

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, John Kummer, John Strohfus

ABSENT: Karen Herman

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: J Kummer added Oakgreen guardrail to Roads Update. K Higgins added Specialized Acres/Collins Development Agreement & Resolution and Planning Commission Appointment.

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

CONSENT AGENDA APPROVAL: Claims For Approval pulled from Consent Agenda. **Motion J Moore/2nd J Kummer approval of Consent Agenda items which include Board Minutes 09/06/2016, EFT payments-PERA 390194, MN Rev. Tax 1701502528, Federal Tax 82796490, payroll ending 10/01/2016.**

Voting Yes- J Moore, J Kummer, JStrohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Pulled Claims- Added Claim #10787 WSB \$1446.00. Added Claim #10788 Mabry Mowing \$840.00.

Motion J Kummer/2nd J Moore approval Claims #10775-10788. Voting Yes-J Moore, J Kummer, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS: Minnesota Coaches 12044 120th St S.-Preliminary/Final Plat for Minor Subdivision and Conditional Use Permit. (PID 31.027.20.33.0007) zoned Commercial/Industrial.

Applicant Pat Regan (MN Coaches), Todd Erickson (Civil Engineer) and Owner Sunrise Properties/Fran Schneider present.

Applicant request is for a Minor Subdivision to subdivide the 10.83 acre parcel into Lot 1 2.59 acres and Lot 2 8.24 acres and for a Condition Use Permit to operate the Minnesota Coaches bus business.

Lot 1 has an existing building that is also currently being used by tenants, Ed Brown's Motor Vehicle Repair, US Lawn, Roofing Company, all of which have indoor office/shop and outdoor storage. Applicant proposes to construct a new building on Lot 2. New building will consist of shop, storage, bus parking, offices, and wash rack.

Accesses- Applicant proposes 3 120th St Accesses- existing access (closest to Hwy 61) would serve Lot 1 and would be used bus employees entering Lot 2, second access for busses entering Lot 2 and third access for busses leaving Lot 2, to keep traffic flowing in 1 direction. Parking would be created on the north side of the new building for busses.

Applicant noted that depending on construction costs, the last 2 bays may not be completed right away. Then it would be likely that Applicant would park some of their own equipment in the existing building on Lot 1.

Plat depicts a future access drive from the site to Hwy 95. Applicant noted that they did not yet have any agreements in place with the adjacent neighbors (crossing their property to access), and that at some point they would need to engage MnDOT regarding possible Hwy 95 access.

Drainfield for the new building will be on the northeast corner. Heavily wooded areas are on both the north and east side of the property.

Screening from properties to the east- Applicant will plant 50 cedar trees.

Each of the existing uses on the property needs a conditional use permit. The CUP before the Board is intended to cover the proposed uses for the Applicant and the existing tenant's uses. Any new uses or any change/increase in uses would be subject to a new CUP.

Surfacing- Applicant is requesting to surface a portion of the bus parking with recycled asphalt. Product would be put down in hot weather, bladed and rolled to create a hard packed surface. To construct the northern 160 feet of the parking lot on Lot 2 using Class 5 gravel topped with asphalt millings, provided the total depth of the materials are at least 12 inches, including at least 4 inches of rolled asphalt millings on top. Board consensus to allow recycled asphalt.

Engineer noted that the watershed districts classify class 5/asphalt millings as impervious.

Motion J Strohfus/2nd J Kummer approval of Resolution 2016-17 Granting Preliminary And Final Approval For The Minnesota Coaches Addition Minor Subdivision. Voting Yes-J Strohfus, J Kummer, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

Conditional Use Permit Revisions:

Expand findings to call out existing uses on the property not described in the planning report. Add finding re: accesses for entry and exit of the busses. Amend parking to allow utilization for both employees and customers. Surfaces revised to address pervious/impervious and to allow construction of the northern 160 feet of the parking lot on Lot 2 using Class 5 gravel topped with asphalt millings, provided the total depth of the materials are at least 12 inches, including at least 4 inches of rolled asphalt millings on top. Fuel pumps revised to strike zoning administrator and that all necessary approvals are obtained. Address landscaping condition, that 50 trees will be planted on the east side of the property for screening. Applicant to consult with neighbors regarding 120th access for clearing shrub/vegetation for site safety.

