

DENMARK TOWN BOARD MEETING MINUTES
November 1, 2010

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

ABSENT: None

STAFF PRESENT: Attorney Gilchrist, Planner Farrington, Engineer Geheren

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

AGENDA APPROVAL: Higgins reordered agenda to accommodate residents in attendance. Higgins added Financial Reports Cash Balance and O'Connor's Tree Removal. Moore added Street Signs.

Motion Kramer/2nd Moore approval of agenda as amended. All In Favor. Motion Carried 5-0.

CONSENT AGENDA APPROVAL: Motion Keller/2nd Kramer approval of consent agenda items which include 10/04/2010 Board Meeting Minutes, Claims #9502-9524, PERA EFT 154746, payroll ending 11/01/2010 and financial reports. All In Favor. Motion Carried 5-0.

HEARING DECISIONS/ZONING ACTIONS: Denmark Township Ordinance Amendments (reordered on the agenda as 3rd business item).

PUBLIC COMMENT:

Tony Sieben requested Board to seek stop sign enforcement at the intersection of Margo/122nd Streets.

Charlie Grote commented on the following concerns and observations regarding the Rumpca gravel pit:

Alignment of the Township CUP with the County CUP. County will allow a stockpile east of the east line of the parcel permitted to be mined. Township has not.

The crushing equipment is not located in the bottom of the pit and is always visible. Screening cannot be seen along the south and east perimeter of the site.

Fencing does not appear to be installed on the east.

All topsoil must remain at the site. Appeared black dirt was being hauled away.

Hours of operation have exceeded 6:00 PM.

Recycled material has been dumped on the edge of the pit and is visible. Over 3 years of piled material is visible on the top edge. Per new Town ordinance, imported material shall not exceed 25% of the total volume processed or stockpiled.

Questions regarding an incomplete 2008 checklist (inspections) that should have been completed before operations.

Signage is needed on 80th Street to notify drivers of trucks hauling.

Questioned if Township receives an annual report.

Questioned why the County did the presentation and CUP work required for the CUP renewal instead of the applicant.

John Sonnentag, Surveyor on behalf of Gordon Herman requested clarification re: lot split. Parcel is about 30 acres; owner would like to sell 10 acres to a family member (not the owner of) the adjacent parcel. Property owner not interested in a lot line adjustment as buyer would not be adjacent property owner. Potential buyer has no intention at this time to build on proposed 10 acre parcel. Land is zoned at 20 acre density. Splitting off 10 acres would create a substandard parcel without a density unit. Attorney states that Township cannot create a substandard parcel. On any future applications for subdivision, Town would require an escrow deposit. All outstanding balances from prior zoning actions would need to be paid.

Homestead Estates resident Tracy Anderson requested that the Town do the winter maintenance on St Croix Trail Lane. Development Agreement and Township policy require that 51% occupancy be established before the Town assumes responsibility of winter road maintenance.

DENMARK TOWN BOARD MEETING MINUTES
November 1, 2010

Crashed Toys: Company was noticed with revocation of CUP if permit conditions are not complied with. Bob LaBrosse, Denmark's Building Inspector and code enforcement officer are working with Crashed Toys regarding CUP compliance. Jason Hemp, new manager present. Permit conditions not met include fencing around septic, removal of storage on drainage (pond) area, clearing of fire lane, landscaping. Additionally, Crashed Toys has been using 2 other parcels on 127th/Hwy 10 for storage. Jamie Anderson, owner of 1 parcel was unaware of the usage and requested all be removed from her lot. Crashed Toys rep states that all trailers have been removed from that lot. Second lot (former Gordy's glass) will be cleared 01/01/2010. Business asked for clarification of "decorative" fencing around septic. Business is requesting the use of 2 rail-split rail fence. Consensus that split rail would be acceptable to protect the septic area. Rack storage-business is not looking at this at this time. Landscaping- Business is asking for an extension to do the plantings. CUP required landscaping be done some time ago. Contracted Landscape Company has advised against putting the trees in at this time. Board granted an extension date of June 1, 2011 to complete tree planting and landscaping (perennials will not be required). Building Inspector will notify Crashed Toys of Board approved changes.

Rumpca Excavating: Joe Rumpca in attendance. Mr. Rumpca stated that the 3 wire fence has been in place on all 4 sides of the pit for some time. The pit has never operated after 4:30 PM. No topsoil has ever been taken off the property. Black dirt has been stripped to remove overburden. Mr. Rumpca is requesting to use the property to the east of the mining area (property owned by the same landowner as the pit) for stockpiling. This area would be better regarding noise. There is also not enough property to set up the equipment at the bottom of the pit. The county approved the CUP with this location, subject to Township approval. Planner and Attorney state that the current CUP specifies the location for the stockpile. The Board would not be able to approve the use of location on a parcel that isn't included in the CUP. If applicant wishes to locate stockpile on adjacent property an application for an amended CUP would need to be made. Due to Settlement Agreement, Township permit is out of sync with County renewal cycle. Township permit expires January 31, 2012. County Planner and Washington Conservation District conducted an inspection on 10/13/10. The following operating conditions were checked: setbacks, fencing, hours of operation, screening, dust control, noise, depth of excavation, site clearance, appearance/condition, processing, recycling, access, topsoil/overburden stockpiles, drainage/erosion and reclamation. No violations were found.

