

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**TOWN BOARD MEETING**  
**November 22, 2022 – 7:00 P.M.**

**Call to Order**

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

Supervisors Present: Donovan Palmquist (via Zoom), Ralph Fredlund, Nancy Sauber and Kathleen Kauffman.

Supervisors Absent: Lu Barfknecht.

Others Present: Suzy Bergquist, Mark Henry, Carrie Jennings.

Zoom Attendance: Ranees Solis, Deb Burkhardt, Carol Cooper, Randy Wood, Julie Larson and Jeff Otto.

**Approval of the Agenda**

The following changes were made to the agenda:

- Add B. Employee HRA under Treasurer's Report.
- Add D. Attorney advice under Old Business.
- Table C. Employee handbook under Old Business until the next meeting.

*Motion:* Vice Chair Palmquist moved to approve the agenda as amended. Supervisor Fredlund seconded. *Motion carried 4-0.*

**Sheriff's Department – Deputy O'Meara**

- More traffic enforcement on Cedar and Foliage.
- Complaint on Dodd for a slow-moving vehicle. However, we were unable to locate it.
- Suspicion call on Ipava around 260<sup>th</sup> regarding a rusted VW Jetta that had a male and female in their 40's on a driveway. The male walked a direct line to the shed that contained some classic cars. The homeowner surprised them, and the male jumped back in the car and drove away. We were unable to locate the vehicle.
- Stay aware and keep your eyes open for suspicious behavior; do not chase, call 911; lock up your accessory buildings; consider installing security cameras.

**Road Report – Mark Henry**

- The game plan is to try to get the roads back to gravel showing.
- TJ Grossman is doing his best to get the paving completed in Eureka Estates.

245<sup>th</sup> St. Signs – Ralph Fredlund

Safety Signs will take a look at the broken barricade post in the next two weeks and make a recommendation.

**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.*

Vice Chair Palmquist opened the floor for public comment and reminded that if anyone has comment regarding any agenda items, now is your time to speak. Vice Chair Palmquist asked three times if there were any attendees who would like to make comment. Hearing none, the floor was closed.

**Treasurer’s Report**

Net Pay and Claims

The Clerk presented payroll in the amount of \$5,628.88 for payment.

The following claims in the amount of \$8,645.88 were presented for payment:

Couri & Ruppe	October legal bill	\$4,184.33
Inspectron, Inc.	October inspections	\$1,485.45
M & R Sign	Road signs	\$840.00
Ottomatic Lawn Care	October lawn service	\$750.00
Victor Lundeen	Receipt books	\$136.33
Marketing Clarity	Website maint/admin	\$511.25
Visa	Domain annual renewal	\$61.11
Quadient Financial	Postage	\$39.90
JTN Communications	Internet due December	\$199.00
DSI/LSI	October garbage bill	\$138.38
Custom Office Products	Office supplies	\$77.30
Amy Liberty	Mileage	\$8.50
Ellen Canfield	Head judge mileage	\$147.50
Dan Barfknecht	Election mileage	\$38.70
William Pekarna	Election mileage	\$16.25
Susan Rogers	Election mileage	\$3.75
Elaine Swedin	Election mileage	\$8.13

Supervisor Sauber questioned whether there were no election judges who live closer to the Township. The Clerk responded that we did not have a head judge in the local area.

Supervisor Kauffman raised a question about finance charges on the Visa bill. The Board agreed to request an attorney opinion as to whether the Board can authorize the Treasurer to pay the bill online when it is received, without prior Town Board approval.

*Motion:* Supervisor Fredlund moved to approve the net pay and claims as presented. Vice Chair Palmquist seconded. *Motion carried 4-0.*

## Employee HRA

Supervisor Fredlund reported to the Board that the administrative charge for the new employee's health insurance has been negotiated down from \$1,000 to \$750. The payment to Benafica will be withdrawn from the checking account via ACH transaction before the next meeting. In addition, the monthly HRA amount of \$530.50 will be deducted via ACH going forward.

