



Election 2015 Tuesday, November 3, 2015 School District Elections and Referenda

Eureka Township Supervisors

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

- Seat 1 Brian Budenski, Chair
952-292-6028, term thru 3/17
- Seat 2 Cory Behrendt, Vice Chair
952-985-5411, term thru 3/17
- Seat 3 Carrie Jennings
952-469-4976, term thru 3/18
- Seat 5 Kenny Miller
952-469-4803, term thru 3/16
- Seat 4 Dan Rogers
952-469-3739, term thru 3/18

Eureka Planning Commission

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

- Nancy Sauber, chair
952-469-5146, term thru 4/18
- Lucretia (Lu) Barfknecht,
952-469-3513, term thru 4/16
- Fritz Frana
952-469-3576, term thru 4/17
- Donovan Palmquist
507-645-9868, term thru 4/18

**Vacant Seat – applications now
being accepted, term thru 4/17**

Township Contact

- Clerk** – Mira Broyles
Deputy Clerk – Cheryl Murphy
Treasurer – Marcia Wilson
952-469-3736, Fax 952-469-5525

Town Hall Office Hours:

Tuesdays and Thursdays
10:00 a.m. – 2:00 p.m.

Address: 25043 Cedar Ave. S.,
Farmington, MN 55024

Drop Box – Items may be placed in locked
drop box near the Town Hall front door.

E-mail: clerk@eurekatownship-mn.us

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

Phone: 952-469-3736

Township Roads:

- Dan Rogers 952-985-5411,
Brian Budenski 952-292-6028

Building Officials: 952-469-3736

**Emergency/non-emergency authorities –
all contacts - 911** (ambulance, police, fire)

Official Notices - posted on the bulletin
board on the south (parking lot) side of the
Town Hall and published in Sun ThisWeek
and Dakota County Tribune newspapers.

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

Farmington Area Schools, I.S.D. 192 – Polling place for Eureka Township residents is **Boeckman Middle School**, 800 Denmark Avenue, Farmington (the former FHS), 7:00 a.m. – 8:00 p.m. No School Board member terms are expiring, but two referenda questions are being asked:

Question 1: Operating Levy Increase - a request to increase the operating levy by \$433 to lower class sizes and maintain educational programs. This amount maximizes a state contribution to operating funds, thus lessening the burden on local property taxes. (The actual ballot language will revoke the existing levy of \$326.93/pupil and replace it with a new levy of \$759.93/pupil, which is a \$433/pupil increase.)

Question 2: Building Bonds - a request for a \$45,320,000 bond for deferred maintenance districtwide, school safety and security improvements, and additional kindergarten classrooms in all elementary schools.

More information: <http://www.farmington.k12.mn.us/referendum>
or call 651-463-5000

Lakeville Area Schools, I.S.D. 194 – Polling place for Eureka Township is the Eureka Town Hall, 25043 Cedar Ave. S., No School Board member terms are expiring but, two referenda questions are being asked:

Question 1: Provide a capital levy to:

- Improve student safety systems.
- Provide science, technology, engineering and mathematics resources and career pathways.
- Replace core technologies such as computer labs and printers and increase access to digital tools.

Question 2: Provide an operating levy to:

- Reduce class sizes in core high school subjects
- Restore elementary art programming
- Restore fifth grade band opportunities

More Information: <http://isd194.org/about/referendum-2015/>

Northfield Area Schools, I.S.D. 659 – no elections are planned as no School Board member terms are expiring and they recently passed a referendum.

Find your polling place at <http://pollfinder.sos.state.mn.us/>



Planning Commission Opening

Citing increased responsibilities elsewhere, Philip Cleminson has resigned his seat on the Planning Commission. The term expires at the end of April 2017 and applicants to fulfill the remainder of that term are now being sought. The Planning Commission meets **at least** monthly, usually on the first Monday. Preparation for these and other meetings called is required. Members receive a stipend of at least \$60 per meeting and standard IRS mileage. More information on this advisory committee that is appointed by the Town Board may be found at <http://eurekatownship-mn.us/planning-commission>.

If you would like to have the opportunity to affect the outcome of the Solar Energy moratorium/ordinance and the upcoming Comprehensive Plan, please submit a letter of interest to the Town Clerk no later than **Tuesday, November 3, 2015 at 2:00 p.m.** Letters should be sent to clerk@eurekatownship-mn.us or Eureka Town Hall, 25043 Cedar Ave. S., Farmington, MN 55024. Persons submitting letters of interest should be present at the November 9, 2015 7:00 p.m. Town Board meeting in order to be interviewed.

Township Updates

Chub Lake Road – Watch for additional NO PARKING signs to go up on the Chub Lake Road AKA Grenada Ave., as well as, TOW AWAY ZONE signs near the access to the WMA parking lot.

Comprehensive Plan Review – Every 10 years, the Metropolitan Council requires an update to comprehensive plans for all zoning districts in Minnesota. The Eureka Town Board has decided to hire the Professional Services of TKDA to assist in the 2040 Comprehensive Plan Update, which will begin shortly.

