

DENMARK TOWN BOARD MEETING MINUTES  
JULY 11, 2005

**SUPERVISORS PRESENT:** Kathy Higgins, Gary Dixon, and Jim Keller

**ABSENT:** Jim Fitzpatrick and John Kummer

**OTHERS PRESENT:** Attorney Shoeberg, Engineer Geheren

**CALL TO ORDER:** Meeting called to order at 7:00 PM by Chair Keller

**WASHINGTON COUNTY SHERIFF'S REPORT:** Presented by John Stoffel

**AGENDA APPROVAL:** Motion Higgins/2<sup>nd</sup> Dixon to approve both the Agenda and the Consent Agenda. Motion carried.

**HEARING DECISIONS/ZONING ACTIONS:**

**Marshall Minor Subdivision:** Higgins reported Planning Commission recommended approval of Minor Subdivision subject to conditions. Marshall's requested that their application be tabled until the new ordinances are adopted. They will then apply for an Open Space Design Subdivision. Motion Higgins/2<sup>nd</sup> Dixon to table current subdivision plan, pending receipt of waiver of 60 day timeline. Motion carried.

Attorney will draft waiver and email to clerk for Marshall's signature.

**Pontius Minor Subdivision:** Higgins reported Planning Commission recommended approval of Minor Subdivision subject to Planning/Engineer conditions. Higgins would support approval, with addition of variance for public road frontage. Applicant is 16 feet short, which is less than 5% of the requirement. Our subdivision ordinance requires regular shaped lots. Requiring the creation of an irregularly shaped lot not consistent with current ordinance

Motion Higgins/2<sup>nd</sup> Dixon to approve the Minor Subdivision subject to the following conditions:

1. Park dedication be paid in cash for one new lot.
2. Driveway location and construction be as approved by Washington County.
3. Septic tests and areas be as approved by Washington County.
4. Prior to any grading on Parcel B, a grading and erosion control plan be submitted for review and approval of the Township Engineer.
5. Approval of 15 ft. variance from public road frontage. Motion Carried.

**PUBLIC COMMENT:**

- Sieben- Would like to see noxious weeds need to be cut more often for control.
- George Letendre, attorney representing Oakgreen residents- Re: Rumpca Litigation. Requested copy of engineering report prepared for litigation and arbitration, minutes of arbitration, and list of arbitration attendees. Letendre noted Township proposed plan B, to go North and the arbitrator decided the route should go South. Questioned why wasn't some type of engineering done, so Township argument would go over better with the arbitrator? Shoeberg- Will get engineering reports to you. There was no court reporter. Attendees were Pat Kelly(the arbitrator), Jack Clinton, Magones, Rumpcas, Shoeberg, Higgins, Dixon, Kummer, Geheren, Powers, and Duane Herman. Testifying @ the Arbitration Hearing were: Geheren (TKDA), Higgins, Rumpca, Powers. All documents were provided to arbitrator. Letendre requested a copy of Conditional Use Permit.

DENMARK TOWN BOARD MEETING MINUTES  
JULY 11, 2005

Shoeberg stated modifications are being made based on the route; when CUP approved by the Board, copy will be given.

- Brede- Too many trucks running on 90<sup>th</sup> Street.
- Miller- Neighbor is building home. Requesting review of what time construction can start in the Township (because of noise and early start times). Concerns Re: width of new home's driveway, location of new driveway & location of power/utilities. Miller requests a Public Hearing for holding pond being installed. Board will check with building inspector on codes.
- Jim Eilers: Complaint re: landscaping of Boat Storage business and compliance with CUP. Complaint re: Auto Trailer Depot. Keller will review before next Board Meeting and get back to resident.
- Hilgers-Questioned whether Rumpca truck route is final. Shoeberg stated that from Township perspective, that decision is final. Only action Township will take is to draft a CUP. Next step is for applicant to make application to the County. If residents challenge use of Oakgreen as decided by arbitrator they can commence legal action. Township is bound by agreement to accept results of binding arbitration decision. Rumpca's argued that Oakgreen Avenue was an existing road which had not been vacated. They provided documents which were signed by Grote, acknowledging existing road easement.

