

DENMARK TOWN BOARD MEETING MINUTES
August 2, 2010

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, Jim Keller, Steve Kramer

ABSENT: Gary Dixon

STAFF PRESENT: Attorney Gilchrist, Planner Farrington, Engineer Winter

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Higgins

AGENDA APPROVAL: Kramer added insurance quote and fence @ O'Connor Park. Moore added ditch mowing. **Motion Moore/2nd Keller approval of agenda as amended. All In Favor. Motion Carried 4-0.**

CONSENT AGENDA APPROVAL: **Motion Kramer/2nd Moore approval of consent agenda which includes 07/06/2010 Board Meeting Minutes, Claims #9424-9442, PERA EFT 145943, payroll ending 08/01/2010 and financial reports. All In Favor. Motion Carried 4-0.**

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT: None

Cottage Grove Incinerator Proposal: Cottage Grove has been working to address concerns about potential air emissions from the incinerator located at the 3M Cottage Grove plant site. These emissions can affect the quality of air in our area and Denmark will support Cottage Grove's efforts to protect our environment.

Town Hall Park Improvement Project: Phase 1 grading and stormwater management.
Removal of 4 cottonwoods in the northwest corner of the lot.

Removal and replacement of some of the trees on the west line along Oakgreen.

North fence removal and removal of bushes and trees along the fence line. Benches by the backstop will be removed and replaced. Backstop will be salvaged and reinstalled if possible.

Removal of bushes along the southeast corner for ponding site. Grading will direct ponding to occur in the southeast and northeast corners. Washington County grading permit and MPCA permit (disturbance of more than 1 acre) will be required.

Turf- Typical seed mix for the mowed areas. Native seed mix for the unmowed areas and the infiltration basins. Board consensus to authorize TKDA to solicit quotes for Board review at September meeting. Work to begin in mid September.

2009 Financial Audit: Clerk submitted 2009 Financial Audit conducted by Oberloh & Associates.

Motion Moore/2nd Keller to acknowledge completion of 2009 Financial Audit by Oberloh & Associates. All In Favor. Motion Carried 4-0.

Open Space Inspections: Inspection reports/billings will be sent to the developments.

Ordinance Amendments:

The St. Croix River District boundaries- Denmark, County and DNR maps do not match each other. County and DNR are looking into the legal boundaries so the maps will be uniform.

Wind Energy Conversion Systems- Both Denmark and Washington County ordinances require a minimum of 10 acres for a wind system. County may grant variances to lot size and/or change their ordinance in the future.

Township ordinances cannot be less restrictive than the County ordinances. Attorney noted that granting variances requires documentation that without the variance, the property could not be put to a reasonable use, which wouldn't apply for the purpose of putting up a wind tower. Board consensus to not change Township ordinance at this time.

DENMARK TOWN BOARD MEETING MINUTES
August 2, 2010

Establishing an interest charge for unpaid bills owed the Town- Attorney will review.

Insurance Quote: Town received Insurance assessment for damage incurred on Town Hall structures from the 06/25/10 hail/wind storm. Kramer and Moore will work with adjuster and contractors to repair damage.

Fence At O'Connor Park: Estimate received to clear fence line area to prepare for installation of the west fence. Tri-County estimate \$1500 for clearing and piling on site, or \$2000 for clearing hauled out of park. Board consensus to proceed with clearing and hauling away debris at \$2000.00. Some trees that would need to be removed may be moved to the Town Hall lot and some may be offered to Denmark residents. Information will be sent in a newsletter and posted on the website.

Ditch Mowing: Board discussed additional mowing of Town ditches due to fast growth of ditch weeds. Consensus to authorize mowing of areas with visibility and noxious weed problems.

LEGAL REPORTS:

Crashed Toys: Attorney reported that Crashed Toys has decided to withdraw their request for an amended conditional use permit as they are not going to purchase additional property for their business. In light of Crashed Toys decision to withdraw, **Motion Moore/2nd Kramer to acknowledge Crashed Toys has withdrawn its application for an amended conditional use permit and that the town will take no further action on the application. All In Favor. Motion Carried 4-0.**

Board has received complaints regarding non-compliance of Crashed Toys current conditional use permit. Including, but not limited to no fence around septic system, landscape not installed and parking of inventory around pond easement. **Motion Keller/2nd Kramer to have building inspector conduct inspection for compliance of conditional use permit. All In Favor. Motion Carried 4-0.**

Raise-Suburban-Snaza: Court of Appeals and District Court judgments for the Town have been entered and docketed in the amount of \$38,283.55. Board consensus to certify these charges to the property tax roll.

