

# Eureka! The News

A Publication of Eureka Township, Minnesota

1st Quarter – Winter 2016



## Eureka Township Supervisors

Meets monthly, 2<sup>nd</sup> 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, 1<sup>st</sup> Monday, 7:00 p.m.

- Nancy Sauber, chair  
952-469-5146, term thru 4/18
- Lucretia (Lu) Barfknecht, V.C.  
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
- Randy Wood  
651-460-2347, 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](mailto: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](mailto:jodyarmanjones@gmail.com)

## 2016 Eureka Township Election



**Tuesday, March 8**  
**7:00 a.m. – 8:00 p.m.**  
**Eureka Town Hall**



### General election and voting information

<https://www.co.dakota.mn.us/government/votingelections/pages/default.aspx> or 651-438-4305

<http://mnvotesinfo.sos.state.mn.us/> or 651-215-1440

### Are you registered to vote?

<https://mnvotes.sos.state.mn.us/VoterStatus.aspx>

### Absentee Voting information

<https://www.co.dakota.mn.us/Government/VotingElections/Absentee/Pages/default.aspx> or 651-438-4305

## 2016 Eureka Township Annual Meeting

**Tuesday, March 8**  
**8:15 p.m.**  
**Eureka Town Hall**



## Planning Commission Applicants

One position on the Planning Commission will be available for appointment in 2016. The three-year term runs from the second Monday in April 2016 through the second Monday of April 2019. The Planning Commission meets monthly, usually on the first Monday of the month. Commissioners receive a stipend of at least \$60 per meeting and standard IRS mileage. The Eureka Planning Commission is a citizen advisory committee appointed by the Town Board that assists them on matters related to planning and development. Visit the Township website at <http://eurekatownship-mn.us/planning.html> for more information about the Planning Commission and Commissioners. Interested persons should send a letter indicating interest in serving on the Planning Commission to the Town Clerk via e-mail at [clerk@eurekatownship-mn.us](mailto:clerk@eurekatownship-mn.us), or by USPS to 25043 Cedar Ave. S., Farmington, MN 55024. Letters should be **received** no later than **Tuesday, April 5, 2016**. Interested persons should be present at the April 11, 2015 Town Board meeting in order to be interviewed.

## Replacement Planning Commissioner Named

At its December 2016 meeting, the Town Board appointed Randy Wood to serve out the remaining sixteen months of the term formerly held by Phil Cleminson who resigned in October 2015, citing increased responsibilities elsewhere. Mr. Wood has lived in the northeast quadrant of the Township for 20 years and has served on Eureka Township's Gravel Mining Task Force and Envisioning Committee. His first Planning Commission meeting was January 4, 2016 and his term runs through April 2017. Randy's contact information may be found on the Township website <http://eurekatownship-mn.us> and first page of this newsletter. "Welcome aboard," Randy and thanks for your willingness to serve the residents and landowners of Eureka!

### Township Snow Plowing Priority

The process for plowing Township roads is normally determined by dividing the Township into four quadrants with the quadrant that is plowed first rotating with each snow event. On a school day, Prairie Creek School receives first plowing due to the amount of traffic. First response personnel may register with the Township to obtain preferential plowing. Contact the Clerk at 952-469-3736 or [clerk@eurekatownship-mn.us](mailto:clerk@eurekatownship-mn.us) for more information.



**DO NOT push snow across any road –  
Fines may be levied.**

*“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 and *is illegal*. **Snow from your property should be plowed and stored on your own property and not pushed across roads.**



**Please share your thoughts! What topics would you like to see discussed at the March 8, 2016 Annual Meeting?  
Please call the Town clerk at 952-469-3736  
or email to [clerk@eurekatownship-mn.us](mailto:clerk@eurekatownship-mn.us)**

## **2016 Candidates for Town Board Supervisor**

**One three-year terms to expire March 2019 (candidates listed in alpha order)**

### **Supervisor Candidates - Position #5**

**Lu (Lucretia) Barfknecht** - 24585 Iceland Path, Eureka Estates - I have lived in Eureka Township with my family for 27 years.

