

DENMARK TOWN BOARD MEETING MINUTES
March 2, 2009

SUPERVISORS PRESENT: Steve Kramer, Jim Keller, Kathy Higgins and Gary Dixon

SUPERVISORS ABSENT: Joe Moore

ALSO PRESENT: Attorney Gilchrist and Engineer Winter

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

AGENDA APPROVAL: Higgins added Planning Commission Appointments, Comp Plan, Annual Meeting, TKDA Contract, Roads Contract and Roads Rating Cost Proposal. **Motion Keller/2nd Kramer to approve agenda as amended. All In Favor. Motion Carried 4-0**

CONSENT AGENDA APPROVAL: Higgins pulled claims. **Motion Kramer/2nd Dixon to approve balance of consent agenda which includes 02/02/2009 Board Meeting Minutes, PERA EFT 97708, payroll ending 03/01/2009 and financial reports. All In Favor. Motion Carried 4-0**

Re: Pulled Claims. Town received billing from Inspectron in the amount of \$1320.00. Clerk is requesting that bill be added to claims for approval of payment, as the charges should be posted to affected escrow accounts in a timely manner. **Motion Keller/2nd Kramer to approve payment of Claims #9095-9110 and to include payment of Inspectron claim of \$1320.00 (will be claim #9111).**
All In Favor. Motion Carried 4-0

Sheriff submitted citation report.

HEARING DECISION/ZONING ACTIONS: Murphy Minor Subdivision

Applicant request is to subdivide a 5 acre parcel from a 31 acre parcel at 12875 60th Street S. The property is zoned A-2 Ag district which allows a density of 1 dwelling unit per 20 acres. Dennis/Joanne Murphy residence parcel and the applicant's grandmother's life estate parcel are located to the west. The applicant requests to transfer a density unit from another 81 acre parcel that the Murphy's own to the south.

The proposed 5 acre parcel would create an irregular shape in the resulting 26 acre parcel due to a 30 foot strip between the existing grandmother's parcel and proposed parcel. The 30 foot strip is to allow an existing barn to meet side yard setback standard, as it is the Murphy's intent to combine the grandmother's parcel and the surrounding property for continued farm operation in the future. This reconfiguration would then eliminate the irregular shaped parcel while meeting the side yard setback. Recorded Development Agreement would reflect transfer of density unit from 81 acre parcel to accomplish 5 acre subdivision. Planner concurs that in this situation a grading and erosion control plan is not necessary.

Motion Keller/2nd Kramer to approve the Murphy Minor Subdivision and transfer of density unit based on the Planner's findings as submitted in her 02/09/09 report, and subject to the following conditions:

- 1. The minor subdivision shall be in general conformance with the Plans dated October 18, 2008.**
- 2. A Development Agreement shall be required, which establishes the transfer of a Density Unit from Parcel 06-027-20-13-0001 to the new parcel and this shall be recorded with the County.**

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3. The wastewater treatment system area shall be reviewed and approved by Washington County.
4. A Driveway Access permit shall be obtained from the Township.
5. All fees shall be paid. All In Favor. Motion Carried 4-0

Motion Dixon/2nd Kramer to authorize Chair to sign development agreement. All In Favor. Motion Carried 4-0

PUBLIC COMMENT: Washington County 4-H

A number of Denmark Township residents/4-H leaders representing the Denmark Township clubs of Sunnyside and Riverside Routers spoke at the Board Meeting. 4-H representatives expressed concern that Washington County is cutting 4-H from its budget and requested that the township send a letter of support to Washington County for the continuation of 4-H programs.

In the last 5 years, County wide 4-H has put in over 80,000 hours of community service to Washington County residents. Program involvement has included food shelves, packing for US servicemen and women, sewing quilts for Gillette Children's Hospital, after school programs for under privileged youth, Toys for Tots, Salvation Army, nursing homes and veterans homes. 4 H programs are non denominational and include boys and girls.

The Denmark 4-H Clubs are asking Town to write a letter of support to continue funding by the county to ensure that 4-H remains a vital youth program in Washington County.

Consensus of the Board that that Denmark Township strongly supports the continuation of the 4-H program in Washington County. It is the Township's belief that the 4-H program promotes positive youth development; assists in preventing problem behaviors throughout the Township/County; and assists the youth of the township/county in developing leadership skills while providing many hours of Community Service to Washington County residents.

Motion Kramer/2nd Keller to authorize Attorney to draft a resolution (2009-02) in support of Washington County funding for the continuation of the Washington County 4-H program, Chair to sign. All In Favor. Motion Carried 4-0

Clerk directed to send resolution to Washington County Commissioners.

Proposed Legislation-Critical Area: Higgins attended a meeting regarding proposed legislation related to the Mississippi River Critical Corridor Area. Representatives from many cities attended. This legislation is intended to provide appropriate flexibility and adequate protection of the Mississippi River. Proposed legislation suggests that LGU's be charged \$500 late fee if all materials are not submitted to the DNR in advance. Concern is how this would affect the 60 day rule, and not wanting to submit documents until LGU's are through the concept review phase of the development process. Also proposed is a fee for the DNR to conduct the reviews, which can be passed through to the developers. Concern expressed that applicants would likely be paying for reviews of the same thing by 4 separate government entities: Denmark Township; Washington County; Watershed District; and the DNR.

Keller sees tightening up of the corridor is not a problem and is for protecting the resource rather than fighting the proposed legislation. Doesn't think Denmark would be affected much, as part of our process is already under Watershed/DNR review. Higgins stated that preservation of the River should mesh with

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preservation of individual property rights. Higgins would like to see Denmark at least participate in the process and express any concerns. Keller stated that Denmark is obligated to stay involved. Kramer supports protection of the river, but also believes that the affected taxpaying property owners also should have a say.

