

EUREKA TOWNSHIP
Dakota County
State of Minnesota

Eureka Town Board Meeting
March 13, 2000

The meeting was called to order by Chairperson Schindledecker. Present were Supervisors Kadlec, Pflaum, Smith and Topp, Clerk Leine and Treasurer Schulz.

The meeting started with Deputy Drews, from the Dakota County Sheriff's Department, paying a curtesy call on the township asking for any comments or questions.

Marlys Horman is asking to cluster property in Section 35. The property deemed not buildable is the NE 1/4 of the NE 1/4 of Section 35, Twp 113, Range 20. The property receiving the buildable status is the NW 1/4 of the NE 1/4 of Section 35, Twp 113, Range 20. Supervisor Topp moved to grant the clustering request, seconded by Supervisor Smith and carried.

Marlys Horman is asking to split property in Section 35. From Parcel A the NW 1/4 of the NE 1/4 with be Parcel B, The North 500 Feet of the West 872 Feet of the NE1/4 of Section 35, Twp 113, Range 30. This parcel will be 10 acres. Supervisor Pflaum moved to grant lot split, seconded by Supervisor Kadlec and carried.

Marlys Horman presented plot, septic and building plans to the town board for consideration in building a house. Perk test and septic design are in order. Supervisor Smith moved to grant permit to build, seconded by Supervisor Kadlec and carried.

Charles Hansen, 26002 Highview Ave, is requesting a lot split in Section 28. (See enclosed for legal). Supervisor Smith moved to grant split, seconded by Supervisor Pflaum and carried.

Ed Korba, 24810 Dodd Blvd, is requesting permission to replace his current house with a new house. The board approved the concept of Mr. Korba to remove and replace existing house. Mr. Korba needs to finalize plans and see the planning commission.

Chris Nielsen, 25756 Galaxie Ave, is requesting permission to build a house with attached garage. Site, septic and house plans were presented to the board. Supervisor Kadlec moved to grant permit, seconded by Supervisor Pflaum and carried.

Chris Rasmussen, 6805 - 247th St. W., is requesting a permit for a new house and garage. Site, septic and house plans were presented to the board. Supervisor Topp moved to grant permit for the house, seconded by Supervisor Smith and carried.

Chris Rasmussen, 6805 - 247th St. W., requested a permit for a 35 x 84 pole frame

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building of Fredrickson construction. Supervisor Smith moved to grant permit, seconded by Supervisor Kadlec and carried. The permit carried a fee of \$151.20.

Kenny Schonning, 6775 - 265th St. W., is requesting a permit to add a 14 x 14 deck to his existing house. Site and building plans were presented. Supervisor Smith moved to grant permit, seconded by Supervisor Kadlec and carried.

Rose Marie Zumbach, 25400 Cedar Ave, is requesting permission to build two pole frame buildings on her property. Site and building plans were presented to the board. Supervisor Smith moved to grant permits, seconded by Supervisor Kadlec and carried.

Mark Antonson, 9649 - 250th St. W, is requesting permission to remodel his house. He would like to add a 14 x 18, 3 seasons porch with basement. Site and building plans were presented. Supervisor Smith moved to grant permit, seconded by Supervisor Pflaum and carried.

Mark Eide, 6565 - 255th St. W., is requesting permission to add 40 x 30 to an existing pole frame building. Site and building plans were presented. Supervisor Smith moved to grant permit, seconded by Supervisor Pflaum and carried.

Mr. & Mrs. Erickson asked the board if a permit had been issued to the Troy Orndorff to run a plumbing shop. The Ericksons stated that they felt that the business being run at 24149 Highview Ave. was a commercial business. They reported that they had seen large trucks delivering heaters and other products for the plumbing business and that it appeared that 10 to 12 vehicles were dispatched from this location. The board will do some fact finding and visit the alleged violation and report back their findings at the next board meeting.

Troy Frieges is asking the board if a parcel owned by Lorentson in Section 4 and Section 5 is buildable. The board will research this parcel and the Chair will advise Mr. Freiges if this parcel is buildable or not.

The subject of the Sand and Gravel permits for the Conroy and Taylor sites were next on the agenda.

At the December 6, 1999 meeting, significant testimony was provided by the Landowners and Crane Creek with respect to the applications and the activities of the various sites.

Numerous affidavits were also provided by the landowners. These affidavits have been reviewed by the Planning Commission and the Town Board.

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Chairperson Schindledecker then opened the meeting for the last time to hear any new additional public comments or reports.

