

DENMARK TOWN BOARD MEETING MINUTES
DECEMBER 3, 2007

SUPERVISORS PRESENT: Joe Moore, Kathy Higgins, Steve Kramer and Jim Keller

ABSENT: Gary Dixon

ALSO PRESENT: Attorney Gilchrist and Planner Thompson

CALL TO ORDER: Meeting called to order @ 7:04 PM by Chair Higgins

AGENDA APPROVAL: Higgins added Transfer of Funds. Keller added Red Rock Corridor. **Motion Moore/2nd Keller to approve agenda as amended. All in Favor. Motion Carried.**

CONSENT AGENDA APPROVAL:

Motion Keller/2nd Moore to approve consent agenda which includes 11/05/2007 Board Meeting Minutes, claims #8739-8762, payroll ending 11/30/2007 and financial reports. All in Favor. Motion Carried.

HEARING DECISION/ZONING ACTIONS:

Verizon-Pt. Douglas Conditional Use Permit and Variance

Peter Campbell (Buell Consulting) and Attorney Jaymes Littlejohn represented Verizon Wireless. Applicant is requesting a Conditional Use Permit to allow for a new wireless communications tower at 12200 Point Douglas Drive. In addition to the Conditional Use Permit, a variance is being requested to allow for a new tower within 1 mile of an existing tower. Applicant has worked with the Planning Commission, Town Planner and Attorney since July 16, 2007 on permitting issues. Collocation on the Comcast tower has not been possible due to the lease agreement between Comcast and the landowner. The Verizon Tower would accommodate a total of 3 users, including Verizon. Town Attorney recommends adding to the conditions, that the tower accommodates a total of 3 users, and that the lease between Verizon and the property owner contains nothing that would inhibit co-location. Higgins discussed adding a condition, that if a change in ownership occurs, the Township will be notified in writing, and that an annual written inspection report, which is consistent with the ordinance, be submitted to the Township. If collocation occurs an amended Conditional Use Permit would be required. The Planning Commission recommends approval of both the variance and Conditional Use Permit with conditions.

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REGARDING THE VARIANCE:

Motion Moore/2nd Kramer to approve the Verizon Variance from the one mile distance from an existing tower, based on the following findings:

- 1. The application is in harmony with the general purpose of the Official Controls from the standpoint of the use, since wireless communications towers are allowed in the Commercial/Industrial District with a CUP. The application is not in harmony from the viewpoint that it is proposed within one mile of an existing tower.**
- 2. The Applicant has made a case that there are practical difficulties in the way of carrying out the strict letter of this official control (cell towers within one mile). Locating the tower outside the mile perimeter will likely require an application for another tower site in order to provide adequate coverage for people in southeastern Denmark Township.**
- 3. A communication tower located near already existing commercial or industrial uses would be more compatible with these uses. Furthermore, locating near these uses would keep the tower from being located in a more rural area, which the above cited goals propose to protect.**
- 4. One goal of the Township's Comprehensive Plan states: "Provide efficient and responsive basic services to residents and local businesses." Although the Township does not directly provide wireless communication services to its residents and businesses, by allowing location of the cell tower where it is proposed, based upon expert analysis provided, the quality of cell service to a segment of the cell phone uses (Verizon customers) will improve.**
- 5. A Comprehensive Plan policy requires site planning and building design that result in adequate buffering, screening, landscaping, circulation, parking, and safety. If the variance is granted, site buffering, screening and landscaping must be addressed as conditions of approval of the CUP.**
- 6. Analysis of the information provided by the Applicant demonstrates that the criteria related to plight of the landowner, essential character of the locality, and economic conditions are adequately addressed.**
- 7. The Applicant has demonstrated that the proposed location is the best location for a cell tower in order to provide adequate service to Township residents. The land is zoned Commercial/Industrial, which allows cell towers as a conditional use. The combination of these two factors supports granting the variance based upon reasonable use of the property.**

AND subject to the following conditions:

- 1. That a variance is granted by Washington County; and**
 - 2. That all fees are paid.**
- Board directs Attorney to draft the Variance for Chair & Clerk to sign.**
All in Favor. Motion Carried.

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REGARDING THE CONDITIONAL USE PERMIT:

Motion Keller/2nd Kramer to approve the Verizon Conditional Use Permit Application for a new wireless communications tower subject to the following conditions:

- 1. That the proposed tower and buildings are located outside the required setbacks, as shown on the final submitted plans.**
- 2. That the Applicant provide written documentation explaining tower construction and possible failure, and provide assurance that blowing or falling ice can be contained on the subject property, per Section 2.48(9)(B).**
- 3. That the Applicant provide screening of the site with 15 coniferous trees minimum of 6 feet in height, preferably Black Hills Spruce or comparable species. That the trees on the north side of the site not be disturbed.**
- 4. That the fenced area be secured with a gate and lock.**
- 5. That any graded areas are seeded or sodded to prevent erosion.**
- 6. That the Applicant comply with all applicable performance standards in the Denmark Township Zoning Ordinance, Chapter 2, Part 3, Section 2.48(9).**
- 7. That Denmark Township grant a building permit.**
- 8. That all fees are paid.**
- 9. That the applicant provide a \$5000.00 financial guarantee to assure removal of the tower and restoration of the site.**
- 10. That the applicant provide a copy of the lease agreement with the landowner, without lease amounts.**
- 11. That the tower accommodate two additional collocaters, for a total of 3 users on it.**
- 12. That the applicant enters into no agreements or actions that would interfere with collocation on the tower.**
- 13. That Verizon submit a written annual inspection report to the Township.**
- 14. That the applicant notify in writing any changes in ownership of the tower.**
- 15. That any future co-location on the tower will require an amended Conditional Use Permit. Board directed Attorney to draft Conditional Use Permit for the Chair & Clerk to sign. All in Favor. Motion Carried.**

