

DENMARK TOWN BOARD MEETING MINUTES
June 4, 2007

SUPERVISORS PRESENT: Joe Moore, Gary Dixon, Kathy Higgins, Steve Kramer

ALSO PRESENT: Attorney Gilchrist and Planner Dick Thompson

ABSENT: Jim Keller

CALL TO ORDER: Meeting called to order @ 7:06 PM by Chair Higgins

AGENDA APPROVAL:

Motion Dixon/2nd Moore to approve agenda as amended. All in Favor. Motion Carried.

CONSENT AGENDA APPROVAL:

Motion Kramer/2nd Moore to approve consent agenda which consists of 05/07/07 Board Meeting Minutes, 04/24/07 LBOAE Minutes, 05/08/07 Reconvened LBOAE Minutes, 05/09/07 Committee Meeting Minutes, Claim #'s 8609-8627, payroll ending 05/31/07 and submitted financial reports. All in Favor. Motion Carried.

Sheriff Deputy submitted Township activity report.

HEARING DECISION/ZONING ACTIONS:

ERIN GLEN PRELIMINARY PLAT

Ted Collins submitted a revised preliminary plat for Erin Glen (Dated 05/21/07). Access road off of Co. Road 21 is changed to the Southern edge of the development. Ellingsons were present and stated that they were in agreement with the location. Additionally, access road to the north (Reynolds property) has been re-located from the Western boundary line to Block 1 Lot 3. Collins plans on addressing the removal of the trees on a tree by tree basis with the Township Engineer's approval. Board restated that the tree maintenance issues of any trees left in the Township right of way would not be the Township's responsibility and would need to be documented into the Restrictive Covenants/Development Agreement documents. Discussion re: pond maintenance. Attorney stated that the Town was under no obligation to take on the task of pond maintenance. Collins stated that if a public mechanism was not an option, he would come up with a private mechanism. Higgins noted that the plat listed 12 lots, Tim Arvidson confirmed that 12 lots was an error and that are 11 lots. Neither Ellingson's nor Pflugi's are part of the plat, so both of their existing driveways which access Co. Road 21 will remain.

Draft resolution:

WHEREAS, Ted Collins, Collins Property Management LLC ("Applicant") has made application for a Major Subdivision to allow the subdivision of approximately 51 acres to create eleven single family lots;

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WHEREAS, the property to be subdivided is located at 6680 Saint Croix Trail and is legally described in Exhibit A (“Property”) which is attached hereto and made part of this Resolution;

WHEREAS, the Applicant has represented that it is has clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on April 16, 2007, and has recommended approval;

NOW, THEREFORE, BE IT RESOLVED, the Denmark Town Board does hereby approve the Preliminary Plat proposed by the Applicant based on the following findings:

- The Property is zoned Rural Residential, and single family residential uses are permitted in the Rural Residential District;
- Chapter 2, Zoning Regulations, and Chapter 3, Subdivision Regulations, of the Denmark Development Code regulate the development of single family residential, major subdivisions;
- The Town’s Planners have reviewed the request for consistency with Chapters 2 and 3 of the Development Code;
- The proposed eleven lots meet minimum lot size requirements;
- The proposed structures conform to the yard setback requirements;
- The lots conform to frontage requirements;
- The lots meet the minimum buildable area requirement;
- The Lots meet the impervious area requirements.

BE IT FURTHER RESOLVED, that the approval is subject to the following terms and conditions which must be met:

1. That a final plat be prepared which is consistent with the preliminary plat signed May 21, 2007, the Denmark Township Development Code, and state law;
2. That the sewage treatment system locations are approved by Washington County Department of Public Health and Environment;
3. That the Applicant may propose trees to be preserved within the right-of-way. Under this process, the Applicant must schedule a site visit with the Town Engineer so that the Engineer may review the trees proposed to be preserved within the right-of-way. Following the site visit, the Applicant must remove any trees within the right-of-way as determined by the Engineer;
4. That the Covenants allow for removal of invasive tree species;

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5. That all representations, written and oral, made by the Applicant and the Applicant's agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
6. That the required park fee is paid;
7. That the Applicant satisfactorily completes any and all requirements after final review of the final plat;
8. That the Applicant enters into a developer's agreement with the Town;
9. That the Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;
10. That all Engineering Considerations described in the staff report dated June 1, 2007 are met; and
11. That all fees, including professional fees incurred by the Town, and escrow amounts are paid.

