

EUREKA TOWNSHIP

**DAKOTA COUNTY
STATE OF MINNESOTA**

TOWN BOARD MEETING OF MARCH 11, 2019

Call to Order

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

Members Present: Tim Murphy (Chair)
Butch Hansen (Vice Chair)
Donovan Palmquist (Supervisor)
Mark Ceminsky (Supervisor)
Lu Barfknecht (Supervisor)

Others Present: Martin Norder (Kelly & Lemmons)
Bill Funk (Planning Commission)
Ralph Fredlund (Planning Commission)
Marcia Wilson (Treasurer)
Ranee Solis (Town Clerk)
Bob Finke (Deputy Clerk)

See attached list for all others in attendance.

Approval of the Agenda

The following changes were made to the agenda:

1. Add under Other Business, item B. Public statement

Motion: Supervisor Ceminsky moved to approve the Agenda as amended, seconded by Vice Chair Hansen. **Motion carried 5-0**

Sheriff's Report (Deputy Smidt)

Mark Pflaum – 6100 225th St. W. - had two questions for Deputy Smidt:

1. Is anything being done about the garbage being dumped on Highview and 225th?
Supervisor Ceminsky stated that, so far, the township has paid around \$800 in garbage clean up. Chair Murphy stated that he has been seeing more police presence in the area than before.
2. Can anything be done about snow mobiles riding off the trails at excessive speeds?
Deputy Smidt stated he would let the DNR and parks department know about the complaint.

Treasurer's Report

The Treasurer's Report was given by Marcia Wilson (*see attached report*).

Motion: Supervisor Ceminsky moved to accept the Treasurer's Report of March 11, 2019 as read, seconded by Supervisor Barfknecht. **Motion carried 5-0**

A. Bills and Receipts

Motion: Supervisor Ceminsky moved to approve the Bills and Receipts as presented, seconded by Supervisor Barfknecht. **Motion carried 5-0**

Roll call vote: Vice Chair Hansen: Aye
Supervisor Palmquist: Aye
Supervisor Barfknecht: Aye
Supervisor Ceminsky: Aye
Chair Murphy: Aye

B. Budget

It was noted that Snow Removal is already over budget.

1. Short term vs. long term escrow information

Motion: Supervisor Ceminsky moved to have the attorney review the Kelly Aggregate agreement to determine if it should be an interest-bearing escrow account, seconded by Vice Chair Hansen. **Motion carried 5-0**

C. Permit Worksheet

Motion: Vice Chair Hansen moved to approve the remainder of the Treasurer's Report as presented, seconded by Supervisor Ceminsky. **Motion carried 5-0**

D. Approve Year End Financial Report to the State

Motion: Vice Chair Hansen moved to approve the year-end financial report to be sent to the state, seconded by Supervisor Ceminsky. **Motion carried 5-0**

Treasurer Wilson reminded the board that the Treasurer's annual review is due next month.

Road Contractor – Otte Excavating - Bryce Otte

- Supervisor Ceminsky requested that billing for snow removal list the roads that were addressed each time so we can see a pattern of troubled areas.
- Suggested speaking to residents on Denmark and Grenada about snow fencing.
- Suggested blowing snow from around the packed culverts.

Annual IUP Review

A. Sibley Aggregates – PID #13-01200-011-50

Clint Allen, Regional Environmental Manager and Mike Callahan, local Environmental Manager represented Sibley Aggregates. Chair Murphy asked if any residents had complaints or comments.

1. Gary Smith – 4628 235th St. W. – commented that he lives next to the pit and has experienced weeds in his field due to Sibley Aggregates not spraying for noxious weeds

before they go to seed. Mike Callahan apologized for the late spraying last year and stated he will be more diligent in spraying this year.

