

DENMARK TOWN BOARD MEETING MINUTES
August 6, 2007

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

ALSO PRESENT: Attorney Gilchrist and Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:01 PM by Chair Higgins

AGENDA APPROVAL: Keller added Comp Plan Task Force Schedule, corner of 122nd & Morgan, 8180 St. Croix Trail S. accessory structure. Higgins added Fire Services.

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

Motion Carried.

CONSENT AGENDA APPROVAL:

Motion Keller/2nd Kramer to approve consent agenda which consists of 07/09/07 Board Meeting Minutes, Claim #'s 8653-8672, payroll ending 07/31/07 and submitted financial reports. All in Favor. Motion Carried.

HEARING DECISION/ZONING ACTIONS:

BRUCE AND SHERRY AKINS VARIANCE:

Bruce Akins presented variance request. Mr. Akins is renovating his 1952 house and is therefore required to update the septic system. The remodeling will result in one less bedroom in the home. He is requesting a variance from the 40 foot bluffline setback to place the new septic in the same location as the current system, which is 25 feet from the bluffline. Due to the topography and the soils on the lot, the Planning Commission and the County are recommending placement of the new septic system in the proposed location.

Motion Moore/2nd Dixon to approve Resolution 2007-08, Granting A Variance From The Bluffline Setback For A Septic System For Akins, as attached. All in Favor. Motion Carried.

VERIZON WIRELESS CONDITIONAL USE PERMIT:

The Planning Commission continued the CUP Application for a new tower to August 20, 2007. Additional information on whether or not co-location is possible, and/or whether the existing tower could be utilized if improvements were made to it was requested.

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PROPOSED ORDINANCE AMENDMENTS:

Motion Kramer/2nd Moore to increase the square footage and add additional tier in the chart of accessory structures as follows:

Lot Area	Total Accessory Structure Square Footage Allowed	Number of Accessory Structures Allowed	<u>Maximum Sidewall Height*</u>
Less than one acre	720 -1000 square feet	1	<u>12 feet</u>
<u>1 acre – 1.99 acres</u>	<u>1,600</u> square feet	1	<u>12 feet</u>
1 <u>2</u> acres – 2.49 <u>4.99</u> acres	1,000 <u>2,000</u> square feet	1 <u>2</u>	<u>14 feet</u>
2.5 <u>5</u> acres – 5 <u>7.99</u> acres	2,000 <u>2,600</u> square feet	2	<u>16 feet</u>
8 <u>8</u> acres – 9.99 <u>9.99</u> acres	<u>3,200</u> square feet	<u>2</u>	<u>16 feet</u>
5.01 <u>10</u> acres – 20 <u>19.99</u> acres	2,500 <u>4,000</u> square feet	2	<u>16 feet</u>
20.01 + acres	<u>Agricultural Buildings:</u> Unlimited <u>Non-Agricultural Buildings:</u> <u>5,000 square feet</u>	<u>Agricultural Buildings:</u> Unlimited <u>Non-Agricultural Buildings:</u> <u>3</u>	<u>*</u> <u>16 feet</u>

*~~provided they are agricultural buildings~~

*Maximum sidewall heights do not apply to agricultural buildings

(C) On parcels with no garage attached to the primary residential structure, a detached garage of up to a total of 864 square feet will be allowed in addition to the maximum total square footage and number of accessory structures provided for in paragraph (B).

(D) The maximum height of an accessory structure shall not exceed 35 feet. All in Favor. Motion Carried.

Motion Kramer/2nd Keller to not accept changed language in Section 4 chapter 2, part 3, section 1.2 (D) permitted as a temporary accessory structure. All in Favor. Motion Carried.

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Motion Keller/2nd Dixon to approve Sections 1, 2, 3 and 4 as submitted with the above mentioned changes. All in Favor. Motion Carried. (See attached Ordinance 2007-01).

Motion Kramer/2nd Moore to approve Resolution 2007-09 Resolution for Publishing Summary Language For Ordinance 2007-01, (see attached resolution). All in Favor. Motion Carried.

Attorney will re-number and re-letter ordinances for clarity.

PUBLIC COMMENT:

Dave Rowe-expressed concern about crop on 122nd & Morgan obstructing traffic site lines. Discussion re: safety issues, fact that some drivers take the curve at excessive speed and on the inside. Engineer will look at to check slope and to make recommendation on action

BUSINESS ITEMS:

Eagle's Watch Mailboxes: Board discussion on location and damage of mailboxes while snowplowing. Policy states reimbursement to mailbox owner is max of \$40.00 if contractor's equipment hits the mailbox. No reimbursement if snow hits the mailbox. Article to be put in newsletter about placement of mailboxes, township responsibility and types of mailboxes allowed. Discussion regarding putting language into future Development Agreements to address the issue.

