

DENMARK TOWN BOARD MEETING MINUTES  
July 1, 2019

**SUPERVISORS PRESENT:** Kathy Higgins, Ron Simon, Shawn Racine, Bob Rucker, John Strohfus

**ABSENT:** None

**STAFF PRESENT:** Attorney Gilchrist (Kennedy-Graven)

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

**AGENDA APPROVAL:** K Higgins added Aurora/Enel, Tiller, Escrow Release. **Motion J Strohfus/2<sup>nd</sup>**  
**B Rucker approval of Agenda as amended. Voting Yes- J Strohfus, B Rucker, R Simon, S Racine, K Higgins.**  
**Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**CONSENT AGENDA APPROVAL:** Claims Pulled.

**Motion R Simon/2<sup>nd</sup> S Racine approval of Consent Agenda items which include Board Minutes 06/03/2019, EFT payments- PERA 515280, MN Tax 0176877504, Federal Tax 45018841, payroll ending 07/01/2019, Financial Reports. Voting Yes- R Simon, S Racine, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Keene Lot Line Adjustment:** 7920 Quadrant Ave S (PID's 10.027.20.44.0002 & 10.027.20.44.0001) Zoned Rural Residential.

Owner Jeff Keene present. Existing home parcel (7.00 acres) and existing large parcel B (32.73 acres). Owner is proposing to transfer a 27.73 acre portion of the large parcel to the existing home parcel, to create Parcel A (34.76 acres). The remaining acres will be Parcel A (5 acres).

The combined parcels (39.43 acres) would indicate 8 density units. The resulting newly created parcel would indicate that Parcel A would have 1 density unit and Parcel B would potentially have 7 density units, one already being utilized. Attorney noted that the designated density units are subject to the limitations and requirements of the Town's Development Code. Owner will be required to enter into a Development Agreement with the Town.

**Motion J Strohfus/2<sup>nd</sup> S Racine to adopt Resolution 2019-05 Approving A Lot Line Adjustment For Property Owned By Jeffrey And Nancy Keene Located At 7920 Quadrant Avenue South.**

**Voting Yes- J Strohfus, S Racine, R Simon, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**Tiller Corp:** Tiller has requested to operate on Saturday, in order to haul gravel regarding the Hwy 95 project. The IUP allows for Saturday operations that are in conjunction with government road projects.

**Complaint & Enforcement Policy:** Attorney provided revised policy for Board review. **Motion B Rucker/2<sup>nd</sup> S Racine to adopt the Development Code Complaint And Enforcement Policy as drafted.**

**Voting Yes- B Rucker, S Racine, J Strohfus, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**Resolution Establishing A Speed Limit For 110<sup>th</sup> St S:** Town Engineer reviewed 100<sup>th</sup> S (St Croix Tr S to Cedar Heights Tr S) and determined that it has met the required conditions in order for it to qualify as a rural residential district, which allows the Board to set the speed limit at 35 MPH. **Motion J Strohfus/2<sup>nd</sup> S Racine to adopt Resolution 2019-06 Establishing A 35 MPH Speed Limit On A Portion Of 110<sup>th</sup> Street South. Voting Yes- J Strohfus, S Racine, B Rucker, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.** Speed becomes enforceable once speed limit signs are installed.

**Resolution Requesting A Speed Study From MnDOT:** Town Board reviewed draft resolution requesting MnDOT do a speed study on 120<sup>th</sup> St S (Hwy 61 to Morgan Ave S). The Board had determined that the existing 55 MPH speed limit is greater than what is reasonably safe on this section of the road, and that the speed limit should be reduced to 45 MPH.

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**Motion R Simon/2<sup>nd</sup> J Strohfus to adopt Resolution 2019-07 Requesting A Speed Study From The Minnesota Department Of Transportation.**

The Board discussed adding other road sections to the resolution that the Board also determined should have the speed limits reduced to 45 MPH due to safety issues. Board consensus to add the following road portions to the resolution: 80<sup>th</sup> St S (between St Croix Tr S and Neal Ave S), 122<sup>nd</sup> St S (between St Croix Tr S and Neal Ave S), Oakgreen Ave S (between 70<sup>th</sup> St S and 60<sup>th</sup> St S).

