



Eureka Township Supervisors

Meets monthly, 2nd Monday, 7:00 p.m.

Brian Budenski, Chair
952-292-6028, term to 3/11
Dan Rogers, Vice Chair
952-469-3739, term to 3/12
Carrie Jennings
952-469-4976, term to 3/11
Kenny Miller,
952-469-4803, term to 3/13
Nancy Sauber,
952-469-5146, term to 3/12

Eureka Planning Commission

Meets monthly, 1st Monday, 7:00 p.m.

Ken Olstad, Chair
612-546-5656, term to 4/11
Peter Storlie, Vice Chair
952-469-3668, term to 4/12
Lucretia (Lucy) Barfknecht
952-469-3513, term to 4/13
Vince Mako,
952-469-3928, term to 4/11
Open seat – applications sought,
term to 4/12

Township Contact, Clerk/Treasurer

Nanett Sandstrom, 952-469-3736
Fax 952-469-5525

Town Hall Office Hours:

Tuesdays, 4:00 – 6:00 p.m.
Thursdays 4:00 - 6:00 p.m.
At other times, calls are transferred
to voice mail; all calls are returned.

Location: 25043 Cedar Ave. S.

Mailing Address: P.O. Box 576

Lakeville, MN 55044

Drop Box – Applications and other items
may be placed in the locked drop
box near the Town Hall front door.

E-mail: eurekatn@frontiernet.net

Website: <http://eurekatownship-mn.us>

Ken Olstad 952-985-7248

Township Roads:

Kenny Miller 952-469-4803
Dan Rogers 952-469-3739

Building Officials:

MNSPECT 952-442-7520
info@mnspect.com
www.mnspect.com

Emergency 911: ambulance, police, fire

Official Notices are posted on the bulletin
board located on the south (parking lot)
side of the Town Hall, 25043 Cedar Ave.
and published in ThisWeek Life and Times
newspaper.

Editor: Jody Arman-Jones, 651-463-2876
jodyarmanjones@aol.com

Mailings: Brianna Groves

Snowplowing Blues

The weather of December 2010 has been the snowiest on record, presenting us with a variety of challenges. One of them has been plowing Township roads. At the December 2010 Town Board meeting, several items were addressed:

1. Patience is requested – as previously noted, this has been an unusual year with more snow than any other December in recorded history. All roads cannot be plowed at the same time. *After* a normal snowfall, it takes approximately five hours to plow Township roads, barring complications.
2. There is a priority list determining which roads get plowed first, primarily based on population density. The northwest quadrant (northwest of the intersection of Cedar and 250th St.) is the most densely populated and is therefore, the first to receive attention. Connector roads leading traffic to larger roads are also likely to have a higher priority. ***Please note – if you are an emergency care provider, please notify the Town Clerk at 952-469-3736 or eurekatn@frontiernet.net.**
3. ***“It is illegal and punishable as a misdemeanor to plow, shovel, blow, or place snow onto Township roadways.”*** Similar rules apply on County and State roads. A number of residents have been plowing out their driveways by pushing the snow across roads. This has been causing difficulties and delays for the road plows, especially this year where the size of snow piles has been so large and difficult to move off the roads and right of ways. Snow from your property should be plowed and stored on your own property and not pushed across roads.
4. Use common sense and have regard for your safety and that of others. When no travel is advised, stay off the roads. If County or State snow plows have been pulled off the roads, stay off the roads. If Metro Transit stops bus service, stay off the roads. Not only is this a safety concern, but a plowing concern. As an example, during the December 10-11, 2010 snowstorm, in a one mile stretch of 240th St., five cars became stuck in the roadway between Friday night and Monday noon. Plows were not able to get through, causing delays in the plowing schedule as well as increasing the plowing costs by approximately one third.

Septic System Non-Compliant Enforcement

Under State statute, Eureka Township is required to enforce the septic system codes, which require regular pumping every third year. In 2010, the Township was informed of 96 non-compliant properties, to which letters were sent. To date, only 30 properties have responded and complied with State statute. If you have received one of these letters, please make every effort to respond and comply as soon as possible. Your tax dollars are being spent to enforce compliance, and this amount only goes up the longer non-compliance continues.