2. Brian Ahern – 6215 235th St. W. – addressed the concerns he had previously addressed at the February Town Board meeting:

- A. Hours of operation – Ordinance states 7:00 am – 5:30 pm, Monday – Friday and the Board can approve exceptions, such as Saturday operations.
 - 1. Last fall there was a large quantity of material brought in from off-site that included some trucking on Saturdays.
 - 2. That material was stockpiled at the front of the pit and then graded out and level. Ordinance states stockpiling is prohibited unless the material is to be mixed with product mined in the pit.
 - a. Was the importing of that excavated material into the pit approved or covered under the operating permit?
 - b. Was trucking of that material on Saturdays previously approved by the Board under that permit?
- B. Operation of the ready-mix plant under accessory use provision.
 - 1. Ordinance states accessory uses may not collectively account for more than 50% of total mine operations based on total volume of materials extracted from the property.
 - a. I see a steady stream of ready-mix trucks and trucks hauling aggregate into the pit, a steady stream of trucks hauling cement into the pit and trucks hauling excavated material into the pit. But I hardly ever see trucks loaded with material coming out of the pit. If the ready-mix plant is operating as an accessory use and it's less than 50% of the total output shouldn't you see a loaded truck coming out of the pit? If the output is more than 50% of the ready-mix plant there is hypothetically time stamped and dated scale tickets that would add up to showing more material leaving or being used in the ready-mix plant.
 - 2. Imported materials – the operator may import off-site materials on to the property for the purpose of mixing materials. In this case it's to make ready-mix. The imported materials on an annual basis are not to exceed 25% of minerals extracted from the property.
 - a. Are we in that window, conforming to that part of the accessory use provision of the permit?

3. Town Board

Vice Chair Hansen - Material going in to the pit for reclamation is allowed, we need to find out if the material being hauled in was for reclamation; weigh scale tickets or yardage numbers are submitted to the township or the county every year, we need to review that information; the weed issue is a problem every year and needs to be taken care of sooner; the Board needs to look at weigh scale tickets and do an audit.

Supervisor Ceminsky – over a month ago we received a written complaint that Chair Murphy and Supervisor Palmquist were going to investigate and wondering where you're at on that? Under our Ordinance, that's not supposed to be just a ready-mix plant. The numbers show more than 25% being imported. You still need a primary use that isn't ready-mix.

Clint Allen and Mike Callahan responded as follows:

1. We took over the operation in 2017.
2. As soon as we received notification of the weeds, we took care of it and agree to notify the Clerk upon spraying and the Clerk will notify the liaisons.
3. We do not have weigh tickets because the material was not sold, but we do have the numbers of produced tons, how much was fed into the wash plant. When we extract materials to make sand or rock, we have that weight but it doesn't go out the gate, it goes into a stockpile. We've submitted the production records, not the sales. We feel that we met the 25% rule with blending of the materials but fell short of the 49% rule at the end of the year.
4. We are looking at three options for next year: Have better rock produced; Apply for a variance; shut down the ready-mix plant before producing or using more than 50% rock.
5. The stockpiling mentioned was indeed for reclamation.
6. We do not normally operate on Saturdays and this will not happen again.

Chair Murphy and Supervisor Palmquist agreed to schedule a visit to the pit in the next two weeks to discuss the numbers and resolve the complaints.

Motion: Vice Chair Hansen moved to table the Sibley Aggregate review until Supervisors Palmquist and Murphy have the meeting regarding compliance and the numbers, seconded by Supervisor Ceminsky. **Motion carried 5-0**

County Commissioner – Mike Slavic

Commissioner Slavic invited the Board to attend the Township Officers Spring Meeting on March 15th. The County will begin construction on Cedar, south of 86. Supervisor Ceminsky stated that the Road Supervisors are waiting for the meeting to discuss a road swap. Mike stated they are in the process of doing their 2040 transportation plan, during the 2030 transportation plan Eureka Township expressed no interest in being a part of it. Supervisor Ceminsky stated that the agreement with Castle Rock has not been completed. Questions were raised about road swap discussions between the township and the county. Mr. Slavic stated that the Road Supervisor's intent was to present the petition to get Highview paved, but it didn't meet the needs of the county for connectivity. The County has wanted to have discussions about some incomplete gaps. A road like 225th is one that completes a need for connectivity. He also stated that Supervisors Ceminsky and Hansen have scheduled a meeting with the County to discuss the County Road 86 project.

