

DENMARK TOWN BOARD MEETING MINUTES
February 7, 2011

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Gary Dixon, Jim Keller

ABSENT: Joe Moore

STAFF PRESENT: Attorney Gilchrist, Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:04 PM by Chair Higgins

AGENDA APPROVAL: Keller added 4-H letter. **Motion Keller/2nd Kramer approval of agenda as amended.** All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: Higgins pulled claims for approval. **Motion Keller/2nd Kramer approval of consent agenda items which include 01/03/2011 Board Meeting Minutes, EFT payments- PERA 164386, MN Revenue Tax 99111774535, Fed Tax 81032513, payroll ending 02/01/2011 and financial reports.** All In Favor. Motion Carried 4-0.

HEARING DECISIONS/ZONING ACTIONS: G Herman-Johnson Lot Line Adjustment

Jon Sonnentag presented proposed Lot Line Adjustment. Both properties are zoned Ag-2, density 1 per 20. Herman property is approximately 30 acres and Johnson property approximately 36 acres. Proposal is to split 10 acres from the Herman parcel to be added to the Johnson parcel. The resulting parcels would be a 20 acre parcel for Herman and a 47 acre parcel for Johnson. The Herman property shall continue to have a total of one density unit and the Johnson property shall have a total of two density units.

Attorney- During the application review, Herman's 2 separate lots (29.64 and .91 acres) were combined to create a single 30.5 acre parcel, so that when the split of 10 acres was made to be combined with Johnson's lot, Herman's resulting parcel would not be nonconforming (under 20 acres). The proposed lot line between the Herman and Johnson property has a jog in it. Provision in the ordinance speaks to disfavor on irregular shaped parcels.

Attorney reviewed draft development agreement with Mr. Sonnentag and the Board.

Mr. Sonnentag and the Board agreed that the new deeds would be recorded within 120 days and a copy of the recorded deeds would be provided to the Town within 7 days of recording. Herman and Johnson will be required to enter into a development agreement with the Town. Attorney will revise documents to reflect accurate property owner names for the Johnson property.

Motion Kramer/2nd Dixon to adopt Resolution 2011-02 Resolution Approving A Lot Line Adjustment For Properties Located At 8628 St. Croix Trail South And 8973 St. Croix Trail South, with revisions as discussed. All In Favor. Motion Carried 4-0.

PUBLIC COMMENT: None

South Washington Watershed District Update: Matt Moore, and Board members, Jack Lavold, Brian Johnson, Denny Hanna present.

SWWD is in the process of a plan amendment and have received no comments regarding the amendment other than Met Council expressing that they have no problems with the amendment.

This year a monitoring site will be installed on O'Connor's Creek. There has been an appropriation of dollars for the St Croix. Washington Conservation District will be assessing for highly erodible sites. 2012 SWWD plans would be to work with WCD and the landowner to stabilize some of those sites identified.

Cost share program regarding rainwater projects will be available. It is anticipated that stormwater utility fees should be in play and will show up on the 2012 tax roll. SWWD will meet with Denmark to discuss the next budget.

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Financial Services: Chair and Clerk sent compiled financial information to Bruce Kimmel. Best rate they could find was at Vermillion Bank (current Town's Bank). CD's 3 yr @ 2% with a 6 mo interest early withdrawal penalty. Rates for the bank they normally work with are 3 yr @ 1.8% with a 1 year interest penalty. Current rate on all account held by Town at Vermillion Bank is 1.16%. Board consensus that the difference of .84% and the investment company's charge would not be worth the transfer of funds to invest at this time. Higgins will contact Bruce to thank him for his involvement and to ask him to inform the Town of any change of rates that may be beneficial to us.

Cottage Grove Roads Cost Share: Cottage Grove has invited Denmark to participate in a joint contract for sealcoating roads in 2011. The primary benefit to Denmark would be a likely reduction in the cost to sealcoat as Denmark's bidding would be as a part of a larger contract.

Engineering identified roads to be seal coated are 127th -Hwy 10 to Morgan, Morgan -127th to 122nd, 122nd – Morgan to Neal, Neal -122nd to 110th.

