

DENMARK TOWN BOARD MEETING MINUTES
December 1, 2014

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, Jim Keller, Karen Herman

ABSENT: John Kummer

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven)

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

AGENDA APPROVAL: J Moore added Town Hall. K Higgins added Warrior Dash. K Herman added Street Patching.

Motion J Moore/2nd J Keller approval of agenda as amended. All In Favor. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: Clerk pulled 11/03/14 Board Minutes. **Motion J Keller/2nd J Moore approval of consent agenda items which include 11/12/14 Board of Canvas Minutes, Claims #10405-10434, EFT payments- PERA 310820, MN Tax Deposit 0184877440, Federal Tax 70196705, payroll ending 12/01/2014 and financial reports. All In Favor. Motion Carried 4-0-0.**

Pulled 11/03/14 Board Minutes- Revision of minutes to include the following: Change header date from 10/6/14 to 11/03/14. In Hwy 61/Maycrest Project discussion, add [Moore expressed concerns regarding the Town's liability if the light malfunctions. State will check into that issue. Attorney noted that the liability issue would be addressed in any maintenance agreement.]

Motion J Moore/2nd J Keller approval of 11/03/14 Board Minutes with revisions as noted. All In Favor. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS:

>16125 87th St South-Vujovich/Wadd Variances (Peter Vujovich, Adam & Karla Wadd Present.

Request for variances by Peter Vujovich (Vujovich Design Build) on behalf of owners Adam and Karla Wadd for removal and replacement of existing decks, new attached garage addition and front stoop addition on property located at 16125 87th St S.

Applicants plan includes adding a 3 car garage on the non river side, not viewable from the river. Adding small addition on the front of the house to make the entrance work for the house, not viewable from the river. Current garage space will be converted to living and entry space. On the river side, tear off 4 decks-none of which are on the main level of the house. They currently are on the lower level and 2nd level. Build 1 new deck of same sq ft of the combined existing decks, which would be on the main level. Applicants believe it will look better and be less intrusive from the river view. Currently the home has a loft on the 2nd level which will be removed, so what will remain will only be a main and lower level. Lower level will then have a walk out with a patio. Lower level deck has a fence around it, which will be changed by adding limestone outcroppings and native plantings between the rock, and adding 6 new trees. Rest of renovation is new windows and siding. Neighbor to the south came to the Public Hearing in support of project. Neighbor to the north's home is not viewable to the subject home and has not expressed any concerns/comments regarding the project.

Planning Commission held a Public Hearing on 11/17/14 and forwarded the request to the Board with a recommendation to approve the requested variances based on the Planner's 11/10/14 report detailing Findings of Fact and 6 recommended conditions. Planning Commission added a 7th condition to address the trees that have been cut down illegally from the property. Applicant noted that they submitted a plan with the addition of 6 trees, and will be meeting with the county and DNR regarding their expectations for resolve of the removed trees.

Excerpt from Public Hearing [Applicant proposes to renovate the existing house. House built in 1970 is a non conforming structure built right on the bluff line. Anything done to the house, even on the non riverside would trigger a variance process. Eliminate 4 decks on the riverside and replace with one large deck, sum total of the sq footage would be about the same. Eliminate the deck on the walk out level with the fence around it, and install limestone outcroppings, plant native grasses and indigenous trees. There would be less of an impact from the river because of the natural trails that will be put in. Plans are to add a garage and a front porch which would not be viewable from the river. Existing is a small garage that would be converted to a living space and porch space. Property would be re landscaped.

Planner- Request is for 6 variances. The home was built in 1970 which pre-dates both the Township Ordinance (1982) and the St Croix River Ordinance (1976).

Variance from the minimum lot area and width requirements.

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- 1) A variance of 1.62 acres to allow modifications to an existing home on a lot that is 1.38 acres in size where the minimum lot area requirement is 3 acres (ordinance in effect 1982).
 - 2) A variance of 50 feet to allow modifications to an existing home on a lot that is 150 feet wide where the minimum lot width requirement is 200 feet. Variance from the 100 ft bluffline setback.
 - 3) A variance of 136 feet to allow a deck to be constructed 36 feet into the bluffline, where a 100 foot setback is required.
 - 4) A variance of 108 feet to allow an attached garage to be constructed 8 feet into the bluffline, where a 100 foot setback is required.
 - 5) A variance of 100 feet to allow a front entry to be constructed at the bluffline where a 100 foot setback is required. Variance from grading on a slope greater than 12%.
 - 6) A variance to allow grading for the construction of a new terrace on a slope greater than twelve percent (12%).
- Engineer has reviewed the preliminary grading plan and would like the final grading plan to be submitted with the Building Permit and be reviewed by the Town Engineer.

