



# Eureka Township News

Special Edition 2022 25043 Cedar Avenue • Farmington, Minnesota • (952) 469-3736

## Town Hall Contacts

Clerk/Treasurer: Raneë Solis

[clerk@eurekatownship-mn.us](mailto:clerk@eurekatownship-mn.us)

Deputy Clerk/Treasurer: Amy Liberty

[deputyclerk@eurekatownship-mn.us](mailto:deputyclerk@eurekatownship-mn.us)

## Town Hall Hours

Tuesday: 10 am – 6 pm

Thursday: 10 am – 2 pm

## Website

<http://eurekatownship-mn.us>

## Eureka Township Supervisors

Meet semi-monthly, 2<sup>nd</sup> & 4<sup>th</sup> Tuesday, 7:00 pm

SEAT 1

Donovan Palmquist, Vice Chair (2023)

SEAT 2

Ralph Fredlund (2023)

SEAT 3

Kathleen Kauffman (2024)

SEAT 4

Nancy Sauber (2024)

SEAT 5

Lu Barfknecht, Chair (2025)

## Planning Commission

Meet monthly, 1<sup>st</sup> Tuesday, 7:00 pm

Bill Clancy, Chair (2025)

Deb Burkhardt, Vice Chair (2024)

Randy Wood (2023)

Beth Eilers (2023)

VACANT (2024)

## Official Notices

Posted on the bulletin board on the south exterior wall of the Town Hall and published in *Sun This Week* and *Dakota County Tribune* newspapers.

## SPECIAL TOWN MEETING

The Eureka Town Board and Town Clerk have called a Special Town Meeting to be held on Thursday, September 15, 2022, at 7:00 p.m. at Eureka Town Hall, 25043 Cedar Avenue.

**PURPOSE:** To request that the Town electors exercise their authority under Minnesota Statutes, section 365.10, subdivision 17, to authorize the Town Board to establish by ordinance and administer an administrative enforcement program for the Town. The administrative enforcement program would create an alternative enforcement process that is less expensive and more timely than a civil or criminal enforcement action.

Eureka Township has a complaint-based enforcement system for its ordinances. What does that mean? It means a citizen's conduct needs to be a concern to a neighbor or a very clear disruption of the Township order before the Town Board will take action. When a complaint is filed with the Board, there is a well-defined process for notifying the citizen of the complaint, investigating the complaint, and, if the Board finds the complaint is valid, requesting the citizen comply with the ordinance. Generally, that system takes care of the problem. But it does not always work. Sometimes, a neighbor comes to us because they want us to enforce an ordinance that should protect them, but the offending citizen just will not comply. At that point, the Board currently has only three choices. (1) We can tell the complaining neighbor that we tried and that they should hire their own lawyer to file a suit to address the concern; (2) The Township can use taxpayer funds to file a civil suit

to enforce the ordinance; (3) The Township can use taxpayer funds to hire a prosecutor to criminally prosecute the citizen since ordinance violations are misdemeanors. All options are expensive, time-consuming, and often produce unsatisfactory results. A criminal prosecution does not provide an outcome that will fix the violation. The offending citizen sometimes counts on being able to continue to violate the ordinance because enforcement is too expensive. Those of us who voluntarily follow the ordinances can feel foolish, or like the Township does not have our backs.

This year the Board has retained two new firms to advise the Township on legal issues. The Board asked the firm retained for litigation and special projects, Kennedy and Graven, if there might be a better way to enforce our ordinance.

Troy Gilchrist, one of the most experienced attorneys in Township law in Minnesota, suggested the Administrative Enforcement Program described in this Newsletter as a cost-effective, time-saving, middle path for enforcing Eureka ordinances. The Board is eager to try it. The program requires a majority vote of residents who attend the Special Town Meeting. The Board has called this Special Town Meeting to explain the program and conduct the vote.

The resolution and ordinance for the program are set forth in full here, but we want to summarize a few key points.

