

DENMARK TOWN BOARD MEETING MINUTES
August 6, 2018

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

ABSENT: Karen Herman

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Planners Maass and Ryan Krzos (WSB)

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

AGENDA APPROVAL: K Higgins added Senator Bigham. J Moore added O'Connor Park. B Rucker added Weed Control Update.

Motion J Moore/2nd B Rucker approval of agenda as drafted. Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: Claims pulled.

Motion B Rucker/2nd J Moore approval of Consent Agenda items which include 07/02/2018 Board Meeting, 07/24/2018 Supervisor Portfolio Minutes, EFT payments- PERA 473819, MN Tax 1247904192, Federal Tax 13704920, payroll ending 08/01/2018, Financial Reports. Voting Yes- B Rucker, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Pulled Claims- added claim #11173 Heintz \$282.50 and claim #11174 Heintz \$7500.00 for release of escrow balances. **Motion J Moore/2nd B Rucker approval of Claims #11155-11174. Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

HEARING DECISIONS/ZONING ACTIONS: Sund 14292 110th St S Minor Subdivision PID 28.027.20.32.0003

Owners/Applicants Eric & Laurie Sund not present. Sund's are proposing to split 5.42 acre lot from a 62.91 acre parcel for a new single family home.

Planner- The lot has no public road frontage and will be served by a shared driveway. Shared driveway is limited to serve only 2 lots. Owner will be required to provide Denmark with a shared driveway easement agreement.

The remainder 57.49 acres could not be further subdivided without construction of a public roadway. The existing ag accessory structure would remain on the 57.49 acre parcel. The septic for the new home will need to be located within the newly created 5.42 acre lot.

The Planning Commission reviewed the request 07/16/18 and forwarded the request to the Town Board with a recommendation to approve with certain conditions.

Attorney provided the Board with a 7/31/18 draft resolution for preliminary and final approval for the Minor Subdivision and draft Development Agreement for review.

Attorney noted that the applicant will be required to provide the Board with the executed/recorded shared driveway easement agreement. Board requested that resolution and development agreement be revised to require that applicants provide the Town with a recorded shared driveway easement agreement prior to obtaining a building permit. Attorney will revise resolution & development agreement to include driveway easement language and correct Planning Commission date to 07/16/18.

Motion B Rucker/2nd J Moore to adopt Resolution 2018-18 Granting Preliminary And Final Approval For A Minor Subdivision Of Property Located At 110th St S Between Nyberg Ave S And St Croix Tr S., with revisions as noted. Voting Yes- B Rucker, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Public Comment- None

BUSINESS ITEMS:

Weed Control Presentation- Lee Shambeau (4 Control, Menomonie WI)

A plant growth inhibitor (PGR) added to the herbicide slows down the growth of the grass, which would control many of the weeds and eliminate 1 mowing. The spray will affect broadleaf, not grass. The herbicide does not affect milkweed but will affect flowers and crops. Rucker created a map identifying the right of ways with noxious weeds. Cost estimate- 37 miles, 15 ft out both sides of the roads \$7400.00 with the (PGR). Town might spot/area spray right of ways rather than all Town road right of ways. Spraying would be done in the spring of the year if the PGR is added, so it would be applied before the seed head starts to emerge. After initial treatment, the following year can be skipped, then the next year a spot treatment in July. Spray company would need access to water, which makes a difference in the price. Board consensus to spray certain areas of the road right of way in fall 2019 with herbicide and growth regulator. Rucker recommends no mowing in the spring, which could interfere with the spraying plan. Attorney will review the mowing contract to assure Town complies with contract.

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Motion B Rucker/J Strohfus to enter into an agreement with 4Control to spray portions of the road right of ways with herbicide & plant growth regulator and to expend up to \$7000.00. Voting Yes- B Rucker, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0. Attorney will draft contract agreement.

Tax Parcel Forfeit: PID 05.026.20.32.0003 Forfeited parcel is a 0.74 acre strip located in front of 12521 Norell Rd S. Parcel is part of Norell right of way. Town has option of purchasing the parcel at land value of \$9300.00 or obtaining it through a land use deed from the state (\$250.00). Attorney recommended obtaining with a use deed, as the restriction on a use deed, that it continues being used for public purposes or the state will take it back, would not occur as it will be used for the road right of way. **Motion B Rucker/2nd J Strohfus to seek a land use deed to acquire the property. Voting Yes- B Rucker, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Planning Staff Change: WSB Planner Eric Maass will be changing his duties with WSB. WSB is proposing to transition a new Planner Ryan Krzos to serve Denmark. Planner Maass will work with Ryan over the next few months to ensure he is familiar with the Townships ordinances and procedures. Maass will also maintain project manager duties for the 2040 Comp Plan and the Wright Legacy Development. K Higgins noted that the options for the Town would be to put out RFP's or to approve transition of WSB Planner Ryan Krzos. Board consensus to continue with WSB having Ryan Krzos serve Denmark as Planner.