#### **Educational & Professional Experience:**

Professionally, I am currently employed as the Senior Account Field Service Agent for the Federal Employee Program with Blue Cross and Blue Shield of Minnesota. I serve various Federal Agencies throughout the entire State of Minnesota, working directly with Human Resource Benefit Officers, federal employee groups, and unions. During my 15 years with BCBS I have been involved in the Leaders in Service Program, Community Giving Campaigns, Special Olympics Volunteer, and served as both a Supervisor and Technical Specialist for the Federal Employee Health Benefit contract. I am responsible for creating work plans to maintain ongoing relationships, build new relationships, and drive engagement within these agencies. I assist various departmental leadership, listen closely to their concerns, and provide clarification of contract benefit language.

\*Compliance/FEP Reporting

\*FEP Advisory Group

\*ProSource/Kaplan Health and Accident CE

\*Licensed with the State of Minnesota/Resident Health and Accident Insurance

\*Attended Anoka Technical College

\*Honor graduate Anoka Senior High School

#### **Township Experience:**

I have served 2 consecutive terms as a Planning Commissioner for Eureka Township, 2010-2013 and 2013 to present. During this time I have served as both the Planning Commission Chair and Vice Chair.

\* There is a need for clarity and understanding of our ordinance language, and I believe the citizens of Eureka Township would welcome it.

\* The application of our ordinances, honestly, fairly, and in an impartial professional manner, will allow all citizens to live in a safe and healthy community.

\* Communication to all citizens, regardless of their proximity to specific changes taking place within the Township.

I believe those that do serve the Township must maintain the feel of the rural community and the integrity of the landscape we have come to enjoy. This goal is in keeping with the Comprehensive Plan we have adopted as a community.

If elected, I will work hard for the citizens of Eureka Township, listen to the concerns of all, and be prepared for meetings and the business brought before us.

I ask for your support to ensure that Eureka continues to be a great place to live.

**Allen Novacek** - My name is Allen Novacek. I have lived near 240th and Iberia Ave. for over 20 years. I own and operate the family business called Nova-Chek Auto Body which has been located in Lakeville for over 40 years,. I have been a volunteer Catechist at All Saints Catholic Church for over 20 years and attended St Thomas for a 2 year Catholic study. I have also served 3 years on the Eureka planning commission but my greatest level of training came from being the father of 8. I have a very high level of concern for the direction and focus of local leaders. I have observed an unhealthy and damaging desire for over regulation. It has been my experience that Eureka leadership is too often driven by fear and suspicion rather than common sense and a reverence for personal ownership. Professional politics as well as environmental extremism further magnify the problem and create a syndrome of legislation by 3rd party. While I was a Planning Commission member it was identified that almost no one had matching ordinance books to go by. It is my intention to abide by the ordinances but clearly that has complications. As I proceed in addressing some of those complications (with a healthy desire to remove unjust regulation) I will hold to my morals and a desire to protect the citizens of Eureka even from its own government.

## **Township Updates**

**Comprehensive Plan Review** – At least once every 10 years, city councils, town boards, and county boards throughout the region take on a very important job – to update their local comprehensive plans. A local comprehensive plan represents a community’s vision of how it wants to grow and change – how it will develop its land, redevelop older areas, ensure adequate housing, provide roads and sewers, protect natural areas, and meet other community objectives.

State law requires the Council to create regional plans and policies to guide growth and manage regional systems for transportation, aviation, water resources, and regional parks. The law also requires local governments to update their comprehensive plans.

Under the law, the Council reviews local comprehensive plans to ensure they’re in accord with the overall framework provided by the regional plans. The review helps determine how a community’s planned actions relate to the interests of the whole region over the long term. It helps ensure that costly public infrastructure, like roads and sewers, are built in an economical and coordinated fashion, so that user fees and tax dollars are spent wisely.

Once the Council completes the review process for a comprehensive plan or amendment, the local government can implement it through zoning ordinances, capital budgets for public improvements, and other actions.