**Motion R Simon/2<sup>nd</sup> B Rucker to amend the resolution to include 80<sup>th</sup> St S (between St Croix Tr S and Neal Ave S), 122<sup>nd</sup> St S (between St Croix Tr S and Neal Ave S), Oakgreen Ave S (between 70<sup>th</sup> St S and 60<sup>th</sup> St S).** Voting Yes- R Simon, B Rucker, J Strohfus, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**Motion R Simon/2<sup>nd</sup> J Strohfus to adopt Resolution 2019-07 Requesting A Speed Study From The Minnesota Department Of Transportation as amended.** Voting Yes- R Simon, J Strohfus, B Rucker, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Attorney recommended removing all speed limit signs that are not the actual established speed limits. Board consensus to remove any signs that are not certified as the correct speed limits.

**Aurora/Enel:** K Higgins submitted amended estimates to Aurora/Enel. Driveway culvert installation and ditch work \$5,560.00 and additional gravel applied to Norell Rd S between April 2017 and May 2019 \$3,278.83. Aurora/Enel has indicated that they will cover the costs.

**Escrow Release:** Tower 13711 122<sup>nd</sup> St S. SE MN Wifi, LLC was issued a certificate of compliance for the addition of equipment onto Crown Castle existing tower. SE MN Wifi is requesting the remaining escrow balance be returned to them. No charges are pending. Crown Castle also has a current certificate of compliance and will still be required to complete the landscaping requirement on their permit. **Motion J Strohfus/2<sup>nd</sup> B Rucker to refund escrow 071 balance of \$262.50 to SE MN Wifi, LLC.** Voting Yes- J Strohfus, B Rucker, S Racine, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**Pulled Claims:** Added Claim #11375 Rumpca Excavating (418.6 T new gravel) \$2469.74 and claim #11376 SE MN WIFI, LLC \$262.50.

**Motion R Simon/2<sup>nd</sup> S Racine approval of Claims #11360-11376.** Voting Yes- R Simon, S Racine, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

B Rucker noted that during the Hwy 95 construction project/shutdown, any gravel, grading or dustcoat on 100<sup>th</sup> St S or Neal Ave S above/beyond normal maintenance, can be submitted to MnDOT as an unofficial detour. Roads Contractor would have to track and provide the costs associated.

**Afton/Denmark 60<sup>th</sup> St:** Afton is questioning whether the condition of culverts is addressed in Denmark's gravel road standards, and whether the Town has a plan/timeline on replacement of culverts. Afton is essentially requesting that Denmark replace the culverts on the section (Neal Ave S to Oakgreen Ave S) that Afton is proposing to take over. Board consensus that the culverts are fine, and the subject section is being maintained up to the Town's standards, and that the Town replaces culverts as needed, mostly when the Town is resurfacing their roads. Strohfus noted that tree trimming/brushing on the Neal to Oakgreen section has not been done yet.

**Legal Reports:** Attorney is working with the prosecutor regarding the non-compliant zoning matter. MN Coaches- stormwater agreement is being addressed and Building Official has followed up on complaints.

8:07 PM **Motion B Rucker/2<sup>nd</sup> R Simon to adjourn July 2019 Board Meeting.** Voting Yes- B Rucker, R Simon, J Strohfus, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Becky Herman

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Denmark Township Clerk/Treasurer

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Denmark Township Chair

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Addendum Resolutions 2019-05 Keene Lot Line Adjustment  
2019-06 Establishing A Speed Limit on 110<sup>th</sup> St S  
2019-07 Requesting A Speed Study for 120<sup>th</sup>, 122<sup>nd</sup>, 80<sup>th</sup>, Oakgreen

