

DENMARK TOWN BOARD MEETING MINUTES
June 5, 2006

SUPERVISORS PRESENT: Kathy Higgins, Gary Dixon, Jim Keller and Joe Moore.

ABSENT: John Kummer

OTHERS PRESENT: Attorney Shoeberg, Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:05PM by Vice Chair Higgins.

Road bids opened and read:

- 1) Ace Blacktop- \$347,952.95
- 2) Bituminous Roadways- \$311,946.65
- 3) Hard Drives- \$353,749.68
- 4) Tower Asphalt- \$352,614.70
- 5) Valley Paving- \$280,575.45

Engineer directed to review bids and report later in business section of agenda

AGENDA APPROVAL: Higgins added Charitable Gambling, Accessory Structure Placement (Tri) and Davies Variance Update. Keller added Bathroom Construction Bids. **Motion Keller/2nd Moore to approve Agenda as amended. All in Favor. Motion Carried.**

CONSENT AGENDA APPROVAL: Higgins pulled claim for Hastings Siding & Remodeling. **Motion Moore/2nd Keller to approve balance of Consent Agenda. All in Favor. Motion Carried.** Higgins inquired as to status of final inspection of the siding. Dixon reported that work was finished and final inspection has not yet been done. **Motion Dixon/2nd Moore for approval of payment to Hastings Siding & Remodeling, subject to passing inspection. All in Favor. Motion Carried.**

HEARING DECISION/ZONING ACTIONS:

Lang Variance- Lang's are requesting variances from sideyard and frontyard setback and impervious surface requirements in order to construct a new attached garage and to convert the existing garage into living space. Roger Lang submitted letter from Barry Brown re: septic system and title to property. Applicant states primary reason for constructing new garage/remodel is to create additional living space for his mother, who is finding it challenging to live alone. Applicant concerned about fact that there is minimal traffic on frontage road and there have been a number of burglaries in the area. Property is an existing non-conforming lot of record, purchased by the Lang's in 1968, prior to adoption of both County and Township ordinances. Increasing the living area would allow Mrs. Lang's son and daughter in-law to live with her. Lang's are not in agreement with the Township Staff report. Do not believe that a sideyard setback variance should be required as there will be no change to current sideyard setback, which is 4 feet. Applicant notes that distance from the proposed new garage to the edge of the actual roadway is 35 feet. This road is used primarily by residents and there are 8 foot shoulders. Change in height of proposed garage is only 2 feet, within height limitations required by ordinance. There are unbuildable lots on both sides of the Lang property. The property is not very visible to the neighbors, so the essential character of the neighborhood would not be altered. Current septic is a 201 system, designed and installed by Washington County. Report from licensed septic installer Barry Brown received.

Public Comments:

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Ted Brown: In complete support of granting requested variances. Believes that there is minimal traffic on street. Lang Home is not very visible to neighbors. House design fits in the neighborhood and changes are minimal, urges Board to approve.

Mary Rock: Minimal change, want to keep Lang's as neighbors and supports the change.

Higgins summarized discussion/findings of Planning Commission Meeting of 05/15/06. One member stated that the staff report was excessive and did not fit the unique circumstances. Board discussion re: fact that impervious surface issues would be mitigated by fact that adjoining lots are unbuildable. Topography of the land creates a problem for alternate location of garage. Proposed addition would not be built on the river side of the property. Dixon would like to see applicants continue use of current septic system.

Motion Keller/2nd Moore to approve Lang Variances and to adopt the 5/15/2006 Planning Commission findings as follows:

- (1) This is a unique site and the hardship is based on the size of the site and the terrain.
- (2) The actual distance to the road was not reflected in the planners' report-35 feet not 17 feet.
- (3) The plan will not change the essential character of the area.
- (4) A three car garage is not out of the standard today.
- (5) The adjoining lots are unbuildable.

Subject to:

- 1.) Erosion control, and drainage patterns be as approved by the Township Engineer prior to issuance of a grading or building permit. Erosion control to be maintained until construction and permanent vegetation/ground cover is restored.
- 2.) Septic testing shall be completed by the applicant and system capacity/condition be approved by Washington County prior to construction of the new addition.

Voting in Favor: Higgins, Dixon, Moore and Keller. Voting against: None. Motion Carried.
Attorney to prepare official written findings of Board Approval of Lang Variances.