Motion J Kummer/2nd J Strohfus approval of Resolution 2016-18 Approving A Conditional Use Permit To Conduct Certain Business Operations On The Property Located At 12044 120th Street South, with revisions as noted. Voting Yes- J Kummer, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Motion J Strohfus/2nd J Moore approval of Resolution 2016-19 Revoking All Prior Conditional Use Permits For The Property Located At 12044 120th Street South. Voting Yes- J Strohfus, J Moore, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

PUBLIC COMMENT: Point of Denmark resident expressed concern regarding neighboring ditch property with weeds/sucker trees. Also noted that the other property owners in the development keep their property mowed up to and into the Town Right of Way to keep weeds/sucker trees from growing. Kummer will contact Town mowing contractor to mow. Resident also questioned whether the digging at 12044 120th St S had a permit and if there were hours of operation attached to the permit. Digging is occurring before 6AM and after 7PM. Higgins will check permit status/hours and request hours of digging not to be early or late in the day. Attorney noted that there is not a standard in the code for certain hours, so if there are restrictions they would need to be placed on the permit as conditions.

BUSINESS ITEMS:

MnDOT Hwy 95: Adam Josephson provided information on upcoming Hwy 95 Safety Improvement Projects. 2017 Hwy 95/Valley Creek Road adding a left turn lane northbound.

2018 Hwy 95/ between Bailey & 70th adding shoulders to both sides of Hwy 95.

2019 Hwy 95/ from 70th to Hwy 61 adding shoulders to both sides of Hwy 95. Existing shoulders are 2 ft wide and will be widened to 8 ft. for safety considerations. Right turn lanes will also be added to some of the intersections. Drainage system along the roadway is inadequate so ditches will be added as well as resurfacing of the entire roadway. MnDOT will be acquiring right of way from adjacent property owners. J Strohfus requested MnDOT consider site distance concerns at Hwy 95/80th St intersection. Hwy 95/70th St S intersection would remain a 4 way stop at this time. Apple Orchard owner requested that MnDOT take into consideration project timing so the orchards would not be impacted during fall harvest season by project. MnDOT will have open house this winter regarding design/staging of the project.

Hwy 61/10 Maycrest MnDOT/Denmark Maintenance Agreement- Project is basically complete. MnDOT is requesting that Denmark enter into the agreed upon maintenance agreement, which provides for MnDOT responsibility of the signal light and Denmark responsibility for Maycrest Ave and the infiltration basin pond. MnDOT provided draft maintenance agreement for Board to consider for November Meeting. MnDOT will issue a notice of release for Maycrest and provide the Town with the deeds which will need to be recorded. Final records for Maycrest/pond has been sent to Town Engineer and a final walk through will be done with MnDOT and Town Engineer.

Homestead Estates: Ben Granley is proposing modifying/replatting Homestead Estates Phase 2. Frank Femling is asking how this will affect the existing Development Agreement, which requires the 2 lots in Phase 1 remain unbuildable until the Phase 2 roads are constructed.

Attorney- Any vacation/replatting of Phase 2 would allow the Board to amend the existing Development Agreement to recognize that the circumstances of the development have changed. If the proposed Phase 2 replat did occur, 78th in a shorter version would still need to be built to serve the unbuildable lots in Phase 1. Discussion regarding the proposed 77th St running east to west being vacated and leaving the road in the replat for possible future full residential development of the property. Attorney noted that if the property were to be

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

further developed at some time in the future, another replat of the property would include any necessary dedication of a road.

