

EUREKA TOWNSHIP

Dakota County, State of Minnesota

SPECIAL TOWN BOARD MEETING

February 28, 2024 – 6:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 6:02 p.m. by Chair Barfknecht and the Pledge of Allegiance was given.

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

Others Present: Liz Atwater, see page 8-9 for attendance.

Zoom Attendance: Kali Kasprzyk, Justin Fridges, Julie Larson, Tim Johnson

Purpose of the Special Meeting

The purpose of the special meeting is to conduct regular business that was normally to be held on Tuesday, February 27, 2024. *Per Minnesota State Statute 202A.19 Subdivision 1: Limits on local government meetings. No special taxing district governing body, school board, county board of commissioners, township board, or city council may conduct a meeting after 6:00 p.m. on the day of a major political party precinct caucus.*

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.*

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

Pete Schaffer: 2760 232nd Street, Hampton

Mr. Schaffer explained he is a Supervisor in Castle Rock Township. He stated he is attending the meeting to observe the Town Board and the equipment used during Town Board meetings. Mr. Schaffer wants to meet with the Clerks about our website and IT services the Township has.

Sarah Lybarger: 25135 Cedar Ave

Ms. Lybarger stated the concerns regarding the potential additional traffic that could be caused by the possible agricultural business on Old Cedar. She asked the Board to consider a review of the speed and traffic in the area.

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

Permits

7987 257th Street W., PIN 13-2100-79-011- Kasprzyk Enterprises, LLC

Vice-Chair Sauber reported that Minnesota has a corporate farming law, Minnesota State Statute 500.24. There was a concern brought forth to some Supervisors that this property was not

incompliance. Vice-Chair Sauber talked with Doug Spanier at the Minnesota Department of Agriculture. Mr. Spanier told Vice-Chair Sauber that Cmoke and Kasprzyk, LLC was not compliant with the statute at this time. Mr. Spanier also told Vice-Chair Sauber and Attorney Ruppe that not being compliant does not invalidate their license, does not make them illegal, and there is not a fine. Minnesota Department of Agriculture will send Cmoke and Kasprzyk an application to apply for the certification.

Vice-Chair Sauber also explained that the Attorney has been consulted throughout the process. The State of Minnesota has made this an agriculture product and Eureka Township is zoned agricultural; this is a use allowed under the ordinances. If residents have an objection, they are advised to contact the State, since they are the governing body who legalized its use.

Motion: Chair Barfknecht moved to approve the application for the building at PIN 13-2100-79-011. Vice Chair Sauber seconded the motion. *Motion carried 5-0.*

Mining CUP/IUP Annual Reviews

PowerPoint presentation – Carrie Jennings, Mining Consultant

- Why Mine? 54 lbs. of gravel are used per person per day for roads, bridges, and other structures.
- Eureka Township’s aggregate is deposited from glacial stream sediment.
- Aggregate quality is variable.
- The concern with mining close to a cold-water stream is that warm pit water migrates into aquifers and may impact cold-water ecosystems.
- Western mining district: Brosseth/Dakota Aggregates, Storlie/Dakota Aggregates, Friedges Landscaping, and Vermillion River Aggregates. These pits are closer to the ice margin and contain higher quality gravel.
- Eastern mining district: Chard/MPM. This pit is very close to the drinking water supply management area for Farmington.

Friedges Landscaping pit

Carrie Jennings reported that Friedges filled a low area with a pond, which was in response to last year’s mining review. The end goal for this property is to reclaim for a building lot.

Motion: Chair Barfknecht moved to approve the review of the Friedges. Supervisor Novacek seconded the motion. *Motion carried 4-0.* Vice Chair Sauber recused herself.

Dakota Aggregates- Brosseth

Carrie Jennings reported that the pit lake is currently deep in one area. Dakota Aggregates plan to fill that hole this summer.