- It takes a long time before a citation is actually issued and a civil fine is assessed. The point is to give a citizen an incentive to pay attention to their neighbor's concern, instead of just ignoring it, and to correct the ordinance violation without being subject to costly litigation.
- The citizen has the ability to dispute the administrative citation before a neutral hearing officer. The neighbor is not always right. The Town Board's investigation might not be right. We want to make sure there is an opportunity for a qualified outside person to hear both sides and decide if the administrative citation was properly issued.
- Fines, if they are assessed, start out low. The Township is not out to make money.
- The Administrative Enforcement process is not right for all ordinance violations. This system is designed for small-ticket issues. The Township still has the option to use the traditional civil or criminal court proceedings to enforce its ordinances.
- The citizen can appeal the decision reached in the Eureka Administrative Enforcement Program to the Minnesota Court of Appeals.

Many cities have Administrative Enforcement Programs like this. Eureka would be the first Township to adopt such a program. Your Town Board thinks the Administrative

Enforcement Program is the right solution for a problem that has long plagued Eureka. We hope our citizens will agree and will vote to authorize it.

In this Newsletter you will see the official legal notice for this meeting followed by the Town Elector Resolution the Board requests the citizens to authorize. The full text of the proposed ordinance and the proposed Administrative Fees are on the Township Website under News and Notices.

**EUREKA TOWNSHIP  
DAKOTA COUNTY, MINNESOTA**

**NOTICE OF SPECIAL TOWN MEETING**

The Town Board has called a special town meeting to be held on September 15, 2022 at 7:00 p.m. at the Eureka Town Hall, 25043 Cedar Avenue, Farmington, MN 55024. The purpose of the meeting is to discuss and seek authorization from the electors for the Town Board to adopt an ordinance implementing an administrative enforcement program. If authorized, the program would create an alternative means of enforcing ordinance violations through the imposition of civil penalties rather than pursuing criminal or civil litigation. No other topics will be discussed at the meeting. All interested electors are encouraged to attend.

Ranee Solis  
Clerk/Treasurer

**EUREKA TOWNSHIP  
DAKOTA COUNTY, MINNESOTA**

**TOWN ELECTOR RESOLUTION NO. 2022-01**

**RESOLUTION AUTHORIZING THE TOWN BOARD TO  
ESTABLISH AN ADMINISTRATIVE ENFORCEMENT PROGRAM**

**WHEREAS**, the Town Board of Eureka Township ("Town") has adopted several ordinances, which have been codified into the Eureka Township Code of Ordinances ("Town Code");

**WHEREAS**, we recognize the regulations adopted by the Town Board serve little purpose if they are not enforced and that failure to enforce only serves to breed further noncompliance by the owner and others within the Town;

**WHEREAS**, the Town currently has two options available to it to enforce the Town Code: (1) filing a civil lawsuit seeking an order from the court requiring the

owner to come into compliance with the Town Code; or (2) criminally prosecuting the owner for a misdemeanor, which carries a potential penalty of up to 90 days in jail, a fine of up to \$1,000, or both;

**WHEREAS**, undertaking a civil enforcement action is expensive and can take more than two years to complete, and a criminal enforcement action, which can typically be completed more quickly, focuses on punishment and does not provide for an outcome tailored toward correcting the violation;

**WHEREAS**, we recognize the importance of the Town having an efficient and cost-effective method for enforcing its regulations that also provides owners subject to enforcement a less disruptive and lower cost method for responding to violations that does not involve litigation or potential incarceration;

**WHEREAS**, the Minnesota Legislature structured town government in a way that provides town electors a direct role in the exercise of a number of town powers to give residents an opportunity to help shape how their town operates. This structure is similar to the authority granted to residents in a charter city to shape how their city operates by granting or restricting city council powers through the city charter. In both cases, residents can authorize the governing body to exercise certain powers to further and protect the interests of the community;

**WHEREAS**, many of the powers a town board may not exercise without elector authorization are contained in Minnesota Statutes, section 365.10;

**WHEREAS**, subdivision 17 of Minnesota Statutes, section 365.10 contains a broad range of powers the electors can authorize their town board to exercise, including through the adoption of ordinances, to provide for a specific activity in any of the following categories:

- (1) the government and good order of the town,
- (2) the suppression of vice and immorality,
- (3) the prevention of crime,
- (4) the protection of public and private property,
- (5) the benefit of residence, trade, and commerce,
- (6) the promotion of health, safety, order, and convenience, and
- (7) the general welfare.