Solar Energy Moratorium – On Monday, September 14, 2016, the Eureka Town Board implemented a six month moratorium on solar energy projects generating greater than 8 kilowatts. The Planning Commission is tasked with researching the issue, in conjunction with the Township's Professional services provider TKDA, and providing recommendations to the Board.

Storm Warning Siren Study – Supervisor Dan Rogers has been researching this topic. A rough estimate to install a low frequency siren that can penetrate structures in order to be heard indoors would include a 12 volt solar panel that would be silently tested daily. More information and possible next steps will be discussed at the 2016 annual meeting on Tuesday, March 8, 2016 beginning about 8:15 p.m.

Road Construction Update

Dodd Boulevard – The roadway is open to traffic, though miscellaneous work and clean up continues.

To receive email updates for this project, email Stacy Reilly at stacy.reilly@co.dakota.mn.us. Please include "CP 09-46 Updates" in the subject line. More information may be found at <https://www.co.dakota.mn.us/Transportation/CurrentConstruction/CR9/Pages/default.aspx>.

County Road 86 (280th St. W.) - Bituminous resurfacing from the western Dakota County line to County Road 23 (Cedar Ave.) has been completed.

A series of projects is scheduled for the next few years on County Road 86 (280th St. W.) to the east of County Road 23 (Cedar Ave.). The section in Eureka Township will begin with the design and right of way acquisition in 2016 and 2017, with project completion scheduled for 2018. Please see contact John Sass at 952-891-7130 or john.sass@co.dakota.mn.us for more information or see the County website <https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR86/Pages/default.aspx>.

County Road 80 (255th St. W.) – Based on feedback from the public hearing in July, the County researched the cost and feasibility of building a new railroad bridge and has decided to pursue that option. They will need to hire a bridge design consultant and do further coordination with the Union Pacific Railroad. Everyone on the open house mailing list should have received a letter with this information. The entire project, including the County Road 23 intersection work, has been moved back to 2019. For more information, contact Tom Anton, Tom.Anton@co.dakota.mn.us, or 952-891-7120.

County Road 78 – (235th St. W. and 240th St. W.) – Planning will begin in 2016 to "jog" County 78 south from 235th St. W. to 240th St. W., where it will then head east to Highway 3.



This newsletter, *Eureka! The News*, is now electronic! If you wish to receive a copy (e-mail or hard), please contact the Town Clerk at 952-469-3736 or clerk@eurekatownship-mn.us . There will no longer be a blanket mailing to property owners and residents. The newsletter is also available for viewing on the website <http://eurekatownship-mn.us> .

2015 – 2016 Eureka Township Calendar

Events held at Eureka Town Hall, 25043 Cedar Ave., unless otherwise indicated

October 5	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
October 13	Tuesday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
October 22	Thursday	noon	Applications due for November Planning Commission Meeting
November 2	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
November 3	Tuesday	2:00 p.m.	Deadline to receive letter of interest for vacant Planning Commission seat, term through April 2017.
November 3	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
November 3	Tuesday		School District General Election
November 9	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
November 24	Tuesday	noon	Applications due for December Planning Commission Meeting
December 7	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
December 8	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
December 14	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
December 24	Thursday	noon	Applications due for December Planning Commission Meeting
December 29			Filing for Town Board Supervisor position #3 opens
January 4	Thursday	noon	Planning Commission Meeting, Special Board Meeting
January 11	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
January 12	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
January 12	Tuesday		Filing for Town Board Supervisor position #3 closes
January 14	Thursday		Last day for candidates to withdraw from position #3 election
January 21	Thursday	noon	Applications due for February Planning Commission Meeting
February 1	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
February 8	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
February 9	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
February 25	Thursday	noon	Applications due for March Planning Commission Meeting
March 7	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
March 8	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
March 8, 2016	Tuesday	TBD	Annual Township Election and Meeting
March 14	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting

***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 Hall at 952-469-3736 or clerk@eurekatownship-mn.us . Also, please check Shoreland/Floodplain Zoning. PLEASE NOTE – As of March 1, 2015, Eureka Township is managing the permitting process for VRWJPO permits.**

If you are applying for a Transfer of Building Rights you must have certified copies of deeds when making application. Eureka Township Ordinances are available from the Town Clerk at \$5 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, the Eureka Town Hall and the Dakota County Law Library.

Continued Vigilance Encouraged

The Dakota County Sheriff's office reports continued brazen home break-ins, often while residents are home during the daytime. In addition, a number of cars stolen from Burnsville, Eagan, and Apple Valley areas, possibly taken for joy rides, have been abandoned in Eureka Township farm fields. The public is encouraged to **call 911** to report *any* unusual noises and happenings.



