

DENMARK TOWN BOARD MEETING MINUTES
December 7, 2009

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

ABSENT: None

STAFF PRESENT: Attorney Gilchrist, Attorney Sonsalla

CALL TO ORDER: Meeting called to order @ 7:03 PM by Chair Higgins

AGENDA APPROVAL: Keller added Rumpca Pit. Higgins added Billing Statement and removed Possible Ordinance Amendments and Park Master Plan. Removed items will be added to January agenda.

Motion Moore/2nd Dixon to approve agenda as amended. All In Favor. Motion Carried 5-0.

CONSENT AGENDA APPROVAL: Motion Keller/2nd Moore to approve consent agenda which includes 11/05/2009 Board minutes, Claims for Approval #9261-9285, PERA EFT 123228, payroll ending 12/01/2009 and financial reports. All In Favor. Motion Carried 5-0.

HEARING DECISION/ZONING ACTIONS: None

PUBLIC COMMENTS: None

BUSINESS ITEMS:

Gordon Herman Lot Line Adjustment: Jon Sonnentag, S & N Land Surveying presented. Gordon Herman proposes to adjust the lot lines between 2 parcels that he owns. Existing Parcel "1" is 23.69 acres. Existing Parcel "2" is 0.34 acres. Request is to enlarge parcel 2 to 3.115 acres which would include tower, corn drying operation and mobile home on it. Parcel 1 would be reduced to 20.915 acres and maintain the current access and portion of the property utilized for agricultural production. Number of density units would remain the same. Parcel 1 would have 3 density units, while parcel 2 would have 1 density unit. Applicant will be required to enter into a Development agreement with the Township. Attorney submitted draft resolution for Board review. Note: condition 1 will be changed to reflect that the Development Agreement will be entered into no later than 60 days, rather than 15 days as stated on the draft resolution. **Motion Moore/2nd Kramer to adopt Resolution 2009-12 Approving a Lot Line Adjustment for properties located at 8427 St. Croix Trail South, with noted change. All In Favor. Motion Carried 5-0.** Attorney will send draft Development Agreement to Sonnentag.

WMO Boundary Petition: In May 2009, the board of Water & Soil Resources (BWSR) approved a petition submitted by Washington County and approved by the Town of Denmark, cities of Cottage Grove, Afton, and Hastings to dissolve the Lower St. Croix WMO and move the Kelles Coulee subwatershed into the Valley Branch Watershed District (VBWD). Balance of former LSCWMO to merge with the South Washington Watershed District (SWWD). Woodbury petition to BWSR Board to change the boundaries is on 12-16-09 full BWSR Board agenda for action. Petition request and current recommendation from BWSR subcommittee will overturn decision made by BWSR on 05/27/09. Petition is requesting that watershed district boundaries be based on major hydrologic lines, which will result in Denmark being split. A large part of the township is being recommended to be incorporated into the Valley Branch Watershed District. Costs to individual residents would increase significantly due to fact that Valley Branch requires permitting and charges fees. SWWD has a review process and does not charge review fees. Additionally, administrative costs, funded through an ad valorem tax are 18% in VBWD and 8% in SWWD. Letter being drafted by Denmark, Afton, Cottage Grove, and Hastings to be sent to BWSR Board members and BWSR Staff prior to 12-16-09 BWSR meeting. Board consensus to send letter stating concerns. Clerk to post 12-16-09 meeting as public meeting so that all Board members may attend.

O'Connor Property Trees: The property is being improved for use by the Town as a prairie nature preserve. Residents will be able to remove trees from portions of the property that will be marked for removal in the spring. Further information on removal of trees will be posted on the website closer to spring.

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131st St Court Erosion: Moore reported that he met on site regarding an erosion issue. Water Conservation district is suggesting township financial participation in possible grant proposal. Board consensus that responsibility is not the Town's. It is really a watershed issue. Township policy is that Town does not subsidize projects for individual property owners.

MnDOT Project Hwy 61: Upon review of the MnDOT plans for Hwy 61 resurfacing project, it appears that turn lanes are not included at the intersections of 120th and 122nd Streets. Engineer has drafted a response letter on behalf of Denmark Township requesting turn lanes at the above intersections.

Pechacek Lot Line Adjustment Development Agreement: Board received draft Development Agreement for review. Development Agreement has been sent to applicant for signatures.

2010 Final Levy Certification: Motion Keller/2nd Dixon to certify the 2010 Final Levy in the amount of \$492,374. All In Favor. Motion Carried 5-0.

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	84,165		26,853	0	57,312		
SALARIES	64,886	150	13,012	0	51,724		
ROAD & BRIDGE	240,650		14,400	0	226,250		
FIRE	142,188		400	0	141,788		
DITCH & TRASH	15,300		0	0	15,300		
PARK & REC	73,770		6,020	67,750	0		
2010 TOTALS	620,959	150	60,685	67,750	492,374	-33.7%	-9.5%

2010 Development Review Schedule: Motion Keller/2nd Moore to approve 2010 Development Review Schedule. All In Favor. Motion Carried 5-0. Post meeting dates and notice of possible Board quorum at Planning Commission meetings.