Website: Discussion on Qwest and website management. Webpage is out of date. Township purchased package from Qwest to increase capacity, but have difficulty working with tech support who say that product is unavailable. Decision to evaluate software/programming available, and purchase recommended software up to \$300. After initial set up should take about 3 to 4 hrs monthly for maintenance. **Motion Dixon/2nd Moore to hire Tracy Fritze as an independent contractor to manage the Website at a fee of \$25.00 per hour. All in favor. Motion Carried.**

Keller Accessory Structure:

9:05 PM Keller and Kramer stepped down from Board. Kramer is selling the accessory structure to Keller. Keller is requesting approval of a 1200 square foot accessory structure at 8180 St. Croix Trail S. to be located between the house and the road. Keller submitted sketch to Board. The proposed location is 146 ft from the North property line, 78 feet from the West line and 85 feet (in a Northeast direction) from the residence. Area on lot is heavily wooded and accessory structure would not be very visible from the road.

Motion Moore/2nd Dixon to approve location of accessory structure at 8180 St. Croix Tr. S. between the house and the road. All in Favor. Motion Carried.

9:10 PM Keller and Kramer returned to position on Board.

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WMO UPDATE: WMO draft rules have been sent to Town. Formal written comment to be sent back to WMO by 09/05/2007. Board authorized Attorney and Engineer to review draft rules and provide comment to Board at September Board Meeting. WMO adopted Karst Plan and updated Joint Powers Agreement.

COMP PLAN UPDATE: Comp plan task force meetings will be on the 1st Wednesday of the month at 4:30 PM at the Town Hall, beginning September 5th.

FIRE SERVICES: Discussion regarding new contract being negotiated between Hastings and the Hastings Rural Fire Association, proximity of northern portion of township to Fire Dept, bridge repairs being projected for summer 2008. Higgins & Dixon will be attending meeting with MnDot and City of Hastings to discuss bridge repair project, and fire & ambulance coverage during time period when bridge is closed. Higgins to explore services for northern portion of township. Extensive discussion about ambulance services, and fact that ambulance service areas are assigned by a state board. Attorney advised that it is possible for Township to levy a fee for fire calls.

LEGAL UPDATES

COLLINS: Attorney Gilchrist reported that the proposed changes requested by Collins to the preliminary plat have been cancelled. Question re: warranty period for stormwater ponds in development. Consensus of Board that a 5 year warranty period is appropriate. Attorney has sent a draft of the Development Agreement to Mr. Collins' attorney.

DATA PRACTICES ACT: Data practices procedures were adopted by the Town Board in 2002. Attorney recommended updating as a number of statutory changes have occurred in the past 5 years. Board directed attorney to update the Township's policy/procedure on Data Practices.

SUBURBAN: Township has received the signed stipulation, but not a complete Conditional Use Permit application.

Motion Moore/2nd Keller to adjourn. All in Favor. Motion Carried.
Meeting adjourned @ 10:24 PM.

Becky Herman
Denmark Township Clerk/Treasurer

See addendums: Resolution 2007-08, Resolution 2007-09, Ordinance 2007-01

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Resolution 2007-08 Akins Variance For Septic System Setback To Bluffline

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-08**

AKINS VARIANCE FOR SEPTIC SYSTEM SETBACK TO BLUFFLINE

WHEREAS, Bruce and Sherry Akins have made application for a Variance to allow a bluffline setback of approximately 25 feet to construct a new septic system;

WHEREAS, the property is located at 15345 110th Street Lane South and is legally described as Tract A, Registered Land Survey No. 13, Washington County, Minnesota, Torrens Property;

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 July 16, 2007, and has recommended approval;

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

- A septic system is required for the property to be put to residential use.
- The hardship is caused by the unique circumstances of the property, in that no other feasible locations exist on the site due to the small size of the property, topography, and soil conditions.
- The installation of the new septic system will help to safeguard the essential character of the locality through removal of a nonconforming system and therefore, better protecting public health.

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

1. That the sewage treatment system is approved by the Washington County Department of Health and Environment.
2. That all fees are paid.

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3. 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;
4. 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.

Adopted this 6th day of August, 2007.