Roads Updates:

Eagles watch driveway issue- Eight homeowners have issues regarding their driveways being damaged due to the water ponding damage because of the unevenness of the road to the driveways. Board consensus to assist with a cost share arrangement for the driveway improvements. Town will get an estimate on each driveway. Kummer will provide the information to Eagle's Watch.

Oakgreen- received \$4970 quote from Safety Signs for a 200 lf guardrail for the culvert area on Oakgreen. Roads Supervisor and Contractor are recommending an additional 50 ft guardrail on the west side also. The rest of the area would be addressed by filling with dirt from Rumpca.

Motion J Moore/2nd J Kummer to approve expenditure of up to \$6500.00 for approximately 250 linear feet of guardrail by the culverts (Bahe farm) on Oakgreen Ave S. Voting Yes- J Moore, J Kummer, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

WSB Staffing: Planner Perdu noted that this will be postponed, as at this time, Erik Zweber at this time is not available to take over as Town Planner.

2040 Comprehensive Plan: Needs to be updated and submitted for review by July 1, 2018. Planner provided Board with information regarding requirements for the Comp Plan update. WSB will prepare a detailed proposal of actions to be completed and cost estimates covering all the Met Council requirements. Planner asked if there were anything in particular that the Board may want to include in the scope of the process. Higgins noted that for the 2030 Comp Plan, the Engineer did not do surface water, wastewater, transportation and water supply sections of the plan- they were completed by planning staff. If questions, issues needed to be addressed, the Planner consulted the Engineer. Planner noted that this time around there are more detailed requirements, particularly with transportation. Planner will work with Engineer and Watershed District. Planning Commission involvement/possible survey will be included in Planner's proposal.

Specialized Acres/Collins Development Agreement & Resolution:

Development Agreement/Resolution 2016-14 for Lot Line Adjustment that was approved on 8/1/2016 has been revised to fix incorrect PID's and legal descriptions. Attorney submitted draft restated resolution.

Motion J Kummer/2nd J Strohfus approval of Resolution 2016-20 Approving A Lot Line Adjustment For The Collins Investment Properties, LLC, And Specialized Acres, Inc. Properties. Voting Yes- J Kummer, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Planning Commission Appointment: Received application from Mike Kelz to fill Don Schneider's vacancy.

Motion J Strohfus/2nd J Moore to appoint Mike Kelz to the Planning Commission to finish the term for seat 4, term ending 3/31/2018. Voting Yes- J Strohfus, J Moore, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

LEGAL REPORTS:

Temporary Family Health Care Dwellings- Legislation has been passed to allow these temporary units on properties. Municipalities may opt out of this by adopting an ordinance to opt out. Board consensus to opt out. Attorney will draft ordinance for Planning Commission/Board review.

Solar Study- 674 surveys sent out/313 responses received back. Results will be available for November Board Meeting. Attorney noted that the solar study needs to proceed before the moratorium expires.

9:37 PM **Motion J Strohfus/2nd J Kummer to adjourn. Voting Yes- J Strohfus, J Kummer, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2016-17, 2016-18, 2016-19, 2016-20

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2016-17

RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL
FOR THE MINNESOTA COACHES ADDITION MINOR SUBDIVISION

WHEREAS, Minnesota Coaches Inc., on behalf of Sunrise Properties, LLC, ("Applicants") have made an application to Denmark Township ("Town") for a minor subdivision to allow the subdivision of approximately 10.83 acres to create two commercial lots;

WHEREAS, the property to be subdivided is located at 12044 - 120th Street South (PID: 31.027.20.33.0007) and is legally described in Exhibit A ("Property") which is attached hereto and made part of this Resolution;

WHEREAS, the proposed minor subdivision is to be named Minnesota Coaches Addition and the survey of said plat is attached hereto as Exhibit B;

WHEREAS, the Applicants 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 September 19, 2016, and has recommended approval with certain conditions;

