

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, Karen Herman, John Strohfus, Bob Rucker

ABSENT: None

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Engineer Stempski (Focus), Planner Maass (WSB)

CALL TO ORDER: Meeting called to order @ 7:05 PM by Chair Higgins

AGENDA APPROVAL: **Motion J Moore/2nd K Herman approval of agenda as drafted.** Voting Yes-J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

CONSENT AGENDA APPROVAL: **Motion J Moore/2nd K Herman approval of Consent Agenda items which include Minutes 04/03/2017 Board Meeting, Claims (10895-10911), EFT payments- PERA 416426, MN Rev. Tax 0341510976, Federal Tax 10479549 payroll ending 05/01/2017 and Financial Reports.**

Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Universal Services: Building Official Bob LaBrosse and business owner Dan Hartung present. Applicant was noticed regarding violations on the property which include parking on/repairing the grass, exterior storage, and placement of temporary office trailer without a building permit.

Universal Services has installed a temporary office trailer on the property and has submitted a building permit application for the office trailer. Building permit has not been issued. Owner addressed Board regarding his plan for the business operations. Owner proposes to extend the existing parking lot to 87 stalls, to accommodate the vehicles that had been parking on the road and the lawn, construction of a 5400 sq ft office building which would be located adjacent to the existing building. New building would provide screening, and landscape screening would be planted between the fence and parking areas. It would not be the owner's plan to relocate the business to a different site. Business employs 85 people.

Attorney- in addition to an amended Conditional Use Permit, the non compliant nature of the property at this time would still need to be addressed. Owner indicated that the vehicles once parked on the lawn and road are now being parked in the parking lot at the MN Coaches business. Building Official noted that the electrical work has been completed and approved by the State. Owner will work with the Building Official regarding fencing/landscaping for screening.

Owner is requesting that the Board consider approval of the temporary trailer remaining throughout the amended CUP process, until the new building is constructed.

K Herman expressed concerns regarding compliance with the current CUP/Ordinances. If the Board allows the temporary structure to remain through the amended CUP process, would like to see time lines established now regarding the timeliness of applying for an amended CUP, and if timeline not followed through on, temporary structure would be removed. Owner in agreement. Board consensus is that to avoid removal of the temporary office trailer, Owner must submit an amended CUP application for the May or June application deadlines (preferably May). Board also requested that owner put in the screening required for outdoor storage. Owner will screen the portions other than where the new building will be constructed.

Motion J Moore/2nd B Rucker to allow a Building Permit to be issued for the temporary office structure, and require that the application for an amended conditional use permit be submitted no later than the 6/19/17 application deadline, and to require that the owner install screening on the portion that does not have the proposed building on it by the 6/5/17 Board Meeting. Voting Yes- J Moore, B Rucker, K Herman, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Owner will attend the 6/5/17 Board Meeting to give the Board an update on progress.

HEARING DECISIONS/ZONING ACTIONS:

St Croix Knolls Stables- Minor Subdivision/Conditional Use Permit (CUP) Jeff & Jill Leyde present

At its 4/17/17 Meeting, the Planning Commission recommended approval of the Minor Subdivision and denial of the Conditional Use Permit.

Chair read letters received into the record.

Rebecca Dennis 4/30/17 in support of Horse Boarding CUP, citing number of horses and common practices are acceptable for horse boarding.

Brian & Karen Arnold 5/1/17 in opposition to a Horse Boarding CUP, citing residential area no suitable for a business. Oversized barn and number of requested horses too much for a 20 acre site.

DENMARK TOWN BOARD MEETING MINUTES

May 1, 2017

Planner provided a power point presentation regarding information relevant to the Minor Subdivision and CUP. Jill Leyde- The proposed Ag business is an allowed use for property zoned residential. Since it is an agricultural use, the proposed size of the building is allowed. It is not uncommon in Denmark to have an agricultural operation. MPCA has approved project for construction/feedlot registration. Planning Commission wanted a guarantee that applicant would follow all manure removal plans, and the guarantee would be in the form of the CUP.

J Strohfus- Does not know why this applicant is being run through the ringer to the extent that they have been. Met with the Leyde's and have given them some thoughts and ideas on how to run a horse business and on going through the application process, to meet some of the concerns that have been raised. There is no question that the property would support the land use as agriculture, the building size is unrestricted, the lot layout size and the proposed plan is reasonable and in compliance with the setbacks. Only issue is the placement of the house, but the barn cannot go in the northeast corner of the property because of the park borderline. Is in full support of the applicant's proposal.