The Papkes presented a report on the appraisal of their property. The opinion of the appraiser was that there would be a 20% drop in value with the Taylor mine present. The firm that did this appraisal was Schultz & Co.

Pete Klegor, 6141 235th St. W., presented drawing questioning the depth of fill above water table on the deepest portion of the present mine. Crane Creek replied that due to the slope of reclamation, there will be more than adequate distance to the water table. Mr. Klegor was satisfied with Crane Creek's answer.

Crane Creek would replace the snow fence in the entrance at both mining sites. Crane Creek testified that vandals had cut the fence at both locations and that Crane Creek had reported this to the Dakota County Sheriff.

The board asked Mr. Taylor if he would consider planting winter wheat on the reclaimed pit. Mr. Taylor said that he would consider it.

The Chair then asked for a motion to grant permit for the Taylor mining operations. No motion came forth.

The Chair then asked for a motion to deny the permit for the Taylor mining operations. Supervisor Topp moved to deny the application to mine sand and gravel at the Taylor location, seconded by Supervisor Smith. The Chair then presented the Planning Commission's list to the opposition of the Taylor request, for a yes or no vote by the board of supervisors.

1. Increase in truck traffic because of mining
No 0 Yes 5
2. Increase truck traffic would damage road
No 5 Yes 0
3. Lack of Fencing at site would created attractive nuisance & dangerous conditions for children.
No 1 Yes 4
4. Vibrations from mining operations can be felt in homes and have caused some cracking of walls inside homes.
No 0 Yes 5
5. Mining operations will disturb wildlife.
No 4 Yes 1
6. Mining operation will have an adverse effect on nearby wetlands and well water quality and quantity.
No 4 Yes 1

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7. Mining operation will cause soil erosion
No 1 Yes 4
8. Mining operation will decrease value of property
No 0 Yes 5
9. Increase noise level due to mining
No 0 Yes 5
10. Increased dust levels, impact visual appearance of nearby houses & the health of all living beings in and around mining site
No 0 Yes 5
11. Hours of operation are excessive
No 0 Yes 5
12. Mining operation created a visual blight to neighboring land owners
No 0 Yes 5
13. Headlight from trucks related to mining operation caused visual intrusion on neighboring landowners
No 4 Yes 1
14. Operators of the mine have trespassed on nearby properties
No 0 Yes 5
15. Gravel stockpiles at mine site are visually intrusive and unappealing
No 0 Yes 5
16. Mining operations has permeated the smell of diesel fuel in the area
No 5 Yes 0
17. Mining operations have detrimentally impacted the use and enjoyment of neighboring properties
No 0 Yes 5
18. Noise created by rock crushing at site detrimental to neighboring landowners
No 0 Yes 5
19. Dumping of garage and discharging of fire arms at mining site
No 0 Yes 5
20. Letter from Physician impacting health
No 0 Yes 5
21. School bus turn around @ Taylor access
No 0 Yes 5
22. Deny application & only allow reclamation
No 0 Yes 5

The vote to deny application of this mining permit passed 5 to 0.

Supervisor Smith made a motion for a resolution directing Crane Creek Construction to perform remedial acts on the Taylor site, seconded by Supervisor Pflaum. The Chair then presented the Planning Commission's list to reclaim the Taylor mine site, for a yes or no vote by the board of supervisors.

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1. Crane Creek Construction and/or the Taylors are hereby directed to immediately complete the following items:

- a. Perform each item of the End Use Plan of December 6, 1999, prepared by Sunde Engineering
No 0 Yes 5
- b. Complete all removal and reclamation of Taylor Site prior to August 31, 2000.
No 0 Yes 5
- c. Use only qualified clean fill or native soil complying with Dakota County Ordinance 110, Chapter 6.08 in reclaiming Taylor Site.
No 0 Yes 5
- d. Prior to backfilling the Taylor Site, contact the Dakota County Environmental Management Department to permit the testing of the intended backfill material to insure compliance with Dakota County Ordinance 110, Chapter 6.08
No 0 Yes 5
- e. Pay and cost associated with the backfill testing as required by Dakota Country Environmental Management Department.
No 0 Yes 5
- f. After backfilling to the appropriate grades, provide four inches (4") of topsoil meeting MnDot's standard for topsoil.
No 0 Yes 5
- g. Provide successful vegetation in and around the reclaimed area according to MnDot standards and restore the Taylor Site to an agriculturally tillable standard.
No 0 Yes 5
- h. Plant trees from the approved tree list...
No 5 Yes 0
- i. Provide a Performance Bond or Letter of Credit in the amount of Forty Thousand Dollars (\$40,000) for the Taylor Site.
No 0 Yes 5
- j. To the extent items B. through I. contained in this paragraph are inconsistent with the Taylor Permit Application, the more stringent requirements or obligations shall prevail.
No 0 Yes 5

