

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

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

ABSENT: None **One Vacancy**

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

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Higgins

AGENDA APPROVAL: K Higgins added Fire Meeting

Motion J Moore/2nd J Kummer approval of agenda as amended. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: Motion J Moore/2nd J Kummer, approval of Consent Agenda which includes 09/08/2015 Board Meeting Minutes, Claims # 10577-10591, EFT payments- PERA 347349, MN Rev. Tax 0610709376, Federal Tax 53397220, payroll ending 10/01/2015 and financial reports. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

BUSINESS ITEMS:

Land Use- County Presentation: County representatives Planner Ann Terwedo , Don Theisen (Public Works Director) and County Commissioner Karla Bigham present. County has reviewed land use within the county to determine what areas of land use in Townships should be the responsibility of the Townships rather than the County's. The authority regarding Lower St. Croix Blufflands, Shoreland, Mississippi River Critical Area, Floodplain, Mining, Subdivision Ordinance and Subsurface Sewage Treatment Systems are intended to stay with the County. The County has determined that action to remove County land use authority can be taken without legislative action.

County has provided the Town with information about steps for removal of County land use control as well as a sample draft resolution. County indicated that from the other townships they have receive 2 signed resolutions, were aware of another coming forward, and 1 township intended on presenting it to their planning commission, and 1 township is looking into areas of additional land use that they were interested in having the county continue being involved in. County would be proposing to give up land use controls (unless impacted by above areas they plan to keep authority in) in the central/agricultural portion of the Town, with the exception of platting. County would, via its Subdivision Ordinance, retain control of all plats within the Township.

County would transfer pertinent county records including all County Conditional Use Permits to the Township and would remain available for technical consultation.

Commissioner Bigham stated that her belief is that some of these land use decisions are best left at the local level.

J Kummer- certain things need oversight/larger planning. It is frustrating to see someone trying to achieve something relatively simple but having to satisfy both Town and County requirements, such as lot splits.

K Higgins asked if the county would consider amending the county ordinance to exempt single lot subdivisions from the platting process. Expressed concern about the additional cost to residents of \$7000-\$10,000 for a simple lot split. Prior to the County amending its ordinance in 2008 to require platting of all minor subdivisions, costs to residents were significantly less. Also suggested that the platting process at the County level should be clarified.

Ann Terwedo stated that the requirement of platting for a minor subdivision is statutory. Don Theisen and Commissioner Bigham noted that Township can always ask the County Board to consider something different. Commissioner Bigham will discuss issue with the County Board.

Questions raised about exactly what type of Land Use Controls would be eliminated by the County. Materials submitted don't clearly define what Land Use Controls would be eliminated. Don Theisen indicated that the county will generate a list of specific items that would be the Township's responsibility. In addition, they will review past joint zoning issues and compare whether they would be treated the same or differently with the proposed transfer of authority.

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

Attorney-Would like to see the list and be able to compare realistically what that means for the Town. Regarding obtaining the prior CUP's, what challenges dealing with possible enforcement of them would the Town be dealing with. Bigham noted that dealing with this comes with having the local authority.

Town will provide list and additional information regarding proposed County changes to Planning Commission for their review/recommendation to the Board.

Commissioner Bigham informed the Board that the Capital Improvement Plan was being updated. Review of the condition of the boat launch at St Croix Regional Park may be included and will be sent to the Town Board for review/comment.

Board agreed that the 2015 County Road Improvements are good.

Roads Update: Engineer Stempski reported that the 2015 Paris/Panama reclamation project has been completed. Engineer, Focus construction staff and J Kummer met with McNamara regarding corrections to the road that have been addressed. Partial payment has been made to contractor. Final payment which will include approximately \$1800 for seed/restoration and the retainage will be submitted. Engineer noted that working with McNamara was a positive experience.

2014 80/Neal project was checked for 1 year warranty. There was a location on Neal where the shoulder was steep and it appeared that something went off the edge and displaced the gravel area. Tri-County is repairing the area.

Noted potholes- 80th St west of Neal there is a hole in the middle of the road. Also, on Oakgreen north of 80th the hole has not been addressed. Also noted was a pothole on 120th.

Afton Apple: Frank Femling attended August Town Board meeting and requested that they be allowed additional time to consider changing their plans or withdraw their amended Conditional Use Permit application. Extension request until Nov 2nd approved by Board

K Higgins contacted Femlings to request that they come to this meeting to give the Board an update to the status of their request. Femlings not present.

Meyer Administrative Lot Split/Lot Line Adjustment: Meyers are proposing a lot split and lot line adjustment that will divide 3 existing parcels, two of which currently contain approximately 40 acres each and a third containing approximately 20 acres, into three parcels containing Parcel A-58.72 acres, Parcel B- 20.14 acres and Parcel C- 16.81 acres. The lot line adjustment between Parcels B and C is to create compliance with setbacks for Parcel B.