K Herman- Does not support project. Too much on too little land. Acreage south of 108th St, where the facility would be located is 10 acres. With the parking area, the size of the building, the trailer area, with a maximum of 25 horses, there isn't enough room. As for the manure storage, if it is picked up as needed, cleaning out 25 stalls a day, will create a fair amount of manure to be picked up every week/month. To only handle removal every 6 months is unreasonable. It is a rural residential area where there are already homes built, and there are concerns raised by the neighbors such as odor, lighting and activity.

J Strohfus- currently at his Horse Boarding operation. Clean 55 stalls daily, have manure storage area approved by the MPCA for a feedlot. MPCA requires that if you have 55 or more horses that you self register. The Leyde's have gone through the process and were approved. Manure is stockpiled at the heart of the operation, behind one of the barns, for a 65 horse operation, and is generally removed every three months. Only time it has an odor is when it is turned, so spreading on a weekly basis will create more odor. A 3 month stockpile, having 25 stalls is not a problem. If Leyde's operated with the number of horses allowed without a CUP, under Agriculture Manure Management (State Regulation), they can field store the manure anywhere on the property, 100 ft from the property line for up to 12 months.

Regarding density- Strohfus has a 95 acre operation with 65 horses, allowed with a CUP. The CUP allows the operation of 50 horses on 45 acres, however, all that's requiring is the total amount of land of all the parcels. We don't actually specify the size of the feedlot and MPCA doesn't either. Probably run 26 horses on 10 acres on 1 side of the operation and on the other side 40 horses on 15 acres. These are feedlots, they are not grazeable acres. The applicant will feed hay daily and clean up the manure in the lots at least once a year. When put in perspective of livestock operations and other horse boarding operations, this proposal is not a problem. Horse Boarding is considered a farming agricultural product by Minnesota Statute. There is no standing not to support this.

K Higgins- Leyde's have submitted and provided the Town with additional information that has been asked for. There is no valid reason to deny proposal based on the Applicant's submittals, the Town Ordinance and requirements for a CUP.

J Moore- Based on information received, see no reason for denial.

Public Comment:

Property owner bordering property to the southeast. Subject property is surrounded by homes. Strohfus operation property has no homes near it. Asked if there is any place else in the Town or County that has a horse boarding operation with this ratio of homes near it. Strohfus noted that Washington County is the highest horse per capita in the nation, having 10-20-30-40 horses per acre throughout the county abutting to residential with houses. Asked if Leyde's have had experience with horse operations. Higgins stated that they have provided detail information on how they would be managing the operation. Not Board's job to determine their experience. Asked how many horses could be kept without a CUP. Attorney indicated that there is no limit for the number of horses on a, however, anything over 1 horse per 2 grazeable acres requires a CUP.

Greg Stratton-property owner south of the subject property (110th). If guideline is 1 horse per 2 grazeable acres, is the Board going to decide on that. Board will be deciding on a CUP.

Bob Barr-property owner south of the subject property (110th). Noted that at the first public hearing, Strohfus expressed concerns regarding such a large operation was on a small piece of property. Strohfus operation is in an agricultural district. Proposed operation would be in a residential area. Neighbors are opposed. Planning

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

Commission discussed concerns regarding meeting the criteria for granting a CUP. Concerns regarding water runoff. There is a 300 ft setback from park, likely for runoff. Had neighbor with horses, and noted that odor is strong from just 2 horses. Manure site would be located directly behind homeowner's property. Concerned with too many horses for the property size.

Jane Stratton- Bought property zoned rural residential. Has concerns regarding impact of property values.

J Strohfus- Clarification between zoning of rural residential and agricultural. Higgins noted that the property is zoned rural residential, but that doesn't mean that horse operations can't be there. Attorney- not unusual to have a mix of rural residential/agricultural uses which is expressed here. According to the Ordinance, horses are allowed as a permitted use and are allowed as a conditional use in this district.

J Strohfus- if the Leyde's wanted to have a 100 cow farm operation on their property they would be entitled under the ordinance? Because this is commercial horse boarding operation, we are getting extra oversight on it, unduly. If it were treated as an agriculture operation, which has far more issues than this, we'd be dealing with odors, smells, ugly barn. What we're dealing with is a new beautiful building. This is a land owner rights issue. There is no prohibition to it. We are over regulating what is already allowed.