Higgins suggested the following amendments to Draft Resolution 2007-06:

- a) Item #2, That the *sewage systems and their locations* be approved by the Wash. Co. Dept. of Public Health.
- b) Add: *That the covenants address the maintenance of the trees in the Township Right of Way.*
- c) Add: *That pond maintenance requirements be clearly spelled out in the Development Agreement.*

Motion Kramer/2nd Moore to approve Resolution 2007-06 as presented, with the discussed amendments, approving the Erin Glen major subdivision preliminary plat. All in Favor. Motion Carried.

PROPOSED ORDINANCE AMENDMENTS:

Higgins reported that the planning commission did not take action on the proposed ordinance amendments. Bldg inspector to draft suggested language changes to Accessory Structure section of proposed amendments. Will work with attorney to draft language. Hearing will continue on 06-18-07.

PUBLIC COMMENT:

Dave Rowe: requested that the Township proceed with whatever it would take to shut down the shooting range. Mr. Rowe, with a number of other residents stated that the

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shooting range was not safe and that it was a noise nuisance. Attorney Gilchrist explained to the residents that the Town was limited as to what they could do, because of NRA protections. Residents were advised that best course of action would be to speak with their representatives and the lawmakers who passed the legislation on the protection of shooting ranges.

Tony Sieben: requested that the Board look at his property. The black dirt that was put along the road when 87th was repaired, has washed away and has left about an 8 inch depression.

Mark Zaspel: stated that his neighbor was operating a landscape business and that there has been debris dumped on the powerline easement. Mr Zaspel also asked if any action could be taken to stop the ATV noise so close to his home. The Township Building Inspector was notified, inspected the property and left a request to be contacted by the property owner (Mr. Zaspel's neighbor). Building inspector has received no response. Written report received by Board. Board consensus to direct Building Inspector to proceed with the enforcement process.

Neal Avenue residents: A number of residents on Neal Avenue complained that there was too much gravel on Neal Avenue, that the dust was a problem, and they would like to see Neal Avenue paved. Dixon stated that there had been no rain and also that the dustcoating had been put on earlier in the past. Gordy Herman stated that if 1 inch of gravel hadn't been put on Neal, the road would have been mud as soon as it rained. Long range plan/schedule for road maintenance/possible blacktopping in process of being drafted by township engineering staff.

BUSINESS ITEMS:

TKDA Planning Services Agreement: Attorney submitted revised TKDA Services contract to the Board. **Motion Moore/2nd Dixon to approve 05/10/2007 revised TKDA Professional Services Agreement with Denmark Township. All in Favor. Motion Carried.**

Comp Plan Update: Dick Thompson submitted scope of work/cost estimate and suggested process to Board for review. Estimated cost of \$24,000 is max amount. Planner also stated that Denmark Township is eligible to apply for a \$15,000 grant to assist in comp planning process. **Motion Dixon/2nd Moore to authorize Dick Thompson to proceed with grant application. All in Favor. Motion Carried.** Task Force would include 3 Board members Keller, Kramer, and Higgins. 3 Planning Commission members and 3 residents. Moore to include information in Newsletter.

Oakgreen Avenue-Engineering Report: Moved to the July agenda.

WMO Update: Attorney Gilchrist has reviewed the WMO rules and has submitted comments to the WMO. Expressed concern re: pond maintenance requirements in WMO rules, requiring township to inspect 20% of all ponds annually. Does not believe it would

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be possible to enforce a WMO rule that is not included in Township ordinance. (WMO is proposing to begin project review immediately upon adoption of rules) Discussion re: cost of doing a local water management plan. Comp Plan estimated costs do not include preparation of a local Water Management Plan. Costs to do this component would be very high. Planning staff recommends having WMO update its plan and Denmark Township adopting it by reference. Board consensus to follow this approach. Higgins to discuss with WMO Board.

Town Hall moisture problem: Discussion re: musty smell in town hall. Discussion in previous years that a moisture barrier could be put under Town Hall to eliminate problem (Dirt floor is under town hall). Kramer will pursue and check out options for dealing with problem.

Rumpca: Planner will put together a list of items for the Board & Rumpca on requirements of CUP.

Suburban: Board asked attorney to check on/expedite Suburban matter.

Motion Dixon/2nd Moore to adjourn. All in Favor. Motion Carried.
Meeting adjourned at 9:54 PM.

Becky Herman
Denmark Township Clerk/Treasurer