

## EUREKA TOWNSHIP

Dakota County, State of Minnesota

### TOWN BOARD MEETING

November 28, 2023 – 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 Sauber and the Pledge of Allegiance was given.

Supervisors Present: Tim Pope, Allen Novacek, Nancy Sauber, and Randy Wood.

Others Present: Liz Atwater, Brian Ahern, Wayne Doyle, Matt Miller, Randy Kubes, Mark Henry, Dan Ames

Zoom Attendance: Ralph Fredlund, Carol Cooper, Deb Burkhardt, Gloria Belzer, Julie Larson, Bill Clancy, Carrie Jennings.

#### Approval of the Agenda

*Motion:* Vice Chair Sauber moved to approve the agenda as presented. Supervisor Wood 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.*

Vice Chair Sauber opened the floor for public comment and reminded that if anyone has comment regarding any agenda items, now is your time to speak.

#### 9995 250<sup>th</sup> Street W- Matthew Miller

Mr. Miller expressed his concerns about the Jake Braking and higher speeds of vehicles on 250<sup>th</sup>. He requested the Board consider a Jake Braking Ordinance and investigate lowering the speed limit on 250<sup>th</sup>. Vice Chair Sauber explained this is a County Road and the Township does not have jurisdiction to change the speed limit on 250<sup>th</sup>. Mr. Miller requested the Board to contact the State and County regarding the issues on 250<sup>th</sup>. Vice Chair Sauber stated this would be added under new business for the Board to discuss further.

#### 10185 250<sup>th</sup> Street W- Beth Eilers

Ms. Eilers stated she agreed with the comments and concerns that Mr. Miller expressed. She further explained that earlier this summer a request was made to the Board to have the County complete a speed study on 250<sup>th</sup>. It would be good to know the status of that request is.

#### 8919 280<sup>th</sup> Street W- Carrie Jennings

Ms. Jennings stated that this is only going to get worse as Scott County locates businesses on the interchange of Hwy 2 and 35W. Trucks use that exit to get onto Dodd to AirLake and the surrounding warehouses. Traffic is going to increase.

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

## **Reports**

### Dakota County Sheriff – Deputy Weber and Deputy Larkin

Deputy Weber gave a few reminders to the Township. Do not push snow across the roadways and have appropriate winter gear in your vehicle, such as blankets, hats, gloves. The Board asked for additional patrols on 250th by Dodd and to watch for vehicles that might be dumping in the Township. Deputy Weber was asked about Jake Braking enforcement, and he stated the Township would need an ordinance and signs would need to be posted. He recommended the Board discuss with their legal counsel further requirements for signs of where they can or need to be posted.

### Road Report-

Supervisor Wood reported that Hamburg and Fairgreen roads are completed. The debris has been removed out of the 245<sup>th</sup> ditch.

## **Complaints**

### 2023-10 9235 Upper 240<sup>th</sup> Street W – Ridge Oien

The Board discussed if this was a civil matter and if the Township should get involved. Vice Chair Sauber will ask the Attorney for his recommendation and the Clerk will send a letter.

## **CUP**

### 25506 Ipava- Kathleen Kauffman

Ms. Kauffman has received a CUP for a Solar Array prior to the updated ordinance requirements. She is asking for the Board to revoke the CUP on the property, as this is no longer a requirement.

*Motion:* Supervisor Wood moved for property of Kathleen Kaufman 25506 Ipava that the CUP is revoked for a solar array for 20 Kilowatts and have that reflect in the minutes and her property file. Vice Chair Sauber seconded the motion. *Motion carried 4-0.*

*Motion:* Vice Chair Sauber moved that there be a statement placed in file folder for 25506 Ipava that the solar array under current ordinances, November 30, 2023, does not require a CUP. Supervisor Wood seconded the motion. *Motion carried 4-0.*

## **Treasurer's Report**

### Net Pay and claims

The Clerk presented payroll in the amount of \$2,720.09 for payment. The following claims in the amount of \$107,157.69 were presented for payment. See page 6 for a list of claims.

*Motion:* Supervisor Novacek to approve the net pay and claims as presented. Supervisor Wood seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber - Aye. *Motion carried 4-0.*

### 2024 Budget

Clerk/Treasurer Atwater wants to present final numbers for approval at the December 12, 2023, meeting.

### 2025 Budget Planning Meeting

Special Meeting on December 26, 2023, at 6pm for 2025 budget planning.

### **Unfinished Business**

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

*Motion:* Supervisor Novacek moved that we recommend the Planning Commission identify the illegal signs so they can be removed either in conjunction with the motion to move forward on putting up the new speed limits or in a separate manner. Supervisor Wood seconded the motion. Supervisor Novacek withdrew the motion.

*Motion:* Supervisor Novacek moved that Mark Henry be directed to identify every illegal sign in Eureka Township and have it removed. Supervisor Wood seconded the motion. Allen Novacek – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Tim Pope – Nay. *Motion carried 3-1.*

Supervisor Pope requested additional quote for the signs and installation. Supervisor Novacek stated he spoke with Grossman and was given a verbal quote of \$7,000 for installation of the signs.

Supervisor Novacek requested the following statement be recorded in the minutes. "I don't know that anyone here is stalling anything. That is an insult to the Town Board, and the Planning Commission Chair works for the Town Board. So that is a real out of line comment, especially based on the tone. Now, at the same time, to his benefit, he is trying to accomplish something and that is commendable. But to say that we are stalling just because some don't agree to spend the money, that's an insult."

