

EUREKA TOWNSHIP

Dakota County, State of Minnesota

TOWN BOARD MEETING

September 12, 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, Tim Pope, and Randy Wood.

Others Present: Liz Atwater, Mark Henry, Francie Madden, Bill Clancy, Kathleen Kauffman, Brian Ahern, Sarah Lybarger, Kathy Hohrman, Rollo Hohrman, Steve Kimmel, Melissa Molitor, Beth Eilers.

Zoom Attendance: Georgie Molitor, Ralph Fredlund, Julie Larson, Carol Cooper, Jim Sauber, Deb Burkhart, Carrie Jennings.

Approval of the Agenda

Vice Chair Sauber requested the following:

New Business:

E. Liaison expectations and role

Motion: Vice Chair Sauber moved to approve the agenda with the additional item. Chair Barfknecht seconded the motion. *Motion carried 4-0.*

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.

25511 Ipava Ave - Bill Clancy

Mr. Clancy stated his concerns regarding the MPM/Chard Gravel pit. He stated the Board has an excellent opportunity to do nothing at this point and allow the IUP to expire in the year.

25506 Ipava Ave - Kathleen Kauffman

*Submitted a written statement, see page 6

25135 Cedar Ave – Sarah Lybarger

Ms. Lybarger brought the Board's attention regarding a heavy police presence on August 31-Sept 1, 2023. She asked if there is some type of way the Sheriff can communicate better with the residents from a public safety standpoint.

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

Road Report

Supervisor Wood reported that the Road Committee had its first meeting and drove the roads.

Planning Commission Update

Planning Commission Chair Clancy shared items that were discussed at the September 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.

Permits

Melissa Molitor (GTJ Company), 9025 25th St W., PIN 13-00500-25-011 *Pole Shed/Garage

Motion: Vice Chair Sauber moved to approve the building application for GTJ Company at 9025 25th Street W. as submitted. Chair Barfknecht seconded with a friendly amendment PIN 13-00500-25011. Vice Chair Sauber accepted the amendment. *Motion carried 4-0.*

Steve Kimmel, 24230 Holyoke Path, PIN 13-24660-07-020 * New Garage

Motion: Vice Chair Sauber moved to approve the building permit application for Steve Kimmel at 24230 Holyoke Path. PIN 13-24660-07-020. Supervisor Wood seconded the motion. *Motion carried 4-0.*

Frances Madden, 10250 225th Street W, PIN 13-00600-50-014 *Moving a Building

Motion: Vice Chair Sauber moved to approve the building permit application for moving in a garage for Frances Madden at 10250 225th Street W. PIN 13-00600-50-014. Supervisor Wood seconded the motion. *Motion carried 4-0.*

Frances Madden, 10250 225th Street W, PIN 13-00600-50-014 *AG Exempt

Motion: Vice Chair Sauber moved to approve the AG Exempt building approval for replacing a nonconforming barn at half size as submitted. That is property 13-00600-50-014. Chair Barfknecht seconded the motion. *Motion carried 4-0.*

Kasprzyk Enterprises, LLC, 7987 257th Street W, PIN 13-02100-79-011

Formally withdrawn.

Road Report

Road Superintendent Mark Henry reported that the blade man was out on the roads today. There was an issue on Essex and Hamburg roads. Spot gravel will be done with week. Tree removal should be done by the end of the week. There has been a lot of dumping in the Township, and they are working on picking up items. The next step of the Road Committee is to put together a list of projects and what costs would be to work into a manageable budget.

Complaints –

2023-07 – 10132 235th – Fence

Supervisor Wood talked with Complainant and some piglets have gotten out. Supervisor Wood explained that he can't view the fence unless he were to go on the property. Chair Barfknecht will call to see if the issue can be resolved.

2023-08 – Fairgreen between 265th Street and 280th Street

Vice Chair Sauber explained this is not an ordinance violation. If a resident has a complaint or concern about the roads, they should talk to the road supervisors, and they will bring it to the Board. She recommended that this should be put into the plan for next year. Clerk Atwater will send a letter to the Complainant.

Treasurer's Report

Clerk/Treasurer Atwater read the Treasurer's Report as of August 31, 2023: Total of all accounts is: \$984,183.61.

Motion: Chair Barfknecht moved to approve the Treasurer's Report as presented. Supervisor Pope seconded the motion. Roll call vote: Nancy Sauber – Aye; Tim Pope – Aye; Randy Wood – Aye, Lu Barfknecht - Aye. *Motion carried 4-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$3,296.65 for payment. The following claims in the amount of \$86,650.37 were presented for payment. See page 7 for a list of claims.

