

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

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

**ABSENT:** None

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

**CALL TO ORDER:** Meeting called to order @ 7:12 PM by Chair Higgins

**AGENDA APPROVAL:**

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

**CONSENT AGENDA APPROVAL:** Claims pulled.

**Motion J Moore/2<sup>nd</sup> J Strohfus approval of Consent Agenda items which include 08/06/2018 Board Meeting Minutes, EFT payments- PERA 477119, MN Tax 2046149056/0428270016, Federal Tax 10382732/31127786, payroll ending 09/01/2018, Financial Reports.** Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Pulled Claims- Claim 11178 Washington County Recorder \$138.00- received additional billing, revise claim to pay amount \$184.00. Add claim 11199 Forum Communications pay amount \$586.50. Add claim 11200 AMEE Central pay amount \$415.00. **Motion J Strohfus/2<sup>nd</sup> J Moore approval of Claims #11175-11200, as revised.** Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**HEARING DECISIONS/ZONING ACTIONS:** Tukua-Klem Minor Subdivision PID 05.026.20.14.0001

Request is to subdivide a 5 acre parcel from the existing 35 acre parcel in the Ag District. There is an existing 5 acre parcel which was subdivided from the original 40 acre parcel. The density for the subject parcel is 1/20 units. The current subdivision request will utilize the second unit and there will be no further subdivision of the remaining 30 acres. The 5 acre lot as proposed meets the required lot area, buildable area, road frontage and width. At the 08/20/18 Public Hearing, the Planning Commission recommended conditional approval of the request. Septic Permit has been obtained. Attorney provided the Applicant's with draft development agreement. **Motion J Strohfus/2<sup>nd</sup> K Herman to adopt Resolution 2018-19 Granting Preliminary And Final Approval For A Minor Subdivision Of Property Located South of 122<sup>nd</sup> St S and West of St Croix Trail S.** Voting Yes- J Strohfus, K Herman, B Rucker, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**2040 DRAFT Comprehensive Plan:**

Planner- At the 08/20/18 Public Hearing, the Planning Commission forwarded the draft 2040 Comp Plan to the Board with a recommendation to approve, with the revisions noted at the Public Hearing. The Planner updated the draft with the recommended revisions.

Contents of the Comp Plan include Land Use (Map), Housing, Parks & Trails, Transportation, Wastewater Treatment & Water Supply, Historic Preservation, Surface Water Management Plan, Mississippi River Corridor Critical Area Plan, Resilience & Sustainability, Economic Competitiveness and Implementation Program.

The Metropolitan Urban Service Area (MUSA Boundary) is not projected to extend into the Township prior to 2040. Decision to extend the MUSA line is made by the Met Council.

Engineer- Approach to updating the Wastewater, Water and Surface Water sections, was to update to be relevant to today's information with a simplified approach. Additional work regarding these sections would be done if requested by Met Council.

**Motion K Herman/2<sup>nd</sup> B Rucker to approve distribution of the Draft 2040 Comprehensive Plan to affected/neighborhood jurisdictions for the six month review.** Voting Yes- K Herman, B Rucker, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**Public Comment-** None

**Accessory Structure Location Approval- Keith & Bonnie McHattie PID 20.027.20.12.0001 (90<sup>th</sup> St S)**

34.06 acre parcel is in the Ag District. Owner's submitted a site plan which included a home and farm operation (bins & Ag sheds) on the property. House will be to the east side of the property approximately 300 ft setback from 90<sup>th</sup> St. Shed and Ag Bins will be west of the house approximately 150-200 ft setback from 90<sup>th</sup> St. Owners

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

are requesting approval to locate the bins and Ag sheds/buildings closer to the road than the house. The owners are intending to construct the sheds/bins soon, and the house is not planned to be built for another year or so. Placing the bins closer to the road will reduce the cost of the utilities to them. The owners believe that placing the house further back on the property is safer regarding the vehicles/equipment involved in the farm operations. Driveway accesses will need approval from Washington County. Board consensus that the plans submitted by the Owners are consistent with the character of the area, being a large farm site on Agricultural zoned property and the setbacks for both the house and the ag buildings are far from the road.