Zoning Actions- Denmark Township Ordinance Amendments:

Planning Commission held a public hearing for the ordinance amendments on 10/18/2010 with a recommendation to forward with approval to the Board. Changes in the draft included language in the CUP process to be consistent with the IUP process, and noticing requirements for application/permit processes. Attorney submitted revised draft for Board review.

Motion Moore/2nd Dixon to adopt Ordinance 2010-01 An Ordinance Amending Various Sections Of The Denmark Township Development Code (with zoning map), as presented, with noted changes. All In Favor. Motion Carried 5-0.

Motion Keller/2nd Moore to adopt Ordinance 2010-02 An Ordinance Adopting A Fee Schedule For The Township (with fee table). All In Favor. Motion Carried 5-0.

Motion Moore/2nd Keller to adopt Resolution 2010-10 Approving Summary Language For Publication Of The Revised Denmark Township Zoning Ordinance And Fee Schedule Ordinance. All In Favor. Motion Carried 5-0.

DENMARK TOWN BOARD MEETING MINUTES
November 1, 2010

Corrections to the 2030 Planned Land Use Map were made to reflect changes made during the Comp Plan process. Expansion of Commercial/Industrial area to include 55 acres. Changing 65 acres from Agricultural to Rural Residential. Including 120 acres acquired by DNR as conservancy. 20 acres of O'Connor Park from Agricultural to Conservancy. Ag Preserves land updated. Correction of the boundaries of the St. Croix River District and the Mississippi River District.

Motion Keller/2nd Kramer to adopt the amended 2030 Planned Land Use Map. All In Favor. Motion Carried 5-0.

Eagle's Watch: Town has received complaints regarding tree cutting on Eagle's Watch Conservation Easement B. TKDA inspection found significant tree cutting occurred on the conservation easement. Development Agreement requires a cutting permit from the County prior to any cutting. County has received no requests for permits. Attorney has reviewed reports and documents. The outlots have been created and easements have been recorded, placing restrictions in the outlots. The ordinance, Development Agreement, Conservation easement and declarations reference restrictions in the outlots. Town is the holder of the conservation easements. Homeowner's Association is the owner has the responsibility to maintain the outlots. Board consensus that clearing cannot continue and restoration will be required. Board directed attorney to notice Eagles's Watch Homeowner's Association and the involved lot owners that tree removal is to cease and that restoration will be required.

Board consensus to involve County Planning and County Conservation District regarding restoration requirements.

Motion Keller/2nd Moore to direct legal to send letters of notice to Eagle's Watch Homeowner's Association and involved property owners to stop tree cutting activities and that a restoration requirement will be forthcoming. All In Favor. Motion Carried 5-0.

O'Connor Park Update: Prairie Restorations was awarded the contract for prairie restoration and prairie planting/maintenance in O'Connor's Park. Additional grant funds were made available for the project. Representatives from the Town Board, WCD and Prairie Restorations met to discuss detailed recommendations for both the original restoration work approved and options for expanding the restoration. Total proposed costs are within the grant amount available from the WCD. TKDA submitted 10/26/10 memo recommending Board approval of the proposed scope of work and cost estimate. **Motion Keller/2nd Moore to approve the scope of work and cost estimate for the restoration work at the O'Connor Nature Preserve, including restoration of both prairie remnants, restoration work in the woodlands, and prairie clearing and planting in the Phase 1 area, not to exceed \$38,900.00, as outlined in TKDA 10/26/10 memo. Chair authorized to sign contract. All In Favor. Motion Carried 5-0.**

Allison/Burger Accessory Structure: Residents submitted request and sketch for the location of an accessory structure between the house and the road. Only other option for placement would be between the house and the river, on a slope. **Motion Dixon/2nd Keller to approve Allison/Burger Accessory Structure location between the house and the road, as submitted. All In Favor. Motion Carried 5-0.**

Winter Road Maintenance: Dixon met with contractor. Contractor has dedicated additional equipment to Denmark. Concerns regarding sand/salt application, drifting and timely plowing have been addressed. Discussion re: use of light vehicles for winter maintenance use. Contract could be amended to include different rate if light vehicles are used by contractor for certain snow removal areas. **Motion Keller/2nd Kramer to authorize contract to be amended to include \$70.00/hr rate for use of light vehicles used if contractor is agreeable. Dixon authorized to negotiate. Chair authorized to sign. All In Favor. Motion Carried 5-0.** Attorney will draft amendment if terms are agreed upon. Attorney recommended Board review current snow plowing policy and consider a discretionary plowing policy. Attorney will forward sample policies.