Parks: B Rucker

Land Survey- Surveyor estimated 3 days work, estimate \$3000.00. West property owner's fence is about 20 ft into the park parcel. The surveyor would survey the actual property lines, any existing fence lines on the parcel, and would include any temporary easement lines if necessary. Rucker contacted TKDA regarding the survey they had done years ago. The survey did not include any legal markings or descriptions. TKDA has not replied.

Park clearing/grubbing- Multi Mania is about \$300/hr, could remove/mulch up the trees, remove stumps, install trails. YTS Co has arborists on staff to identify the blight/dead trees, could do the controlled prairie burn (project cost from \$15,000-25,000.00). Higgins noted that the last time the prairie was burned it was done by Prairie Restorations. Rucker is recommending a prairie burn, reseeding of prairie, brush mowing/clear site of weeds and scrub trees, create trails, clear out & clean up dead/diseased trees, remove stumps, fill stump holes, fix the east fence-remove barbwire fence and posts, and then have the survey done after the area is cleaned up. Rucker will obtain two written quotes. Spring of 2019, construction of the parking lot, entrance, berms, signage, and moving the west fence at the Town's expense. Attorney recommended working with the owner regarding the fence. J Strohfus recommended using Tri County for brush mowing.

Attorney noted that for enforceability, an ordinance could be put in place to prohibit alcohol on the property.

Motion J Strohfus/2nd J Moore to authorize B Rucker to manage expenditures/enter into contracts of up to \$20,000.00 on behalf of the Township for Phase 1 clean up in O'Connor Prairie Reserve work, with progress reports to the Board. Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Attorney recommended any contracts be drafted using the Town's forms.

Roads: Board met for roads workshop. Consensus that there would be an increased financial impact for the Town as the roads age. Consensus that the Town practice of having sealcoat scheduled every 5-7 years should be skipped, as sealcoating should be performed 1 year after a road receives a final lift, at the cost of the developer.

Engineer was asked to provide a graphic based on the priority roads that have been shuffled on the maintenance inventory, as well as a visual of the cost impacts of those roads going forward. Engineer produced both 5 and 7 year CIP reviews. Generally, approximately \$400,000 per year for seven years will be needed to cover road maintenance, starting in 2020.

Questions arose regarding the Engineering review. Strohfus will follow up with Engineer. Discussion regarding bonding options. Attorney recommended contacting Bruce Kimmel (Ehlers Financial Advisors) regarding consultation on structuring, financing information and options with regards to road funding.

Culvert Complaint: J Strohfus received complaint from landowner regarding a culvert on 110th St S needing cleaning. Strohfus inspected the culvert and noted that there were 2 culverts side by side. The landowner

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extended one of the culverts and placed rock around it. The other culvert appeared to be collapsed and likely needs clean out. Strohfus believes that the Town should clean out the secondary culvert in the spring.

Motion J Strohfus/2nd B Rucker to clean out the 110th St Culvert. Voting Yes- J Strohfus, B Rucker, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

J Strohfus also noted that the landowner had complaints regarding speeding on 120th and had partly taken matters in his own hands (spray painting warnings on the pavement). Strohfus advised the landowner to contact the Sheriff's Office regarding any speeding on 110th and recommended that he not address the issue himself.

Business Operation Complaint:

J Strohfus spoke with the landowner where the gravel trucks are daily parked on non-commercial zoned parcel. Property owner was informed that the owners of the gravel trucks were denied their request to have another property in Township rezoned from Ag to Commercial to accommodate their business. The gravel trucks, which are part of an operating business cannot be parked/operating a business from this site. Town ordinance does not allow this use in the Agricultural District. Strohfus recommends following up by sending a letter to the property owner. Attorney recommends that the Code Enforcement Officer check the property regarding code compliance.

Budget Meeting: Budget Meeting scheduled for Tuesday, August 21, 2018 @ 6PM.

Legal Reports-

Kyle Hartnett has left Kennedy-Graven for a position with the League of Cities. Attorney Gilchrist will find a replacement available to assist with Township.

9:50 PM **Motion J Strohfus/2nd J Moore to adjourn August Board Meeting. Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2018-18 Sund Minor Subdivision

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2018-18**

**RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL
FOR A MINOR SUBDIVISION OF PROPERTY LOCATED AT 110TH STREET SOUTH BETWEEN NYBERG AVENUE
SOUTH AND ST. CROIX TRAIL SOUTH**

WHEREAS, Eric Sund and Laurie Sund (collectively, the "Applicant") submitted an application to Denmark Township ("Town") for a minor subdivision using the lot averaging design that will result in two lots;

WHEREAS, the property to be subdivided is located north of 110th Street South between Nyberg Avenue South and St. Croix Trail South (PID 28.027.20.32.0003; address unassigned), and is legally described in the attached Exhibit A (the "Property");

WHEREAS, the proposed minor subdivision divides the Property into two parcels, which are identified as "Parcel A" and "Parcel B," as shown on the survey attached hereto as Exhibit B and legally described in the attached Exhibit C;

WHEREAS, the Property is zoned Agricultural, A-2;