B Rucker- asked is there is a way to compromise by reducing the number of Horses. J Leyde- We really need to keep 25 horses to support the kind of business we want. Resident- If you can't make it with 25 horses, is there a guarantee you will have 25 horses. J Leyde- Plan on starting with half of the horses and eventually add more.

B Barr- Denmark Ordinance. Specific to manure production. Guidelines for determining animal unit. Asked for clarification on grazeable acreage if vacation of road. Planner-16 grazeable acres, which would allow 8 horses without a CUP. Total acreage on property, just shy of 21 acres.

Motion J Strohfus/2nd J Moore to direct Attorney to draft resolution approving a Conditional Use Permit for Horse Boarding for St Croix Knolls Stables, with the agreed upon items as presented by the Applicant and approved by Planning. Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- K Herman. Abstaining- None. Motion Carried 4-1-0.

Motion J Moore/2nd J Strohfus to continue St Croix Knolls Minor Subdivision Application to the 06/05/17 Board Meeting. Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

8:28PM Chair Higgins opened St Croix Knoll Road Vacation Hearing.

Motion J Strohfus/2nd J Moore to continue St Croix Knoll Road Vacation Hearing to 06/05/2017 at 7PM at the Town Hall. Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Meath 13625 Pt Douglas Dr S- Variance Jim & Phyllis Meath present

At its 4/17/2017 meeting, the Planning Commission forwarded the Meath Variance application to the Town Board without a recommendation. Request is for a variance to the 20 ft side yard setback requirement for and existing accessory building which was constructed in 1999 when the home was built.

Letter received 4/20/17 from neighbors Mike & Dianne Pugh supporting the variance for the shed to remain in place.

Planner- Side yard setback is 20 ft., the existing shed is 2 ft from the side property line. Total parcel is .724 acres. The normal lot area requirement for the area is 3 acres. The parcel is a lot of record created prior to the subdivision ordinance. Because of the small lot size, there would be even less area on the side yard for positioning a home on the property. Property is in the Shoreland overlay District, as well as the MNRRRA Critical Area Overlay District. In looking at the area, staff believes the shed is in a logical place. There is an area in the central rear of the yard that the shed could be located that would meet the side yard setback. Possible issues in locating the shed in this area would be the potential to introduce additional erosion to the bluffline. The existing shed location, if approved, would not increase the total impervious as is today. Moving the shed toward the back of the property would move additional impervious area closer to the bluffline, which would decrease the vegetative buffer for runoff from the shed roof, increasing the potential of down the side of the lot.

J Strohfus- If approved, should anything be noted regarding the size of the lot for future. Applicant noted that they received a variance in order to build on the lot.

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

Neighbor Wayne Fischer stated that the subject lot was about 40% impervious. Indicated that the shed was not really the big problem. The problem is the side drive that goes up to the neighboring property line, with no setback, creating property being washed down the bluff.

Strohfus noted that the matter before the Board is the variance. Attorney noted that any complaints received will be looked at but at this time the matter before the Board is the variance.

K Herman- The shed being 2 ft from the east property line, has not created a problem with the neighbor to the east. Should a condition be put on the variance that if the shed were to be destroyed and in need of reconstruction, that it would have to be reconstructed in accordance with the ordinance, meeting setbacks. Also, if Meaths sold the house, that at that time, the shed would need to be removed so the property would be in compliance with the ordinance. Attorney noted that for a variance, a condition must be directly related to and must bear proportionality to the impact created by the variance. The idea of requiring removal may not be appropriate, but the condition of not being allowed to reconstruct may be viable. J Strohfus in agreement with condition not to allow reconstruction. Attorney will review conditions placed on a variance.

Motion J Strohfus/2nd J Moore to direct Legal to draft a resolution approving the Meath Variance, with conditions of removal, subject to sale or destruction. Voting Yes- J Strohfus, J Moore, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Little Beginnings- Minor Subdivision/Conditional Use Permit (CUP) Applicant's Jen & Wade Gelhar present. Request is for a Minor Subdivision of the property (12.38 acres) located at 12044 120th St S. Lot 1 (9.88 acres MN Coaches) Lot 2 (2.50 acres Little Beginnings Daycare). Also for a CUP to construct and operate a daycare. Construction of daycare building, storage shed, playground area, holding pond and septic/drainfield system Planner summarized applicants request and recommended conditions.

Access- One access (east side) into Little Beginnings parcel and a shared access on east side of MN Coaches parcel.

K Herman- impressed with applicants planning of their project.

