

DENMARK TOWN BOARD MEETING MINUTES
September 6, 2016

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, Karen Herman, John Strohfus, John Kummer

ABSENT: None

STAFF PRESENT: Attorney Hartnett (Kennedy-Graven), Engineer Stempski (Focus)

CALL TO ORDER: Meeting called to order @ 7:40 PM by Chair Higgins

AGENDA APPROVAL: K Higgins added Town Hall Cleaning. **Motion J Kummer/2nd J Moore approval of agenda as amended. Voting Yes-J Kummer, J Moore, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

CONSENT AGENDA APPROVAL:

Motion J Moore/2nd K Herman approval of Consent Agenda items which include Board Minutes 08/01/2016, Claims 10749-10774, EFT payments- PERA 387080, MN Rev. Tax 1373834816, Federal Tax 170977895, payroll ending 09/01/2016. Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

HEARING DECISIONS/ZONING ACTIONS: Gordon Herman Major Subdivision Preliminary Plat

PID15.027.20.23.0011 Gordon Herman (owner) and Jon Sonnentag (applicant's consultant) present.

Request for preliminary approval of a Major Subdivision to allow the subdivision of 21.048 acres to create 4 single family lots.

Engineering design for road construction, stormwater evaluation/report has been completed. Additional detail added for home/driveway locations. Septic borings have been completed for future septic areas. Additional language submitted indicating that the open space lots will be owned/maintained by the applicant.

Future connection of property to the north and south- There are 2 easements from the development road going north and south. Outlot 1 with the easement allows for the connection to the driveways to the north and south if the adjoining property owners wish to connect at some point or if the county elects to administer at some point. Applicant indicated that the property owner to the north does not have an interest in using the proposed easement. In order to grade the easement, the developer would need to go on the north property owner's property to make a connection and the applicant stated that the north property owner will not allow going onto his property. Because the property to the north is much lower than the applicant's property, grading the easement would also cause a 5 ft drop off cut which could potentially create problems such as washout or erosion onto the driveway to the north. Town Engineer recommends that at a minimum, an easement shall be provided and graded to allow for the future connection of the existing driveway access to the new street and that consideration should be given to constructing the driveway connection and eliminating the existing access to St Croix Trail.

Kummer noted that Washington County is the road authority for St Croix Trail, and that the access/connection issue would be the County's decision, whether they would allow 2 accesses or not.

Strohfus- does not make sense to grade the property down at this point, which would create a swale, when there is the possibility of a connection never happening.

Kummer- If an easement is dedicated and a future option for connection (since there does not seem to be a request from north property owner to connect now), to try to prevent disputes from adjacent future property owners, we have done our diligence to ensure that there is a means (easement) to allow connection in the future when the road/development/ownership changes.

Board consensus and Attorney agree to not require grading of easement connection if the county allows both the north existing driveway and the new road access to remain.

Attorney submitted draft resolution for Board review. Board modified (condition #11) of the draft resolution to read "An easement shall be provided ~~and graded~~ to allow for the future connection of the existing driveway access to the new street".

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Applicant will be required to enter into a development agreement with the Town and submit Final Plat for Approval.

Motion J Kummer/2nd J Strohfus to adopt Resolution 2016-16 Granting Preliminary Plat Approval For The Basswood Grove Subdivision, with modification as noted. Voting Yes- J Kummer, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- K Herman. Motion Carried 4-0-1.

BUSINESS ITEMS:

Eagle's Watch: Residents from Eagle's Watch present concerning the condition of their development roads and the matchup/alignment of some of the homeowner's driveways with the road. When the 47 lot development was approved, the final wear course was held from being installed until a certain percent of the homes were built, so construction equipment would not place undue hardship on the wear course. Homes that were built early in the development, matched their driveways to the base course. When the final course was installed the driveways were no longer level with the road, which caused water to accumulate at the end of the driveways. Roads Supervisor and Roads Contractor viewed the issues in the development. Residents present estimated about 7 driveways identified with significant issues. The driveways are both concrete and blacktop.