Location of the proposed deck is actually further set back from the river than the existing decks. Decking material will be constructed of cedar boards and wooden railing parts and galvanized finished wire.

Planner submitted 11/10/14 Staff Report detailing Findings of Fact and 6 recommended conditions. Molly Shodeen (DNR) and Dennis O'Donnell (Washington County) are requesting that an additional condition be added addressing the trees that have been cut down illegally from the property. Issue should be reviewed and approved by both the DNR and the County prior to the issuance of a building permit. Owners indicated that the removal of trees occurred before their ownership of the property.]

Attorney drafted resolution for Board review, which includes Planners 6 recommended condition and Planning Commissions 7th condition, and attorneys 4 standard conditions. **Motion J Moore/2nd K Herman approval of Resolution 2014-08 Approving Variances For The Property Located At 16125 87th St S. with noted revisions, changing the Resolution Title to make variance plural, and including in the conditions that the Owners shall provide the Town a copy of the approved landscaping plan for replacement of the removed trees. All In Favor, Motion Carried 4-0-0.**

>Ordinance Amending The Denmark Development Code Regarding Driveways And Driveway Accesses And Regarding Other Clarifying Clerical Amendments.

Planning Commission held a Public Hearing on 11/17/14 and forwarded the proposed amendment to the Board with a recommendation to approve. Attorney summarized the amendment with the Board.

Driveways and Driveway Accesses amendment includes cost reimbursement, definitions for driveway and driveway access, application procedures, standards-width requirements, vertical clearance, setbacks, angle, gradient, headwalls, drainage/maintenance of drainage, multiple accesses, unsafe accesses, surfacing, construction, restoration, waivers, recovering costs and enforcement costs, Driveway standards and Driveway Access.

Clerical corrections are made to the wireless communication ordinance (section number 2.49) and the maximum impervious surface lot coverage (35%).

Watershed District is amended to change references to Watershed Management Organization (WMO) to (South Washington Watershed District (SWWD)).

Attorney recommends adding Article XIII. Repealer. The Denmark Township "Rules and Regulations Establishing Design Specifications for Driveways Along Township Roads in Denmark Township" adopted by the Town Board on March 1, 2004 are replaced by the regulations contained in this Ordinance and are hereby repealed effect as of the effective date of this Ordinance.

K Herman questioned whether existing driveways would be grandfathered in after passage of this driveway amendment.

Attorney stated that driveways would be grandfathered in assuming that they complied with the rules that existed when they were built, but any reconstruction would need to comply with current regulations.

K Higgins noted that the amendment will address a number of issues/questions that the old driveway ordinance/policy did not adequately address.

Motion J Moore/2nd J Keller to adopt Ordinance 2014-03 An Ordinance Amending The Denmark Development Code Regarding Driveways And Driveway Accesses And Regarding Other Clarifying Clerical Amendments, with the inclusion of Article XIII. Repealer. The Denmark Township "Rules and Regulations Establishing Design Specifications for Driveways Along Township Roads in Denmark Township" adopted by the Town Board on March 1, 2004 are replaced by the regulations contained in this Ordinance and are hereby repealed effect as of the effective date of this Ordinance. All In Favor. Motion Carried 4-0-0.

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>Ordinance Adopting A Fee Schedule

Changes to the fee schedule- adds Major Grading Permit application fee \$100 and escrow fee \$2000. Increases Large Special Events License from \$200 to \$500. Clerical correction, hyphenate As-Built. Planning Commission held a Public Hearing on 11/17/14 and recommended forwarding the Fee Schedule Ordinance to the Board for approval.

Motion J Moore/2nd J Keller to adopt Ordinance 2014-04 An Ordinance Adopting A Fee Schedule For The Town. All In Favor. Motion Carried 4-0-0.

Motion J Moore/2nd J Keller to approve Resolution 2014-09 Approving Summary Language For Publication Of Two Ordinances (Ord. 2014-03 and 2014-04. All In Favor. Motion Carried 4-0-0.

Ordinance Summary Language will be published on 12/11/14 making Ordinances 2014-03 and 2014-04 effective 12/11/14.

PUBLIC COMMENT: None

BUSINESS ITEMS:

Dual Jurisdiction: Moore and Higgins met with Ann Terwedo (Washington County) to review the County's plan regarding the possibility of changing the county's role in some of the Town's zoning applications. County has reviewed all Township Ordinances. Plan would be to go to the County Board with information they have obtained and then back to the Towns. County may be able to change the county's role in Town affairs without special legislation. Attorney noted that outstate, many counties do not get involved in zoning unless it has to do with Shoreland, Flood Plains and Septic.

