

DENMARK TOWN BOARD MEETING MINUTES  
October 6, 2008

**SUPERVISORS PRESENT:** Steve Kramer, Jim Keller, Kathy Higgins, Joe Moore and Gary Dixon  
**ALSO PRESENT:** Attorney Gilchrist, Engineer Winter and Planner Farrington  
**CALL TO ORDER:** Meeting called to order @ 7:00 PM by Chair Higgins

**AGENDA APPROVAL:** Keller added Annual MAT conference and election letter. Higgins added furniture moving. **Motion Keller/2nd Moore to approve agenda as amended.**  
All In Favor. Motion Carried. 5-0

**CONSENT AGENDA APPROVAL:** **Motion Keller/2nd Moore to approve the consent agenda which includes 09/02/08 Board Meeting Minutes, claims #8965-9000, PERA EFT 84739, payroll ending 10/01/2008 and financial reports.**  
All In Favor. Motion Carried 5-0

**HEARING DECISION/ZONING ACTIONS:** Mark/Allison Reuter Variances

Mark Reuter present. Applicant is requesting variances from front, bluff and pipeline easement setbacks to construct a 3 car (36 x 30) detached garage of 1080 sq ft. Plans indicate setbacks of front yard at 21.8 ft, bluff at 11 ft. and underground pipeline easement at 30.4 ft.

SFE District yard setback requirements are: front yard 40 ft., side yard 20 ft. and rear yard 50 ft. River District requires a setback of 100 ft. from the bluff. Ordinance requires a setback of 50 ft. from the edge of a pipeline easement.

Mr. Reuter stated that he will plant 4 six foot evergreens on the south side of the proposed structure for screening purposes. About 6 trees would need to be moved from the proposed site location and he will replace these with Maples, Oaks or Black Hills Spruce at a rate of 2 to 1 for each tree that has to be removed, to be planted on the bluff side of the proposed structure.

Town Planner submitted 09/08/08 report recommending conditional approval of the requested variances and has established findings to support approval of required variances.

Planning Commission recommended conditional approval of the variances required for a 3 car garage.

Washington County has indicated to the applicant that their preference would be for the construction of a 2 car garage. Mr. Reuter stated that a 2 car garage would still encroach on the setbacks and would not achieve his goal of housing vehicles and equipment to maintain his home.

Neighbors Mark and Gail Biondich submitted written comments supporting the requested variances needed to construct a garage as this would create a more pleasing environment for them and their neighbors by housing the multiple vehicles stored on the property.

Attorney submitted draft resolution (including findings) for Board review. Attorney directed to revise resolution to clarify the tree plantings as agreed to by Mr. Reuter and the Board. **Motion Moore/2nd Kramer to approve Resolution 2008-07- Mark/Allison Reuter variance request for a 3 car (36 x 30 ft)**

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accessory structure: variances to allow a front yard setback of 21.8 ft, underground pipeline easement setback of 30.4 ft. and bluff setback of 11 ft. All In Favor. Motion Carried 5-0

**PUBLIC COMMENT:** Residents from Whitetail Crossing Development talked with Board on options for resolving issue of the Prairie Smoke Boulevard signs being removed again. Discussed possibility of renaming street to reduce chance of future vandalism. Dixon will replace the missing signs again and renaming will be revisited if signs are vandalized again.

**BUSINESS ITEMS:**

**Adopt Budget for Payable 2009:** Electors approved the following 2009 budget and levy at the 09/02/08 continuation of the Annual Meeting. The Board certified the levy to the County in the amount of \$543,887 at the 09/02/08 Regular Board Meeting.

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	FROM SAVINGS	CERTIFY LEVY	
GENERAL	153,875		36,361	0	117,514	
SALARIES	63,985	10,000	0	0	53,985	
ROAD & BRIDGE	547,150		17,500	300,000	229,650	
FIRE	124,838		400	0	124,438	
DITCH & TRASH	18,300		0	0	18,300	
PARK & REC	28,720		0	28,720	0	
<b>2009 TOTALS</b>	<b>936,868</b>	<b>10,000</b>	<b>54,261</b>	<b>328,720</b>	<b>543,887</b>	

Motion Keller/2<sup>nd</sup> Kramer to adopt the Budget for payable 2009 in the amount of \$936,868 as presented. All In Favor. Motion Carried 5-0

**Amend Budget for Payable 2008:** At the 07/22/08 Budget meeting, the Board discussed amending the 2008 Budget for the purpose of adding additional funds for paving on Neal Avenue and for acoustic panels and installation, insulation of Town Hall crawl space, a planter bed (to cover pipe area which freezes) and outside light repair at the Town Hall.

