

DENMARK TOWN BOARD MEETING MINUTES
March 1, 2010

SUPERVISORS PRESENT: Jim Keller, Gary Dixon and Kathy Higgins

ABSENT: Joe Moore and Steve Kramer

STAFF PRESENT: Attorney Gilchrist, Planner Farrington and Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:02 PM by Chair Higgins

AGENDA APPROVAL: Higgins added Strohfus and 70th Street Project. Keller added Red Rock Corridor.
Motion Keller/2nd Dixon approval of agenda as amended. All In Favor. Motion Carried 3-0.

CONSENT AGENDA APPROVAL: Motion Dixon/2nd Keller approval of consent agenda which includes 02/01/2010 Board minutes, PERA EFT 131128, payroll ending 03/01/2010 and financial reports. All In Favor. Motion Carried 3-0.

HEARING DECISION/ZONING ACTIONS: None

PUBLIC COMMENT: None

BUSINESS ITEMS:

MnDOT-Hwy 61 Summer Project: Diane Langenbach and Adam Josephson provided information on the Hwy 61 summer project. Hwy 61 between Hwy 10 and Summit Ave/70th is scheduled for resurfacing beginning June through September 2010. The project includes 2" bituminous and 10" concrete overlay on an 8 mile stretch. This project will be done in 4 stages (each stage about 1 month in duration), with northbound and southbound traffic reduced to a single lane in each direction and moved to 1 side of Hwy 61 while the other side is being resurfaced. Denmark will be affected in June with work on northbound Hwy 61. On Hwy 95, there will be no access to southbound Hwy 61. Access north on Hwy 95 will be closed for about a week. Detour will be eastbound Hwy 10 to north on St Croix Trail to west on 110th. Denmark will be affected in July with work on southbound Hwy 61. During construction, there will only be right turns allowed.

Keller noted that there was a gap near the Hastings Bridge where the Bridge project ends and the Hwy 61 project starts. Stated that since both projects were going on, it would make sense to finish the gap (1/2 mi). Adam stated that he would have to look into it.

Higgins expressed concerns on "unofficial" detour traffic on Township roads. Attorney made reference to the State's "unofficial detour policy". Adam stated that for the regular detour route, they do enter into an agreement based on the amount of traffic they think the detour roads will handle.

Higgins questioned if Cottage Grove frontage road project would be coordinated with this one. State was not sure that the frontage road project was selected for implementation but would look into it.

MnDOT will talk with the schools regarding bussing during the construction.

MnDOT will coordinate with Emergency Services, and emergency vehicles will have a right of way and will be able to maneuver through the dividers.

Open house informational meetings will be held 03/23 @ River Oaks Golf Course and 04/29 @ South Washington Service Center.

Updates will be posted on the MnDOT website. Address is <http://www.dot.state.mn.us/metro/projects/hwy61>

Denmark will post a link to MnDOT on our website.

In the future, MnDOT is interested in talking with Denmark and Cottage Grove regarding the reduction of some of the accesses onto Hwy 61.

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Patton lot Line Adjustment: Hunt & Parters, Inc presented for applicants Richard and Gina Patton. Applicants are requesting a Lot Line Adjustment between two lots that they own located at 16387 and 16395 80th Street South. Each parcel has an existing home. With the line adjustment, each parcel will retain the same amount of acres. No new parcels are being created and each lot has 1 density unit, therefore, there are no remaining density units available on either lot. Both homes will be improved. Applicant has met with Town Planner, County and DNR to review proposal on site. Applicant has also applied for a variance related to the proposed adjustment. This variance will not be required as the resulting lot line will no longer be at a direct radial from the river (ordinance Ch.3 Sect. 9.6). Planner recommends approval of Lot Line Adjustment. Applicants will be required to enter into a Development Agreement with Denmark. Attorney submitted draft resolution for Board review.

Motion Keller/2nd Dixon approval of Resolution 2010-01 Resolution Approving A Lot Line Adjustment For Property Located at 16387 and 16395 80th Street South. All In Favor. Motion Carried 3-0

Strohfus: John Strohfus addressed Board regarding ownership change on Strohfus land parcels and its impact on the current Conditional Use Permit for a temporary farm dwelling on the property (on the 25 acre parcel west of the house). There are 5 affected parcels-95 acres. Two of the parcels will change ownership to Mary Strohfus, two of the parcels will change ownership to John Strohfus and one parcel will change ownership to John Strohfus and Julie Strohfus Porath. Currently there is no conditional use permit for horse boarding. Applicant is looking for direction on what permits would be needed for both the temporary dwelling and a horse boarding operation. Strohfus will submit applications to Town for required permits. Planner recommended that Strohfus also speak with county also regarding possible county requirements for permits.

County Road Project-70th Street: Engineer submitted info on County plans to replace pavement on 70th Street from Oakgreen to Hwy 95. St Croix Trail to Oakgreen was done in 2009. Pavement replacement is dependent on potential stimulus funding and would require Township approval. Federal funding for this project would require Engineer to review and approve. Board consensus to authorize Engineer to review and approve if appropriate. Engineer will keep Board updated on project.

