

DENMARK TOWN BOARD MEETING MINUTES  
July 5, 2011

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

**ABSENT:** Joe Moore

**STAFF PRESENT:** Attorney Gilchrist

**CALL TO ORDER:** Meeting called to order @ 7:07 PM by Chair Higgins

**AGENDA APPROVAL:** Keller added Rumpca, O'Connor's Park and Washington Conservation District. Reordered agenda to accompany residents in attendance. **Motion Keller/2<sup>nd</sup> Kramer approval of agenda as amended. All In Favor. Motion Carried 4-0.**

**CONSENT AGENDA APPROVAL: Motion Keller/2<sup>nd</sup> Dixon approval of consent agenda items which include 06/06/2011 Board Meeting Minutes, 06/20/11 Special Meeting Miller Minutes, Claims #9663-9684, EFT payments- PERA 178823, MN Revenue Tax 9912825378, Fed Tax 35201530, payroll ending 07/01/2011 and financial reports. All In Favor. Motion Carried 4-0.**

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:**

**80<sup>th</sup> St Resident:** Resident inquired of the residency status of Supervisor Dixon. Supervisor stated that his status has not changed and is in Denmark Township. Attorney- Residency is an issue that is based on intent. Being absent from a Township does not determine residency. Attorney recommended supervisor make a written statement of intent to the Board.

**BUSINESS ITEMS:**

**Eagle's Watch:** Bruce Tschida (Eagle's Watch Homeowners Association) addressed Board regarding restoration plan for the tree cutting at Eagle's Watch. Submitted plan includes a fall planting seven 4 inch or larger trees of native species, 30-40 ft apart. Not able to plant trees on the bluff. Re: warranty. Warranty is 1 year. WCD recommended a 2 year warranty. Association will check out price of a 2 year warranty. Trees will be watered/mulched and maintained for a 2 year period by the homeowner who cut the trees. Homeowner's Association will monitor. **Motion Dixon/2<sup>nd</sup> Keller to accept Eagle's Watch corrective plan and implementation, regarding the tree cutting at Eagle's Watch, as submitted. All In Favor. Motion Carried 4-0.**

**Eisenmenger-Howe Lot Line Adjustment:** (From 07/05/11 Board Meeting) *In 2006 Howe executed a lot line adjustment in order to combine 2 separate lots, identified by PID11.027.20.34.0002 (11.02 acres) and PID11.027.20.34.0006 (3.22 acres) into 1 newly created parcel with a new legal description (14.24 acres). These parcels were combined on 04/21/2011. Applicant is proposing to acquire 3.046 acres from Eisenmenger property PID 11.027.20.34.0003 (19.9 acres) that is adjacent to the Howe property. Applicants will be required to enter into a Development agreement with the Town. A requirement of the DA will be for the 3.046 acres to be combined and recorded on the same deed with the existing 14.24 acre parcel, creating a single 17.286 acre parcel. Board would like to assure that all prior parcels involved have been combined. Legal has requested and has not yet received the following items from Howe/Eisenmenger: 1) Legal descriptions of the original parcels and the new lot line adjustment parcels; and 2) A certificate of survey showing the original parcels and the new lot line adjustment parcels. **Motion Keller/2<sup>nd</sup> Kramer to extend the 60 day rule for a 60 day extension (to 08/19/11) to allow time to receive additional requested materials and to determine which parcels would be inclusive in the requested lot line adjustment. All In Favor. Motion Carried 4-0. Attorney will send extension letter to Eisenmenger.***

Attorney submitted draft resolution approving the lot line adjustment and Development Agreement for Board review. Requested legal descriptions and surveys have been received.

**Motion Keller/2<sup>nd</sup> Kramer to adopt Resolution 2011-06 Resolution Approving A Lot Line Adjustment For Properties Located At 7785 And 7959 Quadrant Avenue South, authorizing Chair and Clerk to execute agreement. All In Favor. Motion Carried 4-0.**

**Motion Keller/2<sup>nd</sup> Dixon to approve execution of Development Agreement Regarding Eisenmenger Lot Line Adjustment. All In Favor. Motion Carried 4-0.**

**Town Celebration:** Moore is requesting Board participation with the Town Celebration. Board consensus that if interest in helping is not found, Celebration can be skipped this year.