Motion: Chair Barfknecht moved to approve the review of the Dakota Aggregates - Brosseth. Supervisor Novacek seconded the motion. *Motion carried 4-0.* Vice Chair Sauber recused herself.

Dakota Aggregates- Storlie

Carrie Jennings reported there is a lot of sand, and they are backfilling as they go.

Motion: Chair Barfknecht moved to approve the review of the Dakota Aggregates - Storlie. Supervisor Novacek seconded the motion. *Motion carried 4-0.* Vice Chair Sauber recused herself.

Eureka pit- MN Paving and Materials

Carrie Jennings reported her recommendations for this pit included grading and backfilling to reduce peaks and depressions, all materials used for backfilling will need to be clean and free of contaminants and weed seed, and all equipment needs to be removed. In addition, the well needs to be sealed per MN Law by a MDH licensed well contract, then file a well-sealing record with the state and a copy to the Township.

Chair Barfknecht stated the Town Board is still waiting for the reclamation plan and progress. This mine has not made it through review for at least the last 3 years.

Vermillion River Aggregates

Carrie Jennings reported that a new reclamation plan has been submitted. They are working on a steep slope in the Southwest area of the property. Will remove the pallets as per agreement on file by 2027.

Motion: Chair Barfknecht moved to approve the review of the Vermillion River Aggregates/Dirt Works. Supervisor Novacek seconded the motion. *Motion carried 4-0.* Vice Chair Sauber recused herself.

Reports

Road Report – Mark Henry

Mr. Henry reported that he drove the roads with Road Committee member, Brian Ahern. They documented and measured the dustproofing areas. Envirotech estimated an 8-10% increase in pricing for dustproofing services. Mr. Henry is looking at other vendors for quotes.

Concern Follow-up

10132 235th- Inspectron Report

Supervisor Novacek requested the following in the minutes. “There was no complaint ever filed in this case. There was only a concern presented to the Board and it was labeled as such. At least it was labeled it was not a complaint. And then from there, Inspectron was sent out to do an inspection. I’ve got the letter that they wrote. I am assuming that wasn’t for free, so there must have been a cost associated with that, that the Town Board had to incur. So, in a matter of speaking, the way I view this is, the inspector was sent out based on suspicion. The inspector was sent out at our cost. The inspector wasn’t able to really do an inspection. And if we proceed with any other action, this will become a very serious concern about how the Town Board is treating its residents. I want this dismissed and not just gotten rid of. Because this is not our job to do such a thing. It’s our job to protect the rights of the residents more than it is to try to invade their privacy. And I want that respected in this case.”

Minutes

Motion: Supervisor Wood moved to approve the Special Town Board meeting minutes as is. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

Treasurer's Report

Net Pay and claims

The Clerk presented payroll in the amount of \$2,965.21 for payment.

Claims in the amount of \$8,183.34 were presented for payment. See page 7 for a list of claims.

Motion: Vice Chair Sauber moved to approve the net pay and claims as presented.

Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

CDs

Clerk Atwater reported to the Board that 3 CDs are maturing on March 9, 2024. Her recommendation would be to let the CDs mature then purchase 3 new 9-month CDs at 5.3% or best rate available.

Motion: Supervisor Pope moved to purchase a CD at Genisys for \$35,000 from Town Hall Capital Improvement Fund into a 9-month CD at 5.3% or best rate available. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

Motion: Supervisor Pope moved to purchase a CD at Genisys for \$30,000 from General Fund into a 9-month CD at 5.3% or best rate available. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

Motion: Supervisor Pope moved to purchase a CD at Genisys for \$40,000 from Road and Bridge into a 9-month CD at 5.3% or best rate available. Chair Barfknecht seconded the motion. Roll call vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Aye. *Motion carried 5-0.*

The Board directed Clerk Atwater to transfer the money from the matured CDs from Genisys to New Market Bank.