Get Involved in Township Government!

Planning Commission Openings – Two of the current Planning Commission terms expire on April 30, 2011. The Town Board is currently seeking individuals interested in applying for these positions. Planning Commission members are compensated at \$40 per meeting (\$10 additional for meetings past 10 p.m.) and standard IRS mileage. Interested parties are urged to contact Town Clerk, Nanett Sandstrom, at 952-469-3736 or eurekatn@frontiernet.net. Letters of interest are due by April 7, 2011, with interviews to be held at the April 11, 2011 Town Board meeting.

TOWN BOARD NEWS

Township Road Concerns – Please contact Town Board Supervisors Dan Rogers at 952-469-3739 or Kenny Miller at 952-469-4803 regarding any issues relating to Township roads or ditches rather than the road contractors.



Interceptor Line – This project to transfer waste water from Elko New Market to Empire Township has been substantially completed in Eureka Township, with the exception of the construction of the lift station at 235th St. and Dodd Blvd.

Vermillion Watershed District – http://www.dakotaswcd.org/wshd_vrwjpo.html is the general website for information. Beginning in 2011, all new or renewing applications for Agricultural Preserves and Green Acres designations, will trigger erosion standards (“tolerable erosion”) be upheld as part of intensive monitoring during the normal monitoring cycle. Please see http://www.mn.nrcs.usda.gov/technical/nri/findings/erosion_t.htm for more information.

Cannon River Watershed District – http://www.dakotaswcd.org/wshd_ncrwmo.html is the general website.

Lots of Record Ordinance – This has been adopted. Please see <http://eurekatownship-mn.us> for more information.

Subdivision Ordinance – This has also been adopted. Visit <http://eurekatownship-mn.us> for more information.

Roads – On the Dakota County 2011 - 2015 Capitol Improvement Plan, the upgrade of Dodd Blvd (County Road 46/9) from the Scott County line (Highway 2) to County Road 70 (215th St.) has been identified as in need of Limited Resources directed to the Highest Priority Needs of the Transportation System, thereby allowing the utilization TEA-LU Federal funds (Transportation Equity Act – A Legacy for Users) as well as County dollars. The project remains slated for the design phase to begin in 2011. Meanwhile, the upgrading and paving of 255th St. (County Road 80) between Cedar Ave. and Highway 3 appears to have been pushed back two years to commence in 2013.

Tire Recycling – Eureka Township, with assistance from Castle Rock, Greenvale, Sciota and Waterford Townships, sponsored a tire recycling day on October 2, 2010, made possible with an \$8,500 grant from Dakota County. It was highly successful, with some 2,100 tires collected. Many thanks to faithful volunteers Dan Rogers, Sue Rogers, Elaine Swedin, Nancy Sauber (and her cookies!), Phil Kadlec, and Kenny Miller. Trailers and additional workers were provided by First State Tires.

Country Stone/Friedges Litigation – A settlement has been reached in the Township’s lawsuit involving the use of the property at Highview and 225th St. It is hoped the following update on the settlement in the Country Stone litigation will clarify the situation, especially in light of the articles appearing in the Star Tribune. These articles contained inaccuracies and perhaps gave a less-than-balanced reporting of the issue as seen from both sides.

At trial, the company made the claim that many things were approved by the Town Board, that the Board always knew of the company’s plans, and that the Township had somehow led Country Stone on. All members of the Town Board at that time strongly deny this. The records are clear that no request was made to, and thus no approval was given by, the Board after late 2005 when the building permit was approved. A building permit was the only request for this property.

This building permit application was always presented to the Town Board as, and was approved by it as, a John Friedges project. It was also represented during the application process that the use of the land would remain as it was- -same hours, same amount of traffic, same number of employees, same activity-- but with the purportedly beneficial change that the noise and dust affecting neighboring properties would now be contained within the requested building. *No one* representing the Township was aware that activities on the property would significantly expand. Country Stone claimed that their use of the land was continuing a nonconforming use started by Friedges. Their claim relied to a great degree on how similar their use is to what Friedges did on the site in 2004.