Roads contractor recommendation would be to cut back into the existing driveway and raise the elevation to get the water to drain into the road/ditch.

Question raised by Kummer as to whether homeowners would be opposed to having the Town cut into their driveways possibly 10-15 ft, raising the grade to match the road and then repave. There would be a cut seam left in the driveway. Restoration of the sod next to the driveway would need to be addressed. Resident concern is that this fix would be the right fix and that there would be no new creation of a puddle in the driveway.

Engineer could produce a cost estimate.

Kummer noted that he would like notification and consent from all homeowners in Eagle's Watch, so there would be no one wanting the same issue addressed in the future.

The roads in the development are scheduled for crack seal/seal coat in 2017.

Kummer requested Eagle's Watch residents in attendance to provide the Town with the number/addresses of driveways affected. Requested Town Engineer to calculate cost estimates. Town will discuss cost sharing with Eagle's Watch Association. Kummer noted that although withholding the final wear course was a requirement of the Town, the developer should have been as equally involved to prevent the issue.

Rumpca Excavating:

Complaint re: Truck traffic prior to 7AM- Tom Lavelle contacted the Town regarding trucks that were running on Oakgreen prior to 7AM on 6/1 and 8/25/16. Kummer stated that Rumpca operations did not start prior to 7AM. Rumpca noted that road construction was occurring on Oakgreen and likely that Hardrives started before 7AM. Lavelle stated that trucks were running on Oakgreen before 7AM and that would mean that the pit is opening up before 7AM. Kummer noted that no one can control/prohibit use of Oakgreen prior to 7AM. Lavelle stated that he would be contacting the sheriff and county commissioner to control the issue. Resident also stated that because of the noise/truck traffic, he is being forced to move, which would mean getting rid of his dog, racing pigeons and shutting down his son in law who has a shop at Lavelle's will result in a lot of income loss for him. Lavelle stated that he is a constituent and that the Town should be looking out for him.

Kummer noted that pit property owner is also a constituent, mining is a permitted use in the Town, and Oakgreen is a public road. The Town has tried to mitigate the inconvenience of the operation by restricting an opening/closing time and no weekend truck traffic.

Rumpca comments- Tim Rumpca stated that there is no time stamping at their other pits, and when part timers came in to work the Denmark pit they were not aware that the pit did time stamp the tickets. This has now been resolved and future tickets will now be time stamped or hand written. Also noted that any trucks coming early are turned around as not to enter the pit.

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Oakgreen Improvement/ditch restoration- Kummer noted that in some places, the elevation was raised which resulted in a slope issue with the current ditch. Engineer met Joe Rumpca on Oakgreen-Rumpca indicated they would address the slopes after the crops were harvested. Kummer asked if the resolution is add fill to the slope as opposed to borrowing material from existing ditch/easement. How would this encroach on the crop land? Tim noted that the dirt would come from the quarry. At this time, about 2 weeks of dry weather would be needed before proceeding. Kummer noted that both the south and north ends are bad. Also, the culvert/slope is an issue. Extending the culvert could be an issue with the DNR land there. Guard rail may be the appropriate solution. Joe Rumpca believes a culvert extension is not Rumpca’s responsibility.

[Troy Gilchrist] The DA does not specifically discuss who is responsible for culvert maintenance. The gist of the division of work between Rumpca and the town is that Rumpca maintains the surface and shoulders. The town snowplows, sands, salts, mows the ditches, and provides seal coating. We can discuss this further, but since the culvert was not specifically called out as an obligation of Rumpca there is an argument that the culvert is the town’s responsibility (unless perhaps there is some evidence the hauling directly damaged the culvert). On the other hand, there is an argument that the work that Rumpca needed to do to keep the road properly maintained (which apparently involved raising portions of it) is what led to the issue with the culvert and so is part of what Rumpca should have to deal with as part of its maintenance obligation.

Moore questioned why the Town would be involved since the issue resulted due to Rumpca raising the road being raised, which changes the angle of the ditch, it is not a maintenance issue.

Tim Rumpca noted that the 80th St ditches appear to be as steep as those on Oakgreen. Engineer noted that due to the road work, the slopes got steeper.

