates, Storlie/Dakota Aggregates, Friedges Landscaping, and Vermillion River Aggregates. These pits are closer to the ice margin and contain higher quality gravel.
- Eastern mining district: Chard/MPM. This pit is very close to the drinking water supply management area for Farmington.

Mining CUP/IUP Annual Reviews

Brosseth pit – Dakota Aggregates

Pat Mason and Matthew Mettling presented the following report for 2022:

- A. Amount of material removed: 146.733.21 cubic yards.
Amount of material imported from off-site: 0.
- B. Amount of material remaining to be removed: Approximately 878,267 cubic yards.
- C. Evidence that bonding and insurance are still in force and effect: Certificate of Insurance in effect from September 1, 2022, to September 1, 2023. Reclamation Surety Bond #30146476 from Western Surety Company in the amount of \$60,000 signed 1/20/22.
- D. Status of permit holder’s responses to complaints or violations during the previous year: None.
- E. History of permit holder’s compliance with this mineral extraction ordinance and other governmental regulations relating to mining: Compliant.
- F. Status of phasing plan: Finishing Phase 9 and progressing to Phase 3 in 2023.
- G. Status of reclamation: The north side site access property line (just north of the pit access road) is reclaimed and vegetated. The east berm is constructed and vegetated. The northwest corner of the site abutting the haul road is reclaimed and established with vegetation.
- H. Up to date list of all vehicles and equipment on site; estimated number of vehicles accessing the facility: loaders, water truck, bobcat, backhoe, portable dredge/dragline and processing equipment.
- I. Estimated number of vehicles accessing the facility: From April through December, approximately 6-8 employee trips can occur daily. During the period from December through March/April daily employee trips average 2-4 per day.
- J. Report on condition of haul roads that serve or abut the facility: Maintained and in good condition.
- K. Status of erosion control measures: Maintained and in good condition.

L. Any changes in ownership and/or operator: None.

M. Number of acres disturbed: Approximately 20 acres.

Carrie Jennings reported that Dakota Aggregates has filed all necessary reports, are registered in the MNSHA database with no violations, and confirmed that the retesting of the water quality showed no contamination.

Pat Mason asked whether the mining text amendment would have an effect on the water elevation established in the plan. Carrie Jennings responded that because the end use is a pit lake, they are not required to be 6 ft above the water table.

Supervisor Kauffman commented that at the pit exit onto Dodd Blvd, fully loaded gravel trucks are nowhere near the speed of 55 mph, essentially slowing traffic on the road. Pat Mason asked whether the trucks are pulling out in front of oncoming traffic, to which Supervisor Kauffman replied they are not.

Motion: Chair Barfknecht moved to approve the review of the Brosseth pit. Supervisor Fredlund seconded. *Motion carried 4-0*, with Sauber recused.

Storlie pit – Dakota Aggregates

Pat Mason and Matthew Mettling presented the following report for 2022:

- A. Amount of material removed: 32,606.97 cubic yards.
Amount of material imported from off-site: None.
- B. Amount of material remaining to be removed: Approximately 982,393 cubic yards.
- C. Evidence that bonding and insurance are still in force and effect: Certificate of Insurance in effect from September 1, 2022, to September 1, 2023. Reclamation Surety Bond #30146477 from Western Surety Company in the amount of \$90,000.
- D. Status of permit holder's responses to complaints or violations during the previous year: None.
- E. History of permit holder's compliance with this mineral extraction ordinance and other governmental regulations relating to mining: Compliant.
- F. Status of phasing plan: Active in Phase 5, per February 2003 plan.
- G. Status of reclamation: The reclamation plan was accepted by the Township in 2003 and will be followed when reclamation activities commence.
- H. Up to date list of all vehicles and equipment on site; estimated number of vehicles accessing the facility: Screener, feeder, conveyors and loaders from time to time when in operation.
- I. Estimated number of vehicles accessing the facility: 2-4 daily employee trips during the active mining months.
- J. Report on condition of haul roads that serve or abut the facility: Maintained and in good condition.
- K. Status of erosion control measures: Maintained and in good condition.
- L. Any changes in ownership and/or operator: None. John Storlie is the property owner and Dakota Aggregates is the operator.

M. Number of acres disturbed: Approximately 7 acres.

Carrie Jennings reported that the records are consistent, and she has no concerns at this point.

