

***Eureka Township***  
*Dakota County*  
*State of Minnesota*

Eureka Town Board Special Meeting of August 3, 2012

**Call to Order**

Chair Brian Budenski called the Special Town Board Meeting of 2012, Eureka Town Board meeting to order at 4:00 p.m. Members present were Supervisors Brian Budenski, Pete Storlie, Mark Ceminsky, Steve Madden and Kenny Miller. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Shawn Dahl and Pat Mason from Ames Construction, Inc. See attached attendance sheet for additional persons in attendance.

**Purpose:**

Request by Ames Construction, Inc. for extending hours for hauling activities in the Brosseth pit related to MNDOT Job# 2785-364 for improvements to Interstate 494 between France Avenue and 34<sup>th</sup> Avenue. Hauling activities will only take place intermittently and will not occur every night. No material or processing is being requested past the normal hours of operation.

**Ordinance Standards:** As per Section 1.A.2. of Chapter 7 of the Eureka Township Mineral Extraction Performance Standards, the Town Board must approve other exceptions to the hours of operation, such as Saturday operation, government agency contracts and other evening work.

**Proposed Extension of Hours:**

August 6-November 23, 2012, 6:00 pm to 6:00 am. Approximately 80% of the material will be hauled during this time frame.

April 1- July 30, 2012, 6:00 pm to 6:00 am. The remaining 20% of material will be hauled during this time frame.

**Proposed Material Quantity:** 16,000 Cubic Yards of Class 6. 21,000 Yards of select granular.

**Proposed Haul Route:** North on Dodd Blvd to County Road #70 to 35W

The request was received by Chair Brian Budenski on Monday, July 30, 2012. It was forwarded to the Town Clerk. During office hours (10am to 2 pm) on Tuesday, the Clerk posted notice of the Special Meeting and sent courtesy letters to the 20 properties located within 1,000 feet of the Brosseth property informing them of the Special Meeting.

## Public Comment Period

Supervisor Brian Budenski spoke with John Sauber, 22926 Dodd Blvd about the request. His concerns were mostly with the trucks leaving the pit. Some trucks are louder than other trucks.

Doug Houser, 9130 235<sup>th</sup> St. commented that a lot of trucks have loud pipes on them, engine brakes. He commented that the Town Board was elected to protect citizen's rights. Ames Construction keeps coming back with more and more requests. A berm was constructed in front of his property recently and all he sees is a wall of black dirt. He expressed concerns with noise, nuisance and lights.

Susan Emerson, 9080 235<sup>th</sup> St. submitted written comments. Chair Brian Budenski read her comments into record. *See attached comments submitted 8/1/2012.*

Robert Ripley, 9480 235<sup>th</sup> St. commented that 24 hour trucking doesn't scare him that bad. Hours of operation were set up for a reason, for the safety and sanctify of the citizens. It is the fact that Ames Construction comes back year after year to try and change the IUP conditions. It is disrespectful, taking advantage of the citizens. He was concerned that it sets precedence.

Gary Smith, 4628 235<sup>th</sup> St. W. served on the citizen's committee to write the Aggregate Mining Ordinance. It was not their intent to allow for this scale of operation. He was concerned with the amount of trucks hauling. He suggested installing flash lights on Dodd Blvd, alerting traffic that trucks are hauling.

Lori Gossler, 23734 Dodd Blvd commented that she is against the pit being open 24 hours, 7 days a week. They hear all the noise, the trucks. There is a lot of gravel and dust blowing above the berms. She does not want it going on all night long. She wants to make sure citizens needs are being met.

Tom Gossler, 23734 Dodd Blvd commented that the rock crushing is not as bad as the constant beeping.

Shawn Dahl, Ames Construction, 2000 Ames Drive, Burnsville commented MNDOT mandates freeway projects to be built overnight, mainly for safety. This is an opportunity to move some product. White noise backup alarms are being installed on all three loaders in the pit. They are not a popular business. He is willing to take in the comments to try to improve, to minimize. Prior to this request, he has not had any calls or complaints. The berms are conditions of the permit, he did not want the expense of building them. This request is allowed in the ordinance. Ames is paying the expenses of the meeting. There is no hidden agenda. It is an opportunity to move product.

By September 1<sup>st</sup>, the screening and crushing operation in the pit will be completed for the year. They have enough product extracted and processed for the year. The maximum number of trucks

will be 20-25. The contract is for 37,000 yards of material, this is a relatively small amount of material. (1/2-1% of the total product in the pit)

Supervisor Pete Storlie asked if there is a schedule from MNDOT. Shawn commented that this is not an every night deal. They may need to haul Friday night, but not Saturday night. Shawn thought that installing a flashing light is a good idea. The trucks will haul in a circular pattern.. He will not allow trucks with Jake brakes to haul overnight. They will only need one light plant. It will face north/ northeast. It will not be pointed south, towards the residential area. The pile is on the north side of the pit in the northeast quadrant. The loading will occur there.