**BUSINESS ITEMS:**

**117<sup>th</sup> Street Recording-** 117<sup>th</sup> Street constructed in 1989 was never recorded. Surveyor, John Dwyer who did original survey work for the road suggested platting the road. Survey and legal descriptions all completed in 1989. Surveyor work for plat should not be extremely costly. This would be at the Township's expense. Shoeberg will handle any legal aspects of this at no expense other than recording fees. Motion Higgins/2<sup>nd</sup> Dixon to authorize Shoeberg to plat 117<sup>th</sup> Street and Osprey Avenue. Motion Carried. Higgins questioned attorney regarding conflict of interest if voting. Attorney stated no conflict due to fact that no personal gain would result from action being taken.

**Concept Review-Specialized Acres 3-** Harald Erikson presented concept of community septic system. There are approximately 20 acres in outlot A. Proposing that 6 lots in current plat (located in Commercial Industrial District) would be served by community septic. System would be installed on adjoining land in Agricultural District (not part of land already platted) Management and ownership would be an Association to maintain and operate the system. Shoeberg expressed concern about Association management. When Township approves plat, all lots must be buildable. Not knowing types of uses on each lot could result in community system not being sized appropriately. These issues would have to be addressed before approval. Erikson-we are proposing to put in a covenant limiting the types of uses allowed. Engineer would like a staff meeting with applicant and would like to see sketch grading plan. Motion Dixon/2<sup>nd</sup> Higgins to direct Township staff to meet with applicant to determine if community septic system is absolutely necessary and to gather further information for Board. Discussion: Higgins questioned necessity of community system, location of system (putting septic for Commercial Industrial District into an Agriculture District), and/or including two separate zoning districts in one plat. Motion Carried.

**Town Hall Painting-**Dixon and Shoeberg met with contractor and inspected the building. Sherwin Williams tested paint in the past and said moisture was the problem. Not sure where moisture was coming from. Dixon talked to building inspector. Inspector states that air exchanger not a code requirement for type of use at Town Hall. Dixon recommends we contact Sherwin Williams to send someone back out to review further.

DENMARK TOWN BOARD MEETING MINUTES  
JULY 11, 2005

**Savings/Dedicated Funds**-Auditor Dennis Oberloh recommended creating 2 more restricted savings accounts for dedicated funds. Motion Higgins/2<sup>nd</sup> Dixon to transfer \$209,886.00 from general savings to create a restricted savings account for Park/Recreation funds. Transfer \$5000.00 from general savings to create a restricted savings account for Media 1/Comcast funds. At the end of each year, total Park/Recreation expenditures for the year will be will be withdrawn from the Park/Recreation savings and be reimbursed to general fund. Park/recreation receipts throughout the year will be deposited directly into Park/Recreation savings. Motion Carried.

**LEGAL REPORTS:**

**Klopf** - Behind on payments-working on it.

**Suburban**- Dixon and Shoeberg inspected the property and most of the material was removed. Some tires and parts of cars are left but most of the vehicles are gone. Reuter has said that he will have some type of agreement to be out of the property by July 20, which would remove the items inside the building, because those are his. Shoeberg will return to inspect what is left.

Higgins inquired re: status of outstanding Conditional Use Permits, Development Agreements, WMO Joint Powers Agreement and financial reports. Shoeberg stated Buell's and Marty's have been sent in for recording. Shoeberg will update Board at August meeting as to current status of all. .

Keller noted a notice for St Croix Valley Trail hearing with Washington County was received. Meeting Date is August 2, 2005. Township will post notice at Town Hall.

**8:56PM:** Motion Dixon/2<sup>nd</sup> Higgins to adjourn. Motion carried.

Becky Herman  
Clerk/Treasurer