At its 4/17/2017 meeting, the Planning Commission forwarded the application to the Board with a recommendation to approve both the minor subdivision and the conditional use permit.

Todd Erickson (Engineer) noted that both Little Beginnings and MN Coaches will be recording the subdivision as metes and bounds rather than a plat.

Motion J Strohfus/2nd J Moore approval of Resolution 2017-15 Granting Preliminary and Final Approval for the Platting of a Minor Subdivision Known as Minnesota Coaches Addition Plat. (Attorney will change the language of the resolution to reflect the metes and bounds description rather than platting).
Voting Yes- J Strohfus, J Moore, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

CUP Resolution revision- Building size not to exceed 11,000 sq ft.

Motion J Strohfus/2nd J Moore approval of Resolution 2017-16 Approving A Conditional Use Permit To Operate A Daycare Facility On The Property Located At 12044 120th Street S. Voting Yes- J Strohfus, J Moore, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Minnesota Coaches- Conditional Use Permit (CUP) Applicant Pat Regan present.

Request of for a CUP to continue operations of the MN Coaches Bus Company. MN Coaches would operate at 12044 120th St S(Lot 1).

Revisions made to MN Coaches plan. Clarification of the traffic pattern. Applicant does not want to get into a conflict with MnDOT, nor do they want to give up the western access. At this access, the proposal would be to install a sign "Busses Do Not Enter", narrow the access, allowing them to park perpendicular to the driveway and face Hwy 61. This would be wide enough to allow 2 cars to pass, busses exiting the site to HWY 61, could stack on MN Coaches property rather than on 120th St. Main center access drive would be where busses would be directed to enter and exit and also be made available to daycare traffic. Within the site, gravel surface where the vehicles are parked/stored. Asphalt (new or resurfaced blacktop) where the vehicles are driven and around the building. Applicant spoke to additional requests of a parking lot and fuel island, which were not a part of the

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

current application. Applicant proposed the addition of a large parking area for 80 busses at the rear of the existing building, which could be a site for future construction of a new building.

Applicant proposed a Fuel Island be added to the plan, close to the building, storing 10-15,000 gallons of fuel. Applicant is aware that they are currently parking in the MnDOT easement, and if MnDOT were to stop usage of the easement, they would park in the back if necessary.

Applicant asked that any approval of a CUP include the additional parking/fuel storage revisions submitted to the Board at this meeting. Higgins noted that the additional proposed items could be part of a future application and would not be a part of the current application, and this permit would be for current, not long range plans.

Planner- Current application request is for office use, motor vehicle repair use and outside storage. From a planning perspective, fuel pumps would be classified as a motor vehicle service station, and would be an additional use that would require a CUP. With regard to the proposed additional parking areas, this would come under outdoor storage.

Planner noted that any outdoor storage areas (parking) would need to be screened and that adding additional parking areas should be part of the planning Commission/public hearing process. Planner also indicated that there would need to review fuel storage on the property. Planner noted that additional outside storage areas (parking) increases the scope of the current application, as well as the addition of the fuel proposal and should be considered at a future time, as part of an amended CUP process, which would be a part of the public hearing process. Pat Regan in agreement with addressing the fuel storage addition and additional outdoor storage (additional parking areas) at a future time.

B Rucker re: exit closest to Hwy 61. Asked if Applicant would be willing to make it a permanent right out, so stacking won't occur. Pat Regan in belief that right out only would devalue the property significantly. Asked Applicant how they are on MnDOT's right of way. Regan indicated that they are working with attorneys and waiting for title work to identify if there is any agreement in place. J Strohfus in agreement with right out only on western access. Applicant's engineer in belief that most vehicles would automatically use the center or eastern access. Board consensus that the western access being so close to Hwy 61 is a safety issue. Town Engineer added that the reaction/site distance is too short, which is why MnDOT flagged it as an obvious concern. Applicant requested having the western access be a 2 way access for cars, would post "no access for busses entering or exiting".

Higgins- if we wait for more information or a different plan and don't approve anything at this time, is Little Beginnings impacted? Attorney- would have to have easements in place for Little Beginnings shared access. Applicant agreed to right out only on western access. J Strohfus noted that if there were an amended CUP application, the Board could relook at the access. Applicant stated that they would be agreeable to the right out only access if the pervious gravel/impervious crushed asphalt milling/blacktop plan for the site is acceptable. Parking surfaces pervious class 5 gravel. Driving surfaces impervious crushed asphalt milling/blacktop. Town Engineer noted that from an engineering standpoint, they would just have to meet the infiltration requirements and the requirements for runoff. Applicant noted that impervious would not exceed 64%. Planner noted that the Applicant's proposed surfacing does satisfy the Town requirements for surfacing.