According to one Tribune article, John Friedges began leasing the site to Country Stone in 2006; however, the Board did not learn of the Country Stone involvement until fall 2008. After repeated attempts by the Board, including by registered mail, to solicit information from Mr. Friedges concerning the use of the site, Mr. Ron Bjustrom of Country Stone made contact and a meeting was arranged with Supervisors Otto and Budenski representing the Board. Mr. Bjustrom indicated that although Country Stone did not own the operation, it did operate it. During this meeting, reducing hours of operation was a primary topic, with no mention by Mr. Bjustrom of the intention to add an additional production line. It was later learned by Supervisor Sauber at the beginning of the court proceedings that Country Stone was actually operating the site 24 hours a day “as it does at all its plants,” not even just in the evening and early morning hours as the complainants had stated. It was also learned through court testimony that Country Stone was involved at a 90% level, was a completely separate company headquartered in Illinois, and that the construction in March 2006 was paid for by the company at a cost of three million dollars. Many Board members believe that Country Stone was intended to be involved in the operation from the beginning, even though this had always been presented to them as a John Friedges project. If Country Stone came in after the approval of the building permit, the Township was not informed of this.

The decision to initiate the suit if certain pre-conditions were not met, including reverting to 2004 levels of activity prior to any consideration of possible expansion approval, took place in January 2009. After the suit was filed, the presiding judge suggested another negotiation meeting, which was held with the full Town Board and representatives of Country Stone. At this meeting, Chair Jeff Otto, stated that no further expansion (such as the addition of a second production line) should be implemented while discussions were underway. Mr. Bjustrom made no comment about this then, but it was later discovered at trial that an additional production line was already complete or nearly complete at the time of the meeting when Mr. Bjustrom was informed that it was not permissible.

Other points to be corrected from the articles are that:

- Country Stone was *not* given a permit. A settlement was reached, and that agreement *will function as* a permit, giving parameters for the land use.

- The Board spent approximately \$50,000 in legal costs pursuing this grossly expanded use of the property that was made without an application for nor an approval of an expansion as would be required by Town Ordinance. Under the agreement, Country Stone will pay the Township \$25,000.
- Although the article cites 16 jobs, the Eureka site itself had 4 full time positions and 7 seasonal positions in 2009 according to Country Stone's records.
- There was never an exemption for Country Stone of the Township's zoning rules, as claimed.
- There was *no* Township approval of the addition of a production line to keep the company from operating after 7 p.m. Country Stone asserted that they did this at the urging of Jeff Otto. Rather, Mr. Otto *did* inform Country Stone that they *could not* operate twenty-four hours a day. Again, nothing regarding this expansion of operation was ever presented to the Town Board, and it definitely did not approve it.
- As was clarified by then-Chair Jeff Otto at the 2010 Annual Meeting, the first Tribune article's assertion that newly-elected Supervisor Nancy Sauber and other supervisors voted to sue following her election was misleading. This assertion was made while identifying Supervisor Sauber as "one of the chief complainants." It is important to note that Ms. Sauber was not only *not* the chief complainant, but that she was not a complainant at all, and that setting the course leading to the lawsuit was made by the Board in January 2009 *before* Ms. Sauber was ever elected to office. Further communications with Mr. Bjstrom broke down by April 2009, so the Board followed through on its January ultimatum by unanimously voting to file suit at a Special Meeting May 15.
- These points and the time line are described in more detail in the submitted affidavits, supporting documents, and the court record of trial testimony.

An important part of the proceeding was left out of the later article. Both parties have agreed to ask Judge McManus to rule on the effect of the 2004 Ordinance regarding nonconforming uses. It has been often stated by different Township Attorneys that there is no "magic wand" that can be waved making a use that was not legal when it started legal later on. Fundamental to the definition of the term "nonconforming" is the legality of the use when it started, before ordinances changed to no longer allow it. At this point, the timing of this ruling by Judge McManus and what its result might be is undetermined.