Motion: Chair Barfknecht moved to approve the review for the Storlie pit. Supervisor Kauffman second. *Motion carried 4-0*, with Supervisor Sauber recused.

Vermillion River Aggregates

Dan Ames presented the following report for 2022:

- A. Amount of material removed: 35,631.85 cubic yards.
Amount of material imported from off-site: None.
- B. Amount of material remaining to be removed: 267,500 cubic yards.
- C. Evidence that bonding and insurance are still in force and effect: Certificate of Insurance in effect from March 1, 2022, to March 1, 2023. Permit Bond #3607698152 from Travelers Casualty and Surety Company of America in the amount of \$66,000.
- D. Status of permit holder's responses to complaints or violations during the previous year: None.
- E. History of permit holder's compliance with this mineral extraction ordinance and other governmental regulations relating to mining: In compliance.
- F. Status of phasing plan: Phase 1.
- G. Status of reclamation: Currently mining in progress.
- H. Up to date list of all vehicles and equipment on site; estimated number of vehicles accessing the facility: 1 loader, 1 bobcat, 1-2 backhoes and processing equipment. On average, 1 to 2 trucks enter the site daily.
- I. Report on condition of haul roads that serve or abut the facility: Maintained and in good condition.
- J. Status of erosion control measures: Maintained and in good condition.
- K. Any changes in ownership and/or operator: None.

Carrie Jennings noted that the MSHA records reported four citations. Dan Ames explained that the citations occurred on the same day and were administrative in nature for not submitting quarterly reports noting zero employees for those quarters.

Supervisor Kauffman asked whether any reclamation has been done. Dan Ames noted that he has been reclaiming on the west side of the pit.

Motion: Chair Barfknecht moved to approve the review of the Vermillion River Aggregates pit. Supervisor Kauffman seconded. *Motion carried 3-1*, with Supervisor Fredlund abstaining and Supervisor Sauber recused.

Eureka pit – Mn Paving & Materials

Andrew Wojtowicz presented the following report for 2022:

- A. Amount of material removed: 0 tons of materials removed (sold); 8,733 tons of Class V concrete removed.

- B. Amount of material imported from off-site: 0 tons of material imported.
- C. Fee submitted: None.
- D. Amount of material remaining to be removed: There is an estimated 11,000 tons of material stockpiled on site.
- E. Evidence that bonding and insurance are still in force and effect: Certificate of Insurance in effect from September 1, 2022, to September 1, 2023. Bond #9245692 from Fidelity and Deposit Company of Maryland in amount of \$60,000.
- F. Status of permit holders' responses to complaints or violations during the previous year: To my knowledge there have not been any new violations or complaints made to the Township, Sheriff's Office, or Minnesota Paving & Materials. We do have two violations that were deemed critical by the Town Board and were to be carried over into 2022. These violations, and MPM's response over the 2022 year are as follows:
 - 1. MPM stored asphalt and concrete at the pit, which is in violation of Ord. 6, Ch. 7 (B). This is a violation because the stored material originated from sources other than Eureka's roads: All concrete and asphalt that was once stored at the pit has been removed since this violation was first put into effect. The only material currently on site is an estimated 11,000 tons of pit run material.
 - 2. Reclamation on Phases 2-5 did not happen as specified in the mining and phasing plan. This is a violation of Ord. 6, Ch. 7 (U). Our plan at the time stated, "each completed phase will be reclaimed as mining progresses to the next phase." The IUP states that "reclamation shall be completed within nine months of cessation of extraction, as required by Township ordinance": MPM has worked with the Township and TKDA to create an amended reclamation plan. We have reclaimed 13.8442 acres of the mine in 2022. An aerial photo of the reclaimed area and the current reclamation plan have been attached to this report.
- G. History of permit holder's compliance with the mineral extraction regulations within the ordinances and other governmental regulations relating to mining:
 - i. Paved driveway
 - ii. Mine processing within required setbacks
 - iii. Berms repaired under MPM operations
 - iv. Operating under MSHA and MPCA regulations
 - v. Reclamation materials brought in from off-site are tested in accordance with Ord. 6, Ch. 7, 1(U)(2)(g)
 - vi. In 2019 MPM received a letter from the Township's attorney regarding non-compliance with Ord. 6, Ch. 7, 1(B)(2). MPM was to provide monthly updates to the Town Board from August 2019 through December 2019. MPM worked on increasing aggregate sales to come into compliance. During this time, the Township was notified that quality aggregate reserves were almost depleted, and compliance would be dependent on expanding the permitted mining area.
 - vii. Worked with Township and their hired consultants to create an amended reclamation plan and continue reclamation of the pit.