Task List

The Town Board reviewed the task list of the following items:

- Rural Solid Waste Abatement Grant Program
 - *Motion:* Chair Barfknecht moved to give Liz permission to get the paperwork going. Vice Chair Sauber seconded the motion. Vote: Lu Barfknecht – Aye; Tim Pope – Aye; Randy Wood – Aye; Nancy Sauber – Aye; Allen Novacek- Nay. *Motion carried 4-1.*

Unfinished Business

245th Closed Road

Nothing was discussed.

250th Speed Study

Clerk Atwater is waiting for additional information from Commissioner Eilers.

Fire Contract with Farmington

Supervisor Novacek stated "I'd like to make a motion, but I want to read at least this line into the record. Bob Ruppe states in this document that he has given us for the fire department. 'Part of the problem stems from the fact that Farmington and Eureka have not had a written contract for fire service in the past. So it's not entirely clear what methods the city has been using in the past to calculate Eureka's bill.' That implies to me that he is not sure how to find a better method. But since we do have a contract, which he is obviously unaware of, there might be some advantage to him seeing it before we agree."

Motion: Supervisor Novacek moved that we get an answer from Bob Ruppe on this statement to see if it makes any difference before we say yes to this. Vice Chair Sauber made a friendly amendment that Ruppe gets back to the Board before the next Board meeting. Supervisor Novacek accepted the friendly amendment. Vice Chair Sauber seconded the motion. *Motion carried 5-0.*

Engine Braking Ordinance

Clerk Atwater reported that the new ordinance was sent to the Court on February 20, 2024, for approval of the fine.

The Board reviewed a quote provided by Mark Henry for signs. The quote only showed the cost for one sign. The Town Board requested that Supervisor Wood contact Mr. Henry to provide a quote for all proposed locations and a quote for the cost to install them.

Ordinance 235 research

Vice Chair Sauber explained that the Township gave authority to the Vermillion Watershed. The Board directed Vice Chair Sauber to contact the Attorney if the Township were to take out the ordinance, what would need to replace it and what are the ramifications of removing it.

New Business

2025 Budget and Levy Recommendation

Motion: Vice Chair Sauber moved to approve the recommended 2025 Budget and Levy. Chair Barfknecht seconded the motion. *Motion carried 5-0.*

2024 Annual Meeting Presentation

Chair Barfknecht will present on behalf of the Town Board at the Annual Meeting. Supervisors Wood and Novacek will present regarding the Roads.

Motion: Chair Barfknecht moved to approve Annual meeting presentation as presented by Liz. Supervisor Pope seconded the motion. *Motion carried 5-0.*

Credit Card Options

Clerk Atwater presented to the Board an option with Square to take credit cards. The Board agreed to have the Clerks use Square to take credit card payments with a 4% service charge.

Adjournment

Motion: Supervisor Pope moved to adjourn the meeting. Chair Barfknecht seconded the motion.
Motion carried 5-0.

The meeting adjourned at 9:17 pm.

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:  on: 7-23-24
Town Chair Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
2/28/2024	Payroll ending 02/15/2024	11251	Payroll ending 02/15/2024	\$ 2,014.22
2/28/2024	Payroll ending 02/15/2024	11252	Payroll ending 02/15/2024	\$ 950.99
2/28/2024	Benafica	11253	February 2024 HRA	\$ 530.50
2/28/2024	Central Farm Services	11254	Town Hall LP Tank	\$ 376.56
2/28/2024	Couri & Ruppe	11255	January Legal Services	\$ 6,360.00
2/28/2024	Dakota County Financial Services	11256	January Salt	\$ 407.30
2/28/2024	JTN Communications	11257	March 2024	\$ 199.00
2/28/2024	Elizabeth Atwater	11258	Sam's Club- Toilet Paper	\$ 39.98
2/28/2024	Metro Sales	11259	Copier- monthly	\$ 120.00
2/28/2024	T&C Cleaning	11260	February Cleaning	\$ 150.00
				<u>\$ 11,148.55</u>