Motion: Chair Barfknecht moved to approve the net pay and claims as presented. Vice Chair Sauber seconded the motion. Roll call vote: Nancy Sauber – Aye; Tim Pope – Aye; Randy Wood – Aye, Lu Barfknecht - Aye. *Motion carried 4-0.*

Receipts and Disbursement

Clerk/Treasurer Atwater presented the August receipts in the amount of \$131,525.76 and August disbursement in the amount of \$488,508.13.

Other Treasurer Reports

Clerk Atwater reviewed the Cash Control Statement and PTO balances with the Board.

CD Recommendations

Motion: Supervisor Wood moved out of the Road and Bridge savings account to put \$30,000 into a CD at Frandsen at 6 months at 5.2%. Supervisor Pope seconded the motion. Roll call vote: Nancy Sauber – Aye; Tim Pope – Aye; Randy Wood – Aye, Lu Barfknecht - Aye. *Motion carried 4-0.*

Motion: Chair Barfknecht moved to approve to purchase a CD for \$25,000 from General Fund for 7 months at 5.1% at Genisys. Vice Chair Sauber seconded the motion. Roll call vote: Nancy Sauber – Aye; Tim Pope – Aye; Randy Wood – Aye, Lu Barfknecht - Aye. *Motion carried 4-0.*

Unfinished Business

Ordinance Permit Pricing vs Referring to a Fee Schedule

The Board reviewed and made edits. The Clerk will present an updated version at the next meeting.

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

Vice Chair Sauber recommended that the Board review the TKDA quote first and revisit the information submitted for the project. The TKDA quote includes road speeds, and they could look over the data provided. Supervisor Pope is going to research additional companies to get quotes for signs.

ARPA Funds

Clerk Atwater stated that JTN recommended two projects: 235th and Highview for \$51,668 and Eureka Estates for \$34,506 for a total of \$86,174.

Motion: Vice Chair Sauber moved to approve the two sections as recommended and advance that information to the Attorney so he can look at it and draw up the contract. Chair Barfknecht seconded the motion. *Motion carried 3-1.*

MPM/Chard Mining

Chair Barfknecht reported that the property is for sale, and there is an interested buyer. The attorney suggested that all the parties meet. Chair Barfknecht, Supervisor Wood and Planning Commission Chair Clancy met with MPM, Mr. Chard, and the potential buyer to go over what has transpired and what the new buyer proposed that he could potentially do with the property. Chair Barfknecht gave a summary of the meeting. The IUP is set to expire in 2024 and reminded the parties that an IUP does not automatically renew. They are not allowed to mine currently. The potential buyer is going to be on the property to do some borings as recommended by Attorney Troy Gilchrist. Mining Supervisor, Carrie Jennings, stated that there were special requirements for this mine that they cannot mine into the water table. Per her report for their annual review, it was documented they have already mined into the water table in multiple places. Dakota County SWCD has pointed out that this mine is in the recharge area of the Farmington well.

MPCA

Clerk Atwater will give an update at the September 26 meeting.

Closed Road -245th between Dodd and County Line

Supervisor Wood reported we are waiting for a bid from TJ Grossman.

Point North/IT Services

Clerk Atwater met with three IT companies and presented the quotes to the Board. Clerk to get update quote from Point North and will present at the next meeting.

Planning Commission Application Recommendation

Tabled until the next meeting.

Right of Way- Attorney Advice

Tabled until the next meeting.

New Business

Resolution 2023-23

Motion: Chair Barfknecht moved to approve Resolution 2023-23 approving a settlement agreement in the matter of Eureka Township v. Ridge Oien. Vice Chair Sauber seconded the motion. *Motion carried 4-0.*

TKDA Quote

Motion: Supervisor Pope moved to table discussion for two weeks. Supervisor Wood seconded the motion. Tim Pope- Aye, Randy Wood- Aye, Lu Barfknecht- Nay, Nancy Sauber- Nay. *Motion failed 2-2.*

Motion: Chair Barfknecht moved to move forward with the TKDA quote as presented. Vice Chair Sauber seconded the motion. Lu Barfknecht- Aye, Nancy Sauber- Aye, Tim Pope- Nay, Randy Wood- Nay. *Motion failed 2-2.*

Liaison Expectations and Roles

Supervisor Sauber explained when attending meetings as a Liaison, it is the responsibility of that liaison to give a full report to the other body.

Minutes for Approval

8.17.2023 Special Town Board Minutes

Motion: Vice Chair Sauber moved to approve the August 17, 2023, Special Town Board meeting minutes as presented. Supervisor Wood seconded the motion. *Motion carried 3-0. Supervisor Pope Abstained.*

8.22.2023 Special Town Board Meeting Minutes

Motion: Vice Chair Sauber moved to approve the meeting minutes from August 22, 2023, Special Town Board meeting as presented. Chair Barfknecht seconded the motion. *Motion carried 4-0.*

Clerk Matters

Clerk Vacation

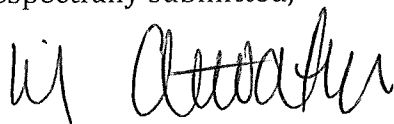
Clerk Atwater will be on vacation October 18-20.

