

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

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

**ABSENT:** None

**ALSO PRESENT:** Attorney Gilchrist and Planner Farrington

**CALL TO ORDER:** Meeting called to order @ 7:26 PM by Chair Higgins

**AGENDA APPROVAL:** Moore added Tzenis-131<sup>st</sup> St. erosion and census. Keller added gravel pit fence. Higgins added gravel tax and Rygh resolution. **Motion Moore/2nd Kramer to approve agenda as amended. All In Favor. Motion Carried. 5-0.**

**CONSENT AGENDA APPROVAL:** Higgins pulled the claims. **Motion Keller/2nd Kramer to approve balance of consent agenda which includes 08/03/2009 Board minutes, PERA EFT 114857, payroll ending 09/01/2009 and financial reports. All In Favor. Motion Carried 5-0.**

Pulled Claims: Clerk added Claim #9221 in the amount of \$2500. Claim to return summer maintenance bid security to Wagner Grading. **Motion Kramer/2<sup>nd</sup> Dixon to approve Claims for Approval which consists of Claims #9200-9221. All In Favor. Motion Carried. 5-0.**

**HEARING DECISION/ZONING ACTIONS:** NONE

**PUBLIC COMMENT:** NONE

**HASTINGS FAMILY SERVICE:** Presentation made by representatives of Hastings Family Service. HFS is a private, non-profit, community-supported agency that provides assistance and support to cities and Towns located within ISD 200. Programs and services available include Food Shelf, Clothes Closet, Emergency Grants, Medical/Dental Grants, School Assistance, Emergency Supplies, Meals on Wheels, Transportation/chore Services, Holiday Assistance, and Information/Referral to services available from other providers. For information on any of the services available, or to donate clothing, food, household items or monetary donations, call HSF at 651-437-7134 or access their website @ [www.hastingsfamilyservice.org](http://www.hastingsfamilyservice.org)

**BUSINESS ITEMS**

**Winter Roads Maintenance Contract:** All Weather Services was the lowest bidder for the winter roads maintenance contract. Award of the contract was delayed in order for Dixon and Moore to contact the company to assure that contract criteria would be met. Dixon reported that the company has been in business for 15 years and has the necessary equipment for winter road maintenance. Contractor is able to make arrangements to house equipment in close proximity of the Township. Company experience includes landscaping and snow removal of development roads and parking lots. Company has worked for watershed districts putting in rain gardens. Moore checked out references from Ramsey County roads supervisor and the manager for shopping center lots and both were pleased with the company's performance, promptness and reliability. Dixon and Moore recommend awarding winter maintenance contract to All Weather Services. **Motion Dixon/2<sup>nd</sup> Moore to award the 3 year winter maintenance roads contract to All Weather Services at a rate of \$95 per hour. All In Favor. Motion Carried 5-0.**

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**Washington County Comp Plan:** Planner submitted 07/23/09 memo regarding her review of the Washington County draft 2030 comp plan. Planner will draft comment letter to the County reflecting the following:

- 1) Township plan was approved with a year 2000 employment number of 300, not 386 as the county plan reported.
- 2) County Plan shows properties along the St Croix and Mississippi Rivers as Rural Residential where the Town shows these areas as Single Family Estate/Semi Rural. Comment that the Town understands the future land use map will be revised to show Semi Rural to match existing zoning along the rivers.
- 3) Appreciation of the County's willingness to work with the Town on land use planning. County future land use map is consistent with the Town map to include the residential land use change made by the Town near specialized Acres, Norwich/Nyberg and at 122<sup>nd</sup>/St Croix Trail.
- 4) Comment stating that the Town looks forward to working with the County and Met Council to determine the potential for a Park and Ride facility in Denmark Township.
- 5) Recommendation that St Croix Trail should be reclassified to management because it needs safety improvements in addition to roadway surface maintenance.
- 6) Comment in support of the County's land use plan in that it maintains the residential zoning of the private property identified for potential park acquisition.