The planning cycle begins with the release of data from the decennial U.S. Census. The Census provides a starting point for the Council to develop forecasts of regional and local changes in population and the number of households and jobs to the year 2040.

The Council uses this information to update its regional system plans to accommodate the forecasted changes. In May 2014, the Council adopted the overall development framework, Thrive MSP 2040. Between December 2014 and April 2015, the Council adopted updated system plans for regional parks, transportation, and water resources, as well as a policy plan for housing. And in September 2015, the Council issued System Statements to each of the region's 188 local jurisdictions. These individualized documents show the counties and municipalities how they are affected by changes in the system plans. Local officials have until Dec. 31, 2018, to submit their updated comprehensive plans to the Council for review. Council staff continues to work with communities as they develop, implement, and amend their plans. (reprinted from <http://www.metrocouncil.org/About-Us/Facts/PlannningF/FACTS-Comprehensive-Planning.aspx> )

The Eureka Township Planning Commission is tasked with review and as of January 12, 2016, has met three times under the direction of Sherry Buss, a special consultant of TKDA, professional service provider to the Township.

**Fence Setback Ordinance Review** – Discussions and clarifications continue.

**Recodification of Township Ordinance Book** – On December 24, Vice Chair of the Planning Commission, Lu Barfknecht, met with the Township attorney and provided him with her highlighted and hand notes on what changes were needed to make the Ordinance Book properly edited. The Planning Commission is tentatively planning for a January 27, 2016 public meeting to provide comment for the updated document.

**Solar Energy Moratorium** – Discussions and clarifications continue.

**Sump Pump Ordinance** – Ordinance 3, Chapter 4, Section 9

Sump pump systems are designed to capture surface or ground water that enters basements or crawl spaces and pump it away. The basic sump pump system includes drain tile, a sump pit (which extends below the slab and collects surface water that enters the basement or crawl space; or ground water that

### **Sump Pump Ordinance continued...**

risers to the slab), a sump pump, a float or switch, and a drain discharge line. The drain discharge line should direct sump water out of the dwelling, building or structure.

This section is intended to regulate the discharges(s) from a sump pump.

1. Sump pump must discharge water from the dwelling, building or structure directly onto the ground no nearer than 50 feet away from the dwelling, building or structure.
2. The discharge line shall not be nearer than 20 feet from any septic drain field.
3. A sump pump can discharge into an approved drainage system specifically designed for the sump pump discharge.
4. The discharge line shall be set back no nearer than 30 feet from adjacent or neighboring property. Any permanent discharge lines installed to the nearest storm drainage system or public right-of-way (ditch) at the time of this ordinance, shall be grandfathered.

## ***New!* Agricultural Film Plastic Project**

The Rural Solid Waste Commission is introducing a pilot project to collect and recycle agricultural film plastic from dairy farms and other agricultural operations in Dakota County. The project is intended to provide an environmentally responsible option for disposal of agricultural plastics, including silage bags, bunker covers, and bale wraps. Clearly labeled containers for ag plastic only will be located at three locations in Dakota County, listed below. Cut plastic into manageable sizes, and remove all mud, gravel, and dirt. Please call your chosen location ahead of time to coordinate a time.

### **Collection locations:**

- **River County Co-op, Hampton**  
Hwy 56 and 250th St E, Hampton, MN  
507-645-8946
- **Interstate Mills Elevator**  
4544 284th St. East, Randolph, MN  
507-263-2050
- **Donnelly Farm**  
20080 Flagstaff Ave, Farmington, MN  
651-463-8597



Look for the bins with Agricultural Film Plastic collection information

### **Accepted materials:**

Silage bags  
Bunker covers  
Bale wraps

### **Not accepted materials:**

Net wraps  
Nylon twine  
Other non-plastic items such as manure, garbage, tires, electronics and farm waste  
*For more information, call 952-891-7042*