Critical Area: DNR has added new information on their website. Revised standards are not available yet.

DENMARK TOWN BOARD MEETING MINUTES
November 1, 2010

Homestead Estates Wetland Mitigation: When Homestead Estates Development was approved, Wetland Mitigation was required. Conservation District conducted an inspection and subsequently sent letter to developer to proceed with wetland mitigation plan. Washington Conservation District will continue to work with Homestead Estates to complete the replacement area.

Wire Transfers: Town has received information from the Department of the Treasury regarding a recent proposed regulation that would require Federal deposits to be made electronically. Washington County has requested that any tax and special assessment payments made to municipalities be by wire transfer. State of Minnesota has requested that municipalities enable them to make payments through an electronic fund transfer.

Motion Keller/2nd Kramer to approve Town participation in wire transfers, electronic fund transfers and payment of federal withholding deposits for Federal, State and County transactions. All In Favor. Motion Carried 5-0.

Cash Balance Report: US West/Peller and US West/Pt. Douglas have escrow balances of \$767.40 and \$717.82 respectively and these balances have remained with the Town for a number of years. All efforts to contact parties regarding the refunding of these amounts have failed and no parties can be identified as attributable to these funds, therefore they are surplus and should be transferred to the general fund. Whereas, we the Board find that no parties can be identified as attributable these funds, therefore we find that the funds are surplus and should be transferred to the general fund. **Motion Keller/2nd Dixon to transfer the surplus of \$767.40 in US West/Peller escrow and the surplus of \$717.82 in US West Pt. Douglas escrow to the general fund.** All In Favor. Motion Carried 5-0.

DeBaker Certificate of Compliance- remaining escrow balance of \$4.82. Board directed to refund on December claims.

Town Hall Tree Watering: Concerns regarding watering new pines at the Town Hall. Dixon will speak with Evergreen Transplanting and explore options for assuring that trees are watered yet this fall.

O'Connor Park Tree Removal: Eagle's Watch Homeowner's Association asked if trees could be removed from from O'Connor Park. Board consensus not to invite public to take trees from O'Connor Park due to diseases.

Retroreflective Signs: Moore attended informational meeting regarding new sign legislation. Moore interested in doing sign inventory for Denmark. Moore will keep Board updated.

LEGAL REPORTS:

Point Douglas Plat: Attorney reviewed request of a lot owner in Pt. Douglas Plat, in which there was no established public road frontage. Lot owner was advised that if he were to pursue development, he would need to come forward with a written plan for Board review.

10:20 PM **Motion Dixon/2nd Kramer to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2010-10

DENMARK TOWN BOARD MEETING MINUTES
November 1, 2010

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2010-10

RESOLUTION APPROVING SUMMARY LANGUAGE FOR
PUBLICATION OF THE REVISED DENMARK TOWNSHIP
ZONING ORDINANCE AND FEE SCHEDULE ORDINANCE

WHEREAS, on November 1, 2010 the Town Board of Denmark Township ("Town") adopted AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE DENMARK TOWNSHIP DEVELOPMENT CODE, ordinance number 2010-01, and AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE TOWNSHIP, ordinance number 2010-02, (collectively the "Ordinances");

WHEREAS, the Ordinances amend a number of sections of the Development Code and adopts a new fee schedule for the Town;

WHEREAS, Minnesota statute, section 368.01, subdivision 21 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

WHEREAS, the Ordinances have a combined length of approximately 42 pages long and the Town Board determines that publishing the full text of the Ordinances is not feasible and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinances:

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

ORDINANCE AMENDING THE DENMARK
TOWNSHIP DEVELOPMENT CODE AND AN
ORDINANCE ADOPTING A FEE SCHEDULE

The Town Board of Denmark Township adopted Ordinance No. 2010-01 amending a number of sections of its Development Code and Ordinance No. 2010-02 adopting a fee schedule for the Town. The development code amendments include a number of administrative changes, reclassifies commercial kennels and mining as interim uses, creates an interim use permitting procedure, amends permit notification requirements and revocation procedures, amends sections related to right-to-farm, nonconforming uses, code amendments, administrative fines and appeals, and amends the zoning map with respect to certain properties. The fee ordinance adopts an updated fee schedule. A full copy of both ordinances is available on the Town's website, the Washington County Law Library, Washington County-Cottage Grove and Dakota County-Hastings Public Libraries, and can be obtained by contacting the Town Clerk-Treasurer.

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

- Maintain copies of the full Ordinances at the Town Hall;
- Place copies of the full Ordinances at the Cottage Grove and Hastings Public Libraries;
- Place copies of the full Ordinances at the Washington County Law Library;
- Record a copy of the Development Code ordinance with the County Recorder's office; and
- Place the Ordinances in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted this 1st day of November, 2010.

BY THE TOWN BOARD