Planning Commission Update (Bill Funk - Liaison)

Commissioner Funk provided a summary of the March 5, 2019 Planning Commission meeting:

- Discussion about Resolution 2015-03.
- Moved to forward the Resolution along with Chair Fredlund's interpretation to the attorney.
- Reviewed and approved the annual meeting slides.
- Approved minutes for January and acknowledged cancellation of the February meeting.

Chair Fredlund addressed his interpretation of Resolution 2015-03 to the Board:

At the January 14th Town Board meeting the Board passed a motion to interpret the resolution to allow mining operations to store mulch by interpreting mulch to be a form of top soil. Resolution 2015-03 was actually adopted in order to enact language to allow ready-mix plants as an accessory use for any party holding a Level III permit. Your motion in January to include mulch does not address the fact that an operator may import off-site materials onto the subject property only for the purpose of mixing with extracted materials as part of Ordinance 6, Chapter 7. And you still have language in effect that says stockpiling, storage and sale of mixing materials that have been excavated off-site is strictly prohibited. In addition, Resolution 2015-03 does not apply to preexisting mineral extraction facilities, determined in Ordinance 6, Chapter 13, and that includes the Ames pit. So, the intent of your motion in January really doesn't apply to Ames. Ordinance 6, Chapter 13 does apply to Ames and that has the same language about strictly prohibiting stockpiling of materials. My conclusion, adopted by the Planning Commission, is that the intermittent storage of bagged mulch as desired by Dan Ames is still not allowed under the revised interpretation of Resolution 2015-03 unless it is for the purpose of mixing with materials from his pit. That is consistent with your previous Board action that denied the request to expand storage at the mining facilities. I would suggest that the Planning Commission's position be forwarded to the law firm for review.

Motion: Chair Murphy moved to allow Resolution 2015-03 and the Planning Commission's recommendation to be forwarded to legal to research it, seconded by Supervisor Barfknecht.

Supervisor Barfknecht Called the Question, seconded by Supervisor Palmquist. Motion carried 3-2, with Vice Chair Hansen and Supervisor Ceminsky opposed.

Motion carried 3-2, with Vice Chair Hansen and Supervisor Ceminsky opposed.

The Board agreed that the decision regarding allowing Ames to store mulch stands.

Permit Requests

(None)

Land Use Requests

(None)

Old Business

A. Chub Lake Insurance Company Update

Martin Norder stated that Chad Lemmons sent our counter-offer removing the indemnification language to Travelers mid-February and we have not heard back. Martin will follow up with them.

New Business

A. Building Inspector Services Agreement with Inspectron

Motion: Chair Murphy moved to accept the Building Inspector Services Agreement as executed by Inspectron, seconded by Supervisor Palmquist.

Vice Chair Hansen Called the Question, seconded by Supervisor Barfknecht. Motion carried 5-0.

Motion carried 3-2, with Vice Chair Hansen and Supervisor Ceminsky opposed.

B. Gilmer correspondence

Motion: Chair Murphy moved to notify the Township's insurance carrier of possible litigation, seconded by Supervisor Ceminsky. **Motion carried 4-0**, with Supervisor Barfknecht abstaining

Motion: Vice Chair Hansen moved to schedule a date for a closed-door meeting with the attorney, seconded by Supervisor Ceminsky. **Motion failed 2-3**, with Supervisors Barfknecht, Murphy and Palmquist opposed

Motion: Supervisor Ceminsky moved to hold a closed-door meeting, seconded by Chair Murphy. **Motion carried 4-0**, with Vice Chair Hansen abstaining

Motion: Supervisor Ceminsky moved to set a date of April 4, 2019 at 7:00 pm for the closed-door meeting, seconded by Supervisor Barfknecht. **Motion carried 4-1**, with Supervisor Barfknecht abstaining

C. Meeting with Dakota County regarding the 280th St. project

Supervisors Ceminsky and Hansen will be meeting with the County on March 25th to discuss which roads the County will be using for detours and will negotiate with them to do dust coating like they did on Iberia. The road supervisors will report the negotiations back to the Board.