2. All items herein shall be to reclaim and restore the Taylor Site, and nothing herein shall permit Crane Creek, the Landowner or their Agents to extract any additional unexcavated materials from the Taylor Site. Notwithstanding the foregoing, and provided the conditions contained herein are met, Crane Creek and/or the Landowner

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shall remove the current sand and gravel stockpiles from the site.

3. Nothing herein shall be construed to grant any of the permits requested by Crane Creek Construction or Craig and Deborah Taylor.

The vote to accept the resolution directing Crane Creek to perform remedial acts on the Taylor Site is, No 0, Yes 5. Resolution carried.

The Chair then asked for a motion to grant permit for the Conroy mining operations. No motion came forth.

The Chair then asked for a motion to deny the permit for the Conroy mining operations. Supervisor Smith moved to deny the application to mine sand and gravel at the Conroy location, seconded by Supervisor Topp. The Chair then presented the Planning Commission's list to the opposition of the Conroy request, for a yes or no vote by the board of supervisors.

1. Increase in truck traffic because of mining
No 0 Yes 5
2. Increase truck traffic would damage road
No 5 Yes 0
3. Lack of Fencing at site would create attractive nuisance & dangerous conditions for children.
No 0 Yes 5
4. Vibrations from mining operations can be felt in homes and have caused some cracking of walls inside homes.
No 5 Yes 0
5. Mining operations will disturb wildlife.
No 5 Yes 0
6. Mining operation will have an adverse effect on nearby wetlands and well water quality and quantity.
No 5 Yes 0
7. Mining operation will cause soil erosion
No 0 Yes 5
- Mining operation will decrease value of property
No 0 Yes 5
9. Increase noise level due to mining
No 0 Yes 5
10. Increased dust levels, impact visual appearance of nearby houses & the health of all living beings in and around mining site
No 0 Yes 5
11. Hours of operation are excessive

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- | | | | | |
|-----|---|---|-----|------|
| | No | 0 | Yes | 5 |
| 12. | Mining operation created a visual blight to neighboring land owners | | | |
| | No | 0 | Yes | 5 |
| 13. | Headlight from trucks related to mining operation caused visual intrusion on neighboring landowners | | | |
| | No | 5 | Yes | 0 |
| 14. | Operators of the mine have trespassed on nearby properties | | | |
| | No | 5 | Yes | 0 |
| 15. | Gravel stockpiles at mine site are visually intrusive and unappealing | | | |
| | No | 0 | Yes | 5 |
| 16. | Mining operations as permeated the smell of diesel fuel in the area | | | |
| | No | 5 | Yes | 0 |
| 17. | Mining operations have detrimentally impacted the use and enjoyment of neighboring properties | | | |
| | No | 0 | Yes | 5 |
| 18. | Noise created by rock crushing at site detrimental to neighboring landowners | | | |
| | No | 0 | Yes | 5 |
| 19. | Dumping of garage and discharging of fire arms at mining site | | | |
| | No | 5 | Yes | 020. |
| 20. | Deny application & only allow reclamation | | | |
| | No | 0 | Yes | 5 |

The vote to deny application of this mining permit passed 5 to 0.

Supervisor Smith made a motion for a resolution directing Crane Creek Construction to perform remedial acts on the Conroy site, seconded by Supervisor Kadlec. The Chair then presented the Planning Commission's list to reclaim the Conroy mine site, for a yes or no vote by the board of supervisors.

Supervisor Smith moved that the board adopt what was discussed on the Taylor plan, be the same for the Conroy site, seconded by Supervisor Topp and carried.

1. Crane Creek Construction and/or the Conroys are hereby directed to immediately complete the following items:

- | | | | | |
|----|--|---|-----|---|
| a. | Perform each item of the End Use Plan of December 6, 1999, prepared by Sunde Engineering | | | |
| | No | 0 | Yes | 5 |
| b. | Complete all removal and reclamation of Conroy Site prior to August 31, 2000. | | | |
| | No | 0 | Yes | 5 |
| c. | Use only qualified clean fill or native soil complying with Dakota County | | | |

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Ordinance 110, Chapter 6.08 in reclaiming Taylor Site.