### **Burning and burying waste**

**Burning and burying garbage causes pollution and poses health threats which is why it is illegal for County residents, including farmers, to burn or bury solid waste such as paper, plastic, cardboard, aerosols and other garbage. Contract with a licensed hauler or take garbage to a local disposal facility.**

Reprinted from the Rural Solid Waste Commission Website <http://ruralsolidwastecommission.org/farmers/>



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](mailto: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

January 21	Thursday	noon	Applications due for February Planning Commission Meeting
January 27	Wednesday	7:00 p.m.	Public hearing on recodification of ordinances
February 1	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
February 2	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
February 8	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
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
<b>March 8, 2016</b>	<b>Tuesday</b>	<b>7am – 8 pm</b>	<b>Annual Township Election and Meeting</b>
March 14	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
March 24	Thursday	noon	Applications due for April Planning Commission Meeting
April 4	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
April 5	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
April 11	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
April 21	Thursday	noon	Applications due for March Planning Commission Meeting
May 2	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
May 3	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
May 9	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
May 26	Thursday	noon	Applications due for April Planning Commission Meeting
June 6	Monday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
June 7	Tuesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
June 13	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
June 23	Thursday	noon	Applications due for March Planning Commission Meeting
July 5	Tuesday	7:00 p.m.	Planning Commission Meeting, Special Board Meeting
July 6	Wednesday	2:00 p.m.	Deadline for items to be included on Town Board agenda
July 11	Monday	7:00 p.m.	Town Board Meeting, Special Planning Commission Meeting
July 21	Thursday	noon	Applications due for April 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](mailto: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.*



## **Interim Use Permit (IUP) and Conditional Use Permit (CUP) What are they and how do I provide input?**

What does the Town do when it wants to allow a property use but feels it's necessary to place conditions on the use that tailor it to the area in which the use is to be located? Remember, the amendment includes not only the proposed use but any condition that must be met before any permit can be granted allowing that use. If the Town makes it a permitted use, all the Town can control are the physical dimensions of the improvements, i.e. control of setbacks and heights. It can't control other characteristics of the use, such as off-street parking; loading areas; landscaping; site plan; hours of operation; and effect on traffic. If the Town feels that conditions must be placed on a proposed use then the Town should consider that use as either a conditional use or an interim use. This allows the Town to adopt standards that must be met before a use is allowed.

The difference between a conditional use and interim use is the amount of time that use is allowed to exist. Under a conditional use, as long as all the conditions are still being observed the conditional use permit remains in place. The Town can review a conditional use permit on an annual basis but only for the purpose of verifying that all the conditions are being met. However it should be pointed out that the Town does have the right to amend its zoning ordinance to change the status of conditional uses.

In the case of a conditional use, such as an IUP or CUP, when the applicant has presented the Board with evidence that the applicant has satisfied all requirements contained in the Ordinance the Board must grant the permit. However, remember that you as a citizen have the right to present evidence that the condition has not been met.

There is an important point to keep in mind when discussing conditional uses and interim uses. When establishing a conditional use or an interim use the Town Board is acting in its legislative capacity. This gives the Town great discretion to determine what uses will be allowed and the conditions that will apply to an allowed use. Courts will not disturb a town's decision unless the Court feels there is no rational basis for the decision.

What a citizen can do before the Board adopts a text amendment is attend the public hearings before the Planning Commission and the Board and either recommend for or against adoption of the proposed text amendment. In addition the citizen can also suggest what conditions the Commission/Board should adopt before any permit for a proposed use should be granted. Once the CUP/IUP is created a citizen should attend public hearings to present evidence why conditions have or have not been met. The evidence should be more than a citizen's opinion. Facts supporting the opinion are required.

It is therefore important that at the time an ordinance creating a conditional use or an interim use is adopted; all of the relevant standards are considered and adopted. Once those standards are adopted it is important that any decision of the Town Board regarding an application for a conditional use or interim use provide a clear statement of the facts which support issuance of the permit or its denial.

