

DENMARK TOWN BOARD MEETING MINUTES  
May 2, 2016

**SUPERVISORS PRESENT:** Kathy Higgins, Joe Moore, Karen Herman, John Strohfus (7:20 PM)

**ABSENT:** John Kummer

**STAFF PRESENT:** Attorney Gilchrist (Kennedy-Graven), Engineer Geheren (Focus), Planner Perdu (WSB)

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

**AGENDA APPROVAL: Motion J Moore/2<sup>nd</sup> K Herman approval of agenda as presented.**

**Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

**CONSENT AGENDA APPROVAL:** Claims pulled to be addressed during business items.

**Motion J Moore/2<sup>nd</sup> K Herman approval of Consent Agenda items which include Board Minutes**

**04/04/2016, LBAE Minutes 04/21 & 04/26/2016, EFT payments- PERA 371728, MN Rev. Tax 1789452864, Federal Tax 9142132, payroll ending 05/01/2016 and financial reports.**

**Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

**HEARING DECISIONS/ZONING ACTIONS: None**

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Pt Douglas Trail Construction:** Washington County Commissioner Karla Bigham, Park Manager Peter Mott and Engineer Frank Ticknor presented trail construction update. County is preparing for construction of the trail along a 2 ½ mile stretch of rail bed along the Mississippi River which will make a connection from Point Douglas Park/Prescott Bridge to the new Hastings Bridge bike trail. Trail use would be for biking, roller blading, and walking. No ATV use.

The 10 ft wide trail will be constructed between the existing roadway and existing active railroad tracks. County has worked with the nearby landowners to create plans that would buffer the areas between the trail and their homes. Construction of the trail is expected to occur June-October 2016. County will send out informational newsletters this fall to Denmark residents

**Minnesota Coaches Concept Plan:** Pat Regan (MN Coaches owner) and Todd Erickson (Engineer) presented concept for Schneider Pontiac property located at 12044 120<sup>th</sup> St S.

Proposal is to subdivide the existing 12.4 acre lot into 3 new lots for operation of a Bus Company. Lot 1 has existing auto service building/parking on it. Lot 2 would be designed around the existing foundation for a bus terminal, lean to, office, wash bay and mechanics maintenance bay. Lot 3 has no proposed development at this time, but plan may be to sell for another commercial use. Applicant proposes a private shared access providing access to all the lots. Applicant is requesting that the required lot coverage be averaged over the 3 lots. Lots would have a shared septic in the northeast section of Lot 2. Applicant would like to gain access to HWY 95 through the Brockman and Suburban properties, and will discuss with MnDOT and neighboring properties. Planner- Although the proposed lots meet lot configuration requirements, the maximum lot coverage is 65%, averaging the coverage over the 3 lots is not addressed in the ordinance, so a variance would be required. 35% of the entire lots would need to be preserved as unpaved (4 undeveloped acres) and proposal will need to include calculations supporting this amount. Planner noted that some of the parking area could be reduced to accomplish undevelopable area.

Screening along the eastern edge of Lot 2, from the residential area to the east, would need to meet the standards of the ordinance.

Engineer- Shared Access-as a private road, it would be privately maintained, and access/maintenance agreement would need to be in place and provided to the Township.

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The property would be subject to South Washington Watershed District rules for stormwater management. Stormwater facilities and storm sewer would be privately owned and maintained, which would be clearly documented and outlined in a maintenance agreement between the property owners. Applicant will contact SWWD.

Proposed shared septic location and plan would be provided to Washington County, approval from County and easements/agreements for access, maintenance, and operation of the shared septic would need to be provided to the Township.

Attorney- asked why proposal is for 3 lots rather than 1. Applicant development plan would be to sell lot 3. Attorney noted that for the calculations for green/undeveloped space, a buyer of lot 3 would develop the lot, restricting the coverage on that lot. Applicant stated that they could look at reducing the paved parking area in the other two lots.

Shared septic may also be affected if lot 3 were sold. Applicant will look further into options.

**Washington County HRA:** Melissa Taphorn HRA Deputy Executive Director) presented. HRA is a separate agency from the County, but the HRA Board Commissioners are appointed by the County, and HRA levy is approved by the County. HRA is requesting support of special legislation that would add economic development authority powers to the HRA. This legislation was passed by the House and the Senate and will be sent to the Governor for signature. The County Board will need to pass a resolution to formally confer the Economic Development powers and establish the Washington County Community Development Agency (CDA-new name for HRA).

Main aspect of bill includes new naming of the agency, determining levy authority, requiring municipal approval prior the CDA exercising its physical development powers within a jurisdiction, offering tax-forfeited lands to the CDA, and identifying limitations requiring County Board approval. Attorney reviewed and recommended adoption of the resolution of support.