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BUSINESS ITEMS:

Washington County Proposed Ordinance Amendment-Platting:

Planning Commission reviewed and recommends that the Town Board support the Washington County proposed ordinance amendment which will require that future Minor Subdivisions be platted. Attorney stated that potential costs could be reduced on Minor Subdivisions by creating a simplified Development Agreement which would address density.

Motion Keller/2nd Moore to support the Washington County proposed ordinance amendment requiring platting of a minor subdivision, with the qualifiers that the County process be kept simple, especially in the case of one or two lot subdivisions, and that fees for residents be kept low. All in Favor. Motion Carried.

Sheriff's Report: Sheriff's deputy submitted report to the Board. Patrols increasing directed at speeders.

2008 Final Levy Certification: Motion Keller/2nd Moore to approve the 2008 Final Levy Certification in the amount of \$508,611. All in Favor. Motion Carried.

122nd and Morgan- At the November Board Meeting, Board members authorized the township engineer and road supervisor Dixon to meet on site with neighboring residents to discuss their concerns. Report from Engineer and Supervisor Dixon's meeting with residents at the site moved to January agenda.

Land & Water Legacy: Higgins attended the Parks & Open Space meeting. The Commission recommended approval of all 5 of the Denmark Township applications for the Land & Legacy program. Denmark Township land being proposed for acceptance represents 67.2% of the total acreage and 77.5% of the total dollars being recommended for approval. Denmark will submit comments to the County Board. Planner Thompson stated that currently about 75% of the land in Denmark is restricted for taxation and results in the tax burden being shifted to 27.3% of the land in the township. A County owned parcel in Denmark is currently being rented out for farmland and raises revenue of about \$20,000 annually. Attorney stated that publicly owned property leased for private purposes is supposed to go back on the tax rolls. Attorney will review. Township services such as roads use and emergency services are also being utilized by non Township people using these public properties. Board reviewed draft letter to the County and recommends that the memo be submitted to Washington County.

Motion Moore/2nd Kramer to approve the basic concept of the draft memo on Land & Water Legacy with Board revisions and to authorize Dick Thompson and Kathy Higgins to attend and present at the County Board meeting on behalf of Denmark Township. All in Favor. Motion Carried. Planner Thompson will make the Board revisions to the memo and send to Board for comment.

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Local Board Of Appeal & Adjustment Training: For communities that hold a Local Board of Review each spring to review values, at least one member of the Township Board must have been trained by the Department of Revenue on the processes and procedures of the Local Board. The Dept. of Revenue is considering holding a training session in January of 2008. Uncertified Supervisors will attend if possible.

Data Practices Policy: Board reviewed draft updated Data practices Policy. Suggested changes to the draft-Office hours-to request information, contact the clerk. Clerk charges for locating/retrieving information- \$20.00 per hour.

Motion Kramer/2nd Moore to approve the updated Data Practices Policy revised with changes that were addressed. All in Favor. Motion Carried. Attorney will revise Policy.

WMO Update: Public hearing on 12/12/07 to hear comments on the proposed rules.

Transfer of Funds: Request for Board approval to transfer Police fund monies of \$37,417.70 to the General Fund in order to close the Police Fund. Monies were reserved in the Police Fund in the case of incorporation or Sheriff's possible billing. **Motion Keller/2nd Moore to approve transferring Police Fund monies to the General Fund. All in Favor. Motion Carried.**

Red Rock Corridor: Keller updated Board on Red Rock. Hastings Bridge Advisory Commission has been set up. Moore represents Denmark Township.

Outstanding Items:

Suburban- Conditional Use Permit Public hearing is set for 12/17/2007.

St. Croix Ridge- Board directed Attorney to give 30 day written notice of non-compliance to Mr. Riegel, as corrections to Development have not been accomplished.

Erin Glenn- Applicant is still waiting for mortgagees to sign off on property. Applicant's attorney will keep Township Attorney informed.

Town Hall maintenance- Kramer checking into crawl space insulation/plastic. Moore suggests fan in crawlspace to draw air out. Issue will be revisited in the spring. Cleanout needs covering to prevent winter freezing.

Homestead Estates- \$75,000 Letter of Credit received for Homestead Estates.

Motion Moore/2nd Keller to adjourn. All in Favor. Motion Carried.

Meeting adjourned at 9:45 PM.

Becky Herman
Denmark Township Clerk/Treasurer