To summarize, both conditional uses and interim uses are designed to allow the Town to set standards which must be met before that use can occur in that town. It allows the Town to tailor the conditions to meet the requirements of a specific site or use. The key difference between a conditional use and an interim use is the time the use is allowed to exist. A conditional use will continue indefinitely as long as the conditions are being met. An interim use is designed to cease by a set date or by the occurrence of agreed upon events. The Town does have the right to review each permit annually to make sure the conditions are being met. If the conditions are being met, then the use will continue.

## ADS AND ANNOUNCEMENTS

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

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cooper@ciscooperlaw.com  
http://www.ciscooperlaw.com



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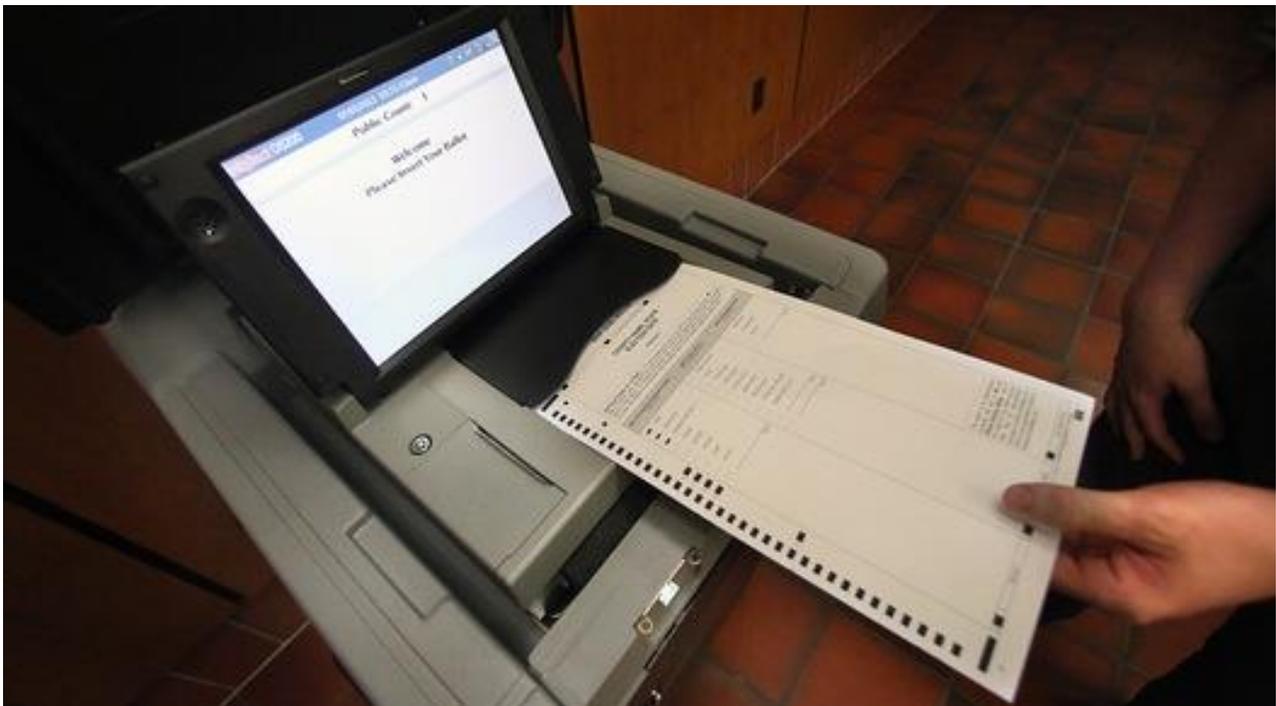
### Business Ads by Residents and/or Landowners in Eureka Township.

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.

Thank you for your support.

**Look (and Listen) for the New Vote Counting Equipment!**  
**Eureka Township Annual Election, Eureka Town Hall**  
**Tuesday, March 8, 2016**  
**7:00 a.m. – 8:00 p.m.**

**Absentee ballots will continue to be counted by Dakota County not Eureka Township.**



JIM GEHRZ, STAR TRIBUNE