**Motion J Moore/2<sup>nd</sup> K Herman to adopt Resolution 2016-10 Supporting Proposed Legislation To Authorize The County Of Washington To Confer Economic Development Powers Upon The Washington County Housing And Redevelopment Authority. Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Meyer Septage Application:** Lana Meyer and Chris Wagner (Meyer Sewer Svc.) and Butch & Jeannine Wagner (subject property landowners) present.

Meyer Sewer Svc is requesting permission to continue spreading septage on acreage in the Town. Meyer has been spreading for 2 years. MPCA was the authorizing agency for septage spreading in the past. Washington County has changed their ordinance which now requires written permission from the jurisdictions as part of the site specific permit application for land application of septage in Washington County. Septage is treated with lime prior to land application. Applicants are required to submit soil observation logs, plat maps, information regarding prior year crop and planned crop following the land application, landowner agreements, maximum allowable nitrogen application rates calculation, soil survey map and documentation for the LGU indicating that the proposed activity is allowed.

**Motion K Herman/J Moore to authorize Chair to provide W.V Wager and Meyer Sewer Svc documentation that planned application of septage is allowed in the Township. Voting Yes- K Herman, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Homestead Estates Proposal-Ben Granley:** Mr. Granley is proposing to replat Homestead Estates Phase 2 (six 5 acre lots) into a single 30 acre parcel.

Property is under a Development Agreement which requires construction of the 78<sup>th</sup> St Cul-de-sac, the cul-de-sac at the north end of St Croix Tr Lane and 77<sup>th</sup> which runs east/west through the development to St Croix Tr S. Granley would keep the 78<sup>th</sup> St cul-de-sac, which would be necessary as two of the Phase 1 lots would remain unbuildable without access to it. Would request vacating 77<sup>th</sup> St S from St Croix Tr Ln heading east to St Croix

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Tr S, leaving the 77<sup>th</sup> St Access in place from St Croix Tr Ln heading west for future access to properties to the west. Granley indicated that he was informed that 8 landowners in the Town would need to sign in support of the road vacation. There is a temporary cul-de-sac at the north end of St Croix Tr Ln, which was intended to be extended heading east to serve the bordering lots. Since the separate lots would no longer exist, Applicant doesn't believe the extension would be necessary. Curbing would need to be added to the temporary cul-de-sac to make the drainage correct. Applicant requesting to adjust lot line with 7623 St Croix Tr S to give the property owner additional land to offset the loss of land due to the temporary cul-de-sac. County expressed concern regarding the irregular shape of the proposed line involved with the lot line adjustment. Granley indicated that he would straighten out the line. Drainage easements on the individual lots would need to be vacated, the main drainage easement running through the property would need remain and be maintained.

K Herman- Regarding the Homeowners Association. Homeowners in the development are required to share certain expenses and comply with covenant rules. Question how ownership would affect the entire development? Granley did discuss with developer of Phase 1, who is majority owner in HOA. A majority of the HOA could release Phase 2 (as proposed) from the HOA covenants. Granley has viewed the covenants, which restricts ATV use on the property. Being that his son does have an ATV, if he was subject to the covenant restrictions, he would want to know that upfront.

Board noted that the people who purchased the lots did so knowing that the covenants/restrictions were in place for the entire development. Board would want all the lot owners in the development to be notified of the proposal.

J Strohfus noted that a statement of support from the Homeowners Association would be beneficial.

Attorney- Advised Granley to try and coordinate the submission of the vacation petition with whatever applications he submits, so the vacation request is not before the Board before the Board has a clear understanding of what is being proposed and whether it will likely be approved, as the Board is not going to approve the vacation of the road and utility easements if they are not certain they will approve the proposed replatting. Granley will prepare updated document for June Board Meeting.

**Resident Solar Survey:** Planner provided draft survey for Board review. J Moore questioned the value of sending a survey to residents. Questions whether responses would accurately represent the majority of residents.

K Herman believed the Board does need to discuss the issue and gather input from the Township residents, as Cottage Grove has allowed commercial solar gardens which will be constructed on the west side of Hwy 95.

K Higgins agreed that a survey would give residents the opportunity to provide feedback.

Attorney noted that a survey is not binding, and the power of decision is vested with the Board. However, since the Board has placed a moratorium on commercial solar, they are obligated to study the issue. A survey would be one information gathering tool for the Boards evaluation of the issue.

J Strohfus would like the survey to include question regarding primary concerns about solar facilities.

Board consensus to have Planner revise survey according to Board's discussion. Planner will revise and send to Board for review.