**2010 Budget Adoption and Proposed payable 2010 Levy Certification:** The following 2010 budget and levy recommendation was presented and approved at the 09/08/09 reconvened Annual Meeting:

|                    | 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              |                 |               |
| <b>2010 TOTALS</b> | <b>620,959</b> | <b>150</b> | <b>60,685</b> | <b>67,750</b> | <b>492,374</b> | <b>-33.7%</b>   | <b>-9.5%</b>  |

Park/Rec Budget items include Town Hall Park Improvements-\$50,000 and O'Connor Family Memorial Nature Preserve Improvements-\$15,000. All Park/Rec expenditures will be withdrawn from Park/Rec savings.

**Motion Keller/2<sup>nd</sup> Dixon to adopt the 2010 Budget in the amount of \$620,959 as presented.**

**All In Favor. Motion Carried 5-0.**

The 2010 Budget reflects a decrease of 33.7%

**Motion Kramer/2<sup>nd</sup> Moore to certify the Proposed property Tax Levy for Payable 2010 in the amount of \$492,374 as presented. All In Favor. Motion Carried 5-0.**

The 2010 Levy reflects a decrease of 9.5%

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**Parks Master Plan:** O'Connor Nature Preserve update-Trees will be marked for clearing. Kramer will check on high tensile fencing. Dixon will contact Engineer to mark corners of property. Planner will update Pat O'Connor.

**131<sup>st</sup> Street Erosion:** Moore met with homeowners affected by washouts on 131<sup>st</sup> St. Court. Water washing over the road and through the culvert runs into a canyon causing erosion issues. Issue has been referred to the South Washington Watershed District. SWWD will inform Town of their findings.

**Rumpca Gravel Pit:** Keller will continue monitoring fence installation on the site.

**Census:** Moore reported that the Census Bureau is giving entities the opportunity to register any known new construction since the census address data has been sent in. Moore will contact Inspectron regarding new construction info.

**LEGAL REPORTS**

**Gravel Tax:** Washington County has reported that there had been a gravel tax reporting error made by a mining operator between the years of 2002-2007. Attorney has reviewed the matter and submitted a Satisfaction and Release document for Board review, which is required to be executed in order to receive an additional \$955.21 in gravel tax. **Motion Keller/2<sup>nd</sup> Kramer to approve execution of Gravel Tax Satisfaction and Release. All In Favor. Motion Carried 5-0.**

**Rygh Resolution 2009-08:** Resolution 2009-07 Rygh Administrative Lot Split which was approved on 07/06/2009 contained some language which could interfere with the pricing of the property in the sale. Public Trust asked Attorney to review. Attorney submitted draft Resolution 2009-08 Amending and Restating Resolution 2009-07.

**Motion Moore/2<sup>nd</sup> Dixon to adopt Resolution 2009-08, A Resolution Approving An Administrative Lot Split For the Rygh property Located In Section 20, which amends and restates Resolution 2009-07. All In Favor. Motion Carried 5-0.**

Attorney will Draft Development Agreement.

**Homestead Estates:** Public hearing for a Variance for the over length cul-de-sac is scheduled for 10/19/09. Wear course is presently being put down.

**Rieter-Fielcrest 2:** Attorney is communicating with lot owner regarding Town ordinances on site preparation and the clearing of trees.

9:00 PM **Motion Kramer/2<sup>nd</sup> Dixon to adjourn. All In Favor. Motion Carried 5-0.**

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolution 2009-08

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**DENMARK TOWNSHIP**  
**WASHINGTON COUNTY, MINNESOTA**  
**Resolution No. 2009-08**  
**Amending and Restating Resolution No. 2009-07**

**RESOLUTION APPROVING AN ADMINISTRATIVE LOT  
SPLIT FOR THE RYGH PROPERTY LOCATED IN SECTION 20**

**WHEREAS**, Mike Rygh, on behalf of Rygh. L.L.C., (“Applicant”) has applied for an administrative lot split for the property described as follows:

The Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 20, Township 27 North, Range 20 West, Washington County, Minnesota; and the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 20, Township 27 North, Range 20 West, Washington County, Minnesota (“the Property”);

**WHEREAS**, the proposed lot split will divide a parcel containing approximately 40.48 acres from the Property which consists of the parcels labeled as Parcel 1 and Parcel 2 on the map attached hereto as Exhibit A and described in the attached Exhibit B (the “Lot”);

**WHEREAS**, the Town Board determines as follows:

- a. The Property is zoned AG with a density of 2 dwelling unit(s) per 40 acres;
- b. The Lot is being split from two 40 acre parcels;
- c. The density allocation after the split will be as follows:
  - 1) Combined number of density units on the Lot: 2 density unit(s); and
  - 2) Combined number of density units on the Property retained by Rygh: 2 density unit(s);
- d. The proposed lot split is consistent with the Denmark Township Development Code;
- e. The Lot is being made part of a larger tract of land that has access on a public road and additional access will be provided by a private driveway to be established to the Lot;
- f. No new streets or roads are proposed to be created;
- g. The lot split is to facilitate the expansion of existing state-administered lands and will not adversely affect the remainder of the Property, the adjoining property, and will not conflict with the Town’s plan, map, or official controls;
- h. Because the intended use of the Lot is for conservation purposes, it is not necessary to require the payment of a park dedication fee or to require the submission of soil testing information; and
- i. The Applicant has submitted the required escrow and shall be responsible for paying all of the Town’s costs, including professional fees, it has incurred related to this proceeding including the drafting and execution of the required development agreement.

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**NOW, THEREFORE, BE IT RESOLVED**, based on the findings contained herein, the Town Board hereby approves the above described lot split conditioned on compliance with all of the following:

1. Applicant shall enter into a development agreement drafted by the Town within 90 days of the date of this Resolution;
2. If the Lot is not transferred to the The Trust for Public Land within 180 days from the date of this Resolution, the lot split shall become void;
3. The Applicant may request an extension from the Town Board of the above timelines if necessary. The Town Board shall determine whether to grant an extension and the length of any such extension;
4. The Lot shall have a combined total of 2 density units. The remaining portions of the Property from which the Lot is being split shall have a combined total of 2 density units;
5. The Applicant shall be responsible for fully reimbursing the Town for its costs related to the lot split, including professional fees incurred related to determining the application of the Development Code, drafting this Resolution, drafting the development agreement, and all other related costs;
6. The Applicant shall comply with the requirements of the Development Code and the terms, conditions, and requirements contained within the development agreement;
7. The Applicant shall be responsible for preparing such legal descriptions, deeds, and easements as may be necessary to accomplish the split and transfer the Lot. The Applicant shall also be responsible for complying with the requirements of the County Recorder's office to record the split and transfer; and
8. Prior to entering into the required development agreement, the Applicant shall demonstrate to the Town that the taxes on the Property have been paid in full.

**BE IT FURTHER RESOLVED**, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to enter into the development agreement for this lot split on behalf of the Town once it is in a form acceptable to the Town Attorney.