D. Newsletter – Jody retiring

Motion: Supervisor Ceminsky moved to assign the newsletter to the Deputy Clerk, seconded by Vice Chair Hansen. **Motion carried 5-0**

E. Notices – letters vs. post cards

Motion: Supervisor Ceminsky moved to continue with postcards when time allows and otherwise leave the discretion to the clerk, seconded by Chair Murphy. **Motion carried 5-0**

Other Business

A. Town Clerk

1. Deputy Clerk – Election process

Bob Finke presented Resolution 2019-02 appointing Diane Carbonneau as head election judge in Val's absence.

Motion: Supervisor Ceminsky moved to approve Resolution 2019-02 making Diane Carbonneau a head election judge, seconded by Vice Chair Hansen. **Motion carried 5-0**

2. Annual Meeting presentation

The Board reviewed the annual meeting presentation and pointed out some typographic errors to be corrected. Jeff Otto requested time during the annual meeting to discuss building rights and his recommendations of the work that needs to be done.

B. Public statement

Chair Murphy made a statement that references a Special Closed Town Board meeting held on January 22, 2019 to remove Julie Larson as an election judge.

Approval of Meeting Minutes

A. Approve the February 11, 2019 Town Board meeting minutes

Motion: Chair Murphy moved to approve the minutes as submitted, seconded by Supervisor Palmquist. **Motion carried 5-0**

B. Approve the February 21, 2019 Special Town Board meeting minute

Motion: Chair Murphy moved to approve the minutes as submitted, seconded by Supervisor Palmquist. **Motion carried 5-0**

Motion: Supervisor Barfknecht moved to go immediately into a closed session, seconded by Chair Murphy. **Motion carried 3-2**, with Vice Chair Hansen and Supervisor Ceminsky opposed

Motion: Supervisor Ceminsky moved to close the open meeting and go into a closed meeting, seconded by Chair Murphy. **Motion carried 5-0**

Motion: Supervisor Ceminsky moved to go back to the regular open meeting, seconded by Chair Murphy. **Motion carried 5-0**

Chair Murphy announced that the Board discussed complaints against a Planning Commission member in the closed session.

Adjournment

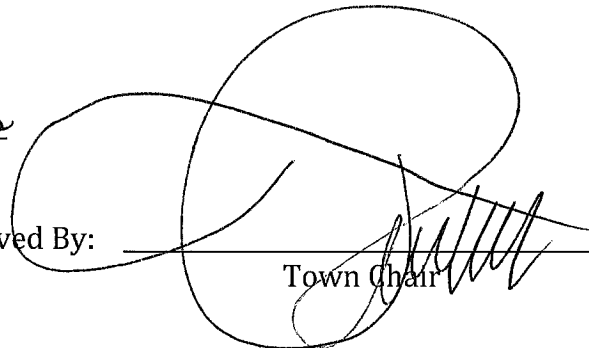
Motion: Chair Murphy moved to adjourn the meeting, seconded by Supervisor Ceminsky. **Motion carried 5-0**

Meeting adjourned at 9:41 pm

Respectfully submitted,

Ranee Solis
Ranee Solis, Town Clerk

Minutes Officially Approved By:


Town Chair

on: 4/8/19.
Date

Gravel Mine Permit renewal

3/11/19

My complaint concerns weed control, the lack of it.

I live on the East side of the mine. With the prevailing winds from the North and West the weed seed blows into my property. I raise corn, soybeans, and hay. I have a big enough struggle controlling weeds in my fields without weed seed blowing in from my neighbors. These are noxious weeds Giant Ragweed, thistle just to name a few. I raise a large amount of hay and sell to horse farmers and it is impossible to control these weeds in hay fields.

The last two years the property owners have tried to spray the weeds but after the weeds have gone to seed. This does no good the seed still blows in my fields. The property owners need to spray earlier in the growing season.