**Roads:** Engineer provided summary of road tour and updated Street Inventory. 80<sup>th</sup> St reclaim from Neal Ave S to Manning Ave S. (2014 reclaim cost \$225,000 on 80<sup>th</sup> St (Oakgreen to Neal). Board consensus to authorize Engineer to prepare plans & specifications, and to obtain bids for 80<sup>th</sup> St reclaim (Neal to Manning) project.

New Paving- Board will discuss 2017 new paving options during the August budget meeting. Engineer will update Street Inventory for budget prep.

**Washington County Assessment Svc Agreement:** Current Assessment Svc Agreement expires in July 2016. County provided a new agreement for Board signature. Unlike the prior agreements which included expiration dates, the new agreement is an ongoing agreement that directs the County Assessor to perform assessment services until otherwise directed or terminated by either party with a 6 month notice. Town Attorney also noted that the new agreement contained no provision for indemnification as it had in the past and should include

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language addressing Data Practices. K Higgins noted that there should also be a provision that the County annually send an estimate of the assessment service cost, so the Town is able to incorporate into the annual budgets. Also requested was that the agreement clearly notes that it is the Town that holds the LBAE meeting, and is assisted by the County and that the County will provide annually the sales data for homes and vacant parcels. Attorney recommended that he redraft the agreement to include changes as discussed and that the Board authorize entering into the agreement with Chair and Clerk to sign. **Motion J Strohfus/2<sup>nd</sup> J Moore to approve entering into an Assessment Services Agreement with the County, and to authorize Chair and Clerk to sign agreement once the Attorney has drafted it in its final form.** Voting Yes- J Strohfus, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Dog Ordinance:** Attorney provided Board with updated dog ordinance, which includes changes in the statutes that have occurred regarding dangerous dogs. Attorney noted that he will revise the document to correct typos. **Motion J Moore/2<sup>nd</sup> J Strohfus to adopt Ordinance 2016-02 An Ordinance Regulation Dogs Within Denmark Township, with revision as noted.** Voting Yes- J Moore, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Motion K Higgins/2<sup>nd</sup> J Moore to adopt Resolution 2016-11 (referring to ordinance 2016-02) Approving Summary Language For Publication Of An Ordinance Regulating Dogs Within Denmark Township.** Voting Yes- K Higgins, J Moore, K Herman, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Pulled Claims:** Clerk added Claim #10712 Rivertown Newspaper #241.06 and Claim #10713 WSB \$767.00. **Motion J Moore/2<sup>nd</sup> K Herman approval of Claims #10697-10713.** Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Summary of 04/04/16 Closed Session:**

The Board evaluated the performance of the Clerk/Treasurer. Feedback regarding job performance was positive. Discussion re: March 2016 salary survey. Salary increase recommended.

**LEGAL UPDATES**

Board Training scheduled for July 18, 2016.

127<sup>th</sup> St S CUP non-compliance. Building Inspector viewed site and sent letter with a compliance deadline of 04/28/16 to commercial property owner on 127<sup>th</sup> St S. Owner has not responded to letter.

10:45 PM **Motion J Moore/2<sup>nd</sup> K Herman to adjourn.** Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Becky Herman

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Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendums Ordinance 2016-02 Dog Ordinance  
Resolutions 2016-10, 2016-11

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**RESOLUTION NO. 2016-10**  
**RESOLUTION OF DENMARK TOWNSHIP, WASHINGTON COUNTY, MINNESOTA**  
**SUPPORTING PROPOSED LEGISLATION TO AUTHORIZE THE COUNTY OF WASHINGTON TO CONFER**  
**ECONOMIC DEVELOPMENT POWERS UPON THE WASHINGTON COUNTY HOUSING AND**  
**REDEVELOPMENT AUTHORITY**

BACKGROUND RECITALS

WHEREAS, the Washington County Housing and Redevelopment Authority (the "WCHRA") is a county housing and redevelopment authority created and existing under Laws 1974, Chapter 475, as amended, which provides and maintains affordable, decent, and safe housing opportunities in Washington County ; and

WHEREAS, in 2013 the County Board of Commissioners (the "County Board") of the County of Washington (the "County") established a broadly-representative economic development work group comprised of municipal economic development practitioners and community partners to assist the County in developing a county-wide long-range economic development strategy; and

WHEREAS, based on the process carried out by the economic development work group, in May of 2014 the County adopted an Economic Development Strategic Plan (the "Economic Development Strategic Plan"); and

WHEREAS, in furtherance of the Economic Development Strategic Plan, the County has determined that the WCHRA should have primary responsibility for economic development activities on behalf of the County; and

WHEREAS; proposed legislation has been prepared which would authorize the County Board by resolution to confer on the WCHRA the powers of an economic development authority (the "Proposed Law"), thus enabling the County to address economic needs as identified in the Economic Development Strategic Plan; and