**Motion Kramer/2<sup>nd</sup> Moore to amend the 2008 Park/Rec Budget as follows:**

**Total budget for 2008 was \$4,770.**

- 1. Building and structure 520-was \$0. Add \$3900 (\$2500 panels, and \$1200 for install and freight, est. \$163 tax) for acoustic panels and installation, bringing the line item from \$0 to Total \$3900.**
- 2. Misc 430-was \$500. Add \$2400. Poly insulation \$1600 and Planter Bed \$1300-Line item Total \$2900.**
- 3. Grounds Maintenance 383-was \$2000. Deduct -\$1000. Late season start for mowing-Line item Total \$1000.**
- 4. Equipment Repair 400- was \$100. Light repair and replacement for outside park lights. Add \$900- Line item Total \$1000.**

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Add \$6200 to Park/Rec expenditure budget , bringing total budget to \$10,970.  
The \$6200 to be taken from Park/Rec savings. All In Favor. Motion Carried 5-0

Motion Dixon/2<sup>nd</sup> Kramer to amend the 2008 Road and Bridge Budget as follows:

Total budget for 2008 was \$268,300.

1. Road Construction New 43121-was \$150,000. Add \$75,000 (Board consensus to pave 1 mile of Neal Ave. in 2008). Neal Ave.(110-100<sup>th</sup>) work estimated at \$225,000.

Add \$75,000 to Road/Bridge budget, bringing total Road/Bridge budget to \$343,300.  
The \$75,000 will be taken from general savings. All In Favor. Motion Carried 5-0

2008 Budget was amended to reflect an increase of \$81,200 (from \$657,355 to \$738,555), with funds to be deducted from specified funding sources.

2008-09 Recycling Grant Agreement: Attorney and Board reviewed agreement with the County for the 2008-09 Recycling Grant.

Motion Keller/2<sup>nd</sup> Moore to approve Town entering into the 2008-09 Recycling Grant Agreement with the County and authorizing Chair to sign. All In Favor. Motion Carried 5-0

Community Ed Advisory Council: The Town is seeking a representative for Denmark on the Community Ed Advisory Council. Information will be placed in newsletter and posted on the Website.

Denmark Comp Plan-Washington County Comments: Written comments were received from Washington County regarding Denmark's draft Comp Plan. Planner submitted a (10/01/08) report to the Board which addressed the County Comments. County not in agreement with changing the 64 acres located immediately north of the rural commercial/industrial area and south of 120<sup>th</sup> St. from Agricultural to Rural Residential. County not in agreement with changing the 54.3 acres located to the east of the existing Commercial/Industrial area from Agriculture to Rural Commercial/Industrial.

The Board stated that there are existing developments and subdivisions in the Town in these areas that are not noted on the County Land Use Map. Regarding the 64 Ag acres, the existing neighborhood across 120th Street is zoned and developed at a RR density. Some of the property to the East is subdivided into six acre lots. Keller noted that the Comp Plan Task Force, Planning Commission and the Board put a lot of time and effort into the decision to recommend changing the zoning in this area. The decision was a sound one, based on facts and is consistent with the Township Comprehensive Plan goals and policies.

Board directed Planner to contact County staff to discuss township rationale for decisions to re-guide agricultural land to rural residential and commercial, as described in Comp Plan.

Rumpca-Engineering Update: Planner has reviewed CUP and application materials with that of the County. County materials submitted to the clerk for Town File. Planner Farrington, Engineer Winter and Attorney Gilchrist are drafting a letter to Rumpca addressing CUP items pending.

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**Cottage Grove Draft Comp Plan:** Town received a request for review and comment regarding Cottage Grove's draft comp plan. Board authorized Planner Farrington to review map, transportation system and overall policies on behalf of the Town, and prepare comments on draft Plan.

**MAT Annual Conference:** Minnesota Association of Townships Annual Conference will be held November 20-22, 2008 in Alexandria.

**Election Letter:** Discussion on information put out to the public regarding a Denmark question on the November ballot. Basic information regarding question was sent out in the August 2008 newsletter.

**Furniture Moving:** Clerk requested help with arranging cabinets at the Town Hall.

**WMO:** Discussion regarding possible dissolution of LSCWMO, with WMO possibly merging into Valley Branch, South Washington Watershed District, or a combination of both. WMO currently studying issue: exploring costs, alternatives, effects on residents, and implications for communities. Representatives Keller & Higgins to keep Board informed of discussions. Any motion to dissolve the WMO would need to be approved by Denmark Town Board.

**Snaza/Rase/Suburban:** Kennedy-Graven has filed a motion with the court. Attorney will update Board.

**St. Croix Ridge:** Issues related to the pond, easement and road are still outstanding. Current Letter of Credit in the amount of \$23,738 will expire on 03/21/2009. Board directed Engineer Winter to submit an estimate for the cost of completing outstanding items. Attorney and Engineer will continue working on the outstanding issues.

Town Hall acoustic panels have been received and Kramer will arrange installation.

