

DENMARK TOWN BOARD MEETING MINUTES  
August 1, 2016

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

**ABSENT:** John Kummer

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

**CALL TO ORDER:** Meeting called to order @ 7:03 PM by Chair Higgins

**AGENDA APPROVAL:** K Higgins added County Land Use and Ciro Accessory Structure Location.

**Motion J Moore/2<sup>nd</sup> J Strohfus approval of agenda as amended. Voting Yes- J Moore, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**CONSENT AGENDA APPROVAL:**

**Motion J Moore/2<sup>nd</sup> K Herman approval of Consent Agenda items which include Board Minutes 07/05/2016, Claims 10737-10747, EFT payments- PERA 382723, MN Rev. Tax 1090299456, Federal Tax 21972549, payroll ending 08/01/2016. Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**HEARING DECISIONS/ZONING ACTIONS: None**

**BUSINESS ITEMS:**

**National Minerals Corp (NMC)/ Specialized Acres (Cordes) Lot Line Adjustment:**

NMC controller Mike Ross present.

Collins Investment owns a 3.44 acre parcel (PID 06.026.20.23.0009). Specialized Acres owns a 4.09 acre parcel (06.026.20.24.0003). Applicant is requesting to transfer approximately 1.59 acres of property from the Specialized Acres parcel to the Collins Parcel. Transfer will result in Collins parcel 5.03 acres and Specialized Acres parcel 2.50 acres. Applicant indicated that at this time they did not have immediate plans for developing the property, but would be acquiring it for possible future operations. Applicant will be required to enter into a development agreement. Attorney submitted draft resolution for Board review.

**Motion K Herman/2<sup>nd</sup> J Strohfus to adopt Resolution 2016-14 Approving A Lot Line Adjustment For The Collins Investment Properties, LLC. And Specialized Acres, Inc. Properties. Voting Yes- K Herman, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Anthony Ciro 14362 65<sup>th</sup> St S Accessory Structure Location:**

Tony Ciro present. Ciro's are requesting to construct a 2600 sq ft accessory structure closer to the road than the house is located. The 5.09 acre parcel is heavily wooded with only a few non wooded areas near the road. Part of the non wooded area is designated for the septic sit and secondary septic site. Using the proposed location will allow the accessory structure to be built with very minimal tree removal, so the structure will be relatively non viewable from the road.

**Motion J Strohfus/2<sup>nd</sup> K Herman approval of Ciro request to place an accessory structure closer to the road than the house at 14362 65<sup>th</sup> St S, as submitted on site plan. Voting Yes- J Strohfus, K Herman, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**G Herman Major Subdivision Concept Escrow Balance Release:** Application for a Major Subdivision has been submitted. No further charges are pending for the concept review. **Motion J Moore/2<sup>nd</sup> J Strohfus to refund concept escrow balance, Claim #10748 in the amount of \$539.50. Voting Yes- J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- K Herman. Motion Carried 3-0-1.**

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**2015 Financial Audit:** Oberloh & Associates have completed Denmark's 2015 Financial Audit.  
**Motion J Moore/2<sup>nd</sup> K Herman approval of the 2015 Financial Audit as submitted by Oberloh & Associates.** Voting Yes- J Moore. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Washington County Land Use:** At the July Board Meeting, the Board passed a motion to request that the County not exercise subdivision regulations within Denmark Township. K Higgins contacted the County to let them know of the Town Board's July motion. County hearing scheduled for 08/02/16. In the county's hearing information, Denmark was not included in the group of Town's that have requested to have local subdivision control. The County intends on continuing the hearing and has requested that Denmark adopt a resolution for this request. **Motion J Strohfus/2<sup>nd</sup> J Moore to adopt Resolution 2016-15 To Assume Exclusive Control Over Local Subdivision Regulations.** Voting Yes- J Strohfus, K Herman, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

LEGAL REPORTS:

Point Douglas Driveway: Attorney drafted letter to property owner regarding access on Pt Douglas Dr. Property owner has been notified that they need a driveway permit for access into the parcel.

Erin Glen Plat: Erin Glen has received final plat approval. Attorney is drafting development agreement. **Motion J Moore/2<sup>nd</sup> K Herman to authorize Chair/Clerk to sign development agreement once it is in its final form.** Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Fire Contract: Attorney is working with the city of Hastings regarding interpretation of the contract. Contract will expire at the end of 2017.