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

- a. The Property is currently zoned Commercial/Industrial- Rural-CI;
- b. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code ("Ordinance"), Chapter Three, Section 6;
- c. The Town's Planners prepared a report dated September 13, 2016 ("Planner's Report"), which addressed the requests from the Applicants, including the Conditional Use Permit. The Planner's Report is incorporated in and made part of this Resolution by reference, except that the proposed conditions are superseded by the conditions in this Resolution;
- d. The proposed minor subdivision through the creation of the Minnesota Coaches Addition Plat contains the creation of two (2) lots;
- e. The lots to be divided are in a location where conditions are well defined;
- f. The proposed subdivision will not cause any resulting lot to be in violation of the Ordinance;
- g. The proposed division was prepared by a registered land surveyor;
- h. The proposed project will not have any significant impacts on utility and school capacities;
- i. The proposed subdivision does not conflict with the Town's Comprehensive Plan or the intent of the Ordinance;
- j. Because the minor subdivision results in two new lots, a park dedication fee by the Ordinance must be paid;
- k. The Applicants are required to enter into a development agreement with the Town as required by Chapter 3, Section 6.2 of the Ordinance; and
- l. The proposed lots meet minimum lot size requirements.

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 approve the preliminary and final minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

1. County Approval. The plat must be submitted and approved by Washington County.
2. Development Agreement. The Applicants shall enter into a development agreement with the Town for the minor subdivision no later than 90 days from this approval. The development agreement shall include provisions related to, but not limited to, construction of the planned improvements in accordance with the approved plans, the maintenance of the improvements, payment of the park dedication fee, and such other provisions as the Town Attorney determines are appropriate. Compliance with the provisions of the Development Agreement is an express condition of this approval.
3. Sewage System. Sewage treatment systems and their locations are approved by Washington County Department of Public Health and Environment.
4. Stormwater. The Stormwater Management plan and SWPPP must meet MPCA NPDES Construction Stormwater Permit requirements. Approved NPDES Construction Stormwater Permit shall be provided, when available.

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

5. Stormwater Maintenance. Stormwater facilities shall be privately maintained. The Applicants shall prepare and submit a proposed operation and maintenance plan for the stormwater facilities to the Town and the SWWD. The Applicants shall enter into a Stormwater Maintenance Agreement with the Town that incorporates the approved operation and maintenance plan. The Town will record the Stormwater Maintenance Agreement along with the Development Agreement.
6. Easements. Drainage and utility easements are proposed over all stormwater management facilities. Easements should be shown on final construction plans.
7. Access Easements. Access easements (20-feet wide with max slope of 10%) shall be provided and labeled on plans for stormwater management facilities. Copies of access easements and any maintenance agreements relating to driveway access shall be provided to the Town.
8. Private Well. Proposed private well locations must be shown on the plans. A copy of the approved permit from Minnesota Department of Health must be provided to the Town prior to well construction.
9. Representations. That all representations, written and oral, made by the Applicants and 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;
10. Compliance. That the Applicants are in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;
11. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants, 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;
12. Engineering Considerations. That all Engineering Considerations described in the staff report dated September 14, 2016 are met; and
13. Costs. That all fees, including professional fees incurred by the Town, and escrow amounts are paid.

Adopted this 3rd day of October, 2016.

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2016-18

RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO CONDUCT CERTAIN BUSINESS OPERATIONS ON THE
PROPERTY LOCATED AT 12044 - 120th STREET SOUTH

WHEREAS, Minnesota Coaches Inc., on behalf of Sunrise Properties, LLC ("Applicants") submitted an application to Denmark Township ("Town") for a conditional use permit to conduct numerous uses including motor vehicle repair, a motor vehicle service station, office use, and a vehicle wash on property located at, 12044 - 120th Street South (PID: 31.027.20.33.0007) and as legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested conditional use permit on September 19, 2016, during which it heard from the Applicants and the public regarding the application;

WHEREAS, the Planning Commission took action to recommend that the Town Board approve the requested conditional use permit with certain conditions; and

WHEREAS, the Town Board reviewed the Planning Commission's recommendation at its meeting on October 3, 2016, allowed for additional comments from the Applicants and the public, and hereby finds and determines as follows:

- a. The report submitted to the Town from the Town's Planner dated September 13, 2016, including, but not limited to, the findings contained therein, is incorporated herein by reference ("Planner's Report"). The proposed permit conditions contained in the Planner's Report are replaced with the conditions contained in this Resolution;
- b. The Property is currently zoned Commercial/Industrial- Rural-CI and the Applicants proposed to use the Property for an expansion of its bus business through the storage, repair, servicing, and washing of its vehicles and related office uses (collectively, the "Proposed Uses");
- c. The Property is also currently being used for the following uses that are to be allowed to continue as part of this conditional use permit: roofing contractor; lawn maintenance contractor; and retail vehicle repair (collectively, the "Additional Uses"). Each of the Additional Uses are located in the existing building located on what is being platted as Lot 1, Block 1, Minnesota Coaches Addition;
- d. The plan for the Property is to build a new building and undertake the Proposed Uses on what is being platted as Lot 2, Block 1, Minnesota Coaches Addition, and to allow the continued operation of the Additional Uses on what is being platted as Lot 1, Block 1, Minnesota Coaches Addition. According the plan, buses are to enter Lot 2 on the west side of the new building being constructed and are proposed to exit on the east side of Lot 2;

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

- e. The Proposed Uses and the Additional Uses are allowed in the zoning district with the issuance of a conditional use permit;
- f. The Proposed Uses are subject to the requirements of the Denmark Township Development Code ("Ordinance"), Chapter One, Section 10 and Chapter Two, Part Three, Section Two; and
- g. The Planning Commission considered the Proposed Uses in light of the requirements of the Ordinance and determined that with certain conditions, the Proposed Uses are in harmony with the general purposes and intent of the Ordinance and the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, the Planner's Report, and the findings and determinations contained herein, the Town Board of Denmark Township hereby approves and issues a conditional use permit to allow the expansion of a bus business on the Property, including the storage, repair, servicing, and washing of the vehicles and related of office uses, provided the Applicants comply with, and remain in compliance with, all of the following conditions and limitations:

1. Scope. This permit allows for the storage, repair, servicing, and washing of the vehicles associated with a bussing business and related office uses on Lot 2. This permit also allows the Additional Uses to continue to operate on Lot 1 in substantially the same way that they have been operating on the Property. All such approved uses are subject to, and must be operated in compliance with, the conditions imposed on this permit and all applicable federal, state, and local laws, rules, regulations, and ordinances.
2. Drainage System. A drainage system for collection of any hazardous material runoff must be installed. Such system shall be subject to approval by the zoning administrator.
3. Access Driveways. The Town Engineer shall approve the location and number of access driveways to the Property. The Applicants shall obtain driveway access permits as required by the Ordinance.
4. Parking. No vehicles shall be parked on the Property other than those utilized by employees, customers, or that are otherwise related to the approved uses. The outdoor storage of the Additional Uses shall not exceed the area currently utilized for outdoor storage.
5. Washing. The vehicle wash facilities on the Property are to be used only for buses associated with the Minnesota Coaches operation and shall not be open to the public.
6. Storage. Storage of salvage vehicles shall be prohibited.
7. Trash Enclosures. All areas used for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. The Property and all structures located on the Property shall be maintained in an orderly, clean, and safe manner.
8. Surfaces and Landscaping. All parking areas on the Property shall be hard surfaced. The Applicants are allowed to construct the northern 160 feet of the parking lot on Lot 2 using Class 5 gravel topped with asphalt millings, provided the total depth of the materials are at least 12 inches, including at least 4 inches of rolled asphalt millings on top. The entire site other than that devoted to structures or parking shall remain pervious surface and maintained for control of dust, erosion, and drainage. The Applicants shall install at least 50 trees along the eastern side of Lot 2 to serve as screening. The Applicants shall consult with the Town Engineer on the placement of the trees on the southern end of Lot 2 to help ensure adequate visibility for the buses exiting the Property and for those travelling on 120th Street.
9. Fuel Pumps. Wherever fuel pumps are installed, pump islands shall be installed. Such installation is subject to all applicable regulations and the Applicants shall obtain all required permits or permissions.
10. Representations. All representations, written and oral, made by the Applicants and the Applicants' 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.
11. Compliance. The Applicants are in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the Property for which this approval is granted.
12. Costs. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval application. In the event any fees are outstanding they will be paid by the Applicants 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.
13. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants 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.
14. Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicants shall be given written notice of any violation and reasonable time to cure the violation before a revocation of the permit may occur. Adherence to the terms of this permit shall be monitored on a complaint basis.
15. Binding. The permit and its conditions are binding on the parties, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is revoked as provided