Motion J Strohfus/2nd B Rucker approval of Resolution 2017-17 Approving A Conditional Use Permit To Operate Certain Uses On The Property Located At 12044 120th Street S, with addition of restriction of right turn only on western access, and any other restrictions/conditions agreed upon, including minor revisions of draft CUP. Voting Yes- J Strohfus, B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None.

Motion J Moore/2nd J Strohfus approval of Resolution 2017-18 Revoking All Prior Conditional Use Permits For The Property Located At 12044 120th Street South. Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None.

9:50PM Break.....9:55PM resume meeting

PUBLIC COMMENT: None

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

BUSINESS ITEMS:

Comprehensive Plan: Chair, Town Planner and Town Engineer met with the Met Council regarding the Town's updated Comp Plan. Met Council staff indicated that only minor revisions to the 2030 Comp Plan would be necessary to update for the 2040 Plan. Proposals for completing Denmark's 2040 Comp Plan- WSB \$9,000 which includes Focus Engineering's cost of \$2,500) and Stantec \$45,000. **Motion J Moore/2nd K Herman to approve WSB proposal in the amount of \$9000.00 to complete the 2040 Comprehensive Plan.** Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Roads Update:

2017 Crack Seal & Seal Coat Projects: 117th St, Osprey Ave, Eagles Watch Development. Total Estimated 2017 Crack Seal & Seal Coat Construction Cost = \$70,000

Ben Thurmes to complete hot mix patching on 120th Street (west of TH 61) in advance of Seal Coat project. Engineer and Roads Contractor reviewed driveways in Eagle's Watch and provided estimates for repairs (for driveways to be milled up and paved for proper thickness to be level with the road and not continue to deteriorate). Engineer's list was comprised of nine driveways on 120th St. Clerk received list from Homeowner's Association of eight driveways on 122nd St, 122nd St Circle and 122nd St Court. Total fourteen driveways affected. Driveway repair averaged \$2000 each driveway. Concrete driveway estimate of \$6600-\$8900. Previously, the Town had agreed to share cost the driveway repairs 50/50. Possible to hold off sealcoating Eagle's Watch roads this July if necessary. J Strohfus will contact Eagle's Watch Homeowner's Association regarding Denmark's cost share proposal (\$1000 per driveway) for the Homeowner's list of 8 asphalt and 1 concrete driveway.

2017 Street Improvements:

80th St (Oakgreen to St Croix Tr) reclaim Engineer's estimate \$260,000.

113th St (Cherrywood Ridge) reclaim Engineer's estimate \$40,000.

Motion J Strohfus/2nd J Moore to authorize Engineer to prepare plans/specifications for reclaim of 80th St (Oakgreen to St Croix Tr), and for alternate 113th St (Cherrywood Ridge). Voting Yes- J Strohfus, J Moore, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Estimated patching 2 large potholes on 120th St (beginning at Margo going 350 ft east) is \$20-\$25,000).

Estimated reclaim of 120th (beginning at Hwy 61 going 775 ft east) is \$35,000. Consensus to patch on 120th and to look at reclaiming 120th St next year, because of planned business construction in the area this year.

Motion K Herman/2nd J Moore to authorize Tri-County to do Street Sweeping on Margo Avenue at quote of \$650.00. Voting Yes- K Herman, J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Engineer met with Rumpca regarding ditch grade, seeding, removal of rocks in ditch and street sign. Engineer will monitor progress.

Tri-County will provide Town with quotes for 68th St catch basin repair and saw cut/repave/gravel deteriorated shoulder at curve at Morgan/122nd Streets.

Standards For New Road Construction: Moved to 06/05/17 Board Agenda.

Ditch Mowing Contract: Moved to 06/05/17 Board Agenda.

Parks Plan: Will be discussed at 05/03/17 Portfolio Workshop.

DENMARK TOWN BOARD MEETING MINUTES
May 1, 2017

LEGAL REPORTS: DeBaere Variance

DeBaere's are requesting a change in the variance for their project that was approved 04/04/2016. Board consensus that the owner would need to apply for an (amended) variance.

11:17 PM **Motion J Moore/2nd K Herman to adjourn.** Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendums Resolutions 2017-15, 2017-16, 2017-17, 2017-18