

DENMARK TOWN BOARD MEETING MINUTES
May 5, 2008

SUPERVISORS PRESENT: Steve Kramer, Jim Keller, Gary Dixon, Joe Moore

ABSENT: Kathy Higgins

ALSO PRESENT: Attorney Gilchrist and Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:05 PM by Vice-Chair Keller

AGENDA APPROVAL: Moore requested that resident Cal Bruer's business item be heard following consent agenda approval, and added Mississippi River Trail and Hastings Bridge. Keller added Mayors Race Challenge and Rase Auto. **Motion Moore/2nd Kramer to approve agenda as amended. Motion Carried Unanimously.**

CONSENT AGENDA APPROVAL:

Motion Kramer/2nd Moore to approve consent agenda which includes 04/07/2008 Board Meeting Minutes and 04/23/2008 Board Portfolio Meeting Minutes, claims #8855-8876, payroll ending 05/01/2008 and financial reports. Motion Carried Unanimously.

Accessory Structure-Cal Bruer:

Mr. Bruer is requesting approval to locate his garage between the house and the road at 11787 Osprey Ave. Mr. Bruer submitted plans and drawings for Board review and proposes to replace the 2 structures which were burnt down with a 20' by 20' garage. Location will be outside the River setback. **Motion Moore/2nd Dixon to approve the Bruer Accessory Structure to be located at the former location between the house and the road per the submitted plans. Motion Carried Unanimously.**

HEARING DECISION/ZONING ACTIONS:

Hastings Chrysler/Hastings Automotive. Doug Erickson presented. Hastings Chrysler is requesting to amend the Boat Sales, Inc. CUP for the property at 12260 Margo Ave. S. (Crystal Pierz). Applicants propose to use the property as a temporary automotive dealership for the display of for-sale vehicles and as a drop-off location for customer's vehicles which will be transferred to the permanent Hastings Chrysler/Automotive business, during the maintenance work on the Hastings River Bridge.

Town Planner and the Planning Commission recommended conditional approval of the amended CUP. Attorney provided Board with a draft resolution. The Board made the following changes: A maximum of 115 for-sale autos may be displayed outside on the property, and must be on paved or gravel surfaces; however, up to 15 vehicles may be displayed on the grass area between the pavement and Highway 61. An additional 12 spaces must be provided for customer and employee parking. Vehicles may be parked inside the showroom. **Motion Kramer/2nd Dixon to approve Resolution 2008-05 Temporarily Amending The Conditional Use Permit For The Property Located At 12260 Margo Avenue South, for Hastings Chrysler/Hastings Automotive. Motion Carried Unanimously.** Resolution 2008-05 attached.

Board directed Attorney to revise Resolution with amended Board conditions.

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LSCWMO Rules Adoption: Planning Commission recommended approval of an ordinance amending the Denmark Development Code to incorporate by reference the rules and regulations of the LSCWMO. **Motion Moore/2nd Dixon to adopt Ordinance 2008-01, An Ordinance Amending The Denmark Development Code To Incorporate By Reference The Rules And Regulations Of The Lower St. Croix Watershed Management Organization. Motion Carried Unanimously.** Ordinance 2008-01 attached.

PUBLIC COMMENT: Sheriff's Deputy submitted activity report to the Town.

BUSINESS ITEMS:

Town Hall Mowing: Town Attorney summarized the appropriate use of the bid process (contract value of at least \$50,000), obtaining quotes (contract value or \$10,000-\$50,000) and hiring for services on the open market (contract value under \$10,000). Because of the amounts of monies involved with both the Town Hall and Ditch mowing contracts, it would not be necessary to use the bid process.

Board consensus that an annual agreement rather than a 3 year contract is preferred.

Motion Kramer/2nd Dixon to reject all the Town Hall mowing bids, to pursue an annual agreement on the open market. Motion Carried Unanimously.

Motion Kramer/2nd Moore to authorize Steve Kramer to obtain proposals for Town Hall mowing services for a 1 year term. Motion Carried Unanimously.

Anyone who submitted a bid will be contacted for consideration of a proposal.

All proposals received will be brought back to the Board in June for approval.

Township Ditch Mowing:

Motion Dixon/2nd Kramer to reject all Township ditch mowing bids, to pursue a 3 year agreement on the open market. Motion Carried Unanimously.

Motion Dixon/2nd Kramer to authorize Gary Dixon to obtain quotes for Township ditch mowing services for a 3 year term. Motion Carried Unanimously.