No 0 Yes 5

d. Prior to backfilling the Taylor Site, contact the Dakota County Environmental Management Department to permit the testing of the intended backfill material to insure compliance with Dakota County Ordinance 110, Chapter 6.08

No 0 Yes 5

e. Pay and cost associated with the backfill testing as required by Dakota County Environmental Management Department.

No 0 Yes 5

f. After backfilling to the appropriate grades, provide four inches (4") of topsoil meeting MnDot's standard for topsoil.

No 0 Yes 5

g. Provide successful vegetation in and around the reclaimed area according to MnDot standards and restore the Conroy Site to an agriculturally tillable standard.

No 0 Yes 5

h. Plant trees from the approved tree list...

No 5 Yes 0

i. Provide a Performance Bond or Letter of Credit in the amount of Forty Thousand Dollars (\$40,000) for the Conroy Site.

No 0 Yes 5

j. To the extent items B. through I. contained in this paragraph are inconsistent with the Conroy Permit Application, the more stringent requirements or obligations shall prevail.

No 0 Yes 5

2. All items herein shall be to reclaim and restore the Conroy Site, and nothing herein shall permit Crane Creek, the Landowner of their Agents to extract any additional unexcavated materials from the Conroy Site. Notwithstanding the foregoing, and provided the conditions contained herein are met, Crane Creek and/or the Landowner shall remove the current sand and gravel stockpiles from the site.

3. Nothing herein shall be construed to grant any of the permits requested by Crane Creek Construction or Tom and Deborah Conroy.

The vote to accept the resolution directing Crane Creek to perform remedial acts on the Conroy Site is, No 0, Yes 5. Resolution carried.

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The Chair then address the request for a moratorium on sand and gravel mining in the township. The meeting was opened to the public one last time to receive any new comments or reports from the public.

Mr. Papke asked that the January 7, 2000, letter with 307 signatures be read into the minutes. The Chair informed Mr. Papke that this had been presented at a previous meeting and was again noted in this meeting.

Mr. Don Stores asked that the township explore all avenues to devise a basic plan to use the land and build a good ordinance.

With no further comments or reports, Chairperson Schindlecker closed the public hearing and asked for motion to adopt or reject a moratorium on mining.

Supervisor Kadlec made a motion for an interim ordinance establishing a moratorium on the processing or issuance of any new Conditions Use Permits (CUP) for the extraction operations in an agricultural district, seconded by Supervisor Smith.

The purpose and intent of this Resolution is to prohibit the processing or inssuance of any new Conditional Use Permits for mining or extraction operations in Agricultural or Rural/Residential districts as contained in Township Ordinances 7.23 and 7.53. By this Resolution, the Board of Supervisors intends to create a moratorium on the porcessing, or issuance of any new Conditional Use Permits for mining or extraction operations in Agricultural or Rural/Residential districts. This Resolution is not intended to prohibit the xtraction and removal of sand and/or gravel from a llowowner's property in amounts less than four hundred (400) cubic yards, nor prevent the renewal of validly eixisting Conditional Use Permits for extraction operations.

The Chair then asked for discussion on this motion by the board. The board asked questions of the public in attendance. The board heard the pros and cons to using a task force to study the mining question. The board also heard a time table to adopt a new ordinance.

Chairperson Schindlecker then asked the board for a true or false response to the following preliminary findsgs to serve as the basis for the necessary studies to be made during the moratorium. These preliminary findsgs serve as the reasons why it is in the public interest to the Board of Supervisors to so declare a moratorium by virtue of this Resolution:

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1. Until the present time, the mining of sand and gravel has occurred in Agricultural and Rural/Residential districts pursuant to Conditional Use Permits.

True

2. Sand and gravel mining and extraction operations are often disruptive to the persons and properties of neighboring landowners due to noise, dust, vibration, truck traffic, lights and the negative aesthetic effect that open sand and gravel excavations pose.

True

3. Proper restoration and reclamation of the mined site at the end of the extraction activities is a concern.

True

4. In the past, sand and gravel mining and extraction activities in the Township have been sporadic and limited.

True

5. Preliminary informal studies have determined that the Township may contain several large stockpiles of high quality sand and/or gravel.

True

6. In light of the expansion of the Twin Cities' metropolitan area and the reported depletion of sand and gravel resources closer to the Twin Cities, the Board of Supervisors anticipates that Township landowners will increasingly desire to extract sand and gravel from their properties for commercial sale and use.