Mississippi River Critical Area Update: Rule process is moving along. Attorney attended a couple of meetings that the DNR invited a small group to review a couple of issues. DNR is proposing that for subdivision of land, landowners would be required to dedicate open space land (30-50%). Group has asked the DNR to consider more flexibility regarding the dedication requirements. DNR plans on doing a model ordinance. Higgins will attend the next meeting.

Recycling: J Keller and K Higgins met with Danielle Lesmeister (Washington County) regarding the Recycling Continuum. Denmark is eligible for a maximum grant of \$3750. Requirements are increasing and include a 2 yr work plan and detailed budget. Basic level includes requiring standard recyclables, provide effective resident education, participate in county wide promotions, provide on line information, require single sort collection, provide recycling costs to residents and post the information on line, attend recycling coordinator meetings, and create a 2 year work plan. Re: posting recycling costs on line- Attorney opinion is that any recycling costs could possibly be made public on the Town's website, but problems could occur if the costs changed and may not be reflected on postings.

Funds are available to have shared resources contract with someone to meet the expectations.

Greater participation from both residents and businesses is the county and state goal. Unsure what the eventual project will be, and whether or not the Town should consider even applying for a grant. If participating, the Town would need to update its ordinance. County is hiring a consultant available to update ordinances. At this time the Recycling Continuum is in preliminary stages. Board consensus that town may contact Cottage Grove for preliminary discussion of shared services, and to find out if fund for shared services is ongoing.

2015 Development Review Schedule: Motion J Moore/2nd J Keller approval of 2015 Development Review Schedule as presented. All In Favor. Motion Carried 4-0-0. Clerk will post schedule with notice that there is always a possibility that there may be a Board quorum at any Planning Commission Meeting.

Final Pay 2015 Tax Levy Certification: Motion J Moore/2nd K Herman to certify the Payable 2015 Final Tax Levy in the amount of \$428,436.00. All In Favor. Motion Carried 4-0-0.

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Town Hall: J Moore indicated that the picnic tables at the Town Hall need to be refurbished, possibly in the spring. J Moore is recommending the lumber be replaced and the iron frame be sanded blasted and repainted. Discussion regarding whether the maintenance of the tables could be covered with the Park/Rec fund. Suggestion that the maintenance free composite material might be a good choice for the tables. Moore will revisit project in the spring. Attorney noted that restrictions for use of Park Dedication Funds-Cash payments must only be used for acquisition and development or improvement of parks, recreations and playgrounds, etc. Funds must not be used for ongoing operation or maintenance of parks, recreations and playgrounds, etc.

Warrior Dash: K Higgins has created a compiled step by step manual of submission requirements for Afton Alps/Warrior Dash. This effort was conceived due to the lack of timely submissions by Red Frog Events for the Warrior Dash events at Afton Alps. Board consensus to require that Red Frog Events give notice of the event to affected residents. One mile circumference and two weeks in advance. K Higgins will finalize document and send to Attorney for review. Intent would be to invite Joe Yasis (Afton Alps) to a Board Meeting. Board consensus that asking Red Frog Events representatives to come here from Chicago to meet may not be feasible. Suggestion that teleconference with Red Frog could be possible if necessary.

Street Patching: K Herman asked if the Town had ever had a resident request for reimbursement for personally having hired repair on a Town road. The pavement on a portion of 80th Street in front of her residence was broken up and in need of repair. The roads contractor looked at the area and was in agreement. Herman's hired RCM to do the repair and they would like to submit the \$300 charge to the Town for repayment, being that it was maintenance of a public Town road with efforts to repair it so there isn't further damage. K Higgins responded that no residents have ever requested or have been reimbursed from the Town for repairs that they had hired to take care of. Normally, areas needing patching are identified on the road tour. Normal course would have been to have the Roads Supervisor look at the area and then to come to the Board with a recommendation. J Moore noted that before any patching repairs be done, it would be important for the Board to first find out what the overall plan for that portion of the road is. Attorney noted that this should be reported to the Roads Supervisor who would talk to the roads maintenance person and report back to the Board. Also, that reimbursing residents who repair the Town's roads on their own would be encouraging resident's to get onto the roads which could also be a liability issue. Repair/payment would have to be approved through the Board.

Road & Ditch Clean up: K Herman inquired if the Town has a contract with anyone for cleanup of junk dumped in the ditches. The Town does not contract with anyone but uses the least expensive options it can find for junk clean up.

House on Mendel: House has been condemned by Cottage Grove Building Inspector due to hazardous conditions.