**Motion K Herman/2<sup>nd</sup> J Strohfus approval of the Accessory Structures locations for the McHattie’s farm buildings/bins to be constructed closer to 90<sup>th</sup> Street S than the future house site.** Voting Yes- K Herman, J Strohfus, B Rucker, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**2019 Budget Adoption/Pay 2019 Proposed Tax Levy Certification:**

Electors approved the following pay 2019 proposed property tax levy.

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	DEDICATED FUNDS	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	81,219	1,265	76,775			3,179		
SALARIES	90,885		8,500			82,385		
ROAD & BRIDGE	384,945		33,000		70,000	281,945		
FIRE	140,550		550			140,000		
DITCH & TRASH	25,800					25,800		
PARK & REC	23,000		21,500	1,500		0		
<b>2019 TOTALS</b>	<b>746,399</b>	<b>1,265</b>	<b>140,325</b>	<b>1,500</b>	<b>70,000</b>	<b>533,309</b>	<b>28.8%</b>	<b>28.7%</b>

2019 Budget reflects a 28.8% increase from the 2018 Budget. Pay 2019 Proposed Property Tax Levy reflects a 28.7% increase from the 2018 Levy.

**Motion K Herman/2<sup>nd</sup> B Rucker to adopt the 2019 Budget in the amount of \$746,399, per fund as presented.** Voting Yes- K Herman, B Rucker, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**Motion J Moore/2<sup>nd</sup> J Strohfus to certify the Payable 2019 Proposed Property Tax Levy in the amount of \$533,309 as approved by the Electors.** Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**BUSINESS ITEMS:**

**Tax Parcel Forfeit Resolution**

*[Excerpt from 08/06/18 Board Meeting] 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/2<sup>nd</sup> 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.*

Attorney provided draft resolution to seek a land use deed to acquire the property to continue use as the Norell Road right of way.

**Motion J Strohfus/2<sup>nd</sup> J Moore to adopt Resolution 2018-20 Regarding Tax Forfeited Parcel 05.026.20.32.0003 and Conveyance To The Town For Public Use.** Voting Yes- J Strohfus, J Moore, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

**Hastings Fire Department Meeting** with Hastings Rural Fire Association Monday, 09/10/18 7PM @ the Hastings Fire Department.  
7:46 PM J Moore exited Board Meeting.

**Escrow Balance Releases:**

Wagner Variance Neal Ave- escrow balance \$215.72. Meyers Certificate of Compliance 80<sup>th</sup> St- escrow balance \$152.25. Haukedahl Lot Line Adjustment Oakgreen Ave- escrow balance \$544.00. No pending staff charges.  
**Motion J Strohfus/2<sup>nd</sup> K Herman to release and refund the following escrow balances: Claim 11201 Wagner \$215.72, Claim 11202 Meyers \$152.25, Claim 11203 Haukedahl \$544.00. Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Legal Reports-**

Town will need to update the Development Code to incorporate previous approved amendments.  
Attorney will review the current ditch mowing contract with regards to mowing if the ditches are sprayed.

8:02 PM **Motion J Strohfus/2<sup>nd</sup> B Rucker to adjourn September Board Meeting. Voting Yes- J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

\_\_\_\_\_  
Denmark Township Clerk/Treasurer

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Denmark Township Chair

Addendum Resolution 2018-19 Tukua-Klem Minor Subdivision  
2018-20 Tax Forfeit Parcel

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2018-19**

**RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR  
A MINOR SUBDIVISION OF PROPERTY LOCATED SOUTH OF 122<sup>ND</sup>  
STREET SOUTH AND WEST OF ST. CROIX TRAIL SOUTH**

**WHEREAS**, Becky Jo Tukua (“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 owned by Richard Klem and Wanda K. Klem (“Owners”) and is located south of 122<sup>nd</sup> Street South and west of St. Croix Trail South (PID 05.026.20.14.0001; address unassigned), and is legally described in the attached Exhibit A (“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 Applicant has proposed to use Parcel B to construct a single-family residence;

**WHEREAS**, Parcel A is currently undeveloped and the Applicant indicated no plans for developing that parcel;

**WHEREAS**, the Owners joined in the application and have represented that they have clear title ownership of the Property;

**WHEREAS**, the Planning Commission reviewed the request at a duly noticed public hearing held on August 20, 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 35 acres, which is proposed to be divided into Parcel A containing approximately 30 acres and Parcel B containing approximately 5 acres;

