

DENMARK TOWN BOARD MEETING MINUTES  
November 6, 2006

**SUPERVISORS PRESENT:** John Kummer, Kathy Higgins, Gary Dixon, Jim Keller and Joe Moore.  
Also Present: Attorney Troy Gilchrist, Planner Dick Thompson and Engineer Cara Geheren

**CALL TO ORDER:** Meeting called to order @ 7:00 PM by Chair Kummer.

**AGENDA APPROVAL:** Higgins added Miller accessory structure location approval. Keller added Collins concept plan density units. Higgins added claims adjustment, re: Valley Paving.

**Motion Keller/2nd Higgins to approve Agenda as amended. All in Favor. Motion Carried.**

**CONSENT AGENDA APPROVAL:**

**Motion Moore/2nd Keller to approve Consent Agenda. All in Favor. Motion Carried.**

**HEARING DECISION/ZONING ACTIONS:**

**A+ Auto Amended Conditional Use Permit and Variance**

7:05 PM John Kummer stepped down from Board and moved into the audience area, vice chair Higgins resumed meeting. Mr. Quinn is requesting an amended conditional use permit for used auto sales at 12378 Point Douglas Drive S. He is also requesting a variance from the curbing requirement. Higgins reviewed the Planning Commission report, which recommended approval of both the amended conditional use permit and a variance from curbing. Mr. Quinn stated that his prior business and this car lot were both nice looking and very presentable. Higgins agreed.

**Motion Moore/2nd Dixon to approve A+ Auto Amended Conditional Use Permit subject to the following:**

- 1) **Auto sales display be limited to 50 vehicles only.**
- 2) **No vehicle repair is allowed to occur on-site.**
- 3) **The parking surface may not exceed 80% of the site.**
- 4) **A sign permit is required and the signage is to meet Township codes. No other signs, banners, etc. are allowed without separate specific approval of the Town Board.**
- 5) **All vehicles must be operable and have valid licenses.**
- 6) **Landscaping be installed along the perimeter of the lot at the property owners discretion**

**AND to approve a variance from curbing, based on the following:**

- a) **The previous CUP at the site did not have curbing.**
- b) **Curbing at this particular site may cause more harm than good, pertaining to drainage, lot maintenance and lot deterioration.**
- c) **Some other businesses in the area were found to not have curbing.**

**All in Favor. Motion Carried.**

7:09 PM John Kummer resumed position on Board.

**PUBLIC COMMENT:**

Kummer introduced Township Legal Counsel Troy Gilchrist and Township Planner Dick Thompson. Charlie Grote-inquired on Incorporation status. Kummer stated discussions were put on hold for time being due to number of other pending issues. Discussion to continue later this year.

Frank Femling-inquired on status of 87th Street being rough. Engineer stated that after the 1st freeze and thaw cycle, it will probably go away. Road work is under warranty for township's protection.

Pam Monno- (80th St)-asked for clarification on Rumpca. Kummer stated that Rumpca issues could be addressed at a later point in the meeting.

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**BUSINESS ITEMS:**

**Lot off 87th Street-Ross Iverson:** Ross Iverson, Tract F lot owner is requesting Board review of said lot, to determine that lot is accessible for emergency vehicles. Has a potential buyer for lot who wants assurance that road is accessible. Both Dennis O'Donnell from the County and John Kummer have been at the site and have found the access, which is Tract H, a permanent easement across the property, to be emergency vehicle accessible. Kummer stated that since the lot has an 80 foot road frontage, which does not meet the current Township Ordinance requirement for road frontage, the lot may need a variance.

**Motion Higgins/2nd Dixon to define Tract F as buildable and that Tract H is acceptable for an emergency vehicle access.** All in Favor. Motion Carried. Board directed Attorney to prepare resolution.

**Dan Torgerson Accessory Structure:** Mr. Torgerson (Nyberg Ave.) is requesting approval of garage between the house and the road. Kummer, Dixon and Moore have looked at the site and have found the request to be reasonable due to the placement of the residence, septic and well. **Motion Higgins/2nd Moore to approve placement of the accessory structure as per submitted sketch.** All in Favor. Motion Carried.

**George Miller Accessory Structure:** Mr. Miller (Paris Ave.) is requesting approval of garage between the house and the road. Higgins has looked at the site and found the request to be reasonable due to placement of the current residence, septic and well, the current drainage easement on the property and the view for both the homeowner and neighbor. Higgins requested Mr. Miller to have Ron Wasmund check for correct distance from utility easement. Mr. Miller stated if necessary, it could be moved a little to the South. Mr. Miller will also discuss plan with neighbor. **Motion Higgins/2nd Keller to approve placement of the accessory structure as per submitted sketch.** All in Favor. Motion Carried.