Attorney commented that fees, penalizing LGU's and application of standards may cause concern with the proposed legislation. Dixon suggested Attorney keep Board informed regarding status of proposed legislation. Higgins is on email update list and will inform Board of info received.

WMO Update: WMO will meet on 03/11/09 to conduct a public hearing on the dissolution of the LSCWMO. It is the preference of the LSCWMO that Denmark Township would merge with the South Washington District. Local Government Units will need to ratify the WMO Board resolution to recommend dissolution.

Schedule Board Meeting re: LSCWMO: Meeting scheduled for March 11, 2009 at 6:30 PM at the Denmark Town Hall, for the purpose of ratification of the WMO Board resolution to recommend dissolution. Board directed Attorney to contact WMO attorney to review proposed resolutions.

Cost Estimate for Road Condition Rating: Engineer Winter submitted an estimated fee of \$6200 for a road condition rating project for future street improvement planning. Board consensus is not to do a roads condition rating at this time, as the driving force for roads improvement should be based on both condition and the economy. Board will inspect road conditions/issues on road tour.

Schedule Road Tour: Road Tour set for Wednesday, 03/25/09 @ 4:00 PM @ the Town Hall. In case of bad weather, back up date is Tuesday, 03/31/09.

TKDA Contract: Engineer meeting rate has increased from \$50 to \$115 per meeting. Board consensus to have Engineer attend Board meetings on an as needed basis. Engineer stated that for any meetings he doesn't attend, he could send a monthly status report. Dixon will contact Engineer regarding meetings he should attend.

Planning Commission Appointments: There are 2 vacancies on the Planning Commission. Both current Planning Commission members have expressed their intent to reapply for their seats. We have only received an application from Don Schneider. Motion Dixon/2nd Kramer to appoint Don Schneider to the Planning Commission for the term ending March 2012. All In Favor. Motion Carried 4-0 Attorney stated that legal requirements regarding noticing of the positions have been satisfied. Board should be able to make an appointment, without additional advertising for the vacant seat, if any party shows interest. This will be talked about at the 03/10/09 annual meeting.

Denmark Comp Plan-Met Council Comments: The Council staff report has been received by the Town. Recommendation is that the Met Council authorize Denmark to put its 2030 Comprehensive Plan Update into effect. Planner intends to address county comments at the 03/02/09 Met Council meeting. The Board extends congratulations to Planner Berry Farrington for doing a great job. Keller and Higgins will continue to monitor the County meetings regarding the County Comp Plan. Higgins will have Town Planner contact County Planner to ask for meeting dates of County Comp Plan Update.

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Roads Contract: Current Roads contract will expire on 04/30/09. Attorney noted that liability amounts have changed. Board directed Attorney to review contract and submit with any revisions to the Board for the April meeting.

Annual Meeting: Attorney submitted memo to Board concerning common issues raised at Annual Meetings. Info on licensing and control of animals will be put into the newsletter for the public. Board may review animal ordinance/policies for possible revisions. Town has compiled some Incorporation information. Attorney made board aware of possible new legislation regarding no Incorporations after June 2009. Board requested Attorney to attend the Annual meeting.

LEGAL UPDATES

St. Croix Ridge: Discussion of Attorney correspondence with Jeff Riegel regarding outstanding issues.

Marshall Lot Line Adjustment: Scott Marshall requested lot line adjustment. This joining of parcels concept was originally included in Dwain Marshall's proposed plat that was never finalized. Attorney reviewed documents supplied by Marshalls. Documents not sufficient to lay out a new Developer's Agreement. Attorney has contacted Marshalls for additional information. Attorney recommends having Marshall's sign an extension so additional documents can be reviewed. Motion Keller/2nd Kramer to request an extension from Scott/Bonnie Marshall. All In Favor. Motion Carried 4-0
Attorney will contact Marshall's for the extension.

Homestead Estates: TKDA submitted memo regarding outstanding issues for Homestead Estates. Engineer Winter has attempted to contact Frank Femling regarding the issues. Attorney will draft a letter addressing the outstanding issues.

Strohfus Parcels: A request was made for number of density units on multiple lots of different sizes owned by the Strohfus family. Attorney will review.

Rase/Suburban/Snaza: CUP revocation 02/19/2009. Attorney will keep Board informed.

10:40 PM Motion Keller/2nd Kramer adjourn. All In Favor. Motion Carried 4-0

Becky Herman
Denmark Township Clerk/Treasurer

Addendum resolution 2009-02

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution Number 2009-02

RESOLUTION SUPPORTING CONTINUED FUNDING
OF THE 4-H PROGRAM BY WASHINGTON COUNTY

WHEREAS, the 4-H program has a long history of providing valuable opportunities to the youth of Washington County that promote education, health, leadership, and community service;

WHEREAS, more than 700 youth from the area participated in 4-H programs in the County last year;

WHEREAS, 4-H plays a significant role in the County Fair and other activities which bring significant revenues into the County;

WHEREAS, the Town Board understands that the County's funding of the 4-H program amounts to approximately \$.76 per county taxpayer per year; and

WHEREAS, the Town Board appreciates that the County Board has to make tough decisions to adjust its budget given the current state of the economy, but discontinuing county funding would eliminate federal and state funding, end the program in the County, limit local fairs and the revenue they generate, be a disservice to all of those who volunteer their time to support the program, and could mean the youth of Washington County will never again have the opportunity to participate in a 4-H program within the County;

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board strongly supports the 4-H program and encourages the Washington County Board to continue funding it at its current level.

Adopted on March 2, 2009.

BY THE TOWN BOARD