Gary Smith

4628 235th St. W.

Farmington, MN 55024

EUREKA TOWNSHIP

Dakota County, Minnesota



Town Board Meeting

Attendance

Monday, March 11, 2019

7:00 PM

Printed Name

Allen Novack

Brian Ahern

MARK FLEUM

Nancy Sauber

Cliff Allen

Jody Arman-Jones

Mike Callahan

Gary Smeth

Bill Funk

Kathleen Kaufman

Address

27030 Fering Ave Lakeview

6215 235th St W Farmington

6100 225th St W FARMINGTON

9445 225th St. W. Lakeville

1015 NE Williamsburg Ct. Ankeny, IA

6905 255th St. W.

2905 3rd Ave Mankato MN 56002

4628 235th St Farmington MN 55024

23620 Jersey ct.

25506 Spawer Ave

Printed Name

Georgie Molitor

Jeff Otto

Mica Slavick

Address

8875-225th St. W.

25500 Dodd Blvd.

1590 Hwy 55 - Hastings

Treasurer Report March 11, 2019

Bank Balance

February 28, 2019

Checking Account	\$6,954.67
Outstanding Checks	-\$4,073.99
Savings Account	\$316,232.04
CD Accounts	<u>\$105,560.30</u>

Total Investments
\$421,792.34

ACCOUNT BALANCES **\$424,673.02**

Petty Cash In
Cash Box

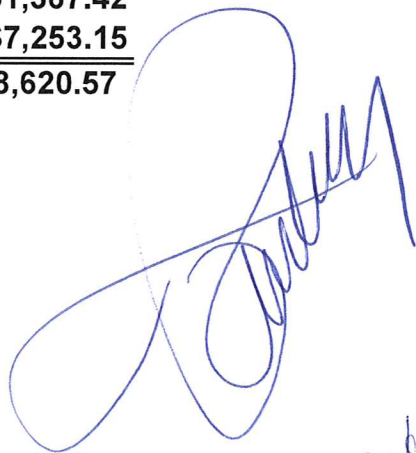
\$100.00


TOTAL INCLUDING CASH **\$424,773.02**


CD	Original
Matures	Investment
\$39,527.45	6/29/2021 5 yr
\$40,718.52	6/27/2022 5 yr
\$25,314.33	6/22/2023 5 yr
<u>\$105,560.30</u>	


TOTAL DISBURSEMENTS

Total Feb Claims	\$51,367.42
Total Feb Payroll	<u>\$7,253.15</u>
	<u>\$58,620.57</u>









Date Range: 2/14/2019 To 3/31/2019

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/15/2019	Lu Barfknecht	Return of election filing fee	3776	\$2.00	100-41410-810-103	Elections	\$2.00
03/11/2019	Internal Revenue Service	fed tax deposit due in March	3777	\$1,310.13	100-41421-115-212 100-41421-122-212 100-41421-125-212 100-41425-122-212 100-41425-125-212 100-41422-115-212 100-41422-122-212 100-41422-125-212 100-41330-122-212 100-41410-125-212	Treasurer Treasurer Treasurer Clerk Clerk Deputy Deputy Deputy Boards and Commissions Elections	\$0.17 \$177.06 \$41.40 \$50.38 \$11.78 \$45.42 \$329.92 \$77.14 \$467.48 \$109.38
03/11/2019	PERA	March 19 payroll pmt	3778	\$572.36	100-41421-121-212 100-41422-121-212	Treasurer Deputy	\$199.89 \$372.47
03/11/2019	Kelly & Lemmons, P.A.	Feb Legal Bill	3779	\$2,149.00	100-41615-304-216	Legal Services	\$2,149.00
03/11/2019	Otte Excavating Inc.	Feb 18 road bill	3780	\$32,835.00	201-43125-235-204 100-43125-235-220	Ice and Snow Removal Ice and Snow Removal	\$31,015.00 \$1,820.00
03/11/2019	TKDA	Professional services invoice 002019000099	3781	\$69.26	240-41960-314-223	Planning and Zoning	\$69.26
03/11/2019	Safety Signs, LLC	Signs Invoice 190789	3782	\$525.00	201-43127-226-201	Signage	\$525.00
03/11/2019	Dakota County Financial Services	Road Salt	3783	\$1,127.07	201-43125-235-204	Ice and Snow Removal	\$1,127.07
03/11/2019	Dakota Electric Association	Feb Electric Bills	3784	\$198.34	100-41940-381-220	General Government Buildings and Plant	\$175.56