- H. Status of phasing plan: Phase 5 has been left open at the owner's request; Phases 2 and 3 have had the most reclamation completed this year; Phase 4 has had some reclamation completed.
- I. Status of reclamation: In 2022 MPM reclaimed 13.8442 acres of the pit. The reclaimed area occurred in phases 3 and 4. Phase 5 has been left open at the owner's request. MPM is following the reclamation plan set forth by the Township as well as TKDA. See attached map.
- J. List of all vehicles and equipment on site: No vehicles or equipment are currently on site.
- K. Estimated number of vehicles accessing the facility: Currently maintenance and security vehicles are accessing the site. We are not loading material, so traffic is not heavy. This could change if work is awarded from this location.
- L. Report on condition of haul roads that serve or abut the facility: The entrance driveway that is paved is in good condition. All other dirt haul roads are also in good condition.
- M. Status of erosion control measures: Erosion is being controlled by seeding and mulching as reclamation is performed. Seeding and mulching will not occur in any areas that will be returned to agricultural production.
- N. Any changes in ownership and/or operator: July 15, 2015-Present: Owned by LC Eureka Holdings, LLC. February 24, 2017-Present: Operated by OMG Midwest dba Minnesota Paving and Materials.

Carrie Jennings commented that in 2021 no material was removed but 5 tons of concrete was crushed. This is not an allowable ratio. In addition, Kenny Miller is still registered with MNSHA and he sold that pit a long time ago. This would indicate that the mine has been operating without federal oversight since 2015. Mr. Wojtowicz responded he will speak with the people who oversee the operations about this. He is on the environmental side of things. Ms. Jennings asked who is performing the required testing of offsite material. Mr. Wojtowicz responded that he started with MPM in September and has not been involved in testing but will forward those records. Ms. Jennings expressed her concern about the lakes in the pit as they are not permitted.

Greg Tischbirek, MPMs Operations Manager, clarified that MPM is registered with MNSHA and their ID Number is associated with mobile crushing plants and not pits. In addition, the concrete which was crushed and removed was all located onsite. The only mining performed by MPM was in the NE corner of the pit. When he took over in 2021, he was not made aware of the drinking water supply area.

Carrie Jennings noted to the Board that this is a sensitive water situation and suggested that the Board provide all requirements and EAWs to new pit operators.

Supervisor Kauffman confirmed that no mining took place in 2022, only reclamation. The Board noted that the annual review cannot be completed without a revised reclamation plan and requested that MPM submit it no later than March 31, 2023. Ms. Jennings noted that her inspection of the mines will be completed once the snow has melted.

Friedges Landscaping pit

Justin Friedges presented the following report for 2022:

- A. Amount of material removed: 2,070 cubic yards.
Amount of material imported from off-site: None.
- B. Amount of material remaining to be removed: 67,000 cubic yards.
- C. Evidence that bonding and insurance are still in force and effect: Certificates of Insurance in effect from April 1, 2022, to April 1, 2023. Merchants Bonding Company Continuation Certificate Bond #MN 47701 in the amount of \$82,000.
- D. Status of permit holders' responses to complaints or violations during the previous year: Friedges Landscaping, Inc. received no noise or dust complaints during the year of operation 2022.
- E. History of permit holder's compliance with this mineral extraction ordinance and other governmental regulations relating to mining: Friedges Landscaping has remained in compliance with Eureka Township Ordinances since pit operations commenced.
- F. Status of phasing plan: Continuing mining operations as planned. As mining operations are ongoing, areas are being reclaimed as mining in those areas are completed.
- G. Status of reclamation: Have begun reclamation in certain areas as material has been mined. The majority of the southern property edge has been reclaimed.
- H. Up to date list of all vehicles and equipment on site: Front-end loader, power screener, material separator, excavators, conveyors, unloader, dozer.
- I. Estimated number of vehicles accessing the facility: Approximately 230 vehicles travelled in and out of the Friedges pit during the operating period in 2022.
- J. Report on condition of haul roads that serve or abut the facility: Access roads that serve the Friedges pit include Dakota County road 74A, Dodd Blvd, and Pillsbury Ave.
- K. Status of erosion control measures: Erosion control measures are in place. MPCA NPDES Permit #C00034180 in place and being maintained.