Adjournment

Motion: Vice Chair Sauber moved to adjourn the meeting. Supervisor Pope seconded the motion. *Motion carried 4-0.*

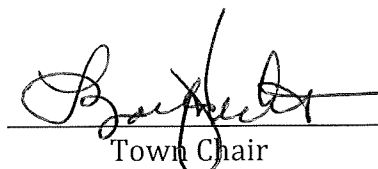
Meeting adjourned at 10:21 pm

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:


Town Chair

on: 10/25/23
Date

Statement of Former Supervisor Kathleen Kauffman to Eureka Board on September 12, 2023 on the topic of MPM

I am addressing the Board's agenda item related to MPM. I do not know where the Board is on enforcing the mining ordinance against MPM, but I wanted to address some history.

Last March we completed a year-long effort to completely redraft the Eureka mining ordinance. Township officials and our attorney spent many hours on the project. I did the primary work for the Board. There were multiple public hearings. The goals for the revision were to update the ordinance consistent with best practices and to strengthen the enforcement mechanism.

The reason we knew we needed to strengthen the enforcement mechanism was the MPM mine. It had constantly violated ordinances in ways that were profoundly meaningful for the neighbors and the environment. It had appeared often before the Board and had not been honest. Yet, effective enforcement was difficult.

Under the new ordinance we have effective enforcement tools. If we have a situation where our ordinance is being violated, and we do not use the enforcement tools, the Township wasted a lot of time and money last year.

I am not in the loop anymore, but I suspect there are new faces. In my experience that almost always means a demand to negotiate a new deal with a clean slate. No. The land owner contracted with mine operators that acted as his agents with authority. They wrote on the mine's slate with permanent marker. It is not an etch-a-sketch. Further, the request for a new start happens again and again with this mine. Parties negotiate when each has something to give the other. Eureka has nothing to give this mine. It is time for the Board to act to protect the citizens it represents.

My final comment, as always, is listen to your lawyer.

Date
Range:

09/12/2023 To 09/12/2023

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
09/12/2023	Internal Revenue Service	11042	Tax due August payroll	\$ 1,679.16
09/12/2023	PERA	11043	August payroll	\$ 1,186.51
09/12/2023	City of Farmington	11044	Inv 6886 3rd Qtr fire services contract	\$ 10,019.35
09/12/2023	Couri & Ruppe, P.L.L.P	11045	Legal services July and August 2023	\$ 437.50
09/12/2023	Dakota Electric Association	11046	Account #200005280698 Premise ID 118357 service 07/13/2023-08/14/2023	\$ 20.09
09/12/2023	Dakota Electric Association	11047	Account #200003707999 Premise ID 109402 service 07/13/2023-08/14/2023	\$ 245.57
09/12/2023	De Lage Landen Financial Services	11048	Inv# 080419814 Copier rental due October 1, 2023	\$ 95.83
09/12/2023	Driessen Water Inc	11049	Inv 10134684-08312023 rental	\$ 41.19
09/12/2023	DSI / LSI	11050	Inv#9544999T460 September 2023 garbage bill	\$ 141.77
09/12/2023	Fieldstone Family Homes	11051	Refund of Escrow from Special meeting 8/17/2023 for Scott and Shari LaFavre	\$ 756.25
09/12/2023	Genisys Credit Union	11052	To Purchase 7-month CD at 5.1% - General Fund	\$ 25,000.00
09/12/2023	Grossman Companies	11054	Inv# 9-2023-2 \$5106.00, 9-2023-3 Shared Roads \$621.00, 9-2023 Trash, Trees, Signs	\$ 8,812.00
09/12/2023	Inspectron Inc	11055	April 2023 inspections- 1361.23 and July 2023- 2481.58	\$ 3,842.81
09/12/2023	Kennedy & Graven	11056	July special counsel matters and Enforcement	\$ 3,585.81
09/12/2023	Mark Henry	11057	August 2023 road mileage	\$ 76.64
09/12/2023	Point North Networks Inc	11058	Invoice 6568	\$ 363.00
09/12/2023	Randy Wood	11059	Town Hall supplies- handle for outside water and Faucet mainfold	\$ 25.98
09/12/2023	Ranee Solis	11060	Invoice ET-005 Reimbursement for supplies and postage for computer	\$ 58.79
09/12/2023	VISA	11062	Key Cabinet, file folders, dry erase board, air filters	\$ 183.05
09/12/2023	Genisys Credit Union	11053	To Purchase 7-month CD at 5.1% - Road and Bridge	\$ 30,000.00
09/12/2023	Tops Inc	11061	Cust#001527 Inv#62606 August Copies	\$ 79.07
				<u>\$ 86,650.37</u>