LEGAL UPDATES

MnDOT Hwy 61/Maycrest Realignment: Board consensus to authorize Attorney to contact MnDOT representatives for more information regarding the Towns obligation to share the cost and maintenance of the signal light due to the realignment of Hwy 61/Maycrest.

9:00 PM **Motion J Moore/2nd K Herman to adjourn.** All In Favor. Motion Carried 4-0-0.

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Ordinances 2014-03, 2014-04 and Resolutions 2014-08, 2014-09

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

Ordinance No. 2014-03

**AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT
CODE REGARDING DRIVEWAYS AND DRIVEWAY ACCESSES AND REGARDING OTHER CLARIFYING CLERICAL AMENDMENTS**

The Board of Supervisors of the Town of Denmark ordains:

Article I. Unreimbursed Costs. Chapter One, Section 1.7 of the Denmark Township Development Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

1.7 Applications and Cost Reimbursement. All applications submitted pursuant to this Ordinance must be on the appropriate Township application form. Notwithstanding anything to the contrary in this Ordinance, all required copies of an application and related documentation, except the copies to be submitted directly to the Zoning Administrator and Town Attorney, shall be submitted to the Township Clerk/Treasurer together with the application fee, escrow payment, and escrow agreement. The Zoning Administrator is authorized to determine if the application is complete, to notify the applicant of what information is needed in order to make an application complete, and to take all other steps as are necessary or deemed advisable to manage the application process. The Zoning Administrator may, on a case-by-case basis, waive certain application requirements in writing or may require an applicant to submit additional information in order to allow the Township to more fully understand the request or the potential impacts. No application for a permit or permission required by this Ordinance shall be considered complete, and no application will be processed, unless there are no delinquent property taxes, special assessment, service charges, penalties, or interest on any property the applicant owns within the Township, and the applicant has no unpaid zoning related application fees, administrative fees, fines, or penalties due to the Township. Applicants required to submit an escrow shall be responsible for fully reimbursing the Township for all professional costs it incurs related to the request. The costs to reimburse the Township in full for the professional costs it incurs related to processing an application constitute a service charge, imposed pursuant to the Township's authority under Minn. Stat. § 462.353, subd. 4., the applicant is required to pay regardless of whether the application is approved, denied, or withdrawn. If the escrowed amount is not sufficient to fully reimburse the Township for its costs, the applicant shall be billed for the additional amounts, which must be paid within 30 days of the billing. Any amount not paid in full within the 30 day period shall be certified to the County Auditor and collected as a service charge on the applicant's property in the same manner as property taxes as provided in Minn. Stat. § 366.012, or collected pursuant to any other authority available to the Township under law.

Article II. Definitions. Chapter One, Section 2 of the Denmark Township Development Code is hereby amended by adding the following definitions:

Driveway: A private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking structure or parking area on private property. The term includes the entire length of the drive on the property including, but not limited to, the portion of the drive located within the public right-of-way and which is referred to herein as the driveway access.

Driveway Access: The portion of a driveway located within a public right-of-way and which serves to connect the portion of the driveway located on private property to the surface of the public road. A driveway access is sometimes referred to as, and the term includes, a driveway approach or an access drive.

Article III. Driveway Accesses. Chapter One, Section 13.4 of the Denmark Township Development Code is hereby amended by deleting the existing text in its entirety and replacing it with the following:

13.4 Driveway Access Permits. The construction or reconstruction of a driveway access onto County roads shall require a driveway access permit from the Washington County Department of Public Works, which must be obtained prior to the issuance of any building permits by the Township. The County Engineer shall determine the appropriate location, size and design of such driveway accesses and may limit the number of driveway accesses in the interest of public safety and efficient traffic flow. The construction or reconstruction of a driveway access onto a town road shall require a driveway access permit from the Township, which must be obtained prior to the issuance of a building permit from the Township. All driveway accesses constructed or reconstructed within a town road right-of-way shall comply with the standards and requirements in this Section and comply with all other applicable laws, rules, regulations and ordinances:

- (1) Authority and Scope. Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the road authority before constructing an approach to a public right-of-way and constructing a driveway headwall. The Township requires an owner to apply for and obtain a driveway access permit from the Township before constructing a new driveway access, or reconstructing an existing driveway access, that provides access to or from a town road. A driveway access permit is required regardless of the intended use of the driveway including, but not limited to, driveway accesses used for agricultural purposes. The owner shall pay the applicable application fee, reimburse the Township for costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required. For the purposes of this Section, the reconstruction of a driveway access requiring a driveway access permit includes any alteration that increases or decreases the vertical profile or width of the driveway access, any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert, or a change in the use of the land that results in a significant change in the use of the driveway access such as if the land is converted from a residential to commercial use. The restrictions contained in this Section that may occur within a town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply.
- (2) Application Procedures. A request for a driveway access permit to access a town road must be on the application form approved by the Township and submitted with the required permit fee in accordance with the following:

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- (a) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential, commercial, or industrial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures. The application shall be submitted to the entity designated by the Township to process such applications and issue driveway access permits on its behalf.
- (b) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
- (c) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by the Township's engineer is required, the applicant shall be required to reimburse the Township the actual costs it incurs related to the engineer's review. The requirement to reimburse the Township for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Township is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.
- (d) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained within this Section and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Township.
- (e) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Township. The permit may require reconstruction of the driveway access in order to adequately accommodate the increased use. If the proposed change in use of the property requires an interim use permit or a conditional use permit from the Township, a separate driveway access permit is not required if the permit issued by the Township for the use addresses any required reconstruction of the driveway access and indicates a separate driveway access permit is not required.

(3) Standards. The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed on the permit issued for the driveway access. For the purposes of these standards, "urban" refers to situations in which the driveway access is connecting to a section of town road constructed with a curb and gutter, and "rural" refers to all other town road sections. Rural road sections typically have a ditch and require installation of a culvert, while urban road sections typically do not.

- (a) Width Requirements. The driveway access shall comply with the following minimum and maximum widths based on whether the property being served is used primarily for residential or commercial (including industrial) purposes. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property. The entire portion of the driveway access within the right-of-way shall comply with the width standards, except that the driveway access may be flared as it approaches the surface of the road. The total width of the flared portion shall not exceed the permitted width of the driveway access by more than five feet and the flare shall be limited to the area within five feet from the edge of the surface of the road.

	Residential	Commercial
Minimum Width	12 feet	24 feet
Recommended Width	20 feet	32 feet
Maximum Width	24 feet	50 feet

- (b) Vertical Clearance. The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.
- (c) Setbacks. No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Township based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Rural Residential	Urban Residential	Rural Commercial	Urban Commercial
Another Driveway access	30 feet	20 feet	30 feet	20 feet
Right-of-Way Intersection	60 feet	30 feet	30 feet	60 feet
Side Lot Line*	20 feet	20 feet	20 feet	20 feet

* Common or shared driveway accesses are exempt from this setback requirement.

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- (d) Driveway access Angle. All driveway accesses shall enter the right-of-way and connect to the surface of the road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road.
- (e) Driveway Access Profile. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (f) Driveway Headwalls. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. In order to avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a town road shall have a slope of no greater than 4 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a town road right-of-way shall comply with the standards in Minnesota Rules, Chapter 8818 regardless of the speed limit on the road.
- (g) Drainage. Drainage along the road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter. A culvert shall be required for a driveway approach constructed to a rural section of road unless the permit issued for the particular driveway approach indicates a culvert is not required. A culvert shall not be required for a driveway approach constructed to an urban section of road unless the permit issued for the particular driveway approach indicates a culvert is required. A permit issued for a driveway access may impose specific requirements for the installation of a culvert or other drainage structure to properly accommodate drainage. A culvert installed within a driveway access shall, at a minimum, have a size of 15 inches in diameter, be a corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), be at least 20 feet in length, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material as the culvert shall be installed on each end of the culvert.
- (h) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Township may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Township for its costs.
- (4) Multiple Driveway Accesses. No more than two driveway accesses to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.
- (5) Unsafe Driveway Accesses. Any driveway access within a Township road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Township may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Township determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Township may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Township for all costs it incurs to correct the condition.
- (6) Surfacing. Driveway accesses constructed or reconstructed to provide access from a town road with a bituminous surface to property used primarily for a commercial purpose shall be hard surfaced with bituminous or concrete. Farming is not considered a commercial use for the purposes of this requirement. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way.
- (7) Construction. The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road.
- (8) Restoration. Any part of the right-of-way disturbed during construction of an driveway access, or the installation of drainage facilities, shall be restored by the permittee to its pre-construction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion.
- (9) Waivers. An applicant for a driveway access permit may request the Town Board grant a waiver of one or more of the standards or requirements of this Section. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient

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- use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.
- (10) Recovering Costs. If the owner fails to fully reimburse the Township for any of the Township's costs required to be reimbursed in this Section, the unreimbursed amount, together with collection costs, may be collected as a service charge on the taxes of the property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Township.

