

DENMARK TOWN BOARD MEETING MINUTES
NOVEMBER 5, 2007

SUPERVISORS PRESENT: Joe Moore, Kathy Higgins and Steve Kramer

ABSENT: Jim Keller and Gary Dixon

ALSO PRESENT: Attorney Gilchrist and Engineer Geheren

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

AGENDA APPROVAL: Higgins added Historical Society and Ordinance Amendments.

Motion Moore/2nd Kramer to approve agenda as amended. All in Favor. Motion Carried.

CONSENT AGENDA APPROVAL:

Motion Moore/2nd Kramer to approve consent agenda which includes 10/01/2007 Board Meeting Minutes, claims #8713-8738, payroll ending 10/31/2007 and financial reports. All in Favor. Motion Carried.

Sheriff's Report: Sheriff's deputy reported that Denmark calls have been normal. Board inquired on any controls the Town could employ regarding trash being dumped in ditches. Deputy will report info back to Sheriff. Residents are asked to report any unusual activity.

HEARING DECISION/ZONING ACTIONS:

Verizon-Pt. Douglas Conditional Use Permit and Variance hearing continued to 11/19/2007.

Public Comment:

Resident stated that it is apparent that business is being conducted on a regular basis at Suburban. He questioned whether Suburban does have a conditional use permit to do so. Town has not received complete application from Suburban-Rase for a Conditional Use Permit. Suburban continues to operate without a permit. Attorney summarized Suburban issue, stating that there was a lawsuit and Suburban brought a motion to take back possession of their property. Part of the stipulation to resolve, was an understanding that they submit an application for a CUP by a certain date. If application not received by that date, they had acknowledged that they waive a claim to the old CUP. The date has expired. Tax has not been paid. Suburban attorney is requesting additional time for Suburban to pay the delinquent taxes on the property. Attorney recommendation is to schedule a hearing and make it clear through their attorney that CUP will be denied if delinquent taxes are not paid. Higgins stated that no exception has been made for any other applicant to have a public hearing scheduled while there remained delinquent taxes on the property. Board consensus that Town attorney let applicants attorney know that if taxes are paid by 11/19/2007, a 12/17/07 public hearing will be scheduled.

Motion Kramer/2nd Moore to notify Suburban that a 12/17/2007 public hearing will be scheduled if the delinquent taxes are paid by 11/19/2007 and the Town is provided a statement of Certification for taxes paid, from Washington County. All in Favor. Motion Carried.

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BUSINESS ITEMS:

122nd and Morgan- Marilyn Suchy and Duane Fowler asked Board to re-evaluate options for the intersection. Suggested options are reduced speed signs and stop signs for North and West bound traffic, or a “T” intersection. Engineer, Roads Supervisor and affected neighbors will meet at the site to evaluate.

Myra Peterson-Transportation- Washington County Commissioner Myra Peterson spoke in regards to the potential delay in the construction of the Wakota Bridge. In 1989, Met Council and MnDot did a bridge report which listed bridges that needed to be replaced- Wakota, Hastings, Lafayette, Stillwater and St Paul Park. In the almost 20 years since that report, Hastings and Stillwater have not been replaced and the Wakota is still under construction. The So St Paul swing Bridge has been closed. In the summer of 2008 the Hastings Bridge will be down to 1 lane of traffic for 3 months and Wakota still won't be finished. There has been discussion about possibly delaying completions of the Wakota Bridge, due to funding shortages. Further delay in completion of the bridge will result in major cost to area merchants. Washington County has adopted a resolution opposing any additional delay in the constructing of the Bridge. Commissioner Peterson requested Denmark's support in the same.

Motion Moore/2nd Kramer to adopt Resolution 2007-13, A Resolution opposing Additional Delay in the Construction of the Wakota Bridge (Interstate 494 Bridge over the Mississippi River) in Newport. All in Favor. Motion Carried.

Resolution 2007-13 attached.

