

EUREKA TOWNSHIP
Dakota County, State of Minnesota

Meeting Minutes
REDEVELOPMENT AGENCY MEETING
March 27, 2023 - 6:00 p.m.

Chair Clancy called the meeting to order at 6:00pm

The purpose of this meeting was to consider the approval of the Broadband Development Agreement with JTN Communications, LLC.

Redevelopment Agency Commissioners Present: Bill Clancy (Chair), Deb Burkhardt (Vice Chair), Randy Wood, Beth Eilers, and Brian Ahern.

Others Present: Amy Liberty (Deputy Clerk), Nancy Sauber, Ben Blomgren, Mike Resop, Tiffany Hoff, Tony Hoff.

ZOOM participants: Robert T. Ruppe (Township Attorney)

Background:

Eureka Township will be using American Rescue Plan Act (ARPA) funds for the internet project with JTN Communications, LLC. The use of ARPA funds for this purpose is allowed. It is important to note that there are guidelines on how ARPA funds can be spent. Although broadband is an allowable use, public entities such as Townships have limited authority to give away public funds such as donations or gifts. Normally, to spend public funds, a public entity must have both the authority to do so, and the expenditure must be for a public purpose. This is often referred to as the Public Purpose Doctrine. Under this law, providing Township funds to JTN Communications, a private company, for construction and installation of a broadband network that they will own would normally be a violation of the doctrine unless the Town Board has statutory authority to make that expenditure. The statutory authority that appears best suited for the Township's purpose is to use Minn. Stat. §§ 469.109 to 469.123 (the "Area Redevelopment Act") as authority to make a payment to JTN Communications. A public hearing was held on March 7, 2023, to hear from all interested parties. It was then decided to establish the Eureka Township Redevelopment Agency.

Ben Blomgren was present at the Town Hall to answer any questions that the Commissioners of the Redevelopment Agency may have regarding the contract. There were changes to the contract that took place right before this meeting. Chair Clancy lead the discussion on these items to help clarify. This gave the opportunity for the Commissioners to ask questions, since they did not have proper time to review.

3.01 - Change to completion before December 31, 2024

Rationale: The project is dated through 2024 with specific milestones in place with the state.

5.02 - "it has no intention to sell (the project facilities), lease or otherwise dispose... add parenthetical content to this sentence.

Rationale: Specifying the facilities as the sale item in question

5.05 - Strike "additions" from the section.

Rationale: Any further expansion on this project would be solely our investment unless an additional agreement were confirmed with the township and should not be included within this agreement even if it provides us further access in the future.

6.02 - "Any damage to existing (properly located and identified) field tile..." add parenthetical content to this sentence.

Rationale: We can't avoid what we don't know about. Plastic is not able to be located so it should be marked by the owner who will know the location of the asset within the right of way. Without a toning wire or some type of metal on the tile/conduit that can be accessed to locate the system it will be impossible to avoid these obstacles when working in the right of way.

Attorney Ruppe added he was fine with these changes.

Ben continued the discussion and explained in more detail about the project. This will be servicing 101 homes. The design will allow to split off and serve others in the future.

Chair Clancy moved to recommend to the Town Board to adopt the Broadband Development Agreement, dated March 28, 2023, to Eureka Township Redevelopment Agency and JTN Communications contingent on Attorney review and Town Board approval. Commissioner Eilers seconded. *Roll call vote:* Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye; Brian Ahern-Aye. *Motion carried 5-0.*

Meeting adjourned at 6:38pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 
Planning Commission Chair Date

EUREKA TOWNSHIP

Dakota County, Minnesota



Redevelopment Agency Meeting

Attendance

March 27, 2023

6:00 PM

Printed Name

Address

Nancy Sauber
Ben Blomgren
* MIKE RESOP
* Tiffany Hoff
* Tony Hoff

9445 225th St. W. Lakeville
3162 224th St W Farmington, MN 55024
9510 235th St W
20607 Gunnison Dr. Lakeville
20607 Gunnison DR Lakeville

* Planning Commission MTG
Attended Also