Article IV. Enforcement Costs. Chapter Two, Part 3, Section 1.6(4)(D) of the Denmark Township Development Code is hereby amended by deleting the stricken material and adding the double underlined material as follows:

- D) Stop Work Order. The Town Board, or its designee, may issue a written stop work order if the requirements of the permit of this section are violated. All work under the permit, except corrective work, must cease until the deficiencies identified in the order are corrected to the satisfaction of the Township. If the violations are not corrected within the period designated in the order, the Township may take action to correct the deficiencies at the applicant's expense. All such costs constitute a service charge, imposed pursuant to Minn. Stat. § 462.353, subd. 4., which the Township may collect pursuant to, and collect its costs as a service charge under Minn. Stat. § 366.012 if the applicant fails to promptly reimburse the Township in full for all such costs it incurs.

Article V. Driveways. Chapter Two, Part 3, Section 1.12 of the Denmark Township Development Code is hereby amended by deleting the existing text in its entirety and replacing it with the following:

- 1.12 Driveways.
- (1) Driveway Standards. The construction or reconstruction of a driveway on private property shall comply with the following standards and requirements:
- (A) No portion of the driveway shall be located within the side yard setback area applicable to the property, except upon approval of the Town Board.
- (B) The surface area of the driveway and any related parking areas shall not cause the property to exceed the impervious surface limitations applicable to the property.
- (2) Driveway Access. A driveway access permit shall be obtained from the Township in accordance with Chapter One, Section 13.4 of this Ordinance before any driveway access is constructed or reconstructed within the right-of-way of a town road.

Article VI. General Standards. Chapter Two, Part 3, Section 1.1(19) of the Denmark Township Development Code, is hereby amended by deleting the stricken material and adding the double underlined material as follows:

- (19) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, grain elevators, silos and flagpoles up to 45 feet in height, and wind generators. Wireless Communication Facilities are regulated in accordance with Chapter Two, Part 3, Section 2.492.48, Wireless Communication Antennas and Towers, of this Development Code.

Article VII. Essential Services – Utility Substation. Chapter Two, Part 3, Section 2.16(E) of the Denmark Township Development Code, is hereby amended by deleting the stricken material and adding the double underlined material as follows:

- (E) Utility Substations or any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, Section 2.492.48, Wireless Communication Antennas and Towers, of this Development Code.

Article VIII. Performance Standards. Chapter Two, Part 3, Section 4.10(2)(D) of the Denmark Township Development Code, is amended to clarify that the percentage of maximum impervious surface lot coverage is thirty-five (35%) percent and not thirty-five hundredths (.35%) of a percent as follows:

- (D) Maximum Impervious Surface Lot Coverage. 35%

Article IX. Watershed District. Chapter Two, Part 3, Section 7.1 of the Denmark Township Development Code, including the language noted with an "*", is hereby amended by deleting the existing text in its entirety and replacing it with the following:

- 7.1 Incorporation by Reference. The rules and regulations of the South Washington Watershed District, adopted on December 13, 2011 and including any subsequent amendments thereto, are hereby incorporated in and made part of this Ordinance as if fully set forth herein. Such rules and regulations of the Watershed District shall prevail over any contrary provisions of this Development Code.

Article X. WMO References. All references within the Denmark Township Development Code to a "Watershed Management Organization" or "WMO" shall be changed to the "South Washington Watershed District", "Watershed District", or "SWWD" as is appropriate.

Article XI. Incorporation of Amendments. The Town Attorney and Town Clerk/Treasurer are hereby authorized and directed to incorporate the amendments made by this Ordinance into the Denmark Township Development Code and such updated version shall constitute the official Denmark Township Development Code.

Article XII. Effective Date. This Ordinance shall be effective upon the first day of publication after adoption.

Article XIII. Repealer. The Denmark Township "Rules and Regulations Establishing Design Specifications for Driveways Along Township Roads in Denmark Township" adopted by the Town Board on March 1, 2004 are replaced by the regulations contained in this Ordinance and are hereby repealed effect as of the effective date of this Ordinance.

Adopted this 1st day of December, 2014. **BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES
December 1, 2014

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2014-04

AN ORDINANCE ADOPTING A
FEE SCHEDULE FOR THE TOWN

The Board of Supervisors of the Town of Denmark ordains:

Article I. Schedule Adopted. The attached fee schedule is hereby adopted. The fees contained in the schedule replace any fee amounts previously adopted by the Town Board on the same item.

Article II. Not Codified. This ordinance is transitory in nature and shall not be codified. The fee schedule established hereby shall be placed on the Town's website and shall be available for inspection at the Town Hall during usual office hours.