Motion Keller/2nd Kramer adoption of Resolution 2010-08 Approving Certification of Charges to Property Tax Roll. All In Favor. Motion Carried 4-0.

9:05 PM **Motion Moore/2nd Kramer to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2010-08

DENMARK TOWN BOARD MEETING MINUTES
August 2, 2010

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2010-08

RESOLUTION APPROVING CERTIFICATION
OF CHARGES TO PROPERTY TAX ROLL

WHEREAS, the Board of Supervisors ("Town Board") of Denmark Township ("Town") issued a conditional use permit ("CUP") to the property located at 11747 Manning Avenue South, Hastings, Minnesota, and legally described in the attached Exhibit A, ("Property") pursuant to a stipulation of dismissal ordered by the Washington County District Court on August 1, 2007 (Court File No. C5 98-6049) ("Stipulation");

WHEREAS, the owner of the Property agreed to the Stipulation and the conditions placed on the CUP, which included an agreement to pay the Town's fees and costs for enforcing and revoking the CUP if necessary;

WHEREAS, the Town incurred fees and costs providing governmental services to the Property in the form of inspections, notices, procedural costs, and legal services to revoke the CUP, said revocation being ordered by the Washington County District Court on February 17, 2009;

WHEREAS, the revocation order was appealed, the Minnesota Court of Appeals affirmed the revocation, and on May 13, 2010 the Court awarded the Town \$16,347.42 in fees and costs it incurred associated with the revocation of the CUP;

WHEREAS, on remand, the Washington County District Court on July 26, 2010 awarded the Town \$21,936.13 in fees and costs it incurred associated with the revocation of the CUP;

WHEREAS, both amounts, which total \$38,283.55 ("Service Charge Amount"), were docketed by the Washington County District Court on July 26, 2010;

WHEREAS, the Town is authorized to impose charges for zoning related services under Minnesota Statutes, section 462.353, subdivision 4, and specifically in this matter for the enforcement and revocation of the CUP by the terms of the Stipulation and the CUP, and is authorized to collect those charges pursuant to Minnesota Statutes, sections 366.012 and 541.67 by certifying the unpaid amount on the property taxes of the Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF DENMARK TOWNSHIP,
WASHINGTON COUNTY, MINNESOTA, AS FOLLOWS:**

1. The Town Board hereby authorizes the collection of the Service Charge Amount by certifying the same to the Washington County Auditor for collection on the property taxes of the Property;
2. The Town Clerk-Treasurer is hereby authorized and directed to send the owner written notice of the Town's intention to certify the Service Charge Amount against the Property, including a copy of this Resolution, before September 15, 2010;
3. The Town Clerk-Treasurer is hereby authorized and directed to certify the Service Charge Amount, reduced by any payments the owner may make to the Town before certification, to the Washington County Auditor before October 15, 2010, said amount to be collected by the County Auditor together with the property taxes levied against the Property;

DENMARK TOWN BOARD MEETING MINUTES
August 2, 2010

4. As provided in Minnesota Statutes, section 366.012, the Service Charge Amount certified to the County Auditor shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. Furthermore, pursuant to Minnesota Statutes, section 514.67, the amount certified shall constitute and be a first and prior lien from the date of the delivery of the services;
5. The recitals set forth above in this Resolution are incorporated into and made part of this Resolution; and
6. The Town Chairperson, Clerk-Treasurer, and Attorney are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Adopted this 2nd day of August, 2010.

BY THE TOWN BOARD

EXHIBIT A
Legal Description of the Property

The North 250 feet of the South 260 feet of the West 540 feet of Section 31, Township 27 North, Range 20 West, Washington County, Minnesota, as measured at a right angle to the South line and the West line of said Northwest quarter of the Southwest quarter, containing 3.10 acres, more or less, subject to a highway easement for Trunk Highway 95 over the West 33 feet thereof. Also subject to an easement for ingress and egress over the North 190 feet of the South 200 feet of the West 110 feet of said Northwest quarter of the Southwest quarter.