**BE IT FINALLY RESOLVED**, this Resolution supersedes and replaces Resolution No. 2009-07, which is hereby repealed.

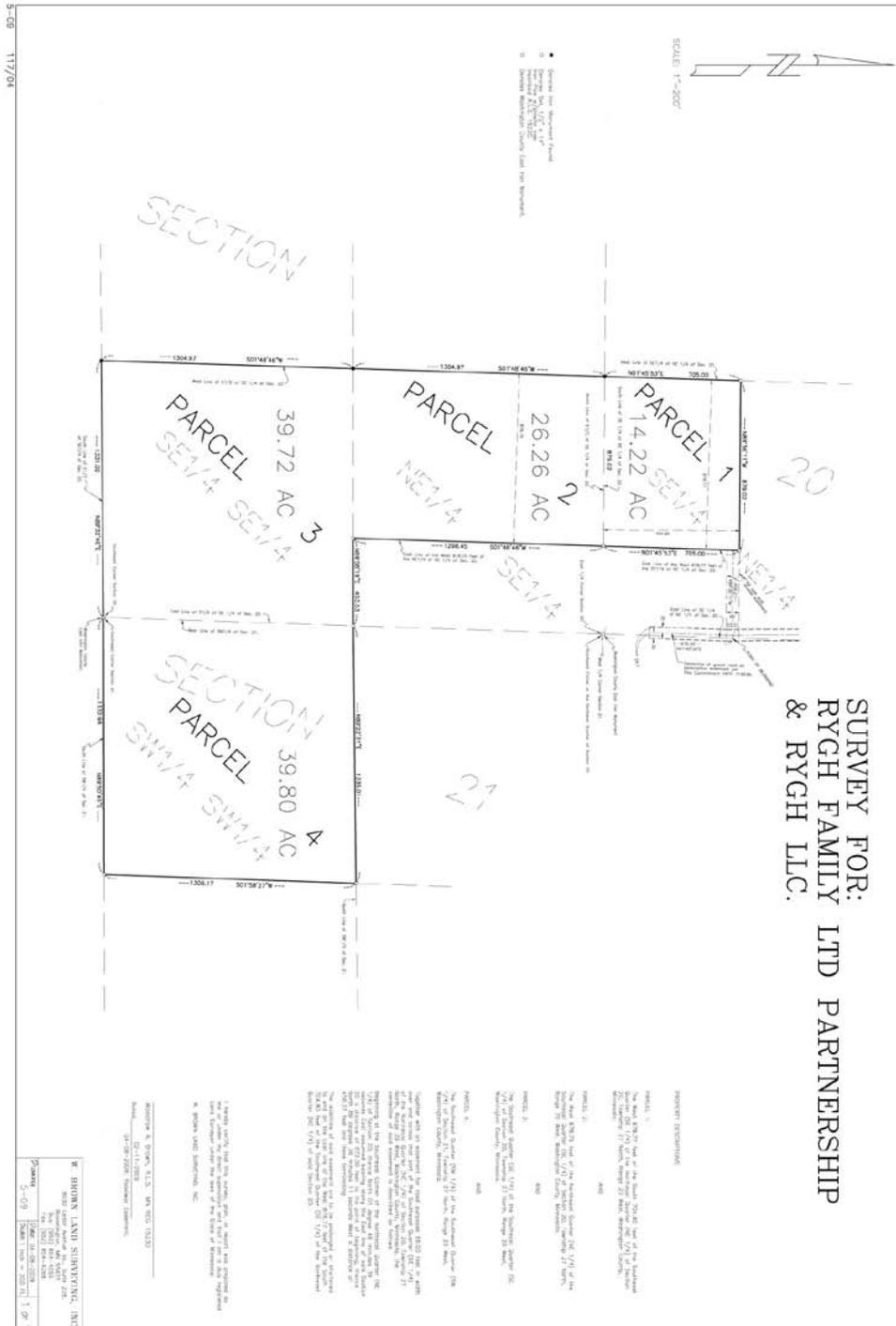
Adopted this 8th day of September, 2009.

**BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**EXHIBIT A**  
**Map of Lot Split**

(Map is attached hereto)



DENMARK TOWN BOARD MEETING MINUTES  
September 8, 2009

**EXHIBIT B**

Legal Description of the Lot (Parcels 1 & 2) after Lot Split

**The following real property located in the County of Washington, State of Minnesota, legally described as follows:**

**Parcel 1**

The West 878.77 feet of the South 704.80 feet of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 20, Township 27 North, Range 20 West, Washington County, Minnesota.

AND

**Parcel 2**

The West 878.75 feet of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 20, Township 27 North, Range 20 West, Washington County, Minnesota.