BY THE TOWN BOARD

Kathleen A. Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer

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Resolution 2007-09 Resolution For Publishing Summary Language for Ordinance 2007-01

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-09**

**RESOLUTION APPROVING SUMMARY PUBLICATION FOR
ORDINANCE NO. 2007-01 REGARDING AMENDMENTS TO
THE DENMARK TOWNSHIP DEVELOPMENT CODE**

WHEREAS, on August 6, 2007 the Town Board of Denmark Township adopted Ordinance No. 2007-01 amending the Denmark Development Code regarding amendment procedures and accessory structures;

WHEREAS, Minnesota statute section 365.125, subdivision 2 allows the publication of a summary of an ordinance instead of publishing the whole ordinance;

WHEREAS, the Town Board determines publication of a summary of Ordinance No. 2007-01 is sufficient to clearly inform the public of the intent and effect of the ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby decides to publish the following summary language, which is hereby approved, in lieu of publishing the full text of Ordinance No. 2007-01:

**DENMARK TOWNSHIP
ORDINANCE NO. 2007-01**

**AN ORDINANCE AMENDING THE
DENMARK DEVELOPMENT CODE**

The Town Board adopted Ordinance No. 2007-01 amending the Denmark Development Code by: amending the definitions of accessory structures and agricultural buildings; amending the procedure to make changes to the code and comprehensive plan to accord with statutory procedures; clarifying the process to transfer density units by agreement with the town under certain conditions; allowing two-story accessory structures outside of shoreland areas and the St. Croix Riverway District; allowing additional square footage for a detached garage for residences without an attached garage; limiting the maximum height of accessory structures to 35 feet; and amending the permitted size of accessory structures as follows:

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<u>1 acre – 1.99 acres</u>	<u>1,600 square feet</u>	<u>1</u>	<u>12 feet</u>
<u>1 <u>2</u> acres – 2.49 <u>4.99</u> acres</u>	1,000 <u>2,000</u> square feet	1 <u>2</u>	<u>14 feet</u>
<u>2.5 <u>5</u> acres – 5 <u>7.99</u> acres</u>	2,000 <u>2,600</u> square feet	2	<u>16 feet</u>
<u>8 acres – 9.99 acres</u>	<u>3,200 square feet</u>	<u>2</u>	<u>16 feet</u>
5.01 <u>10</u> acres – 20 <u>19.99</u> acres	2,500 <u>4,000</u> square feet	2	<u>16 feet</u>
20.01 + acres	<u>Agricultural Buildings:</u> Unlimited <u>Non-Agricultural Buildings:</u> <u>5,000 square feet</u>	<u>Agricultural Buildings:</u> Unlimited <u>Non-Agricultural Buildings:</u> <u>3</u>	<u>16 feet</u>

A copy of the full ordinance is available at the Town Hall and can be obtained by contacting the Town Clerk-Treasurer.

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to:

- Post a copy of the full ordinance on the Town Hall bulletin board;
- Place a copy of the full ordinance at the Cottage Grove Public Library and the Hastings Public Library;
- Place a copy of the full ordinance at the Washington County Law Library;
- Provide the Washington County Zoning Administrator a copy of the full ordinance; and

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- Place the ordinance in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted by a unanimous vote of the five-member Town Board of Supervisors on this 6th day of August, 2007.

BY THE BOARD

Kathleen Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer

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Ordinance 2007-01 Ordinance Amendments approved on 08/06/2007

**TOWN OF DENMARK
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2007-01**

AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT CODE RELATED TO ACCESSORY STRUCTURES, AMENDMENTS, AND TRANSFER OF DENSITY UNITS

THE BOARD OF SUPERVISORS OF THE TOWN OF DENMARK, WASHINGTON COUNTY, MINNESOTA HEREBY ORDAINS:

SECTION I: Chapter One, Section 2 of the Denmark Development Code is amended by deleting the stricken language and adding the double underscored language as follows:

SECTION 2. DEFINITIONS

Accessory Structure: A ~~detached~~ single one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes.

Agricultural Building: ~~A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.~~ Shall have the meaning given it in Minnesota Statutes, section 16B.60, subdivision 5 as it may be amended.

SECTION II: Chapter One, Section 16 of the Denmark Development Code is amended by deleting the stricken language and adding the double underscored language as follows:

SECTION 16. AMENDMENTS TO THE DENMARK TOWNSHIP
DEVELOPMENT CODE AND COMPREHENSIVE PLAN

An amendment to this Development Code ~~or the Comprehensive Plan~~ may be initiated by the Township Board, the Planning Commission or by petition of the affected property owners. An amendment not initiated by the Township shall be referred to the Planning Commission for their study, report and recommendation, and may not be acted upon by the Board until it has received the recommendation of the Planning Commission or sixty (60) days have elapsed from the date of ~~the first meeting of the Planning Commission~~

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~~following~~ reference of the amendment without a report by the Planning Commission. No amendment to this Development Code may be adopted until notice is given and a public hearing held as provided in MS §462.357.

An amendment to the Comprehensive Plan may be initiated by the Planning Commission or by resolution of the Township Board submitted to the Planning Commission. The Township Board may not act upon an amendment to the Comprehensive Plan until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date the Township Board submitted the amendment to the Planning Commission for its recommendation. At least one public hearing, preceded by at least ten days published notice, shall be held on the proposed amendment.