**WHEREAS**, the Town Board called a special town meeting for September 15, 2022, specifically for the purpose of discussing the establishment of an administrative enforcement program and determining whether the Town electors would authorize the Town Board to establish the proposed program for the Town;

**WHEREAS**, the proposed administrative enforcement program would be established by ordinance, authorize the issuance of administrative citations, provide for the imposition of an administrative penalty in the form of a civil fine, establish the amount of the civil fines in a schedule that provides for increases in fines for subsequent violations, provide for an administrative hearings process before a hearing officer for those who wish to challenge an administrative citation, provide an opportunity to appeal to the Town Board, provide for an appeal to district court, and set out procedures to collect the civil fines imposed and any related fees and costs; and

**WHEREAS**, we determine that authorizing the Town Board to establish an administrative enforcement program by ordinance, and to take such other actions as may be needed to implement and carry out such program, is an activity that falls within all of the categories listed in subdivision 17 of Minnesota Statutes, section 365.10 as it promotes the enforcement of Town Code regulations that address aspect of each of them, is much more cost effective and timely than other enforcement actions, and is in the best interests of the Town, its residents, and its taxpayers.

**NOW, THEREFORE**, the Town electors present and voting at this special town meeting, based on the findings contained herein, hereby resolve as follows:

1. Pursuant to Minnesota Statutes, section 365.10, subdivision 17, we hereby grant the Town Board the authority to establish and administer an administrative enforcement program (“Program”) as an alternative means of enforcing Town ordinances.
2. Use of the Program shall be limited to the enforcement of current and future Town ordinances, and shall not apply to the enforcement of any moving traffic violations including, but not limited to, those identified in Minnesota Statutes, section 169.999.
3. The Town Board is authorized to take such other actions and to adopt and amend such ordinances as may be needed to establish, administer, and effectively carry out the Program as it determines is in the best interests of the Town.
4. The authorization granted by this Resolution does not restrict the Town Board’s authority to utilize any other enforcement options available to it under law as it determines is appropriate.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by at least a majority of the electors present and voting on the grant of authority contained in this Resolution.

**BY THE TOWN ELECTORS**

Please note that the Resolution for consideration will be decided only by those in attendance at the Special Town Meeting. Zoom participants may not vote.

# Planning Commission Vacancy

Commissioner Chad Berg has resigned his position on the Planning Commission for personal reasons. We thank him for his service and look forward to having him back in the future.

The Town Board is seeking applicants to fill the vacancy on the Planning Commission. The term ends April 30, 2024. The Planning Commission meets monthly on the first Tuesday of each month at 7:00 p.m. Commissioners receive a stipend of \$100 per meeting.

Interested persons should send a letter indicating interest in serving on the Planning Commission to the Town Clerk at [clerk@eurekatownship-mn.us](mailto:clerk@eurekatownship-mn.us) or by USPS to Town Clerk, 25043 Cedar Avenue, Farmington, Mn 55024.

---

## DAKOTA COUNTY AGRICULTURAL CHEMICAL REDUCTION EFFORT (ACRE)

### Upcoming Events

- September 6<sup>th</sup>, 4:30 pm: Deadline to submit comments on the draft ACRE plan.
- October 13<sup>th</sup> - December 5<sup>th</sup>: "We are Water" exhibit, Pleasant Hill Library, Hastings.
- October 27<sup>th</sup>, 4:30-6:30 pm: Nitrate Testing Clinic for private well owners, Pleasant Hill Library, Hastings.

For more information on the ACRE program go to:

<https://www.co.dakota.mn.us/Environment/WaterResources/Agriculture/Pages/agricultural-chemical-reduction-effort.aspx>

## EUREKA TOWNSHIP CALENDAR

*Upcoming Special Township meetings and events*

*Check the Township website for additional meetings or changes in schedule*

*Meetings held in person at the Townhall and online via Zoom.*

*You can join the Zoom Meeting one of the following ways:*

1. Navigate to <https://zoom.us/j/3134376987?pwd=V3VRRkJKblUxeUY1eIJBdmVNUmUrdz09>

Meeting ID: 313 437 6987

2. One tap mobile: dial [1-312-626-6799](tel:1-312-626-6799), [3134376987#](tel:3134376987)

August 23	Tuesday	7:00 pm	Town Board Meeting
September 6	Tuesday	7:00 pm	Planning Commission Meeting
September 13	Tuesday	7:00 pm	Town Board Meeting
September 15	Thursday	7:00 pm	Special Town Meeting