

DENMARK TOWN BOARD MEETING MINUTES  
AUGUST 1, 2005

**SUPERVISORS PRESENT:** Jim Fitzpatrick, Kathy Higgins, John Kummer and Gary Dixon

**ABSENT:** Jim Keller

**OTHERS PRESENT:** Attorney Shoeberg, Engineer Geheren

**CALL TO ORDER:** Meeting called to order at 7:04 PM by Chair Fitzpatrick

**AGENDA APPROVAL:** Kummer added Specialized Acres 3<sup>rd</sup> Addition re: drainfield discussion.

Attorney added Homestead Estates. Attorney gave Board Incorporation information he will discuss during legal reports. Motion Higgins/2<sup>nd</sup> Kummer to approve Agenda as amended. Motion Carried.

**CONSENT AGENDA APPROVAL:** Higgins pulled financial reports. Motion Higgins/2<sup>nd</sup> Kummer to approve remainder of Consent Agenda. Higgins proposed write-off of escrow balances for the following: DLO-\$8.00, Schneider \$8.00, Sanders \$8.00 and Gossman \$1.40. Refund proposed to Radke for the escrow balance of \$196.78. Attorney will check to see if Radke account is clear. Motion Higgins/2<sup>nd</sup> Kummer to write off the 4 above mentioned account balances. Motion Carried. Motion Higgins/2<sup>nd</sup> Kummer to approve the financial reports. Motion Carried.

**HEARING DECISIONS/ZONING ACTIONS:**

**D & M Land Development, LLC- Harald Ericksen presented for D & M Land Development.**

Applicant proposing 40,000 sq ft industrial building on 3.44 acres. Additional trees were added on the South side as requested. Drainage calculations were submitted to the Engineer. Higgins reported Planning Commission recommended approval of Conditional Use Permit subject to conditions. Motion Higgins/2<sup>nd</sup> Kummer to approve Conditional Use Permit subject to the following:

1. No outside storage shall be allowed.
2. The trash area shall be located on the plans.
3. No additional impervious areas shall be allowed.
4. Additional landscaping shall be provided between the southwest building façade and the Margo Avenue public right-of-way.
5. A grading, drainage and erosion control plan shall be submitted for the Township Engineer's review and approval.
6. Site lighting shall comply with the Township Lighting ordinance. Voting in favor; Fitzpatrick, Kummer and Higgins. Dixon abstained. Motion Carried.

**PUBLIC COMMENT:**

Douglas Bauer, owns lot in St Croix Ridge. Requesting to bring driveway in from 110<sup>th</sup> Street. Attorney explained that Board gave approval for the road in the plat. Board can act on an individual's request after the final plat.

John Pontius-re: St Croix Valley bike path. Disagreed with Board position. Board reaffirmed its position (Resolution 2005-05).

Clerk received Sheriff's report.

**BUSINESS ITEMS:**

**St Croix Ridge-final plat approval-** Pat Carpenter (Only change on final plat was the pond located West of Paris Avenue S. The pond outline was changed to take advantage of better material that was found when excavating. Attorney sent Riegel a draft of the Development Agreement and collected \$10,000 for Escrow and \$10,000 for Lot split Park Dedication fee. Board discussion on responsibility of pond maintenance. Development Agreement charges individual property owners with pond maintenance responsibility. Riegel would like that changed to Township responsibility. Second issue- Riegel would like Board to change policy of Township taking over the road only after 51% of housing has occurred. Board will not support that change. Motion Kummer/2<sup>nd</sup> Fitzpatrick to approve final plat for St Croix Ridge with authorization to change the Development Agreement so developer would be responsible for maintenance of pond for 3

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years, and by the end of the 3 year period, the Board will determine whether to use a storm/water utility district or a general fund maintenance program to maintain the ponds. Fitzpatrick, Dixon and Kummer in favor. Higgins opposed. Motion Carried.

8:17 PM Kummer took seat in audience.

**Specialized Acres possible new phase road access**-Roger Sigler presented. MN DOT in agreement with proposed plat. Are requiring relocation of Maycrest Avenue to Highway 61. Board not in agreement with MN DOT requirements. Directed Attorney to draft a resolution and directed Engineer to write a letter to accompany Resolution to be sent to MN. DOT., stating Board's opposition to MN DOT proposal and requiring a developer to purchase any private property. Motion Higgins/2<sup>nd</sup> Fitzpatrick authorizing Attorney to draft resolution as discussed outlining Board opposition to MN DOT requirements. Higgins, Fitzpatrick and Dixon in favor. Motion carried. Higgins requested copies of both the Resolution and Engineer's letter for Township files.

8:34 PM Kummer left audience and resumed position on Board.

**Specialized Acres 3<sup>rd</sup> Addition**- Engineer talked on Community septic system. Motion Kummer/2<sup>nd</sup> Higgins to table discussion to study alternatives. Motion Carried.

**Eagle's Watch-Re:Trail.** Trails are mostly installed. On the portion not installed, there is a problem with grade of land for trail installation. Additional problem with neighbors having planted trees in proposed path area. Board consensus is that the Engineer meet with the representative for the Developer (Stanton) to discuss trail. Board prefers that trail end at the pond and that developer provide some compensation (per Engineer's estimate) for the homeowner's Association, for incomplete portion of the trail. Attorney will contact Stanton on possibly amending Development Agreement. Engineer will ask for an additional year of warranty for possible weaknesses, as road patching was done without inspection.

**Scheduling Budget Meeting**-Reconvened annual meeting is September 12, 2005. Budget meeting is set for Monday, August 29, 2005 at 7:00 PM.

**Ordinance Update**-When Attorney and Engineer have their part finished, clerk will receive it. Draft will be reviewed by Board. When final draft is ready, it will be sent to regulatory agencies and they have a comment period of 30 days. Public hearing will be scheduled, changes made if necessary and then Board can adopt the summary and the Ordinance. Only summary will need to be published and ordinance will be effective.

**Town Hall gutters**-Dixon will get gutter estimates for Board review.

**Homestead Estates**- Attorney reported that Lyla Davies requested building permit for her 2 lots. Board consensus was yes for the 2 lots. Fitzpatrick asked that Open Space in this development be placed on Sept. Board agenda. Clinton requested Board to consider giving grading permit to Homestead Estates, recognizing plat approval is on hold until Ordinances are finished. Board approved issuing grading permit.

**LEGAL REPORTS:**

**Klopf**-Will try to get \$500 payment taken care of by September 1. 2005.

**Suburban**- Reuter to be out by Wednesday, August 3, 2005. Reuter has removed most of his property except for a boat in back and a boat in front. Babcock still has tires there. Attorney will advise when property is sold.

**Rumpca** – Report on communication between LeTendre, Shoeberg & Jack Clinton.

**Incorporation**- Board received Scandia Incorporation Study for review.

Motion Kummer/2<sup>nd</sup> Dixon to adjourn. Motion Carried.

Becky Herman  
Clerk/Treasurer

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