PUBLIC COMMENT:

Dave Rowe- Commented that the building now looks good. Inquired if there was any reimbursement for the substandard work that was previously done on the Town Hall. Dixon stated that we had no warranty on the previous work; moisture could have been part of the problem. Rowe requested that the Board consider opening up a driveway on the Southeast side of the Town Hall with one-way access to 90th Street, to relieve traffic congestion and for ease of snow plowing. Engineer thought all alternatives were previously covered and will check the records. Dixon will follow up with Engineer and check with the County. Rowe also asked the Board to check on fixing the acoustics in the Hall.
Steve Biscoe- asked about claim from Yardmasters. Dixon stated that they trimmed and removed trees. Trimmed bushes, seeded bare ground and placed rock around the water pump for run off purposes.

A number of residents commented on WMO/O'Connor's Lake Management plan.

Jeff Keene- Keene went to some of the meetings and stated that they want to spend a lot of the Township money on an old dried up pond. Doesn't want to see it polluted, but stated that it doesn't need to be cleaned up enough to swim in. Concerned about spending approximately \$110,000 on proposed project(s). Requested that the Board look into this expenditure. Would like to maintain current conditions, but not spend a lot of money on something that has in the past been dried up and farmed.

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Gordy Herman- Questioned why public monies be spent on private property.

Dave Rowe- asked if there were any alternatives to the WMO. Atty- Yes, at 3 times the budget now.

Ivan Bahe- Stated that the creek runs $\frac{3}{4}$ of a mile through his property and cattle have drank from the creek since the beginning of time. At one time there were about 5 families in the area with cattle. Now, just him. At one time 100's of head and now about 10 head. Bahe doesn't feel this is a big concern and asked that the decision makers on this plan be land owner and farmer friendly as far as their rules and regulations.

George Stoffel- During the 40's and 50's Stoffels farmed the land. There was no water there. Now they have only about 3 acres farmable there.

Steve Biscoe- Part of the recommendations was to redo the culvert for a fish habitat. There may be some fish in there, but to spend \$20 to \$50,000 for fish is irresponsible.

Keller asked when the last time pond was dried up. Jeff Keene- 1981 was the last year it was farmed.

Higgins asked when the last overflow was. Keene- 1965-67.

Tony Sieben- There was a flood in 1985 and it dried in 5 days.

Biscoe- If we had a drought, the stream would quit running.

Ivan Bahe- This is the lowest it's been in 10 years.

Keller- stated that we could ask for a public meeting, as he is hearing helpful input.

Higgins stated that as the Denmark Representatives to the WMO, it is Keller and Higgins job to represent Denmark Township residents and to keep the Board apprised of what's going on.

Jeff Keene- Questioned if not the WMO, are we put into another watershed group. Atty stated if not the WMO, township would be put into a watershed district. Keene asked if there was a regulation on how much we spend each year. Atty explained that the Joint Powers Board makes a budget-presents budget to community for approval by communities and WMO Board.

Steve Biscoe- Would like to see the WMO monitor things and take action when there is a problem, rather than spend money on studies that may not be feasible.

Jeff Keene- Stated that last year, Met Council spent \$30,000 on studies on the pond. They are planning on doing it again this year.

Township Engineer reviewed the O'Connor's Lake plan and had the following comments:

1. Setting the volume control stand- Hold off adopting until the steering committee has worked through the watershed standard.
2. 50 foot buffer along the creek- 16-35 feet is normal.
3. Capital improvement plan-
 - a) Water quality- Study on 2 existing developments. Cost of \$10 to \$15,000 to identify ways of treatment. May need to look at land acquisition- expensive and hard to implement.
 - b) Zone restoration- This should be volunteer action from landowners and not forced.
 - c) Stream structure improvement- \$25 to \$50,000 to evaluate stream to see what modifications should be made to improve fish migration. Would property owners want this?
 - d) Barton study- \$20 to \$30,000- Study may be premature if the pit remains open 20-30 years. Barton should pay for the study-not the Township.

Engineer stated that current water quality is good- should continue to monitor.

Steve Biscoe- to take 50 feet on either side of the creek, affecting 2-3 landowners, doesn't seem right.

Frank Femling- In agreement with Biscoe.

Engineer- This should not be a requirement unless land change occurs.

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Jeff Keene- Pollution Control instructed Keene to mow all the grass. WMO instructs not to mow.

Steve Biscoe- Restrictions on fertilizer control would be reasonable.

Resident consensus: not to make major changes, continue monitoring and not spend a lot of money on what doesn't need immediate fixing.