Cottage Grove engineering and administrative fee is 6%. CG would advertise for bids, hire the contractor and administer the contract. Denmark would need to provide construction coordination and observation during the work. Engineer estimates township cost to be \$53,000, which includes CG administrative fee and TKDA fees associated with the project.

Crack sealing would also be necessary prior to the sealcoating. Striping of Morgan/122nd would need to be redone. Crack sealing and striping not included in proposal. Township will need to make arrangements for both. Attorney made Board aware that Kennedy-Graven represents both Denmark and Cottage Grove. Board had no concerns regarding this issue. Attorney reviewed Cottage Grove's sample contracts. Denmark would enter into an agreement with Cottage Grove, and Cottage Grove would enter into an agreement with the service provider. Attorney to draft a contract specific to Denmark/Cottage Grove for submission to Cottage Grove.

Motion Dixon/2nd Kramer to authorize entering into an agreement with Cottage Grove to have them provide sealcoating per the Engineer's recommendation, and to authorize the Town Attorney to revise the agreement as discussed, authorizing Chair and Clerk to execute agreement.

All In Favor. Motion Carried 4-0.

Dixon will check with Cottage Grove regarding the purchase of their signs. Discussion re: new law requiring a higher standard for all signage in the township. It is mandatory (by January 2012) that the town create a plan for when & how it will bring current signage into compliance.

WMO Appeal/Mediation Cost Share Denmark/Cottage Grove: Legal costs associated with the WMO appeal were \$18,781.13. With WMO share calculations, Higgins and Cottage Grove City Administrator, Ryan Schroeder recommend that a 60/40 allocation of the costs would be appropriate (Denmark-\$11,268.68/Cottage Grove-\$7512.45 respectively). Board members expressed appreciation re: Cottage Grove's participation with Denmark in the appeal process. **Motion Keller/2nd Dixon approval of cost allocation and to authorize Clerk to bill Cottage Grove 40% of the legal costs associated with the WMO appeal, in the amount of \$7512.45.**

All In Favor. Motion Carried 4-0.

Animal Control Agreement: Animal Humane Society has requested that Denmark reduce current reclaimant fee from \$75 to \$25 to make it easier for them to collect their own fees. Dixon has reviewed issue with Town Animal Warden Kathi Pelnar. Dixon prefers to keep AHS as Town's animal shelter as its location is convenient for residents. Attorney submitted drafts of an amendment to the 02/01/2010 agreement with AHS and a resolution amending and readopting Resolution 2007-03 relating to animal control fees.

Motion Dixon/2nd Kramer to adopt Resolution 2011-03 Resolution Amending And Readopting Resolution 2007-03 Related To Animal Control Fees. All In Favor. Motion Carried 4-0.

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Motion Dixon/2nd Kramer approval of the Amendment To The Animal Impound Housing Services Agreement Entered Into By And Between The Animal Humane Society And Denmark Township, and authorization for Chair and Clerk to execute agreement. All In Favor. Motion Carried 4-0.

Universal Services Agreement: 12151 120th St S. (Prior owner DLO- Current owner Universal Svc.) Current owner would like to make changes to the landscaping plan that was part of the original conditional use permit for the property. Owner is also requesting a temporary conditional certificate of occupancy to occupy the building in the interim. Prior use was for poured walls business. Current use would be for buried cable. Attorney drafted a zoning compliance agreement for Board review. Discussion regarding past complaints received of drainage issue on property causing water to flow into the basement of the neighboring building. Engineering staff to review revised site plans per zoning compliance agreement. Board requested that Engineer address potential drainage issues in engineering review. **Motion Keller/2nd Kramer to approve zoning compliance agreement as submitted, between Denmark and Universal Services, with engineering input regarding drainage issues. All In Favor. Motion Carried 4-0.**

Anderson Accessory Structure: 15230 67th St S. Approval of garage location between road and house. **Motion Kramer/2nd Keller to approve location of accessory structure between house and the road at 15230 67th St. S. All In Favor. Motion Carried 4-0.**