9:32PM **Motion Kramer/2nd Keller to adjourn.** All In Favor. Motion Carried 5-0

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolution 2008-07

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WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2008-07

RESOLUTION GRANTING A VARIANCE FOR THE PROPERTY LOCATED AT 10797 CEDAR  
HEIGHTS TRAIL S.

**WHEREAS**, Mark and Allison Reuter (the "Applicants") are the owners of property located at: 10797 Cedar Heights Trail S., Denmark Township, Minnesota, which is legally described as follows:

Lots 9 and 10, Cedar Heights Addition, Washington County, Minnesota (the "Property");

**WHEREAS**, the Property is located in the Single Family Estate (SFE) District and the St. Croix River Management District (River District);

**WHEREAS**, the Applicants have requested a variance from the front yard, bluff and pipeline easement setback requirements that are contained in the Denmark Development Code (the "Ordinance") to allow them to construct a three car garage on the Property;

**WHEREAS**, the Denmark Township Planning Commission held a public hearing on the requested variance and on September 15, 2008 took action to recommend the Town Board grant the requested variance together with recommended findings and conditions;

**WHEREAS**, the Town Board hereby finds and determines the following:

- (1) The variance application is in harmony with the general purpose of the Official Controls from the standpoint of the use, since accessory structures are allowed in the Single Family Estate District and the St. Croix River Management District;
- (2) A hardship exists because strict enforcement of the bluff and front yard setback requirements would prevent construction of an accessory structure. There is not an alternative location for an accessory structure on the Property that would conform to bluff and front yard setback requirements. This hardship was not created by the Applicants;
- (3) A hardship exists because strict enforcement of the pipeline easement setback requirement would result in the structure having to be a small single car garage that would not be able to house any equipment or other personal property. The dimensions of the proposed garage have been reduced by the Applicants in order to lessen the structure's encroachment into the pipeline easement setback;
- (4) The accessory structure is not a residence, therefore some encroachment into the pipeline setback is less of a concern than if the structure were a residence;

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- (5) The accessory structure will provide for increased driving safety in the winter by keeping the Applicants' vehicles clear of snow and ice;
- (6) The accessory structure will provide additional space for indoor storage of equipment and personal property that is now stored outside, bettering the visual condition of the Property to the benefit of the neighborhood;
- (7) The accessory structure is generally consistent with the essential character of the area. The area is single family residential in character. The building's proposed height, color and building materials are similar to the existing house and it will be screened by vegetation as viewed from the river; and
- (8) The accessory structure's location is consistent with the adopted Comprehensive Plan's River Corridor Policies.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of Denmark Township, Washington County, Minnesota, that a variance is hereby granted to the Applicants to construct a three car garage on the Property subject to and conditioned upon compliance with all of the following:

- (a) Grant of variance by Washington County; and
- (b) Payment of all fees.
- (c) The accessory structure shall be in substantial conformance with the site plan dated September 4, 2008;
- (d) All construction and grading excavation or disruption of the natural ground cover due to the on-site construction shall be resodded by the Applicants within 180 days of the date of issuance of the building permit;
- (e) To the greatest extent possible, vegetation over six inches in diameter shall not be removed;
- (f) The Applicants shall plant two trees for every one tree removed to accommodate the construction of the accessory structure. The trees to be planted shall be maple, oak, spruce, or a similar species of deciduous trees and shall be in addition to the evergreen trees to be planted for screening purposes as provided herein. The replacement trees shall be planted, to the extent reasonably feasible, on the bluff side of the Property;
- (g) The Applicants shall plant at least four evergreen trees that are at least six feet tall on the south side of the accessory structure for screening purposes;

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- (h) The Town may inspect the Property at all reasonable times for purposes of ensuring compliance with the conditions of this variance;
- (i) Adherence to, and continued compliance with, the requirements of this variance, the performance standards established by the Town and such other requirements as may apply;
- (j) Compliance with all applicable federal, state and local laws, rules and ordinances;
- (k) A waiver by the Town or a failure by the Town to take action with respect to any violation of any condition, covenant or term of the variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term;
- (l) Obtaining such other permits or permissions as may be required;
- (m) Applicants shall pay all planning, engineering, administrative, and legal fees and costs incurred by the Town for processing this variance application. In the event any fees are outstanding they will be paid by the Applicants within 14 days of receiving a bill from the Town. In the event the fees are not paid, this variance shall terminate automatically upon recording of a Notice of Nonpayment by the Town;
- (n) All conditions of this variance shall run with the land and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership of the Property and all references to the Applicants herein shall include all heirs, successors and assigns;  
and
- (o) This variance with original signatures will be forwarded to the Town Clerk-Treasurer. The Town shall record this variance at the sole cost of the Applicants. If in the sole discretion of the Town additional documents are necessary for recording, the Applicants will cooperate and sign any and all documents.

Adopted on the 6<sup>th</sup> day of October, 2008.

**BY THE TOWN BOARD**