Land & Water Legacy- Five parcels totaling 399.5 acres, valued at \$9,025,000 have been submitted for the Land and Water Legacy program from Denmark Township. Discussion Re: the impact of shifting the tax burden from these identified properties to the other Denmark taxpayers and the amount of already tax exempt or tax restricted properties in the Township, i.e., Afton State Park, St. Croix Bluffs Regional Park, Carpenter's Nature Center, Ag Preserves, Green Acres, conservation and other easements.

Discussion re: How lost tax revenues for the County, Township and School District could be re-couped? How could Denmark continue as a viable Township if tax opportunities are removed?

Denmark Planner Dick Thompson submitted his comments to the Board, which include the following recommendations:

- 1) That Washington County prepares some level of fiscal note with these requests some time in the future. Perhaps it could be another column in the rating matrix.
- 2) That the local government receives some level of payment in lieu for the properties that are either taken off the tax roll or their value reduced due to conservation easements.

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- 3) That Washington County prepare a pilot study of Denmark Township addressing the entire issue of tax exempt or tax affected properties to determine the impact to remaining properties in the Township.
- 4) That the State revisits the Ag Preserves and Green Acres Laws in terms of qualifications for placing land in these programs. Are the programs really serving their purpose, or are they used as a way for people to shift the tax burden?
- 5) Address the issue of tax shifting in the comp plan, or at least address the amount of land in Denmark Township, that is affected by tax exempt status, program status or conservation or other easements.
- 6) That the Township develops criteria for evaluating future Land and Water Legacy program applications.

Motion Moore/2nd Kramer to authorize Dick Thompson to draft a letter to the Washington Parks and Open Space Commission and to the Washington County Board regarding the Land & Water Legacy Program. All in Favor. Motion Carried.

Legal Holidays Resolution 2007-12- The Town Board has determined that Christopher Columbus Day (the 2nd Monday in October) and the Friday after Thanksgiving are not holidays and so public business may be transacted on those days. **Motion Kramer/2nd Moore to adopt Resolution 2007-12, A Resolution Designating The Optional Holiday Days As Not Holidays. All in Favor. Motion Carried.** Resolution 2007-12 attached.

WMO Update- Draft rules will be put on the Website. A public hearing on the rules will be scheduled for the December 12th WMO meeting to hear comments.

Historical Society- Board will formally thank the Historical Society for their addition of the pictures at the Town Hall.

Ordinance Amendments- Washington County is proposing to amend their minor subdivision ordinance to require the splitting of parcels to be platted. The platting may involve a larger expense to the landowners, however the legal descriptions are less subject to error if platted, rather than surveyed by meets and bounds. Dennis O'Donnell will be invited to address the Planning Commission on the issue.

Suburban Update- Town has not received complete application from Suburban-Rase for a Conditional Use Permit. Suburban continues to operate without a permit. Board expressed concern with fact that there has been a lack of follow through on applicant's part. . Attorney directed to proceed with checking on enforcement options, and to inform Ms. Snaza's attorney of Board's intent to pursue enforcement actions.

Motion Moore/2nd Kramer to authorize Linda Thompson/Kennedy-Graven to pursue enforcement process/options regarding the property @ 11747 Manning Ave. S. All in Favor. Motion Carried

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U.S. West- US West collocation on an existing tower. Attorney recommends addressing globally with the Towns tower issues.

117th and Osprey platting- Attorney advised to hold off on platting issue at this time due to estimate of cost being between \$5,000 to \$10,000.

St. Croix Ridge- Letter of Credit in place for \$23,737.50. Maintenance bond of \$75,000 with Friedges to expire on 11/07/2007. Riegel still has not provided stormwater info to TKDA. Discussion re: withholding issuance of building permits until Riegel is in compliance with terms of Development Agreement. Engineer and attorney will review Development Agreement and advise.

Erin Glen- Plat going through County process. Will receive revised plat when final. DA not signed yet.