Tree Trimming: Discussion regarding tree trimming in the Township. Clerk will send tree trimming policy to Board members.

Schedule Budget Meeting: Budget meeting scheduled for Tuesday, August 23, 2016 @ 5 PM.

8:08 PM **Motion J Moore/2<sup>nd</sup> J Strohfus to adjourn.** Voting Yes- J Moore, J Strohfus, K Herman, 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

Addendum Resolutions 2016-14, 2016-15

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**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2016-14  
RESOLUTION APPROVING A LOT LINE ADJUSTMENT  
FOR THE COLLINS INVESTMENT PROPERTIES, LLC,  
AND SPECIALIZED ACRES, INC. PROPERTIES**

**WHEREAS**, Collins Investment Properties, LLC, (“Collins Investment”) and Specialized Acres, Inc. (“Specialized Acres”), (collectively referred to as the “Applicants”) have applied for a lot line adjustment for the certain properties within Denmark Township (“Town”);

**WHEREAS**, Collins Investment owns certain property containing approximately 3.44 acres (PID: 06.026.20.24.0003) and legally described in the attached Exhibit A (“Collins Parcel”);

**WHEREAS**, Specialized Acres owns certain property containing approximately 4.09 acres (PID: 06.026.20.23.0009) legally described in the attached Exhibit B (“Specialized Acres Parcel”);

**WHEREAS**, the Applicants are requesting to transfer approximately 1.59 acres of property from the Specialized Acres Parcel to the Collins Parcel as shown in the attached Exhibit C;

**WHEREAS**, the lot line adjustment will result in two new parcels as legally described in the attached Exhibit D;

**WHEREAS**, both the Specialized Acres, Inc. parcel and the Collins Investment Properties, LLC parcel are located within the Commercial-Industrial, CI, Zoning District as designated by the Denmark Township Development Code (“Ordinance”);

**WHEREAS**, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance, provided the Applicants supply the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application;

**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 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;
2. The Applicants shall be responsible for providing all information the Town Attorney may request to assist in preparing the development agreement;
3. Collins Investment must combine the approximate 1.59 acres it is acquiring with the Collins Parcel into a single parcel on the same deed with a single property identification number so that the recoding of the Collins 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. 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;

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5. 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; and
6. 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 August, 2016.

**DENMARK TOWNSHIP**  
**WASHINGTON COUNTY, MINNESOTA**  
Resolution No. 2016-15  
**RESOLUTION TO ASSUME EXCLUSIVE CONTROL**  
**OVER LOCAL SUBDIVISION REGULATIONS**

**WHEREAS**, Washington County ("County") has been working through a process to withdraw from a majority of local land use controls, including subdivision regulations in those towns that have indicated a desire to regulate subdivisions locally;

**WHEREAS**, Denmark Township ("Town") has asked a number of questions of the County about its withdrawal from land use regulations and on February 1, 2016 the Town Board passed Resolution 2016-05 indicating that it did not oppose the County's plans, though acknowledging that a number of questions remained regarding the implementation of those changes and requesting that the County exempt one lot subdivisions from its platting requirements;

**WHEREAS**, the County subsequently communicated its willingness to withdraw from regulating subdivisions within towns that indicate a willingness to regulate subdivisions locally;

**WHEREAS**, the Town communicated to the County that it would formally raise the issue of the Town assuming exclusive control over subdivision regulations and at its July 5, 2016 the Town Board acted by motion to formally assume the local regulation of subdivisions;

**WHEREAS**, information prepared by County staff to be presented to the County Board suggests the County expects the decision to assume local regulation of subdivisions to be made by resolution; and

**WHEREAS**, the County also requested the Town confirm its adoption of a comprehensive plan for the Town.

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

1. The Town Board acts once again to confirm its desire to regulate subdivisions within the Town pursuant to its subdivision regulations, without application of the County's subdivision regulations.
2. The Town Board requests the County include Denmark Township among the towns from which it will act to withdraw application of the County's subdivision regulations.
3. The Town Board confirms the most current version of the Denmark Township 2030 Comprehensive Plan and Mississippi River Critical Area Plan was adopted on April 6, 2009 and it acted on October 3, 2011 to update the plan. Adopted this 1<sup>st</sup> day of August, 2016.