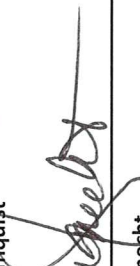


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<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/11/2019	DSI/LSI	accnt# 007602 Feb bill	3785	\$79.79	100-41940-381-220	General Government Buildings and Plant	\$22.78
03/11/2019	Culligan	bill Acct 10134684	3786	\$37.44	100-41940-384-220	General Government Buildings and Plant	\$79.79
03/11/2019	T & C Commercial Cleaning	Cleaning Town Hall	3787	\$130.00	100-41940-382-220	General Government Buildings and Plant	\$37.44
03/11/2019	CENTRAL FARM SERVICES	Customer ID 105983 Propane	3788	\$289.81	100-41940-315-220	General Government Buildings and Plant	\$130.00
03/11/2019	BroadView Technology Solutions LLC	invoice 2405 plus \$7 not paid on Feb invoice	3789	\$200.00	100-41940-383-220	General Government Buildings and Plant	\$289.81
03/11/2019	De Lage Landen Financial Services I	Invoice 62511661	3790	\$95.83	100-41920-309-212	Data Processing	\$200.00
03/11/2019	Frontier Communications	Acct 952046903736 053101 7 Feb bill	3791	\$97.98	100-41425-352-218	Clerk	\$95.83
03/11/2019	ECM Publishers	postings	3792	\$216.00	100-41940-321-213	General Government Buildings and Plant	\$97.98
03/11/2019	City of Farmington	Fire, Contract 1st qtr 2019	3793	\$8,902.06	100-41615-304-213	Legal Services	\$216.00
03/11/2019	Dakota County Environmental Resourc	2019 JPA Pump Maintenance Program	3794	\$1,485.00	100-42210-317-208	Fire Administration	\$8,902.06

Date Range: 2/14/2019 To 3/31/2019

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/11/2019	Robert Finke	Feb Mileage	3795	\$31.09	100-42430-382-210	Septic	\$1,485.00
03/11/2019	Ranee Solis	Feb Mileage	3796	\$31.09	100-41422-331-222	Deputy	\$31.09
03/11/2019	Marcia Wilson	Mileage Expenses Jan and Feb 2019	3797	\$37.12	100-41425-331-222	Clerk	\$31.09
03/11/2019	Mark Ceminsky	mileage	3798	\$400.78	100-41421-331-222	Treasurer	\$37.12
03/11/2019	CardMember Services	B Finke acct 6512 keys and batteries	3799	\$13.17	100-41110-331-222	Council/Town Board	\$400.78
03/11/2019	CardMember Services	M Wilson acct 6026 postage and email service	3800	\$69.10	100-41422-201-212	Deputy	\$13.17
03/11/2019	Town Web Design	Domain Name Renewal and webiste Hosting and Maintenance invoice 3687	3801	\$465.00	100-41421-201-212 100-41421-325-212	Treasurer Treasurer	\$41.10 \$28.00
Total For Selected Claims				\$51,369.42	100-41920-325-213	Data Processing	\$465.00
							\$51,369.42

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<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
	Charles Hansen		City Council/Town Board				Date 3/11/19
	Donovan K Palmquist		City Council/Town Board				Date 3-11-19
	Lucretia Barfknecht		City Council/Town Board				Date 3-11-19
	Mark Ceminsky		City Council/Town Board				Date 3-11-19
	Timothy Murphy		City Council/Town Board				Date 3-11-19