PLANNING COMMISSION MESSAGES

Replacement Planning Commission Member Sought – Cheryl Groves resigned her position on the Planning Commission in November 2010. Thank you, Cheryl, for your expertise, time and hard work on behalf of the Township. Best wishes as you change the direction of your efforts. The Town Board is seeking a replacement to serve out her term through April 2012, as soon as possible. Planning Commission members are compensated at \$40 per meeting (\$10 additional for meetings past 10 p.m.) and standard IRS mileage. Interested parties are asked to send a letter of interest to the Town Clerk at eurekatn@frontiernet.net or P.O. Box 576, Lakeville, MN 55044.

Wind Energy Ordinance – Work continues on this proposed ordinance. Those with ideas or opinions are invited to contact Planning Commission Chair, Ken Olstad, at ken.olsstad@potox.com or 612-564-5656.

Commercial/Industrial Task Force Survey – Property owners should have received an opinion survey in the mail from the Commercial/Industrial Task Force. Please note the survey should be returned by January 31, 2011 and that this is an *anonymous* survey. There is NO tracking of responses and NO attempt to force unwilling landowners to be change their land use.

NOTES FROM THE CLERK

Effective immediately, please note the **Township Office Hours** have changed to
Tuesdays and Thursdays 4:00 p.m. – 6:00 p.m.



2011 ANNUAL ELECTION and TOWNSHIP MEETING Tuesday, March 8, 2011

On Tuesday, March 8, 2011, Eureka Township will hold its annual election of Town Board Supervisors, followed by the Annual Meeting. Polls will be open at the Town Hall, 25043 Cedar Ave. S. from 10:00 a.m. – 8:00 p.m. The Annual Meeting will begin at approximately 8:15 p.m., also at the Town Hall. For information about Absentee Balloting please see the

Secretary of State's website at <http://www.sos.state.mn.us/index.aspx?page=211> or call 651-215-1440 between 8 a.m. and 4:30 p.m., Monday through Friday.

2010 General Election Results – The voter turnout was approximately 68% with 46 new or edited voter registrations on Election Day.



Eureka Township
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 Website <http://eurekatownship-mn.us>

2010 Eureka Township Calendar...events at Eureka Town Hall, 25043 Cedar Ave., unless otherwise indicated

<i>January 25</i>	<i>Tuesday</i>	<i>7:00 p.m.</i>	<i>Township Budget meeting</i>
<i>January 27</i>	<i>Thursday</i>	<i>noon</i>	<i>Applications due for February 7 Planning Commission Mtg</i>
<i>February 7</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Planning Commission Meeting, Special Board Meeting</i>
<i>February 14</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Town Board Meeting, Special Planning Commission Meeting</i>
<i>February 24</i>	<i>Thursday</i>	<i>noon</i>	<i>Applications due for March 7 Planning Commission Mtg.</i>
<i>March 7</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Planning Commission Meeting, Special Board Meeting</i>
<i>March 8</i>	<i>Tuesday</i>	<i>10a.m. – 8p.m.</i>	<i>Annual Town Board Supervisor elections</i>
<i>March 8</i>	<i>Monday</i>	<i>8:15 p.m.</i>	<i>Annual Town Meeting</i>
<i>March 14</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Town Board Meeting, Special Planning Commission Meeting</i>
<i>March 24</i>	<i>Thursday</i>	<i>noon</i>	<i>Applications due for December 6 Planning Commission Mtg,</i>
<i>April 4</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Planning Commission Meeting, Special Board Meeting</i>
<i>April 11</i>	<i>Monday</i>	<i>7:00 p.m.</i>	<i>Town Board Meeting, Special Planning Commission Meeting</i>
<i>April 21</i>	<i>Thursday</i>	<i>noon</i>	<i>Applications due for January 3 Planning Commission Mtg.</i>
<i>April 26</i>	<i>Tuesday</i>	<i>10:30 a.m.</i>	<i>Board of Equalization meeting</i>