APPLICATION SUBMISSION DEADLINE	NEWSPAPER PUBLICATION DEADLINE	PUBLICATION DATES	PLANNING COMMISSION MEETING (3rd Monday)	TOWN BOARD MEETING (1st Monday)	
11/16/09	12/07/09	12/10/09 & 12/17/09	12/21/09	01/04/10	
12/21/09	01/04/10	01/07/10 & 01/14/10	**01/19/10	02/01/10	01/18/10 Martin Luther King
01/19/10	02/01/10	02/04/10 & 02/11/10	**02/16/10	03/01/10	02/15/10 President's Day
02/16/10	03/01/10	03/04/10 & 03/11/10	03/15/10	04/05/10	
03/15/10	04/05/10	04/08/10 & 04/15/10	04/19/10	05/03/10	
04/19/10	05/03/10	05/06/10 & 05/13/10	05/17/10	06/07/10	
05/17/10	06/07/10	05/27/10 & 06/03/10	06/21/10	07/05/10	
06/21/10	**07/05/10	07/08/10 & 07/15/10	07/19/10	08/09/10	
07/19/10	08/02/10	08/05/10 & 08/12/10	08/16/10	**09/07/10	09/06/10 Labor Day
08/16/10	**09/03/10	09/09/10 & 09/16/10	09/20/10	10/04/10	
09/20/10	10/04/10	10/07/10 & 10/14/10	10/18/10	11/01/10	
10/18/10	11/01/10	11/04/10 & 11/11/10	11/15/10	12/06/10	
11/15/10	12/06/10	12/09/10 & 12/16/10	12/20/10	01/03/11	
12/20/10	01/03/11	01/06/11 & 01/13/11	**01/18/11	02/07/11	01/17/11 Martin Luther King
01/18/11	02/07/11	02/10/11 & 02/17/11	**02/22/11	03/07/11	02/21/11 President's Day

** any meeting date which falls on a holiday is set for the following day

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Amend 2009 Budget: Discussion regarding unused budget items. Road/Bridge Budget -summer road work (9000) and gravel (21,000): contract not in place until late summer. Sand/Salt (6000) excess. Paving (300,000) and reclaim/overlay (60,000) projects not done, decision based on economic situation. Total Road/Bridge unused \$396,000.

General Budget –Legal (15,000) and WMO (58,000), WMO dissolution. Total General unused \$73,000.

Motion Higgins/2nd Dixon to amend the 2009 Budget as follows: Reduce the Road/Bridge Budget by \$396,000 (from 547,150 to 151,150). Reduce the General Budget by \$73,000 (from 153,875 to 80,875).
All In Favor. Motion Carried 5-0.

2009 Financial Audit-Oberloh & Associates, LTD: Estimated 2009 Financial Audit is \$4250.00.

Motion Kramer/2nd Keller to approve 2009 Financial Audit services by Oberloh & Associates at an estimated cost of \$4250. All In Favor. Motion Carried 5-0.

Billing Statement: Discussion regarding code enforcement charges billed to Lang escrow.

Motion Dixon/2nd Kramer to transfer Lang escrow code enforcement charges to general expense in the amount of \$893.26. All In Favor. Motion Carried 5-0.

Rumpca Gravel Pit: Routine County Inspection done at Rumpca gravel pit 11/05/2009. Supervisor Jim Keller, County Planner Dennis O'Donnell and Pete Young (Washington County Conservation District) met at site. Keller will stay in touch with County on regulatory compliance. Dixon has ordered and will replace stop sign on Oakgreen & 80th Streets. Discussion regarding posting 35 or 45 mph speed limit signs on Oakgreen will be addressed in the spring.

Escrow Refund Request: Frank Femling has sent a letter of request for the refund of his escrow balance. The Development Agreement requires a minimum escrow balance of \$2500 until the applicable warranty period has expired. Warranty is a 2 year period after the Town accepts the road. Road cannot be accepted until 9 homes in the development are occupied. Board directed clerk to send letter of response.

LEGAL REPORTS:

Driveway access: Resident is working with Inspectron on placement of Oakgreen driveway access.

Legal Ordinance Review: Attorney recommends Board and Legal review of ordinances. Board consensus to approve Legal review of Town Ordinances.

9:14 PM **Motion Moore/2nd Dixon to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2009-12

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2009-12

RESOLUTION APPROVING A LOT LINE ADJUSTMENT
FOR PROPERTIES LOCATED AT 8427 AND 8421 ST. CROIX TRAIL SOUTH

WHEREAS, Gordon W. Herman has applied for a lot line adjustment for his properties located at 8427 and 8421 St. Croix Trail South, Hastings, MN 55033 ("Applicant");

WHEREAS, the Applicant is the fee owner of 8421 St. Croix Trail South, which consists of approximately .34 acres (the "Small Parcel");

WHEREAS, the Applicant is also the fee owner of 8427 St. Croix Trail South, which consists of approximately 23.69 acres and is adjacent to the Small Parcel (the "Large Parcel");

WHEREAS, the proposed lot line adjustment would adjust the property line between the Large Parcel and the Small Parcel, resulting in approximately 2.775 acres of the Large Parcel being added to the Small Parcel;

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

WHEREAS, the Town Board determines the proposed lot line adjustment is consistent with its zoning ordinance.

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

1. No later than 60 days from the date of this Resolution, the Applicant must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicant, his heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances; and
2. The Applicant shall be responsible for reimbursing the Town for all costs incurred related to processing his application including, but not limited to, professional costs; and
3. The Applicant 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. The Town will record the development agreement at the Applicant's expense; and
4. No density units are being transferred as a result of this lot line adjustment. The Large Parcel shall continue to have a total of three density units and the Small Parcel shall have a total of one density unit.

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 Applicant fails to enter into a development agreement in a form acceptable to the Town, fails to comply with the provisions of the development agreement, or fails 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 December, 2009.

BY THE TOWN BOARD