Krueger Proposed Ordinance Amendment: Application received for a request for an amendment to the Township ordinance to put up a wind energy system that is taller than allowed by both township and County ordinances. Town is not able to create an ordinance that is less restrictive than the County. Rather than having the applicant be heard by the Township first, not knowing the county's findings on an amendment to their ordinance, the recommendation would be to have the County process the application and then have it come back to the Town for the Town's processing of the application. Reversing the order of who hears the request first, would be done as a matter of efficiency to perhaps avoid a pointless action by the Township if the County doesn't approve an amendment to their ordinances also, which may cause an unnecessary expense to the applicant. Also, the County has the expertise and resources to adequately review the request. Attorney clarified that even if the County were to approve the request, this in no way stops any actions that would be taken at the Township level. The Township would be able to review the County ordinance, if amended, and have the opportunity to add further restrictions for Denmark. Supervisor Moore was not available for this meeting submitted a memo to the Board. Chair read memo into the record which expressed concerns regarding the applicants request and that Moore would not be in agreement to pass this application to the county before it is heard by the Township.

Motion Dixon/2nd Kramer that the Township would not object to the County's review of the Krueger application for a request of an ordinance amendment regarding wind energy systems prior to the Township review of the application. All In Favor. Motion Carried 4-0.

Board consensus to have Higgins request that the county review other aspects of the current County ordinance related to WECS such as lot size and height.. Township has received several requests to erect WECS on lots smaller than the current required 10 acre minimum lot size.

Planning Commission Appointments: There are two vacancies on the Planning commission (Charlie Grote & Steve Radke). The positions have been advertised. Deadline to apply is 02/24/11. If necessary, interviews will be scheduled and clerk will notify Board of interview dates.

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4-H Letter: Township received request from Washington County 4-H Federation requesting a grant to help fund the 4-H program in Washington County. Board requested further information regarding 4-H and County budgets. Township currently subsidizes local 4-H clubs through ditch clean up. Board consensus to discuss at a later date when full Board is in attendance.

Pulled Claims For Approval: Pulled Claim #9584 Washington County Transportation & Physical Development. For sand/salt in the amount of \$9,280.46. Additional billing received for January sand/salt in the amount of \$9,244.94. New claim total would be \$18,525.40. **Motion Kramer/2nd Dixon to approve Claims #9577-9595, changing Claim #9584 amount from \$9,280.46 to \$18,525.40. All In Favor. Motion Carried 4-0.**

Regarding winter roads maintenance claim. Dixon noted that last month the Town had requested a breakdown of hours charged to the Town for plowing/sanding and had requested the breakdown for future claims. Breakdown was not received this month and Dixon will make the request to the contractor.

LEGAL REPORTS:

Winter Road Maintenance: Issues and Options for the Board regarding Roads Maintenance Services

Board discussion re: Continuation of authorization for roads supervisor to have Tri-County Services provide certain road maintenance services on occasion as he deems appropriate.

Motion Kramer/2nd Keller to approve and ratify the road supervisor, in his discretion, having Tri-county provide occasional or spot winter maintenance related services to the Town for a total not to exceed \$25,000.00 for the season. All In Favor. Motion Carried 4-0.

Board discussion re: Requesting more detail than is currently being provided in the invoices submitted by the contractor so the Board can review and assess claims accurately.

Motion Keller/2nd Kramer to direct the Town Attorney to write a letter to All-Weather Services indicating that the invoices submitted for work done pursuant to the Winter Road Maintenance Agreement must provide a description of the work performed, the location of the work performed, the dates the work was performed, and the number of hours for each time that work was performed, so the claims can be properly audited and approved as required in Section 2.2 of the Agreement. Any work not authorized by the road supervisor will not be paid for. All In Favor. Motion Carried 4-0.

Board discussion re: Termination of the Winter Road Maintenance Contract

Motion Higgins/2nd Kramer to provide All-Weather Services 60 days notice of termination under Section 3.2 of the Winter Road Maintenance Agreement, to have the Agreement terminate at the conclusion of the notice period, and to direct the Town Attorney to provide All-Weather Services the notice of termination. All In Favor. Motion Carried 4-0.

Update on possible zoning requests: Higgins reported that there are several requests in process at the current time: Three possible requests for Conditional Use Permit amendments in the C-I District, one involving a possible recycling business, a cell tower request in RR district, a request for a lot split in the A-2 District, installation of grain bins on a site, and a possible split on an Agricultural Preserves parcel.