*Motion:* Supervisor Fredlund moved to approve the \$750 administrative charge to Benafica. Vice Chair Palmquist seconded. *Motion carried 4-0.*

## **Old Business**

### Zoning Administrator outsourcing: TKDA and Bolton & Menk Inc.

Supervisor Sauber and Commissioner Clancy have been working on obtaining this information and will make a report at the December meeting.

### Mining Superintendent – Carrie Jennings

Carrie Jennings provided the following feedback on the Mining Superintendent Scope of Work which was presented to her for consideration of the position.

- *Act as the liaison between the managers of the mine and the Board-appointed mining liaisons:* The mine managers would have to allow access to the mines.

Supervisor Kauffman noted that we are in the process of a revision of the mining ordinance and could ensure that the new ordinance covers that access.

Supervisor Kauffman added that the annual mine reviews will take place at the end of February and the Board needs assistance from the mining superintendent to inform the review process. This will involve asking appropriate questions as well as a follow up inspection afterward.

- *Ensure that the operations comply with health & safety requirements:* The mine manager would need to accompany me in order to inspect the mine. In addition, Mine Safety and Health Administration (MNSHA) training is required in order to enter a mine. My previous training has expired and may need to be renewed.
- *Ensure that the operations comply with the approved CUP/IUP reclamation phases:* No issue with my ability to perform this item.
- *Monitor and evaluate performance standards:* To ensure they are mining within the zone indicated and within the hours of operation might require speaking with neighbors of the mines.
- *Review capability of extraction material from the mine:* Unless I am sending samples to a lab, this cannot be determined.
- *Inspect the mines each year before annual reviews and follow up as needed:* No issue with my ability to perform this item.

- *Calculate the number of years to complete the mining activity:* This would be challenging. I would have to have access to their borings to show how much is in reserves in the mine to determine the number of years left. We could look at the history of county reports which indicate the amount of gravel which was removed each year but without borings we cannot determine how deep it is.

Ms. Jennings indicated that the scope of work covers permitted mines, but the Board should consider a category for unregulated mining. There are facilities operating in the Township which are removing very little material but bringing large amounts of material in. She would want the ability to do an aerial analysis of where there are stockpiles of materials located and then understanding what that material is.

Supervisor Kauffman responded that because this is an entirely new thought, this would require an ordinance and a budget. The Board is not yet ready to put this into a contract.

Regarding the mining ordinance, Carrie Jennings provided the following feedback:

- I want to understand the proposed changes to the mining ordinance. Currently, there are level III mines which involve mining into the water tables. Will these still be allowed going forward? Are accessory uses such as cement, asphalt or recycling plants being stricken?

Supervisor Kauffman responded that the Board has asked to have the attorney provide a best practices redraft of the mining ordinance, which has been given to you for input. It has not yet been reviewed by the Board for input.

- There is a proposal in Sciota or Waterford Township to mine for bedrock which would require dewatering at 160 ft. I would recommend that we not allow lowering the water table.
- I would suggest that we allow for mine plan review, not just once it is in place, but before anything starts.

Supervisor Kauffman responded that we have a moratorium on new mining permits until the new ordinance is adopted. The Board hopes by next meeting to have a contract with Ms. Jennings and a redline of the attorney-provided text which includes her input.

- I was with DNR Minerals for two years with the aggregate mapping division, whose purpose is to ensure the state's mineral resources are made available to the state, as the value of those resources are in the state's pocketbook. They have a very different attitude towards mining than a preservationist would. DNR Minerals does mapping, in advance of development, to protect aggregate resources from development pressure so that valuable resources are not built on and the county realizes later needs it and has conflict between residents and the mines. This area started to be built in before people starting to think about aggregate planning. Although, there was a seven-county area aggregate map done in the 90s that identified the resources in Eureka Township and southern Dakota County as being prime and useful for the whole metropolitan area. This is an economic argument for

the state and the region because for every 50 miles that you transport it, you double the price. So, if you are building roads, you are paying a lot more if you are bringing the gravel in from New Ulm or someplace further away. This is the argument people make for preserving aggregate resources close to population centers because every Minnesotan uses 50 lbs. of gravel in a day. We will never get away from mining if we continue to build and maintain roads. The pressure is not going to go away, it is going to increase. Anticipate that because you are in this prime location for aggregate.