**Note: All new structures, most types of remodeling (both interior and exterior), and some types of repairs require a building permit under the Minnesota State Uniform Building Code and Eureka Township Ordinances. If you are in doubt about whether a project requires a permit, please contact the Town Clerk at 952-469-3736. Eureka Township Ordinances are available from the Town Clerk at \$25 for a hard copy, \$2 for a CD disk or can be accessed on the website, <http://eurekatownship-mn.us>, or at the Dakota County libraries in Lakeville and Farmington, or Eureka Town Hall or the Dakota County Law Library.*

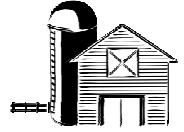
ANNOUNCEMENTS & CLASSIFIEDS

Town Hall Available for Rent

The Town Hall holds up to 140 people and is available to be rented Sundays through Saturdays, from 7:30 a.m. through 11:30 p.m. Applicants must be at least 21 years of age. More information and an application are available by calling the Clerk at 952-469-3736, in person at the Town Hall or on the website at <http://eurekatownship-mn.us/Policies%20Procedures/Town%20Hall%20Rental%20Agreement%2012-10-2007.pdf>.

Low Interest Loans for Septic System Upgrades

There is a loan program available through the Soil and Water Conservation District to assist with the costs of upgrading septic systems. For more information please contact Todd Matzke at the Farmington SWCD office at 651-480-7777 or todd.matzke@co.dakota.mn.us



Sheriff's Office Suggests "Neighborhood" Meetings

Sergeant Jim Gabriel of the Dakota County Sheriff's Office is planning to launch "neighborhood" meetings during which residents will be able to interact with staff; expressing concerns and becoming more familiar with the Department. An informational portion of the meeting might include topics ranging from hunting or snowmobiling issues, to home security, the mounted patrol or canine unit. Please contact Sergeant Gabriel at james.gabriel@co.dakota.mn.us or 651-438-4760 with topic suggestions, questions or to set up a gathering.

Minnesota Conservation Funding Guide is a one-stop, online tool farmers and other landowners can use to learn about conservation practices, programs and payments. It provides a wealth of information all in one place, complementing the advice landowners receive from conservation & ag professionals. It also makes a handy reference for professionals & policy makers.
<http://www.mda.state.mn.us/protecting/conservation/funding.htm>

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Dr. Brian Swedin
Chiropractic Physician

315 Fourth Street
Farmington, MN 55024

Clinic (651) 460-6868

Business Ads by Residents and/or Landowners in Eureka Township

No endorsement of products, services or business status is implied. Eureka landowners and/or residents who wish to advertise their businesses in this newsletter, may place a "business card ad" for the price of \$35.00 per quarter or \$125.00 per annum and will help defray costs of this newsletter.

Candidates for 2011 Town Board Supervisor Positions
Three year terms to expire March 2014 (listed in alpha order):

Supervisor Position #1

Brian Budenski - Brian has lived on Highview Ave. near Eureka Estates for 19 years and is an Augsburg College graduate with degrees in Finance and Economics. He has been self employed for 29 years, first as a developer and currently as a real estate broker. Mr. Budenski is the incumbent Supervisor for this position, completing his fourth year and is the current Town Board Chair. He is also an active volunteer at Highview Christiania Lutheran Church and coach for Lakeville youth baseball and soccer. Brian views honesty and integrity in government, planning for Eureka's future, good stewardship of Township roads and maintaining our rural quality of life as major concerns of the Township. Mr. Budenski envisions tough decisions about growth and land use, to which he is committed to good planning and will bring to the table his knowledge and abilities rather than a personal agenda. "I feel a civic duty to the Township. I like the rural character, but I also appreciate land owner concerns about the current and future land use within the Township. As a result, the Township is a project in motion and I will do what is required of me to help this project succeed...I will strive to represent the interests of all Township residents."