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BOARD OF AUDIT: Year ending 12/31/2010.

Supervisors Present- Higgins, Keller, Kramer and Dixon. Absent- Moore.

Year end account balances submitted as follows: checking account-\$185,694.02, general savings account-\$527,254.63, Cable Restricted account-\$5,015.75, and Park/Recreation Restricted account-\$216,994.16. Total cash balance \$934,958.56.

All receipts received by Denmark Township in 2010 total \$562,503. All expenditures made by Denmark Township in 2010 total \$566,391. Receipt and Disbursement Registers, Statement of Receipts, Disbursements and Balances (Schedule 1) for all Township accounts and account balances for the year ending 12/31/2010 were entered into the record.

Check range for all checks disbursed 01/01/2010 through 12/31/2010, #9834 through #10161.

Board selected the following claims at random for review:

Check #10011 Claim 9435 Approved 08/02/10 Claimant- TKDA

Check #09978 Claim 9408 Approved 07/06/10 Claimant- MN NCPERS Life Insurance

Check #09939 Claim 9288 Approved 01/04/10 Claimant- Sentry Systems

Check #10000 Claim 9424 Approved 08/02/10 Claimant- Traffic Data Inc.

Check #10125 Claim 9531 Approved 12/06/10 Claimant- Troje's Trash

Check #09956 Claim 9389 Approved 06/07/10 Claimant- Oberloh & Associates, Ltd.

Check #09943 May Payroll Approved 05/03/10 Claimant- Donald Schneider

Check #10100 Claim 9512 Approved 11/01/10 Claimant- St. Croix Tree Svc., Inc.

Motion Dixon/2nd Keller to approve claims audited during the Board Of Audit. All in Favor. Motion Carried 4-0

Motion Keller/2nd Kramer to approve 2010 receipt/disbursement reports (\$562,503 in revenues and \$566,391 in expenditures) and 2010 year end account balances totaling \$934,958.56 as submitted. All In Favor.

Motion Carried 4-0 Financial reports will be submitted for the annual meeting.

10:15 PM **Motion Kramer/2nd Dixon to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2011-02, 2011-03

DENMARK TOWN BOARD MEETING MINUTES
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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2011-02

RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR PROPERTIES LOCATED AT (PID#1602720410001), 8628 ST. CROIX TRAIL SOUTH (PID#150272032006) AND 8973 ST. CROIX TRAIL SOUTH (PID#102720440001)

WHEREAS, Gordon W. Herman and Karen J. Herman, husband and wife (the "Applicants") are the owners of a large parcel consisting of approximately 29.60 acres (the "Large Parcel") located on St. Croix Trail South, Hastings, MN 55033 (PID #1602720410001) and an adjacent small parcel consisting of approximately .91 acres located at 8628 St. Croix Trail South, Hastings, MN 55033 (PID #150272032006)(the "Small Parcel") that was recently transferred to them by Terry Herman by quit claim deed recorded in the office of the County Recorder on January 11, 2011 as Document Number 3826464;

WHEREAS, the Applicants agree to, as part of the requested lot line adjustment, to combine the Large Parcel and the Small Parcel into a single parcel that will consist of approximately 30 acres (the "Herman Property");

WHEREAS, Charles D. Johnson ("Mr. Johnson") is the owner of a 36.55 acre parcel that is adjacent to the southerly lot line of the Herman Property, located at 8973 St. Croix Trail South, Hastings, MN 55033 (PID #1602720440001)(the "Johnson Property");

WHEREAS, the Applicants and Mr. Johnson would like to adjust the lot line of the Herman Property so that the southerly 10 acres of the Herman Property are added to the Johnson Property;

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Denmark Township Development Code, provided the Applicants provide the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application; and

WHEREAS, the Town Board hereby finds and determines as follows with respect to the proposed lot line adjustment:

- a. The properties involved in the proposed lot line adjustment are located within the Town's Agricultural (A-2) zoning district, which requires a minimum lot size of 20 acres;
- b. The Large Parcel does not contain sufficient area to accommodate a lot line adjustment involving the loss of 10 acres. The Large Parcel contains less than 30 acres and separating 10 acres from it would result in an undersized nonconforming parcel. However, the Large Parcel together with the Small Parcel has a combined area of approximately 30 acres, which is large enough to accommodate a 10 acre lot line adjustment.
- c. In order to eliminate the current nonconforming parcel (the Small Parcel), and to avoid creating a new nonconforming parcel by reducing the Large Parcel to less than 20 acres, the two parcels making up the Herman Property must be combined into a single parcel;
- d. The 10 acres being added to the Johnson Property as a result of the lot line adjustment must be formally combined into the Johnson Property as a single parcel;
- e. After the lot line adjustment, and the combination of the resulting portions of the Large Parcel and the Small Parcel, and the combination of the Johnson Property with the newly acquired 10 acres from the Herman Property, the Herman Property will contain approximately 20 acres and the Johnson Property will contain approximately 47 acres; and
- f. The legal descriptions of the properties, both before and after the lot line adjustment, will be set out in the development agreement together with the other requirements and conditions of the lot line adjustment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the findings contained herein, hereby approves the proposed lot line adjustment, conditioned on compliance with all of the following:

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1. No later than 60 days from the date of this Resolution, the Applicants and Mr. Johnson must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants and Mr. Johnson and their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
2. The Applicants shall combine the Large Parcel and the Small Parcel on the same deed into a single parcel with a single property identification number so that the recording of the Herman Property after the lot line adjustment shows a single tax parcel reduced in size by the land being detached to the Johnson Property as a result of the lot line adjustment;
3. Mr. Johnson shall combine the portion of the Herman property being acquired through this lot line adjustment with the Johnson Property on the same deed into a single parcel with a single property identification number so that the recording of the Johnson Property after the lot line adjustment shows a single tax parcel increased in size by the land being acquired as a result of the lot line adjustment;
4. The Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs;
5. The Applicants and Mr. Johnson shall be responsible for developing, executing and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment, and to record a single deed for each of the resulting parcels. All property transfer documents related to this lot line adjustment must be recorded with the County within 120 days of the date of this Resolution and a copy of the recorded deeds provided to the Town within seven days of recording. The Town will record the development agreement at the Applicants' expense and provide the Applicants and Mr. Johnson a copy of the recorded agreement;
6. No density units are being created or transferred as a result of this lot line adjustment. After the lot line adjustment, the Herman Property shall continue to have a total of one (1) density unit and the Johnson Property shall have a total of two (2) density units; and
7. The Applicants and Mr. Johnson shall comply with all terms and conditions of this resolution as well as those of the development agreement.

BE IT FURTHER RESOLVED, this approval of the requested lot line adjustment shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicants and Mr. Johnson fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution; and

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to enter into the development agreement for this lot line adjustment on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 7th day of February, 2011.

BY THE TOWN BOARD

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2011-03

**A RESOLUTION AMENDING AND READOPTING
RESOLUTION NO. 2007-03 RELATED TO ANIMAL CONTROL FEES**

WHEREAS, Denmark Township ("Town") uses the St. Croix Animal Shelter to place the animals it captures running at large in the Town;

WHEREAS, the Animal Humane Society, which operates the shelter, requested all communities that use its shelter to consider reducing the fees they impose on reclaimed animals in order to reduce the collection burden on the shelter; and

WHEREAS, the Town Board desires to amend and readopt its Resolution No. 2007-03 (Resolution Establishing Fees Related to the Regulation and Keeping of Dogs), in which it originally established the fee, to reduce the fee those reclaiming their animals from the shelter are required to pay the Town.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby amends Resolution No. 2007-03 as follows:

1. The administrative fee an owner reclaiming an animal from the shelter is required to pay the Town, which is collected for the Town by the Animal Humane Society, shall be reduced from \$75 per animal to \$25 per animal.
2. The administrative fee applies to all reclaimed animals, including canines, felines, and other domestic animals (e.g., rabbits, guinea pigs, birds, etc.); and

BE IT FINALLY RESOLVED, Resolution No. 2007-03 is hereby readopted with the amendments indicated herein.

Adopted this 7th day of February, 2011.

BY THE TOWN BOARD