**Resolution No. 2019-05**

**RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR  
PROPERTY OWNED BY JEFFREY AND NANCY KEENE  
LOCATED AT 7920 QUADRANT AVENUE SOUTH**

**WHEREAS**, Jeffrey and Nancy Keene ("Applicants") have applied for a lot line adjustment for the certain properties located within Denmark Township ("Town");

**WHEREAS**, the Applicants own property containing approximately 7.00 acres (PID 10.027.20.44.0002) located at 7920 Quadrant Avenue South, legally described in the attached Exhibit A, and labeled as Existing Homestead on the map attached hereto as Exhibit D ("Home Parcel");

**WHEREAS**, the Applicants also own certain property containing approximately 32.73 acres (PID: 10.027.20.44.0001), adjacent to the Home Parcel and legally described in the attached Exhibit B ("Larger Parcel");

**WHEREAS**, the Applicants desire to transfer an approximately 27.73 acre portion of the Larger Parcel, legally described in the attached Exhibit C ("Transfer Portion"), to the Home Parcel, resulting in Parcel B as shown in the attached Exhibit D and legally described in the attached Exhibit E ("Expanded Home Parcel");

**WHEREAS**, as a result of the lot line adjustment, the Larger Parcel will be reduced to Parcel A as shown in the attached Exhibit D, which is legally described in the attached Exhibit F ("Reduced Larger Parcel");

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

- a. Both the Home Parcel and the Larger Parcel are located within the Rural Residential (RR) Zoning District as designated by the Denmark Township Development Code ("Ordinance");
- b. The allowed density within the Rural Residential District is eight (8) dwelling units per 40 acres, which is one (1) density unit per five (5) acres;
- c. There is a total of eight (8) possible density units available for the combined Home Parcel and the Larger Parcel, but as currently configured the Home Parcel has one (1) density unit, which is used with the single-family dwelling located on it, and six (6) density units are assigned to the Larger Parcel, none which are currently used;
- d. As a result of the lot line adjustment, the Expanded Home Parcel (Parcel B) will have a total of seven (7) density units, one of which is used by the existing single-family dwelling, and the Reduced Larger Parcel (Parcel A) will have a total of one (1) density unit, which is currently not used;
- e. Lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance, provided the Applicants supply the required submittals, enters into a development agreement with the Town, and pays all of the costs the Town incurs related to processing and acting on the application; and

**WHEREAS**, the Town Board determines the proposed lot line adjustment is consistent with its Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves the proposed lot line adjustment to transfer the Transfer Portion from the Larger Parcel to the Home Parcel, which will result in the Expanded Home Parcel as legally described in the attached Exhibit E and the Reduced Larger Parcel as legally described in the attached Exhibit F, conditioned on the Applicants' compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicants must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants, 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 providing all information the Town Attorney may request to assist in preparing the development agreement;
3. The Applicants must combine the approximate 27.73 acre Transfer Portion with the Home Parcel into a single parcel on the same deed with a single property identification number so that the recording of the Expanded Home Parcel after the lot line adjustment shows a single tax parcel increased in size by the land being acquired as a result of the lot line adjustment. The deed shall be recorded in the office of the County Recorder within 120 days of the date of this Resolution and a copy of the recorded deed provided to the Town within seven days of recording.
4. A total of one (1) density unit is assigned to the Reduced Larger Parcel (Parcel A), which is not used.
5. A total of seven (7) density units are assigned to the Expanded Home Parcel. One (1) density unit is already used with the existing single-family dwelling and the remaining six (6) density units are not used.
6. The Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs and recording costs.
7. The Applicants shall be responsible for developing, executing, and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment. The Town will record the development agreement at the Applicants' expense.
8. The Applicants are responsible for obtaining any other approvals that may be required and for making such corrections to its descriptions and survey as may be required by Washington County for recording purposes.

**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 provide the requested information, fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail 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 1<sup>st</sup> day of July 2019.