Vice Chair Sauber requested the following be recorded in the minutes. "I believe that there is no denying the fact that months have gone by. There is no denying the fact this has come up before the Board time and time and time again. There is no denying the fact that we didn't have a lot of progress. We do have a few quotes right now. To me it would seem that we could pass a resolution to go ahead with the project, that is what we have to do first. You can continue your hunt for lesser costs, if you would like, Supervisor Pope. Report to us when you find that magic company that would do it for less. Pat on the back if you can do that, but I think what we need to do now, is we need to talk about the Resolution to adopt the speed zones."

The Board had further discussion and had questions for the Township Attorney. This will be discussed at the next meeting.

#### MPM/Chard Mining

Vice Chair Sauber recused herself from the discussion.

Supervisor Wood asked Randy Kubes, from Kubes Realty, what the potential buyer wants to do with the property. Mr. Kubes stated, “they would be taking the material out and using the overburden for reclamation and the good aggregate for moving off the property.” Mining Supervisor Jennings explained she looked at the permit and Interim Use Permit. The original environmental assessment worksheet had the only mining area was 72 of the 155-acre parcel. There has never been a plan to mine or extract materials in the other area. There is no plan or permit for the other area as requested in the proposal by Contour Civil Design, for Designing Earth Contracting, the potential buyer. The current IUP is set to expire in March of 2024. The mining and reclamation on the property was supposed to happen in phases and this has not been done. A requirement of the Dakota Soil and Conservation District was to stay above the water table, and this has not been done.

*Motion:* Supervisor Novacek moved that we take no action on this at present. Supervisor Wood seconded the motion. Allen Novacek – Aye; Randy Wood – Aye; Tim Pope – Nay. *Motion carried 3-0.* Vice Chair Sauber recused herself.

#### MPCA

Clerk Atwater reported she followed up with the MPCA on what the next steps the MPCA would be to make sure this issue would be resolved. MPCA stated they will pursue this matter further if the compost pile is not moved and that the MPCA does not discuss enforcement issues until the matter is closed.

#### Closed Road -245<sup>th</sup> between Dodd and County Line

Supervisor Pope and Supervisor Wood cleaned the ditch out.

*Motion:* Supervisor Novacek moved that we direct TJ Grossman, or I should say, Mark Henry to direct TJ Grossman to remove those cement barricades and have them removed. Supervisor Pope seconded the motion. Allen Novacek – Aye; Tim Pope – Aye; Randy Wood- Nay; Nancy Sauber- Nay. *Motion failed 2-2.*

#### Farmington Fire Contract

Attorney Ruppe is reviewing the contract, but the formula is correct, and costs will go up.

#### Fairgreen and Hamburg

Supervisor Wood reported in the Road Report that the application of lime rock on these roads has been completed.

#### **New Business**

##### Mining Superintendent

Clerk Atwater sent the contract with Ms. Jennings to the Town Board. The contract states: 2- Inspects the mines each year before annual reviews and follow-up as needed to ensure the operation is complying with the approved CUP/IUP reclamation phases. The Board agreed that per her contract, she can set up the appointments with the mines.

#### 250<sup>th</sup> Street W

The Board directed Clerk Atwater to request the County, on the Township's behalf, that a DOT Study on Speed be conducted on 250<sup>th</sup> Street to see if the speed limit there is safe.

**Clerk Matters**

Annual Meeting Presentation

The Town Board meeting tentatively set for January 9<sup>th</sup>, 2024, at 6pm.

Earned Sick and Safe Time

Clerk Atwater explained the new law that is going into effect on January 1, 2024. This will affect the leave requirements for Election Judges and the Road Superintendent. Clerk Atwater will present a Resolution at the next meeting that includes the new policy.

Election Update

Publication for Election will be in the Newspaper on December 8 and 15. Affidavit for Candidacy will start to be accepted on January 2, 2024.

**Adjournment**


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

The meeting adjourned at 9:01 pm.

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:  on: 1/23/2024  
Town Chair Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
11/28/2023	Payroll PPE 11.15.2023	<b>11140</b>	Payroll PPE 11.15.2023	\$ 1,933.31
11/28/2023	Payroll PPE 11.15.2023	<b>11141</b>	Payroll PPE 11.15.2023	\$ 786.78
11/28/2023	Mn Department of Revenue	<b>11142</b>	3rd Quarter State Income Tax- Duplicate	\$ 688.10
11/28/2023	Benafica, LLC	<b>11143</b>	December 2023 HRA	\$ 530.50
11/28/2023	B's Pumping	<b>11144</b>	Town Hall Septic Tank Pumping	\$ 395.00
11/28/2023	Inspectron	<b>11145</b>	October 2023 Inspections	\$ 130.00
11/28/2023	JTN Communication	<b>11146</b>	Broadband Expansion Reimbursement 5	\$ 15,551.00
11/28/2023	JTN Communication	<b>11147</b>	Broadband Expansion Reimbursement Project 2	\$ 86,174.00
11/28/2023	JTN Communication	<b>11148</b>	Internet	\$ 199.00
11/28/2023	Marketing Clarity	<b>11149</b>	Yearly Maintenance Plan	\$ 500.00
11/28/2023	Metro Sales	<b>11150</b>	Copier Nov10-Dec 9	\$ 120.00
11/28/2023	T & C Cleaning	<b>11151</b>	November Cleaning	\$ 150.00
				<b>\$ 107,157.69</b>