Carrie Jennings noted that she was unable to locate any records in the MNSHA and MnDOT databases. Justin Friedges indicated they are active in both databases and offered to submit the ID numbers to the Township. In addition, the Board requested a revised map showing the areas that have been reclaimed as well as the annual volumes submitted to the County.

Supervisor Kauffman asked when Friedges expects to complete mining. Justin responded that there is not a significant amount of good material left. With a few decent jobs, it could be wrapped up quickly.

Motion: Chair Barfknecht moved to approve the review of the Friedges Landscaping pit. Supervisor Kauffman seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

Treasurer's Report

Net Pay and claims

The Clerk presented payroll in the amount of \$6,068.76 for payment.

The following claims in the amount of \$12,173.55 were presented for payment:

| | | |
|-----------------|---------------------------|------------|
| Liz Atwater | Mileage reimbursement | \$79.91 |
| Couri & Ruppe | January legal services | \$5,812.50 |
| ECM Publishers | Public hearing notice | \$77.00 |
| ECM Publishers | Public hearing notice | \$77.00 |
| Graphic Design | Township election ballots | \$101.00 |
| Carrie Jennings | Mining consulting | \$1,618.50 |
| JTN | Internet | \$199.00 |
| MATIT | Insurance policy renewal | \$3,877.00 |
| Quadient | Postage meter | \$14.14 |
| Visa | Indeed, 1099s, W2s | \$317.50 |

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; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Old Business

Solis consulting agreement

The consulting agreement terms include 20-25 hours of training and assistance per week from February 15 – March 14 and 10-15 hours of training and assistance per week from March 15-April 14, at which time the Board will assess the need for further assistance on an as-needed basis.

Motion: Supervisor Fredlund moved to approve the Solis Consulting Agreement as presented. Supervisor Sauber seconded. *Motion carried 5-0.*

Ordinance 2023-02 amending Chapter 240, Zoning, and Chapter 198, Roads.

The Board reviewed the text amendment and agreed to remove item 8 under 198-2.1C regarding field approaches and to change the word “setback” to “location” under 240-12C.

Motion: Supervisor Fredlund moved to adopt Ordinance 2023-02 as amended at this meeting, Supervisor Sauber seconded. *Motion carried 5-0.*

Practice session on housing right transfers

Supervisor Sauber suggested a training session of the Town Board and Planning Commission regarding housing right transfers as there seems to be confusion on the process. The Board agreed that this a premature suggestion until the Clerks become familiar with the database.

Ordinance 2023-03 amending Chapter 165, Mining

Item tabled until the March 7, 2023, Special Town Board meeting.

New Business

Farmington Comp Plan amendment

Motion: Supervisor Sauber moved to respond that the Comprehensive Plan amendment is not anticipated to impact this jurisdiction. No comments on the application will be forthcoming. Supervisor Fredlund seconded. *Motion carried 5-0.*

Approval of Meeting Minutes

Motion: Supervisor Sauber moved to approve the meeting minutes from the Town Board meeting on January 10, 2023, the Town Board meeting on January 24, 2023, and the Special Town Board meeting on February 9, 2023 as submitted. Supervisor Fredlund seconded. *Motion carried 5-0.*

Clerk Matters

Clerk Atwater informed the Board that the new signature cards for New Market Bank are ready for signatures.

Chair Barfknecht pointed out that the Clerk’s normal working hours should be observed and expectations for responses outside of those hours are not required unless there is an urgent matter. In addition, all communications should go through the Township email and phone number.

Adjournment

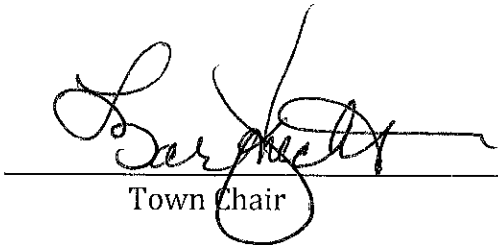
Motion: Chair Barfknecht moved to adjourn the meeting. Supervisor Sauber seconded. *Motion carried 5-0.*

Meeting adjourned at 10:10 pm

Respectfully submitted,


Liz Atwater, Town Clerk

Minutes Officially Approved By:


Town Chair

on: 5/9/2023
Date