WHEREAS, the Applicant has proposed to use Parcel A to construct a single-family residence;

WHEREAS, Parcel B is currently undeveloped and the Applicant indicated no present plans for that parcel;

WHEREAS, the Applicant has represented that it has clear title ownership of the Property;

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WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on July 16, 2018 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions; and

WHEREAS, the Town Board hereby finds and determines as follows:

- a. The Property is currently zoned Agricultural – A-2;
- b. The Property contains approximately 62.91 acres, which is proposed to be divided into Parcel A containing approximately 5.42 acres and Parcel B containing approximately 57.49 acres;
- c. The proposed minor subdivision is subject to the requirements of Chapter Three, Section 6 of the Denmark Township Development Code (“Development Code”);
- d. In 2017 the Town Board adopted Ordinance 2017-03, which amended the Development Code to no longer require the platting of minor subdivisions;
- e. The proposed minor subdivision contains the creation of two (2) lots where one (1) currently exists;
- f. The Property satisfies the minimum lot size for the zoning district;
- g. The existing parcel and the proposed new parcel will be served by a shared driveway as permitted by Chapter 3, Section 6.1 of the Development Code;
- h. The Applicant submitted a complete application and related submittals to seek approval for a minor subdivision;
- i. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code;
- j. Access to the lot shall be from an approved shared driveway rather than by required frontage as permitted by Chapter 3, Section 9.6 of the Development Code;
- k. No new public roads or public drainage or utility easements are proposed as part of this subdivision;
- l. The lots to be divided are in a location where conditions are well defined;
- m. The newly created property lines will not cause any resulting lot to be in violation of the Development Code.
- n. The proposed division was prepared by a registered land surveyor;
- o. The proposed minor subdivision will not have any significant impacts on utility and school capacities;
- p. The proposed minor subdivision does not conflict with the Town’s Comprehensive Plan or the intent of the Development Code;
- q. Because the minor subdivision results in two new parcels, a park dedication fee must be paid;
- r. The density in the A-2 District is limited to two dwelling units per 40 acres, which is met by the proposed minor subdivision;
- s. The Town Planner’s memorandum dated July 11, 2018, developed for the requested minor subdivision (“Planner’s Report”), including its findings, is incorporated herein by reference. The recommended conditions in the Planner’s Report are superseded by the conditions contained in this Resolution; and
- t. The Applicant is required to enter into a development agreement with the Town as required by Chapter Three, Section 6.2 of the Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner’s Report, the record of this matter, and the findings and determinations made herein, does hereby grant preliminary and final approval of the above described minor subdivision of the Property as proposed in the Survey attached hereto as Exhibit B, which will result in two parcels as legally described in the attached Exhibit C, conditioned on compliance with all of the following:

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1. Development Agreement. The Applicant shall enter into a development agreement that is prepared by the Town Attorney for the minor subdivision no later than 60 days from the date of this Resolution. The development agreement shall include provisions related to, but not limited to, payment of the park dedication fee and such other provisions as the Town Attorney determines are appropriate.
2. Minor Subdivision. The Minor Subdivision shall be recorded with Washington County upon final approval by the Town Board. The Applicant is required to make such adjustments and to provide such additional information as may be required by the County in order to record the minor subdivision.
3. Shared Driveway Easement. Applicant shall provide a shared driveway agreement creating an easement for ingress/egress across Parcel B for the benefit of Parcel A. The agreement shall include terms providing for the ongoing maintenance for the shared driveway so that if either parcel is sold the maintenance and associated financial responsibilities for the maintenance of the shared driveway is clearly defined for each parcel. A copy of the recorded easement agreement must be presented to the Town before a building permit will be issued for Parcel A.
4. Building Permit. Applicant shall obtain a building permit for the new single family home prior to construction and shall comply with all applicable provisions of the Development Code.
5. Well and Septic System. The Applicant shall satisfy the following conditions with regard to the well and septic system:
 - a. The septic system for the home to be constructed on Parcel A shall be located on Parcel A and shall comply with all applicable regulations.
 - b. A permit from the Minnesota Department of Health must be obtained prior to well construction.
 - c. Washington County Department of Public Health and Environmental must approve the proposed septic system locations per the most recent requirements of the Washington County Septic Code.
6. Park Dedication. The Applicant shall pay a park dedication fee in lieu of land dedication. This fee is an amount based on fair market value of the land and totals \$2,000 for the one new lot being established pursuant to this minor subdivision. The park dedication fee shall be paid to the Town prior to the Town signing the development agreement.
7. Representations. All representations, written and oral, made by the Applicant and its agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.
8. Compliance. The Applicant shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
9. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicant shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
10. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the Development Agreement for this minor subdivision on behalf of the Town once they are in a form acceptable to the Town Attorney.
2. To execute such other documents and to take such other actions as may be required to carry out the intent of this Resolution upon the Applicant's satisfactory completion of its obligations.

Adopted this 6th day of August, 2018.

BY THE TOWN BOARD