Article III. Zoning Fees. The Town is authorized by Minnesota Statutes, section 462.353, subdivision 4 to impose fees to offset its costs to administer and enforce its development code. The zoning fees the Town collects shall be used to offset the Town's costs related to the administration and enforcement of its development code and will not be transferred or used for purposes unrelated to planning and zoning.

Article IV. Reasonableness. The Town Board determines the fees established on the attached fee schedule are fair, reasonable, proportionate, and have a nexus to the actual costs the Town incurs related to providing the services to which they relate.

Article V. Collection. The Town may refuse to process any request for failure to submit all required fees and any required escrow amounts. The Town may collect any fees or other amounts that are due and not paid as a service charge pursuant to Minnesota Statutes, section 366.012 by certifying the amount to the county auditor for collection together with the property taxes imposed on any property the person owns in the state.

Article VI. Effect. The attached fee schedule replaces the Town's previous fee schedule, which is hereby repealed. Any other fees the Town established, but which are not reflected on the schedule, remain in full force and effect.

Article VII. Effective Date. This ordinance is effective upon the first day of publication and applies to any requests for a service included on the schedule made on or after its effective date.

Adopted this 1st day of December, 2014. **BY THE TOWN BOARD**

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2014-08

RESOLUTION APPROVING VARIANCES FOR THE
PROPERTY LOCATED AT 16125 – 87TH STREET SOUTH

WHEREAS, Adam and Karla Wadd ("Owners") submitted an application, through its contractor Peter Vujovich, to Denmark Township ("Town") requesting numerous variances for their property located at 16125 – 87th Street South (PID 14.027.20.33.0007) and which is legally described in the attached Exhibit A ("Property");

WHEREAS, the variance requests relate to the Owners' proposed project to renovate and improve the existing home by removing and replacing existing decks, add a new attached garage addition, and a front stoop addition on the Property as further described in the application materials and the Town Planner's memorandum dated November 10, 2014, which is attached hereto as Exhibit B ("Planner's Report");

WHEREAS, the Denmark Township Planning Commission held a public hearing on November 17, 2014 regarding the requested variances, considered the Planner's Report, and adopted a motion to forward the application to the Town Board, sitting as the Board of Adjustments and Appeals, with a recommendation that the variances be approved with the conditions recommended in the Planner's Report, an additional condition requiring the Owners to submit a landscaping plan for the replacement of trees for review and approval by the County and the Minnesota Department of Natural Resources, and the other standard conditions the Town imposes on such requests;

WHEREAS, the Town Board, sitting as the Board of Adjustments and Appeals, considered the application at its December 1, 2014 meeting and hereby finds and determines as follows:

- a. The Property is located in the Town's Single Family Estate District, and is within the St. Croix River Management Overlay District;

DENMARK TOWN BOARD MEETING MINUTES December 1, 2014

- b. The current lot was established, and the present home constructed, prior to the original adoption of the Town's zoning regulations. The Town understands the creation of the lot and the construction of the home were both in compliance with applicable regulations in effect at the time;
- c. Chapter One, Section 6.1(2) of the Denmark Township Development Code ("Ordinance") authorizes the Board of Adjustments and Appeals to grant variances from the requirements of the Ordinance, including restrictions placed upon nonconformities;
- d. Chapter One, Section 9.1 of the Ordinance sets out the criteria for issuing variances;
- e. The proposed project is consistent with the Town's Comprehensive Plan;
- f. The findings contained in the Planner's Report are incorporated herein;
- g. The Town Board determines the small size of the lot, its location adjacent to the St. Croix River, and the location and size of the existing home on the Property constitute practical difficulties and otherwise satisfy the criteria in the Ordinance, authorizing the issuance of the requested variances; and
- h. The Town Board finds the following conditions imposed on variances are directly related to and bear a rough proportionality to the impacts created by the variances. The condition requiring the development and submission of a landscaping plan to replace trees relates to the improper removal of trees on the Property along the river done prior to the present Owners acquiring the Property.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter and the findings and determinations contained herein, the Town Board of Denmark Township hereby approves and issues the following variances for the Property:

1. A variance of 1.62 acres to allow modifications to an existing home on a lot that is 1.38 acres in size where the minimum lot area requirement is 3 acres;
2. A variance of 50 feet to allow modifications to an existing home on a lot that is 150 feet wide where the minimum lot width requirement is 200 feet;
3. A variance of 136 feet to allow a deck to be constructed 36 feet into the bluffline, where a 100 foot setback is required;
4. A variance of 108 feet to allow an attached garage to be constructed 8 feet into the bluffline, where a 100 foot setback is required;
5. A variance of 100 feet to allow a front entry to be constructed at the bluffline where a 100 foot setback is required; and
6. A variance to allow grading for the construction of a new terrace on a slope greater than twelve percent (12%).