Motion J Kummer/2nd J Moore to adopt Resolution 2015-11 Approving An Administrative Lot Split And Lot Line Adjustment For The Meyer Properties Located In Section 6. Voting Yes- J Kummer, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Planning Advisory Committee Vacancies: County is seeking interested parties for township representation on their Planning Advisory Committee. Board members had no suggestions for possible applicants to PC.

Township Coalition: J Keller had previously attended Township Coalition meeting. The next meeting will be 11/19/15 at the Baytown Community Center for any Supervisor interested.

Mendel Avenue: K Herman sent noxious weed notice to property owner. Notice was returned to the Town as undeliverable. Attorney noted that they were able to track down other possible out of state addresses for the owners. To address the house, a hazardous building action would need to be taken. If successful, the Town would need to pay for removal of the house and assess the cost on the property tax. Associated legal charges may

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

or may not be able to be assessed. Board consensus to send letter to the homeowners regarding the property issues and to research possible options for the Town.

Bahr Winery: J Kummer met with the Bahr's and neighbor in response to complaint received at last Board Meeting. Concern had been expressed about alteration of driveway and buses being parked on site. The area has been somewhat restored but the neighbor's view is not shielded from the parking lot. Bahr's agreed to add more trees in the area. J Kummer advised both parties to document anything they may feel is outside the parameters allowed by the permit or anything supporting compliance to it.

Erin Glen Update: At Planning Commission Meeting of 9/21 Applicant did not provide outstanding required materials. Applicant has requested a 120 day extension to 02/10/16 to allow time to gather and supply additional information to the Town.

Supervisor Resignation: Supervisor J Keller has resigned effective 09/08/15. Board will appoint someone to fill the vacancy and to serve until the next election. Board will bring back recommendations for appointment at the December Board Meeting.

Motion J Moore/2nd K Herman to adopt Resolution 2015-12 Accepting A Resignation And Declaring A Vacancy In The Office. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Transfer Fund Balances: Transfer of general funds in the amount of \$325,000 to adjust the roads fund to reflect the use of savings that were budgeted to be used for roads in 2014. Transfer of general funds in the amount of \$123,403.57 to adjust the Park & Recreation fund balance on the cash balance sheet.

Motion J Moore/2nd K Herman to adopt Resolution 2015-13 Authorizing The Transfer Of Town Funds. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Vote noting 1 vacancy.

Fire Meeting: K Higgins informed the Board that the Rural Fire Association will be having a meeting at the Hastings Fire Dept in November. HFD will update Association members on current fire dept activities and give them a tour of the Fire Dept. All Board members from respective Boards are welcome to attend.

Town Hall Grounds: J Moore reported that the Afton Alps volunteers reroofed the picnic shelter and well house, landscaped around the well area, refurbished the picnic tables, cleared weeds from the drainage areas and playground, and stained the deck and ramp. Board members expressed appreciation for the volunteer assistance and funding to purchase materials.

Discussion regarding road and fire sign needs.

Inquiry received from Eagle's Watch regarding utilization on Outlots A & B for a commercial solar farm. Restrictive Covenants on property limit the outlots to agricultural/open space use. Additionally, commercial solar farms are not allowed by either Town or County Ordinance.

8:48 PM **Motion J Moore/2nd J Kummer to adjourn. Voting Yes- J Moore, J Kummer, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer
Addendums Resolutions 2015-11, 2015-12, 2015-13

Denmark Township Chair

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-11**

**RESOLUTION APPROVING AN ADMINISTRATIVE LOT
SPLIT AND LOT LINE ADJUSTMENT
FOR THE MEYER PROPERTIES LOCATED IN SECTION 6**

WHEREAS, Rita A. Murphy, Karen M. Rubin, Karla J Adkinson, and Rhonda K. Saucedo, tenants in common, (“Applicants”) have applied for an administrative lot split and lot line adjustments for the properties legally described in the attached Exhibit A;

WHEREAS, the proposed lot split and lot line adjustment will divide and adjust three existing parcels, two of which currently contain approximately 40 acres each and a third which currently contains approximately 20 acres (“Existing Parcels”);

WHEREAS, Applicants are proposing to change the Existing Parcels to end up with one parcel containing approximately 58.72 acres, one parcel containing approximately 20.14 acres, and one parcel containing approximately 16.81 acres as shown in the map on the attached Exhibit B and described in the attached Exhibit C (“Resulting Parcels”);

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Denmark Township Development Code (“Ordinance”), provided the Applicants supply the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application;

WHEREAS, administrative minor lot splits are allowed under Chapter Three, Section 5.1 of the Ordinance, provided the Applicants supply the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application; and

WHEREAS, the Town Board finds and determines as follows:

- a. The Existing Parcels are zoned AG with a density of two dwelling unit(s) per 40 acres;
- b. The requested lot split and lot line adjustment will result in the following Resulting Parcels as shown on Exhibit B and legally described in the attached Exhibit C:
 - 1) Parcel A consisting of approximately 58.72 acres;
 - 2) Parcel B consisting of approximately 20.14 acres; and
 - 3) Parcel C consisting of approximately 16.81 acres;
- c. Due to the allowance of a density unit for a lot that would meet 80% of the minimum lot size as long as all other lots requirements are met under the Denmark Zoning Code Section 1.2 (2), the density allocation for the Resulting Parcels will be as follows:
 - 1) Total number of density units attributable to Parcel A: 3 density units;
 - 2) Total number of density units attributable to Parcel B: 1 density unit; and
 - 3) Total number of density units attributable to Parcel C: 1 density unit;
- d. There is currently a single family dwelling on the resulting Parcel B;
- e. The proposed lot split and lot line adjustment is consistent with the Town’s Ordinance;
- f. The Resulting Parcels will have access on a public road;
- g. No new streets or roads are proposed to be created;

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

- h. The lot line adjustment is required to maintain all access driveways on individual parcels and to bring current structures into compliance with setback requirements; and
- i. The Applicants have 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.

NOW, THEREFORE, BE IT RESOLVED, based on the findings contained herein, the Town Board hereby approves the requested lot split and lot line adjustment to produce the Resulting Parcels, conditioned on compliance with all of the following:

- 1. Applicants shall enter into a development agreement drafted by the Town within 90 days of the date of this Resolution. The Applicants may request an extension from the Town Board to this deadline if necessary. The Town Board shall determine whether to grant an extension and the length of any such extension;
- 2. The total number of density units, and the number of density units remaining unused at this time, for the Resulting Parcels are as follows:

Parcel	Total Density Units	Remaining Density Units
A	3	3
B	1	0
C	1	1

- 3. Future use of all density units must meet all other requirements of the zoning district.
- 4. The Applicants shall be responsible for fully reimbursing the Town for its costs related to the lot split and lot line adjustment, including professional fees incurred related to determining the application of the Ordinance, drafting this Resolution, drafting the development agreement, and all other related costs;
- 5. The Applicants shall comply with the requirements of the Ordinance and the terms, conditions, and requirements contained within the development agreement;
- 6. The Applicants shall be responsible for preparing such legal descriptions, deeds, and easements as may be necessary to accomplish the split and lot line adjustment. The Applicants shall also be responsible for complying with the requirements of the County Recorder’s office to record the split and lot line adjustment, including making any adjustments to the descriptions and survey map as may be required;
- 7. Prior to entering into the required development agreement, the Applicants shall demonstrate to the Town that the taxes on the Property have been paid in full;
- 8. Approval of the requested lot line adjustment and administrative lot split shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicants fail to enter into a development agreement in a form acceptable to the Town, fail to fully reimburse the Town its costs related to this application, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution.

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 split on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 12th day of October, 2015. **BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES
October 12, 2015

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-12
A RESOLUTION ACCEPTING A RESIGNATION
AND DECLARING A VACANCY IN THE OFFICE**

WHEREAS, Jim Keller submitted a letter to the Town Board resigning his position as Town Supervisor effective immediately; and

WHEREAS, Minnesota Statutes, section 351.02 indicates that an office becomes vacant before the expiration of the term upon the incumbent's resignation.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby accepts the letter of resignation from Supervisor Jim Keller, declares a vacancy in the office of Town Supervisor effective immediately, and the Town shall proceed as provided in law to appoint someone to fill the vacancy and to serve until the next election at which time the position will be placed on the ballot.

BE IT FINALLY RESOLVED, that the Town Board sincerely thanks Jim Keller for his many years of dedicated service to the Town and its residents.

Adopted this 12th day of October, 2015.

BY THE TOWN BOARD

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2015-13**

RESOLUTION AUTHORIZING TRANSFER OF TOWN FUNDS

WHEREAS, the Town Board of Denmark Township ("Town") has established various financial funds to account for the Town's finances;

WHEREAS, due to projects budgeted and completed by the Town in 2014, the Road and Bridge Fund has a negative balance that needs to be addressed;

WHEREAS, the Town's auditor has recommended the Town Board also act to clear the negative balance that currently exists in the Town's Park and Recreation Fund;

WHEREAS, the Town's General Fund has had a surplus of funds not needed in the current year and that can be used to cover negative balances in other funds;

WHEREAS, Minnesota Statutes, section 366.04 grants towns the authority to, by unanimous vote, transfer a surplus beyond the needs of the current year in a town fund to any other town fund to supply a deficiency;

WHEREAS, the Town Board desires to address the negative balances in the Road and Bridge Fund and the Park and Recreation Fund through a transfer of funds from the General Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of Denmark Township as follows:

1. The following transfer of funds is hereby approved:
 - a. \$123,403.57 from the General Fund to the Park and Recreation Fund; and
 - b. \$325,000 from the General Fund to the Road and Bridge Fund.
2. The Town Clerk-Treasurer is authorized to take such actions as are needed to accomplish the approved transfers.
3. Adopted this 12th day of October, 2015 by a unanimous vote of the Town Board with one vacancy.

BY THE TOWN BOARD