- I believe the aggregate quality is higher in the western part of the township and gets sandier as you go east. There might be better gravel deeper in the eastern part of the township, but it is not at the surface.
- The former University of Minnesota property in Rosemount will be the major supplier of high-quality aggregate for the southeast portion of the metro going forward.
- The mining lobbyists at the capitol are powerful lobbyists and there are very few places where mining is regulated on a township level. Southern Dakota county is one of the few places where townships have zoning authority in the state. It frustrates the companies, to no end, and they would love to see mining regulated at a state level in a uniform way. I have no opinion on that, just providing this information.
- Years ago, a watershed planning group developed a model ordinance for the townships in southern Dakota County.

Supervisor Sauber noted that the NCRWMO is currently redoing that effort with a model mining ordinance for townships within the watershed. Carrie Jennings responded that it would be worth looking at what they are developing to relieve some of the pressure of mining companies going over the Township's head to the state. If there is some kind of regional block that protects the region's aggregate resources you might have a better shot at it.

#### Attorney Advice

Supervisor Sauber had inquired as to whether lot splits that result in parcels of 20 acres or more, which also have 500 ft. of road frontage, have to be approved by the Township. Supervisor Kauffman confirmed that the Township Attorney agreed that they do not. Supervisor Sauber's follow up question is how the Township will maintain oversight on which parcel involved in a lot split will contain a nonconforming use. Supervisor Kauffman reported that she and Attorney Ruppe are preparing an ordinance for lots splits for review at the December 13<sup>th</sup> meeting. The Clerks receive notice from the County of every recorded lot split and any changes to property. She will ask Attorney Ruppe what can be added to the ordinance to request that landowners notify the Township of that designation.

#### **New Business**

##### NCRWMO Report from meeting on November 16, 2022

- Approved the draft watershed plan. It is on the website for a 60-day review which started November 17<sup>th</sup> and ends January 15<sup>th</sup>.

- Public hearing to be held on February 1, 2023, at Eureka Town Hall at 7:00 p.m., followed by the regular meeting.
- The operating budget is staying the same for next year, but the tax is not. The dues are based on the tax capacity of each municipality. Eureka’s dues will increase around \$40.
- The Water monitoring report from 2021 is available at Town Hall.
- The 2022 landscaping for clean water summary is available at Town Hall.
- Delegated the board’s ability to comply with data practices by appointing Ashley Gallagher as the compliance officer.

**Approval of Meeting Minutes**

October 11, 2022, Town Board meeting

*Motion:* Vice Chair Palmquist moved to approve the minutes of the October 11, 2022, Town Board meeting as presented. Supervisor Fredlund seconded. *Motion carried 3-0*, with Supervisor Sauber abstaining.

October 25, 2022, Town Board meeting

*Motion:* Vice Chair Palmquist moved to approve the minutes of the October 25, 2022, Town Board meeting as presented. Supervisor Fredlund seconded. *Motion carried 3-0*, with Supervisor Sauber abstaining.

October 27, 2022, Public Hearing

*Motion:* Supervisor Sauber moved to approve the minutes of the October 27, 2022, Public Hearing as presented. Vice Chair Palmquist seconded. *Motion carried 4-0*.

**Clerk Matters**

Clerk transition update

Suzy has completed some of the MAT Clerk online training courses. The plan is to appoint Suzy Bergquist as Clerk/Treasurer at the December 13, 2022, Town Board meeting.

**Adjournment**

*Motion:* Supervisor Kauffman moved to adjourn the meeting. Supervisor Fredlund seconded. *Motion carried 4-0*.

Meeting adjourned at 8:33 pm.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Town Chair Date