

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2005

SUPERVISORS PRESENT: Jim Fitzpatrick, Kathy Higgins, John Kummer, Gary Dixon and Jim Keller
OTHERS PRESENT: Attorney Shoeberg and Engineer Geheren

CALL TO ORDER: Meeting called to order at 7:02 PM by Chair Fitzpatrick

AGENDA APPROVAL: Keller added Ordinance Review to Business Items. Higgins added Planning/Ingraham and Associates. Motion Kummer/2nd Higgins to approve Agenda as amended.
Motion Carried.

CONSENT AGENDA APPROVAL: Motion Keller/2nd Kummer to approve Consent Agenda.
Motion Carried.

HEARING DECISIONS/ZONING ACTIONS:

Marshall Open Space Design Subdivision

John Swenson (Surveyor) presented for Marshalls. Mr. Swenson reviewed proposed subdivision of splitting 80 acres into 6 residential lots and 1 vacant agricultural parcel (Outlot A). Plan has total of 40 acres Open Space. Homeowners will manage their Open Space. Outlot A will be managed by Scott and Bonnie Marshall.

Motion Higgins/2nd Kummer to approve Marshall Open Space Design Subdivision subject to PC recommendations as follows:

1. A revised preliminary plat be submitted showing dedication of right of way for 90th Street (CR 76) and Neal Avenue and identification of house pads and primary and a secondary septic sites for Lots 1-6.
2. The Open Space Design Code be adopted by the Denmark Town Board.
3. The applicants enter into a development agreement with the Township to specify long-term management of the conservation easement areas. Conservation easements and management agreement be as approved by the Township Attorney and Town Board. An escrow deposit may be required by the Town Board for inspection and administration of the open space use agreement.
4. Park dedication be paid in cash to the Township for four new lots.
5. Driveway access locations to 90th Street (CR 76) be as approved by Washington County. Any new driveway access locations to Neal Avenue be as approved by Township Engineer.
6. Percolation tests, septic system and wells be as approved by Washington County.
7. Signage be placed on property. Motion Carried.

Attorney-received call from potential buyer of lot 5. Inquired as to whether Board would approve lot split prior to adoption of new ordinances, so that buyer can close on sale. Motion Higgins/2nd Kummer to authorize lot split of Lot 5 as submitted on preliminary plat subject to new ordinance adoption, and final plat approval with buyer being required to join in on final plat.

Kummer noted this is consistent with approval on prior applicant. Attorney will prepare Development Agreement for this action. Motion Carried.

Howe Variance- Howe's requested an extension. Attorney sent them an extension form for their signature.

PUBLIC COMMENT: None

BUSINESS ITEMS:

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Clerk received Sheriff's report via email. Board instructed Clerk to call Sheriff's office and let them know they didn't have to deliver reports in person unless they wanted to address the Township.

WMO- removed from agenda for this month. Will present next month.

Incorporation-Fitzpatrick asked Board to review Scandia's Incorporation report format. Attorney asked if Board wanted Denmark Incorporation Study be in similar format. Board will review and email attorney or Fitzpatrick on any input/comments by October 10th. Shoeberg and Fitzpatrick will then compile report and send back to Board for review.

11/15/05 Government Dinner-Clerk instructed to post as meeting.

Xcel Utility Permit Escrow proposal-Xcel would like to set up an escrow with Denmark Township for the purpose of paying permit fees. Board directed Attorney to draw up an agreement and send to Clerk. Higgins and Clerk will revise utility procedure.

110th Street Culvert-Re: water run off issue on the 110th Street Lane Culvert. Engineer sent a letter to the Homeowners Association explaining her finding on the matter.

Kummer requested that the Board address Mr. Sach's questions.

- 1) Did the Town Engineer verify that the culvert extension was included?
- 2) Did the Town Attorney verify that the permanent easement was included?
- 3) What construction documents does the Township have that delineate the work the developer is to perform?

Attorney will write Sachs a letter containing the following:

- 1) No culvert extension was included on the plan. Copy of plan will be attached.
- 2) The easement requirement is in the Development Agreement.
- 3) Developer is to go according to the plans. However, the changed condition, (absence of a culvert), would eliminate developer's responsibility to clean it.

Town Hall- Dixon received an estimate for gutter installation from Fox's Flowrite Gutters in the amount of \$720. Motion Higgins/2nd Kummer to accept the estimate of \$720 from Fox's for installation of gutters. Discussion-leaf covers to be included.

Motion Higgins/2nd Kummer to amend motion to include leaf covers and approval of additional funds to cover the expense. Motion Carried.

Town Hall Painting-received 2 estimates for Town Hall painting. Kerschbaum, \$7275, which includes the main building, but not the deck or deck rails. Painter will guarantee his work. Coat of Many Colors estimate was a verbal estimate of \$4000, but did not guarantee the work, should there be an underlying moisture problem. This contractor did not submit a written estimate, and was contacted several times requesting it. Motion Keller/2nd Dixon to accept the \$7275 bid from Kerschbaum. Motion Carried. Dixon will check painter's schedule.

Upon a citizen's request, Keller asked Board to consider construction of a bathroom on the North side of the Town Hall. Keller will research bathroom idea. P.A. system has problems. Dixon will check on it. Higgins requested additional lighting in the office. Higgins would like to see a flagpole on the grounds. Keller will research. Dixon will install blinds in the bathroom and office.

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Ordinance Schedule- Discussion on Ordinance progress. All comments/revisions from staff to be submitted by 10/15/2005.

Planning-Ingraham and Associates has merged with Hoisington Koegler Group. They will continue to be Denmark Township Planning Staff.

LEGAL REPORTS:

Klopf-Mr. Klopf has made no payments to the County. County will proceed with a hearing.

Suburban- Attorney reported tires and miscellaneous metal items were still outside the building. Township has contractors to go in and clean out tires and misc. metal items on October 15th.

Rumpca-Rumpca has filed a motion to intervene and be party to Grote/Kramer litigation against township. Rumpca Conditional Use Permit has been recorded and was approved by the County Planning Commission.

Outstanding Items reviewed with Attorney:

Davison-Possible Public Hearing on Cartway request to be scheduled for November.

WMO-Budget & Expenditures-Attorney will get 2005 and proposed 2006 reports for Township Joint Powers Agreement-Attorney will get copy to Township.

Resolution (approved at 08/01/05 Board Meeting) to MnDOT-Attorney sent to Engineer for review. She will attach letter and send out. Board will receive copy in couple days.

Meeting on Hwy 95 MnDOT will have a meeting on October 18th. Kummer and Engineer will attend. Clerk will post meeting if necessary.

117th Street Plat-Attorney to provide map to Board members. Plat approval to be added to the November Agenda.

Motion Kummer/2nd Dixon to adjourn. Motion Carried.

Becky Herman
Clerk/Treasurer