Robert Ripley asked if there are other gravel pits that the product could be hauled from. Is this the best fit for the job? Could they be given a trial period and if it is not working revoke the permission to operate at night?

The Township is run on a complaint basis. If something is not right, then a written complaint must be submitted. Ames will need to address the complaint. Two Town Board members will be asked to follow up on the complaint with Ames. Ames construction will be given the opportunity to remedy the situation to the Town Board's satisfaction. If it can't be remedied, then a Special Meeting will be held at Ames expense to address the issue. To terminate the permit, ordinance procedures need to be followed. If there are 3 complaints that aren't satisfied then the gravel pit IUP will be revoked. It is in their best interest to keep the neighbor's happy.

Citizens expressed concerns that if this special use is allowed that Ames will continue to ask for additional special uses in the pit. They felt that there is always something new that they are asking for.

This is the nature of mining business. Township Ordinances allow this type of special use in gravel pit operation. MNDOT contracts mandates delivery of gravel during overnight hours.

Truck lights shine into Ken Maxa's house when turning in the driveway. Shawn commented that it is over 1,000 feet from the road to Maxa's property. He wasn't sure what amount of impact the lights would have on his property. Shawn said that they would look into this and see if something can be done to lessen the impact on Ken Maxa's property.

As far as setting precedence with allowing this special use, the Town Board needs to approve each request on an individual basis. If allowing this use creates a bad experience, it will be taken in consideration when a similar request is made in the future.

Supervisor Mark Ceminsky commented that not everyone can be happy in this circumstance. They need to try and figure out how things can be accomplished to the best outcome for everybody. Is there a way to address citizen concerns and be able to protect citizen's rights to live in their homes, enjoy their homes and property? This is not a perfect situation, but there are ways to work through this.

Supervisor Pete Storlie asked if Ames could submit a progress report/ communications to citizens.

Installing flashing lights on Dodd Blvd was addressed. There are currently Truck Hauling signs located on Dodd Blvd for north and south bound traffic. These signs are turned to face the traffic when trucks are hauling. Flashing lights could be installed on these signs and turned on when trucks are hauling over night. Shawn Dahl agreed to install the flashing lights on the signs.

Citizens expressed concerns that the minutes of the meeting will accurately reflect the discussion that took place at the meeting. The Town Board agreed to preserve the recording of this Special Meeting. This will be done at the August 13, 2012 Town Board meeting, when the meeting minutes are approved.

Gary Smith commented that he doesn't want it to operate all night. Gravel pits are an eyesore. He doesn't like looking at the berms either. If the gravel pit is allowed to operate as requested, the gravel will be removed sooner and the pit will be able to close up sooner. If the request is denied, the life of the gravel pit is extended. The Met Council mandates that gravel is an available resource. It should be saved and used.

The Brosseth pit is the best haul for the job, the proximity to 35W. All the rest of the gravel pits are on the east side of the County. There are many stop lights traveling down County 42 and Cedar Ave. Traveling from the Brosseth pit is a straight shot down Dodd to County 70 and to the freeway. It's not all about miles, it's about time.

The speed, noise from trucks and the way they enter and exit the pit was discussed. Shawn Dahl commented that they hire the truck drivers that will be hauling gravel during night hours. Ames Construction can be contacted over issues. 911 can also be called and the Sheriff can respond to trucking complaints.

Dust control: Shawn commented that it might be more prudent to control the dust at the source. Dust control cannot be applied to the road in the gravel pit. It is too close to the water.

Shan suggested that when something takes place that initiates a complaint that it be discussed that day. Maybe the issue can be resolved immediately. Shawn agreed to be responsive to citizen concerns. In the mining business you can't make it totally intrusive. He wants to do the very best job he can.

A motion by Supervisor Brian Budenski: To approve Ames Construction Inc., proposed extension of hours as stated in the request for a Special Town Board meeting, with the hours of operation as stated. The motion was seconded by Supervisor Kenny Miller for discussion purposes.

Discussion on the motion followed.

A citizen expressed concerns about Sunday night hauling hours. Shawn Dahl commented that since it is an intermittent haul. If they are in a super bind and that is the day they have to provide material, they will have to haul. If he can avoid it, he will do his best not to haul on Sunday evenings.

If Ames is awarded another gravel hauling contract that would need extended operating hours they would need to put in a separate request to the Town Board for consideration for the new contract.

The Town Board asked that Ames Construction make a reasonable effort to accommodate citizen's requests that are within 1,000 feet of the property or persons in attendance at this Special Meeting that are holding a special occasion event on their property to not to haul materials during the events hours. There are 2 weddings planned for next summer. Shawn agreed not to operate the gravel pit on those two days.

Agreed upon conditions from this meeting include: No operations on Sunday night, unless it is absolutely necessary to operate and to work with landowners on noise, dust and lighting issues. Not to operate during the 2 schedule wedding dates.

Vote was taken on the motion. Motion carried by unanimous vote.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Brian Budenski.

The Meeting adjourned at 5:54 p.m.