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

herein. The obligations of the Applicants under this permit shall also be the obligations of the current and any subsequent owners of the Property.

16. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town, and all such previous permits shall be repealed by the Town Board by separate action.
17. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.
18. Amendments. Any alteration or expansion of Proposed Uses or of the Additional Uses, or the alteration of any plans submitted related to the Proposed Uses, shall not be allowed unless an amended conditional use permit is obtained from the Town.

Adopted this 3rd day of October, 2016

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2016-19

RESOLUTION REVOKING ALL PRIOR CONDITIONAL USE PERMITS
FOR THE PROPERTY LOCATED AT 12044 - 120TH STREET SOUTH

WHEREAS, the Town Board of Denmark Township ("Town") has previously issued conditional use permits for the property located at 12044 120th Street South, Hastings, Minnesota, (31.027.20.33.0007) and which is legally described in Exhibit A attached hereto and which is made part of this Resolution ("Property");

WHEREAS, Minnesota Coaches Inc., on behalf of Sunrise Properties, LLC ("Applicants") submitted an application to Denmark Township ("Town") for a conditional use permit to operate numerous uses including motor vehicle repair, a motor vehicle service station, office use, and a vehicle wash on the Property associated with a bus business as well as certain other uses that are currently operating on the Property ("Current CUP");

WHEREAS, conditional use permits were previously issued for the Property for other uses, including one issued in 1999, 2003, and 2004 ("Prior CUPs");

WHEREAS, the Town Board approved and issued the Current CUP for the Property by adopting Resolution No. 2016-18 at its October 3, 2016 meeting;

WHEREAS, in order to avoid the confusion that can result from multiple conditional use permits for various business activities on the same property, the Town Board has adopted a practice of revoking all past conditional use permits issued for a property when it is asked to issue a new or amended conditional use permit for the property in favor of a single conditional use permit that encompasses the business activities currently proposed for the property;

WHEREAS, the Applicants are amenable to the revocation of the prior conditional use permits on the Property, and such revocation was made a condition of the Current CUP approved for the Property; and

WHEREAS, this Resolution is intended to put future purchasers of the Property on notice that as of the date of this Resolution the only conditional use permit that exists for the Property is the Current CUP issued by the Town Board at its meeting on October 3, 2016.

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

1. All Prior CUPs approved by the Town Board of Denmark Township prior to October 3, 2016 for the Property located at 12044 - 120th Street South, Hastings, Minnesota, and legally described in Exhibit A to this Resolution, are hereby revoked. All such Prior CUPs are no longer valid and may not be relied on to support any particular use of the Property.
2. The Town Clerk-Treasurer is hereby authorized and directed to record this Resolution against the Property in the office of the County Recorder/Registrar of Titles.
3. The Town Board Chair, Town Board Members, and Town staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Adopted this 3rd day of October, 2016.

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2016

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2016-20

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: 06.026.20.23.0009) and legally described in the attached Exhibit A ("Collins Parcel");

WHEREAS, Specialized Acres owns certain property containing approximately 4.09 acres (PID: 06.026.20.24.0003) 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; 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 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;
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 FURTHER 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 3rd day of October, 2016.