Town Hall maintenance- Leaking sanitary pipe has been repaired. Received \$580.00 estimate on fixing the damaged sheet rock. May need to do a temporary fix on damaged pavement above the pipe, until spring.

Data Practices- Board received the draft updated Data Practices policy from Attorney. Moved to December Agenda.

Hastings Bridge Repair-Higgins and/or Moore will attend next meeting.

Homestead- Engineer reported that Mr. Femling requested a \$75,000 Letter of Credit. Development requires that financial security may not be reduced below \$135,000 without Board approval. The development still has an area of erosion to address. **Motion Moore/2nd Kramer to reduce the Letter of Credit to \$75,000.00. All in Favor. Motion Carried.** Letter of Credit to be submitted to Town within 2 weeks.

Motion Moore/2nd Kramer to adjourn. All in Favor. Motion Carried.
Meeting adjourned at 10:03 PM.

Becky Herman
Denmark Township Clerk/Treasurer

See attached addendums: Resolutions 2007-12 and 2007-13

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**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-12**

**A RESOLUTION DESIGNATING THE
OPTIONAL HOLIDAY DAYS AS NOT HOLIDAYS**

WHEREAS, Minn. Stat. § 645.44, subd. 5 gives political subdivisions the option of determining whether Christopher Columbus Day (the second Monday in October) and the Friday after Thanksgiving will be holidays;

WHEREAS, no public business may be transacted on any holiday except the optional holiday days if the political subdivision designates them as not holidays;

WHEREAS, the town board determines there are already a significant number of holidays designated by statute;

WHEREAS, the town board determines it is in the public's interest to not further limit the days on which public business may be transacted;

NOW, THEREFORE, BE IT RESOLVED, that the town board of Denmark Township, Washington County, Minnesota determines and hereby designates Christopher Columbus Day and the Friday after Thanksgiving are not holidays and so public business may be transacted on those days.

Adopted this 5th day of November, 2007.

Town Chair

Attest: _____
Town Clerk

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**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-13**

**A RESOLUTION OPPOSING ADDITIONAL DELAY IN THE CONSTRUCTION OF THE WAKOTA
BRIDGE
(INTERSTATE 494 BRIDGE OVER THE MISSISSIPPI RIVER) IN NEWPORT**

WHEREAS, the Wakota Bridge Project encompasses a large area of both Interstate 494 and US TH 61, and provides a vital transportation link for residents of Washington and Dakota Counties; and

WHEREAS, the Wakota Bridge Project has been under construction for 4 years, beginning in 2003 and was originally scheduled to be completed in late 2007; and

WHEREAS, the construction and associated traffic detours and changes have already caused numerous hardships for local businesses and residents; and

WHEREAS, design flaws in the original design, along with contractor issues have already caused significant delay in the completion of this project; and

WHEREAS, the need to construct a new I-35W bridge has exacerbated the already existing transportation funding crisis in Minnesota to the point where Mn/DOT has identified the need to delay other state transportation projects; and

WHEREAS, the Wakota Bridge Project is one of the projects being considered for further delay; and

WHEREAS, any additional delay to the completion of this project would substantially and permanently harm the businesses and residents in this area. Estimates of costs to area businesses have reached 11.5 Million per year for each additional year of delay; and

WHEREAS, for this project to remain partially completed, leaving work zones, narrow shoulders and lane shifts in place is an unsafe long term condition; and

WHEREAS, Due to the restriction of truck traffic on I-35 in St. Paul, I-494 and the Wakota Bridge serve as the primary East Metro Area Interstate Truck Route and the primary Metro Area Trucking Bypass route; and

WHEREAS, it is in the best interests of the state, counties, cities and towns to see this project completed in a timely manner.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board hereby requests the Commissioner of Transportation remove the Wakota Bridge Project from consideration for further delay for any reason; and

BE IT FINALLY RESOLVED, that the Town Board additionally requests that the Wakota Bridge Project be placed on a fast track for completion.

Adopted this 5th day of November, 2007.

BY THE TOWN BOARD