Anyone who submitted a bid will be contacted for consideration of a proposal.

All proposals received will be brought back to the Board in June for approval.

Attorney is revising mowing contracts and will send to Board for review.

Engineer's Road Report: Engineer Geheren submitted a written roads report to the Board. Engineer comments: 1) The 15 paved roads are up to a minimum level of service. A couple of paved roads are showing signs of failure. The dollar estimation for reclaim/overlay on these roads is \$265,000. Paris Ave from 110th to the cul-de-sac is of concern. Current estimate is about \$50,000. 2) Paving another section of gravel road. Estimate of 1 mile of paving is \$300,000. Paving can be selected by road counts (last count indicated most traveled was Neal Ave between 80th and 90th) or by a plan of continuing where the last paving stopped. Seal coated can be done on a 5 to 7 year cycle. Engineer recommended shape and pave for Paris Avenue. Jim Herman noted that the last mile of 80th Street (from Neal to Manning) was not sealcoated last year when the rest of 80th was done. Engineer indicated that this was missed due to error when the bid proposal went out. Engineer will provide estimates for paving gravel roads, shape and paving Paris and seal coating the west

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mile of 80th for the June Board Meeting. Jim Herman requested that the intersection of 100th and Manning be paved about 100 feet out, for maintenance purposes.

2007 Financial Audit: Clerk submitted 2007 Financial Audit report which was prepared by Oberloh and Associates. **Motion Moore/2nd Dixon to approve the 2007 Financial Audit report.** **Motion Carried Unanimously.**

Mayors Challenge Cup: Keller reminded the Board of the Mayor's Challenge Cup, should anyone on wish to participate.

Rase Automotive: Inspectron submitted 04/07/08 and 05/05/08 inspection reports to the Board. Inspectron has notified Rase Auto of the finding and expectations of corrections. A follow up inspection will be on 05/21/08. Engineer stated that TKDA is working with Snaza on the CUP conditions. Keller requested monthly reports to the Board. Town received complaint from neighbor on the way the property looks, including a hole in the south fence. Attorney will follow up with neighbor.

Mississippi River Trail: Moore attended River Trail meeting. Group received grant for bike trail signs. Proposed route from Newport to Kimbro to 100th may change due to gravel roads. Moore requested Board approval for participation with group. Keller requested specifics on what the groups requests were.

Hastings Bridge Repair: Moore attended meeting. Amount of painting will be reduced, which will shorten the time of repairs. Re: Membership for the committee on the new bridge-applications will be given out to prevent special interest groups.

WMO Update: Keller indicated that the LSCWMO was experiencing a lack of funds. Much of the work has been completed.

St. Croix Ridge: Attorney reported that Mr. Riegel will contact the landowners in St. Croix Ridge to see if they will grant easements. Attorney will handle ongoing issues.

Erin Glen: Lot split funds have not been received by Town.

122nd/Morgan intersection: Engineer reviewed old TKDA files on this intersection. Engineer will prepare updated estimates. Signs were ordered/received and striping will be done. Dixon requested estimates on intersection options to be reported with Engineer's June roads estimates report.

Homestead Estates: No Letter of Credit has been received. Engineer will pursue.

9:39 PM Motion Dixon/2nd Kramer to adjourn. **Motion Carried Unanimously.**

Becky Herman Denmark Township Clerk/Treasurer
Addendums Resolution 2008-05 and Ordinance 2008-01

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Resolution 2008-05

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2008-05**

**RESOLUTION TEMPORARILY AMENDING THE CONDITIONAL USE
PERMIT FOR THE PROPERTY LOCATED AT 12260 MARGO AVENUE SOUTH**

WHEREAS, Hastings Chrysler Center, Inc., Hastings Automotive, Inc. and Myron Kujawa (the “Applicants”) submitted a conditional use permit (“CUP”) amendment application related to their proposal to operate a temporary automotive sales business on property located at 12260 Margo Avenue South, Hastings, Washington County, Minnesota and legally described in Exhibit A which is attached and made part of this Resolution (the “Property”);

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested CUP amendment, considered the Town Planner’s memorandum concerning the CUP amendment application, and on April 21, 2008 took action to recommend that the Town Board approve the requested amendment to the CUP with certain conditions;

WHEREAS, the Town Board hereby finds and determines the following:

- (1) The Property is currently zoned Commercial/Industrial (C/I);
- (2) There is an existing CUP on the Property for a boat dealership;
- (3) Automotive dealerships, automotive vehicle repair and outdoor storage are conditionally allowed in the Commercial/Industrial zone, and require a conditional use permit;
- (4) The Applicants propose to use the Property as a temporary automotive dealership for the display of for-sale vehicles and as a drop-off location for vehicles to be moved to the permanent Hastings Chrysler Center and Hastings Automotive sites for repair;
- (5) The Applicants’ understand and agree this CUP amendment is only temporary and will expire of its own accord in that its purpose is to allow Hastings Chrysler Center and Hastings Automotive to respond to the temporary disruption in the flow of traffic by their permanent sites during the scheduled repair of the Hastings bridge by allowing the temporary display and sale of automobiles on the Property which is anticipated to receive a greater flow of traffic during the bridge repairs;

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- (6) The Property satisfies the minimum lot size for the proposed use;
- (7) The proposed use would comply with all required setback areas; and
- (8) The proposed use otherwise satisfied or is consistent with, the factors set out in Section 10.3(1) of the Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of Denmark Township hereby amends the CUP in order to allow the Applicants to operate a temporary automotive business as described herein on the Property, and the Applicants shall comply with all of the following conditions:

1. All conditions stated in the existing Amended CUP for the Property shall remain in force and apply.
2. A maximum of 115 for-sale automobiles may be displayed outside on the Property. All outside storage and sales of automobiles must be on paved or crushed rock surfaces only. However, up to 15 automobiles may be displayed on the grass area between Highway 61 and the building on the Property. Additional vehicles may be displayed inside the building. Vehicles may not be stored or displayed on the septic drainfield.
3. A minimum of six employee and six customer parking spaces must be provided on the Property. These parking spaces are in addition to the allowed 115 outdoor display spaces.
4. No automobile repair is permitted on the Property. The Property may be used as a drop-off location for automobiles to be moved to the permanent Hastings Chrysler Center and Hastings Automotive sites for repair, provide the dropped-off vehicles, when added to the outside for-sale display vehicles, do not exceed 115 vehicles.
5. The operation may reuse or replace the existing free standing business sign and interior directional sign on the Property, and in addition, may attach one sign to the building. All signs must conform to all applicable Township Development Code requirements.
6. All fees and escrow amounts must be paid to fully reimburse the Township for its costs to process and act on the application.
7. The Applicants and the Town understand that the public record shows that the Applicants' use of the Property is only temporary. The Applicants consent to the following condition which memorializes this fact: the temporary use of the Property as an automobile dealership shall terminate within thirty days of the maintenance work on the Highway 61 Mississippi River Bridge at Hastings being completed or by September 15, 2008, whichever occurs first. Failure to terminate operation of the dealership as so provided shall constitute a violation of the terms of this approval and shall be cause for revocation of the amended CUP.
8. The Property must be returned to its current state or an improved state of condition no later than the date of expiration of the amended CUP. All equipment, vehicles and other property of Hastings Chrysler Center and Hastings

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Automotive must be removed from the Property. All waste and waste receptacles/dumpsters must also be removed from the Property.

9. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this amended CUP 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.
10. No display or sales of automobiles may occur on the Property pursuant to this amendment to the CUP after its expiration as provided in condition 7 above.

Adopted this 5th day of May, 2008.

Ordinance 2008-01

**TOWN OF DENMARK
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2008-01**

AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT CODE TO INCORPORATE BY REFERENCE THE RULES AND REGULATIONS OF THE LOWER ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

THE BOARD OF SUPERVISORS OF THE TOWN OF DENMARK, WASHINGTON COUNTY, MINNESOTA HEREBY ORDAINS:

SECTION I: Chapter Two, Part 3, Section 7, of the Denmark Development Code is amended by adding a new Section as follows:

SECTION 7. ST. CROIX WATERSHED MANAGEMENT ORGANIZATION RULES AND REGULATIONS

- 7.1 Incorporation by Reference. The rules and regulations of the Lower St. Croix Watershed Management Organization (WMO), as adopted by the WMO on February 13, 2008 and including any subsequent amendments, shall be incorporated fully herein as if set forth herein at length. Such WMO Rules and Regulations shall prevail over any contrary provision of the Development Code.

SECTION II: This ordinance shall become effective upon its adoption and publication.

Adopted by the Town Board of Denmark Township this 5th day of May, 2008.

BY THE TOWN BOARD

/s/ Kathleen A. Higgins, Chairperson

Attest: /s/ Becky Herman, Town Clerk-Treasurer