~~In connection with the adoption by ordinance of any Comprehensive Plan amendment or adoption or amendment of any Official Control in addition to any notice required by this Development Code notice of the time, place and purpose of the hearing shall be given in the manner provided by MS §394.26.~~

No application for an amendment to the Township Comprehensive Plan or amendment of the official controls shall be resubmitted for a period of (6) six months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION III: Chapter Two, Part 2, Section 1.4 of the Denmark Development Code is amended by deleting the stricken language and adding the underscored language as follows:

1.4 Transfer of Density Units. After the effective date of this Chapter, property owners may, with approval of the Denmark Township Board and upon execution of a development agreement by the Board, ~~development agreements may be amended or created to reallocate~~ transfer density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) within same Section; and 3) the reallocation of density units meets the criteria contained in this Chapter. If a property owner owns contiguous property within two Sections in the same zoning district, the Board will review and determine the allowed number of transfer density units.

SECTION IV: Chapter Two, Part 3, Section 1.2 of the Denmark Development Code is amended (including renumber the paragraphs as needed) by deleting the stricken language and adding the underscored language as follows:

1.2 Accessory Structures. A ~~detached single~~ one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes.

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- (1) Required Permits. A building permit is required for all accessory structures except agricultural buildings on a farm ~~as defined in Minnesota Statute 16B.61.~~ A Certificate of Compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size.
- (2) Performance Standards. The following standards apply in all districts.
 - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more and meeting the definition of agricultural land in Minnesota Statutes, section 273.13, subdivision 23(c) as it may be amended.
 - ~~(B) An accessory structure shall be considered attached to the principal building if it is within six feet or less from the principal building.~~
 - (C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot unless the Town Board approves the location and all setbacks are met.
 - (D) A detached accessory structure, portable unit, or pod will be allowed for a period of no longer than 30 days. An extension of said time will require approval of the Town Board.
 - (E) All accessory ~~buildings~~ structures within the Shoreland Management and St. Croix Riverway District as designated in the Washington County Development Code shall be limited to one story in height, except a loft is allowed provided the ceiling height is less than 7 feet 6 inches.
 - (F) A single story shed of 120 square feet or less is permitted in addition to the permitted accessory structures listed in 1.2 (3) below.
- (3) Agricultural Preserve (AP), Agricultural (A-2), Residential (RR) and Single Family Estate (SFE) Districts. The following additional standards apply to all land within these districts:

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- (A) On parcels less than ~~2.5~~ 2 acres, one accessory structure is allowed. On parcels greater than ~~2.5~~ 2 acres and less than 20 acres, a maximum of two accessory structures are allowed. On parcels greater than 20 acres: (1) there is no limit on the number of accessory structures, provided they are an agriculture building; and (2) a maximum of three accessory structures that are not agriculture buildings are allowed. One single story shed of 120 square feet or less is permitted in addition to the allowed accessory structures. ~~All accessory structures shall be limited to one story in height.~~
- (B) The permitted size and number of accessory structures are as follows:

Lot Area	Total Accessory Structure Square Footage Allowed	Number of Accessory Structures Allowed	<u>Maximum Sidewall Height*</u>
Less than one acre	720 <u>1,000</u> square feet	1	<u>12 feet</u>
<u>1 acre – 1.99 acres</u>	<u>1,600 square feet</u>	<u>1</u>	<u>12 feet</u>
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<u>2.5 <u>5</u> acres – 5 <u>7.99</u> acres</u>	2,000 <u>2,600</u> square feet	2	<u>16 feet</u>
<u>8 acres – 9.99 acres</u>	<u>3,200 square feet</u>	<u>2</u>	<u>16 feet</u>
<u>5.01 <u>10</u> acres – 20 <u>19.99</u> acres</u>	2,500 <u>4,000</u> square feet	2	<u>16 feet</u>
20.01 + acres	<u>Agricultural Buildings: Unlimited</u> <u>Non-Agricultural Buildings: 5,000 square feet</u>	<u>Agricultural Buildings: Unlimited</u> <u>Non-Agricultural Buildings: 3</u>	<u>16 feet</u>

~~*provided they are agricultural buildings~~

*Maximum sidewall heights do not apply to agricultural buildings

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(C) On parcels with no garage attached to the primary residential structure, a detached garage of up to a total of 864 square feet will be allowed in addition to the maximum total square footage and number of accessory structures provided for in paragraph (B).

(D) The maximum height of an accessory structure shall not exceed 35 feet.

SECTION V: This ordinance shall become effective upon its adoption and publication.

Adopted by the Town Board of Denmark Township this 6th day of August, 2007.

BY THE TOWN BOARD

Kathleen Higgins, Chairperson

Attest: _____
Becky Herman, Town Clerk-Treasurer