Resolution No. 2019-06

### **A RESOLUTION ESTABLISHING A 35 M.P.H SPEED LIMIT ON A PORTION OF 110<sup>TH</sup> STREET SOUTH**

**WHEREAS**, the Town Board is the road authority over town roads within Denmark Township;

**WHEREAS**, 110<sup>th</sup> Street South, located between St. Croix Trail South and Cedar Heights Trail South, (such portion hereinafter referred to as the "Road") is a town road and is subject to the default 55 miles per hour speed limit provided for in Minnesota Statutes, section 169.14, subdivision 2(a)(3);

**WHEREAS**, the Town Board is authorized pursuant to Minnesota Statutes, section 169.14, subdivision 2(a)(8) to post a 35 m.p.h. speed limit within an area qualifying as a rural residential district;

**WHEREAS**, Minnesota Statutes, section 169.011, subdivision 69a indicates that all of the following conditions must be met in order for an area to qualify as a rural residential district:

- (1) The area along the road must be built up with visible dwelling houses;
- (2) That are situated at intervals averaging 300 feet or less; and
  - (a) "Interval" means the distance, measured along the centerline of the roadway, between the primary access points for adjacent dwelling houses, regardless of whether the dwelling houses are located on the same side of the road.
- (3) For a distance of a quarter of a mile or more;

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**WHEREAS**, the Town Engineer has reviewed the interval of dwelling houses along the Road and has determined the Road is within a rural residential district; and

**WHEREAS**, the Town Board determines it is in the best interests of the Town and those living along the Road to exercise its authority to establish a 35 m.p.h. speed limit on the Road as being within a rural residential district.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board as follows:

1. The portion of 110<sup>th</sup> Street South, located between County Highway 21 (Saint Croix Trail South) and Cedar Heights Trail South is within a rural residential district and a 35 m.p.h. speed limit is hereby established for that portion of Road.
2. The Town Board hereby authorizes the Road Supervisor to have the following signs erected on the Road in accordance with the Minnesota Manual on Uniform Traffic Control Devices:
  - a. Signs designating the speed limit at 35 m.p.h.; and
  - b. Signs indicating the beginning and end of the rural residential district.
3. The speed limit established herein shall not go into effect until the speed limits signs are posted.

Adopted this 1<sup>st</sup> day of July 2019.

Resolution No. 2019-07

**A RESOLUTION REQUESTING A SPEED STUDY FROM THE  
MINNESOTA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Town Board is the road authority over town roads within Denmark Township;

**WHEREAS**, the following are town roads subject to the default 55 miles per hour speed limit provided for in Minnesota Statutes, section 169.14, subdivision 2(a)(3):

- 80<sup>th</sup> Street South located between Neal Avenue South and St. Croix Trail South;
- 120<sup>th</sup> Street South, located between State Highway 61 and Morgan Avenue South;
- 122<sup>nd</sup> Street South located between Neal Avenue South and St. Croix Trail South; and
- Oakgreen Avenue South located between 60<sup>th</sup> Street South and 70<sup>th</sup> Street South;

(such portions hereinafter collectively referred to as the "Roads");

**WHEREAS**, the Town Board determines the existing speed limit on the Roads is greater than is reasonably safe under existing conditions and should be reduced to 45 m.p.h.; and

**WHEREAS**, the Town Board determines it is in the best interests of the traveling public and those living along the Roads to request, pursuant to Minnesota Statutes, section 169.14, subdivision 5, the Minnesota Department of Transportation to conduct an engineering and traffic investigation on the Roads.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board as follows:

4. The Town Board hereby requests the Commissioner of MnDOT conduct an engineering and traffic investigation to determine the speed that is reasonable and safe for the Roads.
5. The Road Supervisor is authorized to provide any assistance or additional information as may be needed to facility the investigation of the Roads.
6. If the Commissioner authorizes a speed limit that is lower than the current limit, the Town Board hereby authorizes the Road Supervisor to have the appropriate speed limit signs erected on the Roads in accordance with the Minnesota Manual on Uniform Traffic Control Devices.

Adopted this 1<sup>st</sup> day of July 2019.