BE IT FURTHER RESOLVED, the variances granted herein are subject to the following conditions and requirements:

1. Permits. The Owners shall obtain all necessary approvals and permits prior to beginning construction.
2. Site Plan. The dimensions and layout of all site features shall match the Site/Grading Plan drawn by Cornerstone Land Surveying, Inc. dated October 23, 2014. Minor modifications to the site plans may be administratively approved by the Town Planner.
3. Grading, Drainage, and Erosion Control. Any proposed minor modifications or changes to the existing grade, drainage, or erosion control structures or devices on the Property must be submitted to the Town Engineer for review and may be approved administratively by the Town Engineer. Major modifications or changes to grade, drainage, or erosion control on the Property as designated by the Town Engineer shall require review and approval by the Town Board.
4. Deck Construction Materials. The exterior decks shall be constructed of materials that are visually inconspicuous in summer months as viewed from the river.
5. Color of Structures. The exterior color of new attached garage shall be of earth or summer vegetation tones.
6. Fees. The Owners shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this permit application. In the event any fees are outstanding they will be paid by the Owners within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
7. Landscaping Plan. The Owners shall prepare a landscaping plan for the replacement of trees on the Property and submit it for review and approval by Washington County and the Minnesota Department of Natural Resources. The Owners shall provide the Town a copy of the approved landscaping plan. The Owners shall implement the approved plan in 2015.
8. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant, or term of these variances shall not be deemed to be a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
9. Compliance. These variances are subject to the requirements of the Town's ordinances and the Owners are required to comply with all applicable federal, state and local laws, rules and ordinances.
10. Binding Effect. The conditions placed on these variances are binding on the Owners, their successors and assigns, shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership. The obligations of the Owner under this Resolution shall also be the obligations of any subsequent owners of the Property.
11. Acceptance of Conditions. Utilization of any of the variances shall constitute acceptance by the Owners of the conditions imposed herein and agreement that they are related to and bear at least a rough proportionality to the impacts created by the variances.

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to record this Resolution in the office of the County Recorder at the Owners' expense.

Adopted this 1st day of December, 2014. **BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES
December 1, 2014

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2014-09

RESOLUTION APPROVING SUMMARY
LANGUAGE FOR PUBLICATION OF TWO ORDINANCES

WHEREAS, on December 1, 2014 the Town Board of Denmark Township ("Town") adopted "AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT CODE REGARDING DRIVEWAYS AND DRIVEWAY ACCESSES AND REGARDING OTHER CLARIFYING CLERICAL AMENDMENTS", Ordinance Number 2014-03, and adopted "AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE TOWN", Ordinance Number 2014-04 (collectively the "Ordinances");

WHEREAS, the ordinance amending the development code amends a number of sections of the code and the fee schedule ordinance adopts a new fee schedule for the Town to replace the existing schedule;

WHEREAS, Minnesota Statute, section 368.01, subdivision 21 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

WHEREAS, the Town Board determines that publishing the full text of the Ordinances is not reasonably feasible and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinances:

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT
CODE REGARDING DRIVEWAYS AND DRIVEWAY ACCESSES AND
REGARDING OTHER CLARIFYING CLERICAL AMENDMENTS
&
AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE TOWN

The Town Board of Denmark Township adopted Ordinance No. 2014-03 to include regulations regarding driveway accesses, driveways, and making various corrective amendments to its Development Code. The new regulations replace the Town's existing driveway ordinance, require a permit before constructing or reconstructing a driveway access within a town road right-of-way, and impose various requirements and restrictions related to approaches and driveways. The Town Board also adopted Ordinance No. 2014-04 to adopt an updated fee schedule for the Town. The new schedule replaces the previous schedule. Copies of both ordinances are available on the Town's website, the Washington County Law Library, the Dakota County Hastings Branch Library, and can be obtained by contacting the Town Clerk-Treasurer.

Becky Herman
Clerk-Treasurer

BE IT FINALLY RESOLVED, that the Town Clerk is hereby authorized and directed to:

- (1) Publish the above summary of the Ordinances once in the Town's official newspapers;
- (2) Maintain a copy of the full Ordinances at the Town Hall;
- (3) Place a copy of the full Ordinances at the Dakota County Hastings Branch Public Library;
- (4) Place a copy of the full Ordinances at the Washington County Law Library;
- (5) Record a copy of the ordinance amending the development code with the County Recorder's office; and
- (6) Place the Ordinances in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted this 1st day of December, 2014. **BY THE TOWN BOARD**