Keller- States that water quality is good right now, based on information received from reports and meetings

BUSINESS ITEMS:

Erickson Marine: Mr. Erickson is requesting that the additional landscaping requirements be eliminated from the Conditional Use Permit. Atty changed the language to delete the 9 trees and 6 shrubs on the East and West side. **Motion Moore/2nd Dixon to approve new Conditional Use Permit deleting landscape requirements.** All in Favor. Motion Carried.

Kirk Accessory Structure: Mr. Kirk is requesting approval to construct an accessory building between the residence and the road. Structure would be not very visible because of trees screening it. All setback requirements will be met. **Motion Keller/2nd Dixon to approve placement of the Kirk accessory structure between the road and the residence.** All in Favor. Motion Carried.

Tri Accessory Structure: Mr. Tri is requesting approval to construct an accessory building between the residence and the road. The current garage is West of the house and the river is to the East. **Motion Dixon/2nd Moore to approve placement of the Tri Accessory Structure between the road and the residence.** All in Favor. Motion Carried.

Riegel-St Croix Ridge: Mr. Riegel is requesting Board to eliminate his \$2500 escrow balance requirement. Building permit in the development was held up because there was a negative balance on the account that we attempted to collect for some time. Project Status: There is an inspection before the wear course, 2nd lift, any correction work, inspection at the start of the warranty period, inspection at the end of the warranty period. Notified last fall that an outlet has grade that need to be corrected- Engineer will send a letter to Mr. Riegel. Attorney and engineer recommended not reducing the minimum escrow balance. **Motion Moore/2nd Keller to deny Riegel-St. Croix Ridge request of eliminating the minimum escrow balance of \$2500 as set in the Development Agreement.** Voting For- Higgins, Keller, Moore and Dixon. Voting Against- None. Motion Carried.

Historical Society: Moore informed the Board that for the Sept 10th Historical Society function, that they would like to use the area North of the ballfield and South on Oakgreen for parking.

Thyren Land Purchase- Gary Thyren is interested in purchasing a piece of property currently owned by the State. Reported that the State would only sell to the Township and then the Township could sell to an individual. Attorney recommended that Mr. Thyren see what is required and that the Township may not be able to enter into a private agreement with a property owner without a public bid process. Thyren is not interested if there would be a public bid process. Thyren will research details. Board doesn't want any expense to be borne by township

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Carpenter's Charitable Gambling: Carpenter Nature Center requested approval for a raffle at the Nature Center in July. **Motion Keller/2nd Dixon to approve signing the authorization form for Carpenter Gambling Permit. All in Favor. Motion Carried.**

Road Bids:

Ace Blacktop- \$347,952.95
Bituminous Roadways- \$311,946.65
Hard Drives- \$353,749.68
Tower Asphalt- \$352,614.70
Valley Paving- \$280,575.45

Engineer's estimate for total of all three projects - \$302,290.50. Low bidder was Valley Paving.
Bid breakdown per street:

87th Street- \$113,651.06
122nd Street from Neal Ave. to St Croix Tr-\$148,431.09
131st Street Circle from Maycrest Ave. to the cul-de-sac- \$18,493.30

Main difference in bids was the Bituminous pavement pricing. Attorney not sure of the legality of awarding only part of the submitted bid. **Motion Keller/2nd Moore to table awarding contract until the July Board Meeting. All in Favor. Motion Carried.**

Davies' Variance: Davies' met with the DNR staff. Questions were raised on the existing culvert system. DNR is requiring Davies' to get an independent assessment regarding the feasibility of moving it. They also are requiring that the septic location be looked at. Want septic located in lower field rather than the current site approved by Washington County. Davies' have filed an appeal. Discussion re: fact that decisions on river properties have been problematic in the past and have a Township wide impact. Board expressed concern that relationship with DNR appears negative, and differences need to be resolved.. Board authorized Township attorney to work with Davies and their attorney. No action to be taken unless Davies are in agreement with Township involvement.

Bathroom Construction Bids: Keller opened and read the following bids:

- 1) Klem & Son Construction- \$18,276.00
- 2) Martin Joseph Construction- \$33,065.00

Keller put together a packet of specs for bidders. Questions raised re: radiant heat/specs. Keller will speak to Mr. Klem about deleting radiant floor heat and will check on other options which may vary from the bid, and report back to the Board in July. To provide Board with copy of specs and bids.

Board reviewed the Outstanding Items List.

Board stated there may not be a quorum at the July 3rd Board meeting. Directed clerk to change meeting date to Monday, July 10th.

Motion Keller/2nd Moore to adjourn. All in Favor. Motion Carried.

Meeting adjourned @ 9:55 PM.

Becky Herman
Clerk/Treasurer