**Rumpca Update:** Kummer updated residents. Special meeting was 10/23/06 for the purpose of the Board to arrive at the safest route for the trucks hauling to and from the pit. At that meeting, the route that was arrived at was to exit the pit on 80th Street, proceed west to Neal, Neal north to 70th. Board passed a resolution to that effect. Board agreed to spend \$50,000 on engineering fees. That offer was presented to applicant's attorney. The response received was that that route did not interest them and that they wanted to proceed to an arbitration hearing that was set for November 9th. On November 4th, Board met in a special closed meeting, with Attorney Shoeberg, to discuss on going litigation between the Township and Mr. Magone. The Board discussed litigation strategy and decided to have the new attorney represent Township on this matter going forward. **Motion Keller/2nd Higgins to approve the appointment of Troy Gilchrist as legal counsel for the Township re: Rumpca.** All in Favor. Motion Carried.

Board reviewed draft of resolution prepared for discussion by Gilchrist. Discussion re: township's obligation to continue arbitration and whether or not CUP has expired. Board believes it has fulfilled requirements of original arbitration order and that the current CUP has expired and that the applicant would need to reapply and go through the conditional use permit application process. Comments/questions from audience re: construction on the site, ability to place conditions on a new permit, pending arbitration, etc. Comments from Board that the use is a permitted use, explanation of

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offer made to applicant and fact that it was rejected, description of Board members driving all routes in gravel truck, possibility of walking paths on 80<sup>th</sup>, etc. Engineer reported that soil borings had been done. Both 80<sup>th</sup> & Neal would need to be upgraded. 80th has 2 ½ inches of pavement over gravel base of 1 to 6 inches. Neal averages gravel of 6 inches. Both have lean clay which isn't conducive to road building. Engineer will finalize report and send to Board.

**Motion Higgins/2nd Keller to approve Resolution 2006-03, Resolution Determining Satisfaction of Arbitration Order and Expiration of Rumpca Conditional Use Permit.**

Discussion: Attorney would like to add additional phrase to the resolution, indicating that Rumpca may reapply for a conditional use permit. Board approved adding this to the resolution.

**All in Favor. Motion Carried.**

**St. Croix Estates Phase 2:** Engineer has inspected all the improvements. Board received report from Engineer recommending that the improvements be accepted for a 1 year warranty period. Also recommended was that the Letter of Credit security for the development's improvements be reduced in accordance with the Developer's Agreement. Clerk will get Development Agreement to Engineer for exact dates and amounts. **Motion Keller/2nd Higgins to approve St. Croix Estates Phase 2 to enter warranty period effective 10/30/2006, and to reduce the Letter of Credit security amount to \$70,000.** All in Favor. Motion Carried.

**Election Judge approval: Motion Moore/2nd Dixon to approve election Judge list as submitted.** All in Favor. Motion Carried.

**All Hazard Mitigation Plan Resolution: Keller has reviewed the plan and recommended Board to adopt the resolution. Motion Keller/2nd Higgins to adopt the Washington County All Hazard Mitigation Plan.** All in Favor. Motion Carried.

**Claims Adjustment:** Engineer requested partial payment to Valley Paving for 2006 Street improvements. Final payment to be paid at a later date. Mr. Sieben reported that work on his driveway should be done soon, and that he also would be submitting a claim for damage that occurred on his vehicle due to the problem left at the end of his driveway. Engineer directed clerk not to send the check to Valley Pavement until she receives the paperwork which should arrive shortly. **Motion Keller/2nd Moore to approve payment to Valley in the amount of \$238,098.72.** All in Favor. Motion Carried.

**WMO Update:** Keller reported that a list of concerns is being compiled on behalf of Denmark and that Cottage Grove Engineer also has similar concerns which will be presented to the WMO. Clerk for WMO may also be hired soon. Township clerk directed to send Joint Powers Agreement to Attorney for review.

**Collins Concept Density Units:** Township has been billed by prior legal counsel for review on Collins Density units. Township has not received report on the same. Attorney Gilchrist will follow through per Board's direction. Board consensus is that Attorney Gilchrist take over representation of Denmark Township on all Legal issues. Board directed Attorney to request all Township files from Attorney Shoeberg.

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**Solid Waste Ordinance:** Board received copy of proposed ordinance amending the Solid Waste Collection Ordinance. Board directed Attorney Gilchrist to review and advise. Approval of proposed ordinance moved to December agenda.

**Eagle's Watch:**

Kummer stated that crack sealing has been done at Shamrock/Eagles Watch Development.

**Motion Higgins/2nd Dixon to adjourn. All in Favor. Motion Carried.**

Meeting adjourned @ 9:05 PM.

Becky Herman  
Clerk/Treasurer