True

7. The Township's current ordinances do not adequately address the many issues and concerns that will arise with respect to sand and gravel mining and extraction activities as such activities increase in number and scope in the future.

True

8. There are currently no pending applications for Conditional Use Permits for mining and extraction activities before the Board of Supervisors.

True

9. The Board of Supervisors believes the opportune time to study the impacts of the issuance of Conditional Use Permits for mining or extraction operations is now, rather than later and the opportune time to establish controls, regulations or prohibitions with respect to mining or extraction operations is now, rather than later.

True

10. The Board of Supervisors has not as yet studied the impact of the increased issuance of Conditional Use Permits for sand and gravel mining or extraction.

True

11. There is a need to study whether Conditional Use Permits or Interim Use Permits are the best means for regulating sand and gravel mining.

True

12. Economic impacts such as taxes, effect on property values and the effect on the

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Township budgets needs to be studied.

True

13. The Board of Supervisors has not as yet studied the nature and scope of sand and gravel reserves located in the Township. Time will be needed to study the State of Minnesota Aggregate Resources Task Force Study as mandated by the Minnesota Legislature in 1998.

True

14. The current regulations and controls of the Township relating to Conditional Use Permits for mining or extraction may be outdated and in need of revision.

True

15. The Board of Supervisors would like time to study how to minimize traffic impacts and negative visual impacts by use of setbacks and similar screening devices.

True

16. Fee structures, inspection procedures, enforcement of violations and penalties for violating proposed regulations will need to be examined.

True

17. The scope of the regulation of mining and extraction will need to be examined. For example, the Township may wish to allow small-scale excavation of sand and gravel for personal use.

True

18. The Township would like to hear citizen comments and concerns about the practice of mining and extraction.

True

19. Once certain Conditional Use Permits for mining or extraction of sand and gravel are granted, the impacts may be long lasting. If the impacts are negative, remedial controls may be too difficult to effect.

True

20. The Township is in the process of updating its comprehensive plan and its ordinances and this is an opportune time to study how mining and extraction uses can be included in the updated plan and ordinances.

True

21. The public interest requires that the Township study, analyze and evaluate the impacts of the issuance of new Conditional Use Permits for mining or extraction of sand and gravel in Agricultural and Rural/Residential districts in relationship to the ordinances of other cities, and in relation to Minnesota Law and the Township's Ordinances and policies.

True

22. It is to the best interest for the board to appoint a task force to present an ordinance to the Planning Commission and to the Township.

True

23. The Clerk will publish in the legal papers a notice asking citizens to submit a

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resume if they wish to serve on the Moratorium Task Force. The task force will then be chosen to draft a new ordinance for presentation to the Planning Commission by September 15, 2000 for Planning Commission review and Public Hearing on October 9, 2000. The Planning Commission will then present the facts from the Public Hearing and their recommendations to the Supervisors of the township for enactment on December 11, 2000.

Chairperson Schindlecker then asked for a roll call on this resolution. Let it be known that the roll call was 5 Yes and 0 No, resolution passed.

Supervisor Smith moved to accept the minutes of February 14, 2000 as presented, seconded by Supervisor Topp and carried.

Treasurer Schulz reported that the township had \$102.19 in the check account and \$293,137.69 in the MMDA account, for a total of \$293,239.88 as of month ending February 29, 2000. Merlin A Wilber, the township's contracted building inspector, reported the last 2 quarters activity and with this report is list of year 1999 permit activity. There was discussion as to missed septic fees, of which Mr. Wilber apologized and sent a check for the shortage. Dakota County also payed the remainder of taxes collected for 1999 amounting to \$8,253.74. Supervisor Smith moved accept the treasurer's report, seconded by Supervisor Topp and carried.

Clerk Leine present bill totaling \$6,006.70 for the board's review..

Dakota Electric Association	Utilities	\$ 8.51
Rivertown Newspaper Group	Legal ad	32.40
ECM Publishers	Legal ad	25.27
Gold Star Printing	Ballots	55.75
Hampton Township	Septic Adm.	1,322.01
Dakota Co. Public Health Dept.	Septic permits	160.00
Eureka Sand & Gravel	Road Maintenance	1,797.50
LeVander,Gillen & Miller	Legal Council	2,605.26

Supervisor Pflaum moved to pay all the bills presented by Clerk Leine, seconded by Supervisor Smith and carried.

Supervisor Kadlec moved to adjourn, seconded by Supervisor Smith and carried.

gls / 3-13-00