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

- 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 proposes to create two lots where one currently exists;
- f. The Property satisfies the minimum lot size for the zoning district;
- g. The Applicant submitted a complete application and related submittals to seek approval for a minor subdivision;
- h. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code;
- i. No new public roads or public drainage or utility easements are proposed as part of this subdivision;
- j. The lots to be divided are in a location where conditions are well defined;
- k. The newly created property lines will not cause any resulting lot to be in violation of the Development Code.
- l. The proposed division was prepared by a registered land surveyor;
- m. The proposed minor subdivision will not have any significant impacts on utility and school capacities;
- n. The proposed minor subdivision does not conflict with the Town's Comprehensive Plan or the intent of the Development Code;
- o. Because the minor subdivision results in the creation of a new parcel, a park dedication fee must be paid;
- p. The density in the A-2 District is limited to two dwelling units per 40 acres, which is met by the proposed minor subdivision;
- q. The original 40 acre parcel was previously subdivided in approximately 1975, which created a five acre parcel ("Prior Parcel") and leaving the remain approximately 35 acres of the Property;
- r. One of the density units available to the original 40 acres was used on the Prior Parcel and the Applicant proposes to use the one density unit remaining for the Property on Parcel B, meaning no density units will remain for Parcel A;
- s. The Town Planner's memorandum dated August 3, 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 and Owners are 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:

1. Development Agreement. The Applicant and Owners 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, the allocation of the remaining density unit, 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.

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

3. Building Permit. Applicant shall obtain a building permit for the new single family home proposed for Parcel B prior to construction and shall comply with all applicable provisions of the Development Code.
4. Well and Septic System. The Applicant shall satisfy the following conditions with regard to the well and septic system:
  - a. A permit from the Minnesota Department of Health must be obtained prior to well construction.
  - b. 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.
5. Park Dedication. The Owners 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.
6. Representations. All representations, written and oral, made by the Applicant and Owners, including their 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.
7. 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.
8. 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.
9. 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 6<sup>th</sup> day of September, 2018.

**BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES  
September 6, 2018

**DENMARK TOWNSHIP**  
**WASHINGTON COUNTY, MINNESOTA**  
Resolution No. 2018-20

**RESOLUTION REGARDING TAX FORFEITED PARCEL  
AND CONVEYANCE TO THE TOWN FOR A PUBLIC USE**

**WHEREAS**, on July 23, 2018, Washington County ("County") notified Denmark Township ("Town") of tax forfeited land located within the Town, and pursuant to Minnesota Statute, section 282.01, the County seeks the Town's input as to whether the land should be conveyed to the Town or put up for public sale;

**WHEREAS**, pursuant to Minnesota Statute, section 282.01, tax forfeited land can be conveyed to the Town by way of a sale or it can be conveyed to the Town, without monetary compensation or consideration, by way of a conditional use deed;

**WHEREAS**, pursuant to Minnesota Statute, section 282.01, land conveyed by way of a conditional use deed must be for an authorized public use, and the statute provides that an authorized public use includes a "road, or right-of-way for a road";

**WHEREAS**, the Town has 60 days from the date it was notified by the County of the tax forfeited land to decide whether to agree to a public sale or to request a conveyance to the Town, and if the Town does not notify the County within 60 days that it disapproves of a public sale and wants the land conveyed to the Town, the Town is deemed to have approved of a public sale;

**WHEREAS**, the parcel of land referenced by the County is located along and runs concurrently with Norell Road South, is located in front of 12521 Norell Road South, is identified by PID 05.026.20.32.0003, and has the following legal description ("Property"):

Lot B SubdivisionCD 79680 SubdivisionName RLS #77; and

**WHEREAS**, the Town has been using the Property for a public use as its existing road right-of-way for Norell Road South runs over the entire Property and the Town desires to acquire a conditional use deed for the Property in order to continue its public use of the Property as a road right-of-way.

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

1. The Town disapproves of a public sale of the Property and approves the conveyance of the Property, without monetary compensation or consideration, to the Town by way of a conditional use deed, with the authorized public use being a road right-of-way.
2. The Town Clerk-Treasurer is hereby authorized and directed to forward a copy of this Resolution to Washington County.

Adopted this 6<sup>th</sup> day of September, 2018.

**BY THE TOWN BOARD**