Minnesota Buffer Zones

New June 2015 Buffer Legislation at a Glance

A landmark buffer initiative was recently signed into law, designating an estimated 110,000 acres of land for water quality buffer strips statewide. The law establishes new perennial vegetation buffers of up to 50 feet along rivers, streams, and ditches that will help filter out phosphorus, nitrogen, and sediment. The new law provides flexibility and financial support for landowners to install and maintain buffers, and boost compliance with buffer laws across Minnesota.

Exemptions, areas and activities not requiring buffers	<ul style="list-style-type: none"> • Roads, trails, building and structures. • Inundated crops, alfalfa seeding, enrolled in CRP. • Tile line installation and maintenance. • Areas covered by NPDES water-quality permits. • “No-fault” clause to address acts of nature. • No permit, permission needed; SWCD validation optional. • Lawns, forests, hayed land and other areas with perennial vegetation meet requirements.
Maps	<ul style="list-style-type: none"> • DNR will create buffer protection maps for public waters and public drainage systems subject to buffer requirement.
Waters covered and buffer widths	<ul style="list-style-type: none"> • Public waters – 50-foot average buffer width with a 30-foot minimum width. • Public ditches – 16.5-foot minimum width. <ol style="list-style-type: none"> 1. Or alternative practices (applies to both public waters and public ditches). • Other waters determined by SWCD’s and adopted into water management plans to accomplish targeted voluntary or local regulatory measures.
Compliance	<ul style="list-style-type: none"> • County or watershed district provides correction letters when noncompliance identified. • Local/state \$500 administrative penalty for public waters, ditches. • State program funds can be withheld for failure to implement.
Soil erosion	<ul style="list-style-type: none"> • Local/state enforcement with \$500 administrative penalty order, without local ordinance, unless cost share not available.
Timeline	<ul style="list-style-type: none"> • Public ditch buffer requirements not dependent upon redetermination trigger. • Buffers need to be installed on Public Waters by November 2017; on Public Drainage Systems by November 2018. • Landowners who have applied for conservation programs or initiated a ditch authority process can be granted a one-year extension.
Program funding: DNR mapping and BWSR/SWCD implementation	<ul style="list-style-type: none"> • Legacy bill’s Clean Water Fund includes: <ol style="list-style-type: none"> 1. \$5 million to BWSR for local government implementation; 2. \$650,000 to DNR for mapping.
Landowner financial assistance	<ul style="list-style-type: none"> • Drainage law more flexible to provide compensation for buffers. • RIM buffer easements – Clean Water Fund and Outdoor Heritage Fund in Legacy bill. • U.S.D.A. Conservation Reserve Program (CRP) – federal funds available for contracts to riparian landowners. • RIM/CREP easements – Clean Water Fund in Legacy bill; SWCDs are point of contact for requirements and technical assistance.
SWCD base funding	<ul style="list-style-type: none"> • \$11 million annually in fiscal years 2016 and 2017 from Clean Water Fund in Legacy bill.

To see this document and additional information, go to <http://www.dnr.state.mn.us/buffers/index.html>

Dry-Redi Mix Public Hearing Follow Up

Citizen feedback regarding the results of the dry-redi mix public hearing will be available on the Township website shortly after January 2016. See <http://eurekatownship-mn.us/> for that information once it becomes available.

In preparation for that feedback, please keep in mind the following information supplied by the Township attorney office of Kelly & Lemmons, PA.

This is a brief explanation of the phrases “Legislative” and “Quasi-Judicial”. The difference is important because rules governing challenges to a Legislative decision are different from the rules governing challenges to a Quasi-Judicial decision.

When the Planning Commission and Town Board create a new ordinance or amend an existing ordinance, they are acting as legislators creating new law. The Court respects the right of the Town Board and the Planning Commission to determine what rules and regulations promote the public health, safety, morals or general welfare of the Town citizens. The Court therefore defers to the Town’s decision and will only overturn an ordinance if it finds the Town Board acted unreasonably or irrationally.

Once the new ordinance or amendment is adopted the role of the Town Board and Planning Commission change. They now become fact finders. When an owner applies for a conditional use permit, interim use permit or variance the Town Board and Planning Commission will hold hearings to take testimony and determine if the facts support the request. Essentially they are acting as judges, which is why conditional use permit, interim use permit and variance hearings are considered to be Quasi-Judicial.

A court hearing to challenge the Town Board’s decision regarding a conditional use permit, interim use permit or variance will review the findings of fact prepared by the Town Board as well as the evidence used to create the findings of fact. Based on that examination the Court will then determine whether the decision was unreasonable or irrational.

This is the key difference between Legislative decisions and Quasi-Judicial decisions. In the case of Legislative decisions, the Court will defer the decisions made by the Town Board and Planning Commission. In the case of Quasi-Judicial decisions, the Court will actually look at the findings of fact created to support the decision and the evidence behind those findings of fact. This is why the Town Board when it grants or denies a CUP, IUP or variance places in the record the reasons why they made their decisions.

ADS AND ANNOUNCEMENTS

Carol S. Cooper, Attorney at Law
26437 Galaxie Ave., Farmington, MN 55024

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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.

Thank you for your support.