Kummer stated that most of the wear and tear on that portion of Oakgreen is due to truck traffic. The Town also received a mile of road improvement at no expense to the Town that meets the same standard as on 80th St. Agreement is not clear who addresses the situation. Board consensus that a reasonable approach would be to work with Rumpca for resolution. Roads contractor recommends installing a guard rail as soon as possible for safety. Slope repair/dirt added/seeded before this year’s freeze occurs. Tim Rumpca noted that the work would be done as soon as the weather cooperates. K Herman also added that there appears to be shoulder wash away on the curve at 80th/Oakgreen that should be looked at.

2017 Budget Adoption/Pay 2017 Proposed Tax Levy Certification:

Electors approved the following pay 2017 proposed property tax levy.

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	DEDICATED FUNDS	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	95,307	1,225	71,425			22,657		
SALARIES	81,672		4,000			77,672		
ROAD & BRIDGE	477,258		25,000		275,000	177,258		
FIRE	120,400		400			120,000		
DITCH & TRASH	26,500				10,000	16,500		
PARK & REC	15,000		4,700	10,300		0		
2015 TOTALS	816,137	1,225	105,525	10,300	285,000	414,087	6.8%	-0.2%

Budget totals reflect board discussion to increase the Ditch budget and additional \$10,000 supported by savings use for traffic safety purposes. (110th to the river, Norell, s side of 60th, 80th, parts of Oakgreen)

The roads budget reflects an expenditure of \$275,000 for road improvement of additional road improvements to be determined by assessment of long term street inventory plan and also the spring inspection process (road tour), using \$275,000 from general savings.

The Ditch/Trash budget reflects an increase for right of way tree trimming, using \$10,000 from general savings.

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Motion K Higgins/2nd J Moore to adopt the 2016 Budget in the amount of \$816,137 as presented. Voting Yes- K Higgins, J Moore, K Herman, J Kummer, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0. 2017 Budget reflects a 6.8% increase from the 2016 Budget.

Motion J Kummer/2nd J Moore to certify the Payable 2017 Proposed Property Tax Levy in the amount of \$414,087 as approved by the Electors. Voting Yes- J Kummer, J Moore, K Herman, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0. 2017 Proposed Property Tax Levy reflects a -0.2% decrease from the 2016 Levy.

Town Hall Cleaning: Motion J Kummer/2nd J Moore to approve Mr. Clean Genes Company to clean the Town Hall as needed, up to \$500.00 expenditure. Voting Yes- J Kummer, J Moore, K Herman, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Higgins suggested that the Board have a workshop to clarify Board responsibility/policy.

LEGAL REPORTS: None

9:18 PM **Motion J Kummer/2nd J Moore to adjourn. Voting Yes- J Kummer, J Moore, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2016-16

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2016-16
**RESOLUTION GRANTING PRELIMINARY PLAT
APPROVAL FOR THE BASSWOOD GROVE SUBDIVISION**

WHEREAS, Gordon Herman and Jon Sonnentag (“Applicants”) submitted an application to Denmark Township (“Town”) for preliminary approval of a Major Subdivision to allow the subdivision of their property containing approximately 21.048 acres to create four (4) single family lots;

WHEREAS, the property to be subdivided is located immediately north of 8421 St. Croix Trail South (PID # 15.027.20.23.0011) and is legally described in the attached Exhibit A (“Property”);

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on August 15, 2016. After consideration of the information provided by the Town Planner, the Applicants, and any comments provided by the public, the Planning Commission voted to forward the application to the Town Board with the recommendation that preliminary plat approval be granted with certain conditions;

WHEREAS, the Town Board hereby finds and determines as follows:

- a. The Property is currently zoned Rural Residential (RR);
- b. Chapter 3, Section 7 of the Denmark Township Development Code (“Development Code”) allows major subdivisions containing four (4) or more lots and requires the submission and filing of a plat;
- c. The proposed major subdivision, to be named Basswood Grove, divides the Property into four (4) residential lots (“Plat”);
- d. The Applicants are proposing an Open Space Design for the Plat;
- e. The Property satisfies the minimum lot size and frontage for the proposed use;
- f. The lots to be divided are in a location where conditions are well defined;
- g. The newly created property lines will not cause any resulting lot to be in violation of the Development Code;
- h. The proposed town road (unnamed) meets the requirements of the Development Code;
- i. The proposed Plat was prepared by a registered land surveyor;
- j. The proposed Plat will not have any significant impacts on utility and school capacities;
- k. The proposed Plat does not conflict with the Town’s Comprehensive Plan or the intent of the Development Code;
- l. The Engineer’s report dated August 9, 2016 (“Engineer’s Report”) regarding this matter is hereby incorporated in this Resolution by reference;
- m. The Planner’s report dated August 10, 2016 (“Planner’s Report”) regarding this matter is hereby incorporated in this Resolution by reference, except for the conditions which are superseded by the conditions contained herein; and
- n. The proposed preliminary Plat is eligible for approval under the Development Code provided the Applicants comply with the conditions established herein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the record of this matter, the Planner’s Report, and the findings and determinations contained herein, does hereby approve the preliminary Plat proposed by the Applicants subject to the following terms and conditions which must be met:

1. The Applicants shall enter into a Development Agreement that is satisfactory to the Town Attorney. The Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, the maintenance of public improvements, and under which circumstances the Town will assume maintenance of the roads being built, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.
2. Within one year of this resolution a final plat shall be prepared and submitted the Town for final plat approval. The final plat must be consistent with the preliminary plat, the Development Code, and state law.
3. All Engineering considerations described in the Engineer’s Report shall be met.
4. The Applicants shall provide approved NPDES Construction Stormwater Permit when available.
5. The Applicants must provide for the ongoing maintenance of the stormwater ponds constructed within the plat by creating a homeowners association and making it responsible for such maintenance, or by some other method acceptable to the Town Board.

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6. The Applicants shall enter into a Stormwater Maintenance Agreement prepared by the Town Attorney that provides for the operation and maintenance of the stormwater improvements in accordance with applicable requirements. The Town will record this final approved agreement along with the Development Agreement.
7. The Applicants shall provide access easements (20-foot wide with max slope of 10%) and label the easements on plans for stormwater management facilities.
8. Culverts in the street and storm sewer shall be reinforced concrete pipe. Driveway culverts may be CMP.
9. The proposed Town Road will be named per the Washington County Uniform Street Naming System.
10. Approval must be provided from Washington County on the proposed access along St. Croix Trail. A Washington County Access Permit and Right of Way Permit must be provided to the Town.
11. An easement shall be provided to allow for the future connection of the existing driveway access to the new street. Consideration should be given to constructing the driveway connection and eliminating the existing access to St. Croix Trail.
12. A geotechnical report must be provided to support a minimum 9-ton road section based on Minnesota Department of Transportation 2360 Specifications.
13. Proposed private well locations must be shown on the plans.
14. A copy of the approved permit from the Minnesota Department of Health must be provided to the Town prior to well construction.
15. Washington County Department of Public Health and Environmental must approve the proposed septic system locations per the most recent requirements of the Washington County Septic Code.
16. The Applicants shall pay a park dedication fee in lieu of land dedication. This fee shall be an amount based on fair market value of the land, imposed on a per lot basis for new residential lots, and shall be paid at the per lot fee as established by the Town Board as part of the Town fee schedule. Park dedication shall be paid by the Applicants prior to the Town signing the final plat and/or development agreement.
17. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this approval application. In the event any fees are outstanding they will be paid by the Applicants within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
18. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.
19. A conservation easement governing the use and management of the proposed open space shall be submitted by the Applicants, approved by the Town Attorney, and recorded. Clarification on the intended use of Outlot One shall be provided and included in this conservation easement.
20. An estimate of construction costs for the proposed improvements must be provided for review. This amount will determine the security requirement for the Development Agreement.
21. All representations, written and oral, made by the Applicants and the Applicants' agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.
22. The Applicants are in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the Property for which this approval is granted. Adopted this 6th day of September 2016.