

DENMARK TOWN BOARD MEETING MINUTES
March 6, 2006

SUPERVISORS PRESENT: John Kummer, Kathy Higgins, Gary Dixon and Jim Keller.

ABSENT: Jim Fitzpatrick

OTHERS PRESENT: Attorney Shoeberg, Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:02 PM by Chair Kummer.

AGENDA APPROVAL: Keller added Meier. Higgins added Kirk, MAT Short Course and Board of Review. Motion Keller/2nd Higgins to approve amended agenda. Motion Carried.

CONSENT AGENDA APPROVAL: Keller pulled the 2/15/06 LSCWMO minutes. Motion Higgins/2nd Keller to approve consent agenda excluding the 2/15/06 LSCWMO Minutes. Motion Carried.

Discussion: Keller did not agree with the wording "Board not in agreement with the pre settlement goal" He thought everyone supported the concept of the 20% reduction, when the technology is available. Kummer agreed board was in support, but was not going to mandate. Suggested wording-Board would support 20% reduction when appropriate technology is available. Higgins- would support 20% reduction when technology becomes proven. Keller to discuss with Engineer to come up with definite language for amended minutes.

PUBLIC COMMENT: None

BUSINESS ITEMS:

Homestead Estates- Final Plat: Final Plat approval being requested with changes from agreements made at meeting of 02/15/06. Femling has already sold lots 9 and 10. Board had previously required that lots 9 and 10 would remain unbuildable until the roads in Phase 2 were constructed. Lots 9 & 10 have access off of 78th Street, which is Stoffel, Phase 2 portion of plat. Requesting approval to construct 78th St. road/cul-de-sac as part of Phase 1, even though cul de sac will be built on Stoffel property (Phase 2). Lots 9 & 10 have no road access unless 78th St. cul de sac is constructed. Much discussion/frustration expressed re: numerous changes to plat over history of project. Stoffel in audience. Stated he was not aware that road (78th St.) was to be constructed at this time. Jack Clinton stated Stoffel's attorney was aware and had agreed. Vice chair Kummer called for motions as follows:

Motion Dixon to approve final plat as presented with lots 9 and 10 remaining unbuildable until phase 2 roads are constructed as recorded in the 2/15/06 minutes. Motion died for lack of second.

Kummer called for motion to approve plat as described this evening, making lots 9 & 10 buildable. No motion.

Motion Keller/2nd Dixon (for the purpose of discussion) to approve Final Plat, which limits phase 1 to 12 homes, until the roads on phase 2 are constructed; if not constructed by November 2007, a variance would need to be granted for the over length cul-de-sac. Higgins not in support of plat approval due to: Lack of agreement with Developer ownership of Open Space. Believes it should be owned by Homeowners Association. Also in disagreement with 78th St. road/cul-de-sac being constructed on a property that is still tied up in the legal system. Clinton states that concern is "ridiculous". Attorney to get final Development Agreement, Conservation

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Easements, Declaration of Restrictive Covenants to Higgins for review prior to signature. Vote on motion: Ayes: Dixon, Keller, Kummer. Nays: Higgins.

Eagle's Watch Warranty Bond: Homeowner's association raised question of the minimum amount of bond and warranty expiration date. Bond has been reduced to minimum amount of \$130,000. The warranty expires in November 2006.

TH 95 Future Plans: Engineer and Kummer attended MnDOT meeting with Woodbury, Cottage Grove and Afton for future planning of TH 95 on a 20-30 year time frame. Process would be to acquire additional Right of Way. Plans are for it to be a 4 lane divided road. Board is being asked to review the access points it would like to consider in the future, and if there are any issues with the ¼ mile spacing. Also, does the Township wish to request additional right of way on East side for a potential trail system. Board does not believe trail in this location is a need at this time. Possibly in the future. Engineer and Kummer will get further information at future meetings and keep Board updated.

Advertisement for Denmark Road Maintenance Contract: Kummer will revise road maintenance contract as discussed/agreed to tonight. Letting of bids will be published in March; contract will be awarded in April.

Reynolds Access: Attorney visited site. Board questioned whether the access was approved by the county. Attorney identified 2 concerns Joe Lux may not have been aware of. Proposed new driveway access would not be directly across from 66th Street, and would create 2 accesses with unknown distance between them. At present, there is an access off the Pflugi property on 21. Board approved driveway access was for both Pflugi and Reynolds properties. Proposed new driveway access would not be directly across from 66th Street, and would create 2 accesses with unknown distance between them. Attorney is waiting to hear from Joe Lux on his opinion of 2 accesses.

Featherstone: Requesting an escrow refund. Atty reports that County (Joe Lux) believes the access is appropriate. Atty recommends that Featherstone restake property so that boundary lines and setbacks can be determined.

WMO Report: Meeting with rules development steering committee. Biggest issue is regarding permitting authority. Next step is for Steering Committee to meet with WMO Board to discuss outstanding issues. Meeting to be scheduled @ March WMO Board meeting.

Emergency Preparedness: Washington County is sending Keller an application to fill out.

Neal Avenue: Discussion re: possible county turnback of Neal Ave. to township. No formal notification to township of turnback at this point. Gordy Herman: As Denmark Township is a municipality of less than 5000, we do not get State aid. The County cannot force the road on us and he doesn't think we should take it. Board directed attorney to check the legals on the issue.

Planning Commission Interviews: Higgins reported that there were 2 applicants for a Planning Commission Seat. Interviews will be on March 15, 2006 at 7:00 PM. Higgins will contact the applicants. Appointment to be made at April Board Meeting.

Meier: All equipment will be removed by April 1, 2006. Kummer will take school house property lease to Mr. Meier.

Kirk: Applicant is requesting Subdivision of 7 acres into 2 lots (3.2 and 3.8) acres. Also variances for an oversize accessory structure and for 3 homes to share a driveway. Property was sold after Hwy 10 construction. There was a difference of opinion between the planner and the attorney as to whether Highway 10 construction/renovation is a hardship. Legal opinion is that

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no hardship exists. Atty to obtain court files regarding MNDOT condemnation/compensation, and road right of way.

MAT Short Course: Motion Higgins/2nd Kummer to approve any Board member or the Clerk/Treasurer to attend. Motion Carried.

Board of Appeal: Per recent legislation, at least one township supervisor must be certified for Township to be able to conduct Local Board of Appeal. Currently, Higgins is only Board member certified. Discussion re: need for other members to receive mandatory training/certification. Clerk will find out training dates.

Board reviewed the outstanding list.

LEGAL REPORTS:

Suburban: Attorney inspected building twice. Doors locked. Sheriff will continue to inspect.

Rumpca: Trial date is set for April 17, 2006.

117th Street Plat: Attorney met with Dwyer. Brought sketches for Board review. Public hearing for platting 117th and Osprey could be in March.

Motion Dixon/2nd Keller to adjourn. Motion Carried. Meeting adjourned @ 10:10 PM.

Becky Herman
Clerk/Treasurer