Supervisor Position #2

Carrie E. Jennings - Carrie has been a Town Board Supervisor for the past three years during which time she has focused on natural resource issues in the Township. Ms. Jennings has received additional training in Township governance and in the rule changes surrounding wetland regulation. Her two-decade-long career as a geologist with the Minnesota Geological Survey means that she was already familiar with not only the geologic and water resources of the Township, but also with the alphabet soup of agencies that have rules regarding natural resources in Eureka Township including: Dept of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Bureau of Water and Soil Resources (BWSR), Soil and Water Conservation Districts (SWCD), and Natural Resources Conservation Service (NRCS). Carrie has been the Township's watershed representative on the North Cannon Watershed Management Organization (NCRWMO), which meets quarterly, and the liaison to the Vermillion River Watershed Joint Powers Organization (VRWJPO).

In the past three years Ms. Jennings reports that she took the lead on:

- addressing the flooding of fields and their access roads in the northern part of the Township as a result of dewatering wells being operated at First Park Lakeville;
- scheduling a tour of the St. Paul Asphalt Plant so Board members could take in the sights, sounds and smell of an operating asphalt plant prior to making a decision on allowing asphalt and concrete facilities as accessory uses to gravel pits in the Township;
- determining the agency responsible for remediation of possible lead contamination at an old shooting range operated by the County;
- reading technical reports on groundwater studies and proposed watershed rules and interpreting them for the rest of the Board;
- representing the Township on a taskforce of local government officials that was suggesting alternate routes for the CapX2020 powerline to the Public Utilities Commission (PUC) and testifying at PUC hearings on the Township's behalf.

Carrie believes that, in order to maintain our ground against the pressures of population growth in the Metro, and their seemingly endless need for more—more pipelines, powerlines, sewer lines, gravel, groundwater - we need to make sure that Eureka Township understands and protects its natural resources. They are irreplaceable and form the basis for our quality life.

Ms. Jennings initially ran for the Board because she felt a responsibility to do something for the collective good and for the long term. She remains committed to helping Eureka Township make wise land-use decisions based on sound science. Carrie has lived on the southern border of Eureka, 280th St. (County Road 86), for 22 years.

Pete Storlie - Pete and his wife have enjoyed living on 235th St. West (northwest quadrant) for 9 years, along with their two children and two dogs. Currently, and for the past 10 years, he is employed by the Regis Corporation as a Construction Project Manager in the Supercuts division. His commercial construction projects have been in all 50 states, Puerto Rico and Canada with responsibilities that include real estate and lease review, plan design and review, building code research and permitting, contractor bidding and managing the job from start to finish. He has worked with numerous cities, townships, building departments, Inspectors, plan reviewers, vision boards and many others during the planning and building process. Prior to Regis, he was employed by Kmart in Apple Valley, MN for 14 Years, starting as a stock boy in high school and working his way up to Store Operations Manager. Pete graduated from Apple Valley High School and completed a two year Architectural Technology program at Dakota Country Technical College. Community involvement includes Eureka Planning Commission since 2009 (currently the Vice Chair), Citizen's Advisory Committee (CAC), member of Hosanna! Lutheran church and volunteer group leader for a Parenting Course offered there.

"One of my major concerns is that Township government is growing too big, too fast - we don't need more rules and regulations, without justification. We need to focus on the issues that currently face the Township working together to solve them, without over regulating.

Some challenges that face the Township are fiscal responsibility, Township growth, Vermillion Watershed, Met Council, commercial/ industrial growth, Cedar Ave. traffic corridor and working together as neighbors. We, as individuals, must be able to see both sides of the issues, regardless of our opinions. I strongly believe that common sense should play a big part in our Government process and that needs to start with all of us and our core values. Town Board meetings should be more efficient and productive, with the process easier to understand for everyone; people shouldn't become discouraged when dealing with their issues or concerns with the Township. I feel that we have lost the sense of "community" - that we need to maintain the rural character of Eureka Township, we need to find it and bring it back. I feel the citizens of Eureka should elect me as a supervisor because I will bring new and fresh ideas, a desire to improve Township business for our citizens and implement positive changes for our Township. I have a goal of making Eureka Township a community that we all can be proud to live in. Together, we need to be able to handle the challenges of growth and the changes that will continue to develop for Eureka Township."