WHEREAS, adoption of the Proposed Law would empower the WCHRA to undertake economic development activities not authorized by the current WCHRA enabling law, such as, by way of illustration, implementing County marketing and public relations programs relating to economic development, conducting economic development studies to document the need for financial assistance programs, and carrying out financial assistance programs for economic development purposes; and

WHEREAS, the Proposed Law would retain the existing County Board consent process for establishing the WCHRA's housing and redevelopment authority levy under Minnesota Statutes, Section 469.033, subdivision 6, and would preclude the WCHRA from imposing any concurrent or separate economic development authority levy otherwise authorized under Minnesota Statutes, Section 469.107 (while permitting the County Board to consent to a WCHRA levy at a rate equal to the higher of the permissible housing and redevelopment authority levy rate or the permissible economic development authority levy rate as they may be established by the Legislature); and

WHEREAS, consistent with existing requirements of the WCHRA's enabling law for local approval of housing projects and redevelopment projects, the Proposed Law would require municipal location and project approval as well for development districts and economic development projects; and

WHEREAS, in order to appropriately reflect the combined housing, redevelopment and economic development powers to be conferred, the Proposed Law would change the name of the WCHRA to the Washington County Community Development Agency; and

WHEREAS, the Proposed Law would effect no change in the current structure or composition of the WCHRA Board of Commissioners; and

WHEREAS, the Proposed Law would authorize the County to offer tax-forfeited real property to the WCHRA on the same basis as such parcels are offered to a County department; and

WHEREAS, the County Board has determined to include the Proposed Law as part of the County's legislative initiative for the 2016 Legislature; and

WHEREAS, the Board of Denmark Township, Minnesota, finds that enactment by the Legislature of the Proposed Law, and the carrying out of economic development activities by the WCHRA in the County, including in MUNICIPALITY, pursuant to the Proposed Law, would be in the public interest and would afford substantial benefit to the residents, businesses, citizens and taxpayers of Denmark Township; and

WHEREAS, the County, the WCHRA and Denmark Township contemplate that the WCHRA and Denmark Township will work together as partners in carrying out economic development activities within Denmark Township which will be complementary and non-duplicative.

NOW, THEREFORE, the Board of Denmark Township, Minnesota adopts this Resolution supporting the proposed legislation described above in furtherance of economic development activities by the WCHRA on behalf of Washington County.

This Resolution was declared duly passed and adopted and was signed by the Board Chair of Denmark Township and attested to by the Clerk/Treasurer this 2<sup>nd</sup> day of May, 2016.

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**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2016-11  
RESOLUTION APPROVING SUMMARY LANGUAGE  
FOR PUBLICATION OF AN ORDINANCE REGULATING  
DOGS WITHIN DENEMARK TOWNSHIP**

**WHEREAS**, on May 2, 2016 the Town Board of Denmark Township adopted Ordinance No. 2016-02 “An Ordinance Regulating Dogs Within Denmark Township” (the “Ordinance”);

**WHEREAS**, it is not practical to publish the entire text of the Ordinance in the Town’s official newspaper;

**WHEREAS**, Minnesota Statute, section 365.125, subdivision 2 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

**WHEREAS**, the Town Board determines publication of a summary of the Ordinance is sufficient to clearly inform the public of the intent and effect of the Ordinance and where to access the full text of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

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**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Ordinance No. 2016-02**

**AN ORDINANCE REGULATING DOGS WITHIN DENMARK TOWNSHIP**

The Town Board adopted Ordinance No. 2016-02 to impose regulations on the owning of dogs within the Town. The ordinance requires dogs to be inoculated for rabies and licensed by the Town. The ordinance authorizes the collection and impoundment of dogs that have bitten a person or animal or are rabid. The ordinance provides standards for the care of dogs and defines when a dog is deemed a nuisance. Finally, the ordinance provides a process for dealing with dangerous and potentially dangerous dogs. A copy of the full ordinance is in the Hastings Public Library, is posted on the Town’s website, and is available by contacting the Town Clerk-Treasurer.

Becky Herman, Clerk-Treasurer

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**BE IT FINALLY RESOLVED**, that the Town Clerk-Treasurer is hereby authorized and directed to:

- (1) Publish the approved summary language set out above once in the Town’s official newspaper;
- (2) Maintain a copy of the full Ordinance in the office of the Town Clerk-Treasurer to make available for review by the public upon request;
- (3) Post a copy of the full Ordinance on the Town’s website;
- (4) Place a copy of the full Ordinance at the Hastings Public Library;
- (5) Place a copy of the full Ordinance at the Washington County Law Library; and
- (6) Place the Ordinance in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language and a copy of this Resolution.

Adopted this 2<sup>nd</sup> day of May, 2016.