**2010 Financial Audit:** 2010 Financial Audit was performed by Oberloh & Associates. No concerns have been addressed by the auditor. **Motion Kramer/2<sup>nd</sup> Keller to acknowledge receipt of 2010 Financial Audit, noting there were no findings of concern. All In Favor. Motion Carried 4-0.**

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**Rumpca Gravel Pit:** Keller and Moore will visit site this month to speak with owner regarding various concerns. Resident in attendance inquired whether placing a blasting monitor on private property without permission would be trespassing. Also questioned what the results of the monitoring indicate. Resident is gathering information of concerns and will get list to Keller. Road condition of Oakgreen needs attention.

**O'Connor Park:** Prairie Restorations has requested payment of services. Township has been notified by subcontractor of Prairie Restorations that an outstanding balance has been owed to him. Keller has been at the park and has seen that the area has been cleared, burned and plowed.

Town Hall Park: Dixon stated that a final payment was held back for Town Hall park work. Dixon will contact engineer regarding final payment to Thurmes for Town Hall work. Kramer stated that the Prairie plantings at the Town Hall may cost extra to mow. Board consensus to authorize Kramer to pay extra for mowing of Prairie planting.

**Motion Keller/2<sup>nd</sup> Dixon to authorize Kramer to work with mowing contractor regarding the mowing of the prairie plantings and to increase pay to contractor at Kramer's discretion. All In Favor. Motion Carried 4-0.**

**Washington Conservation District:** Keller attended the group event for public officials regarding the St Croix River. Jay Riggs requested Board input on any suggested project areas in Denmark that would be related to the River. Possible areas of concern noted are: Buffalo/Mattmiller ravine and 131st/Mary Street area deterioration.

**LEGAL UPDATES**

**Carpenter Nature Center:** Carpenter's are proposing to build a 60x96 ft shelter. Structure appears to be identified on their 1999 CUP site plan. Carpenter's would not need to amend their conditional use permit.

**Crashed Toys:** At Crashed Toys request, an extension of their conditional use request has been granted to 09/27/11.

**Winter Roads Maintenance Contract:** Revised documents are being drafted for Board review.

**Universal Services:** Universal Services agreement has been recorded. Universal has been in contact with Wasmund regarding inspection of plans.

**Ordinance Amendments:** Attorney submitted draft for Board review addressing the change in variance language that the legislature made and a provision for lot combination. Board does have options regarding lot combination. 1) County process of combining 2 parcels into 1-unable to be separated without Town approval, yet the parcels are not combined on the same deed. Or, 2) requiring that the lots be combined on the same deed. Attorney will provide Board with additional information.

**Winter Roads Maintenance documents:** Attorney will work on for July Board review.

8:35 PM **Motion Dixon/2nd Keller to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolution 2011-06

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2011-06

RESOLUTION APPROVING A LOT LINE ADJUSTMENT  
FOR PROPERTIES LOCATED AT 7785 AND 7959 QUADRANT AVENUE SOUTH

**WHEREAS**, Kurt Eisenmenger and Tina Eisenmenger, husband and wife, have applied for a lot line adjustment for their property located at 7885 Quadrant Avenue South, Hastings, MN 55033 (the "Applicants");

**WHEREAS**, the proposed lot line adjustment would adjust the property line between the Applicant's property and property owned by the Karen L. Howe Trust (the "Trust"), located at 7959 Quadrant Avenue South, Hastings, MN 55033, resulting in approximately 3.045 acres being added to the Trust's property;

**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 owners of both properties affected by this lot line adjustment must enter into a development agreement with the Town, which the Town will draft. Furthermore, the owners of both properties, their 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 Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs; and
3. The Applicants 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 Applicants' expense; and
4. After the lot line adjustment, the new Eisenmenger Property parcel shall have a total of five density units and the new Trust Property parcel shall have a total of five density units.

**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 Applicants and the Trust fail to enter into a development agreement in a form acceptable to the Town, fails to comply with the provisions of the development agreement, or fail 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 5th day of July, 2011.

BY THE TOWN BOARD