Red Rock Corridor: Keller reported that there will be a transit program on 03/26 if anyone can attend. Website is up for the Minnesota High Speed Rail. Newport old Knox Lumber site is planned to be a part of the rail plans. The rail line will handle a Commuter rail, freight and passenger rail.

Planning Commission Interviews: There is one vacancy on the Planning commission. Two applications have been received. Interviews will be scheduled for Tuesday, March 16, 2010 at 4:30 PM and 5:00 PM. Alternate date if needed will be March 17, 2010.

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LEGAL REPORTS:

Film in Denmark: Denmark was home to film making on Neal Avenue. The Town would like to collect some reimbursement from the film company for the expenses that we incurred inspecting this project. Dixon will contact the company regarding possible reimbursement.

G Herman Litigation: Attorney reported that G Herman has brought a reconciliation action against the Township in the amount of \$2500 for the return of his roads contract bid security. This has been tendered to the Town insurer.

Zoning Ordinance Amendments/Updates: Attorney and Planner have reviewed Development Code and submitted information for Board review regarding possible amendments on various sections of the Development Code.

9:30 PM **Motion Dixon/2nd Keller to close meeting and go into closed session under attorney-client privilege (13D.05) to discuss BWSR litigation.** All In Favor. Motion Carried 3-0.

9:55 PM **Motion Dixon/2nd Keller to reopen Board Meeting.** All In Favor. Motion Carried 3-0.

Report on closed session regarding BWSR litigation. The closed session was attended by Board Supervisors; Keller, Dixon and Higgins, Engineer Geheren and Town Attorney Gilchrist. Board received updated information and discussed the matter in litigation with Attorney Gilchrist. The closed session was held for the purpose of meeting with the Town's attorney pursuant to the attorney-client privilege under Minn. Stat. § 13D.05, subd. 3(b) to discuss matters related to the current litigation of Denmark Township and City of Cottage Grove v. Minnesota Board of Water and Soil Resources, Valley Branch Watershed District, South Washington Watershed District and Dan Belka.

10:00 PM **Motion Dixon/2nd Keller to adjourn.** All In Favor. Motion Carried 3-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2010-01

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2010-01

**RESOLUTION APPROVING A LOT LINE ADJUSTMENT
FOR PROPERTY LOCATED AT 16387 and 16395 80th STREET SOUTH**

WHEREAS, Richard Patton and Gina Patton, husband and wife, (“Applicants”) have applied to the Town Board for a lot line adjustment;

WHEREAS, the proposed lot line adjustment would adjust the property line between two lots owned by the Applicants located at 16387 80th Street South (PID No. 1402720210010) and 16395 80th Street South (PID No. 1402720210007);

WHEREAS, the lots share a common boundary line, which is the line the Applicants are seeking to adjust, and are in the Single Family Estate zoning district as designated by the Denmark Township Development Code (“Ordinance”);

WHEREAS, the Town Board must grant a lot line adjustment under Chapter Three, Section 4.1 of the Ordinance provided it satisfies the requirements of the Ordinance and the Applicants provide the required submittals, enters 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 Applicants have also applied for a variance related to the proposed adjustment to the lot line as the resulting lot line will no longer be at a direct radial from the river as indicated in minimum design standards established for subdivisions set out in Chapter Three, Section 9.6 of the Ordinance;

WHEREAS, the Town Board finds and determines as follows with respect to the proposed lot line adjustment:

- a. The Applicants’ have submitted the information required by the Ordinance related to the proposed lot line adjustment and the proposed adjustment is consistent with the Ordinance;
- b. The Applicants’ lots are not part of a plat established pursuant to Minnesota Statutes, Chapter 505;
- c. A variance is not needed for the proposed lot line adjustment as the standards from which a variance is being sought are intended to apply to the design of new subdivisions or re-subdivided parcels, not to the adjustment of the line between two non-platted lots; and
- d. A development agreement is needed for this lot line adjustment that will be on lots recorded in the office of the Washington County Recorder.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the proposed lot line adjustment, as indicated in the application materials and as will be further described in the required development agreement, conditioned on compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the owners of all of the properties affected by this lot line adjustment must enter into a development agreement with the Town that is acceptable to the Town and which the Town will draft. Furthermore, the owners of all of the lots, their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;

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2. The Applicants shall be responsible for fully reimbursing the Town for all costs incurred related to processing its application including, but not limited to, professional costs to review the application, draft the approval resolution, draft the development agreement, and such other work as needed to finalize the process;
3. The Applicants shall be responsible for developing, executing, and recording such transfer documents and deeds as may be required to properly transfer the properties subject to the lot line adjustment. The Town will record the development agreement at the Applicants' expense; and
4. No density units are being transferred as a result of this lot line adjustment. There are no remaining density units available on either lot.

BE IT FURTHER RESOLVED, this approval of the requested lot line adjustment 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, fails to comply with the provisions of the development agreement, or fails to comply with the other terms and conditions of this Resolution; and

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

Adopted this 1st day of March, 2010.

BY THE TOWN BOARD