

DENMARK TOWN BOARD MEETING MINUTES
February 5, 2007 and February 7, 2007

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

Also Present: Attorney Troy Gilchrist, Engineer Cara Geheren, Planner Berry Ferrington, Planner Dick Thompson

Absent: Joe Moore

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Kummer. Sheriff's office submitted Township violation report. Public inquired on Sheriff's patrol if homeowner is on vacation. Sheriff stated patrols can be arranged by calling the Sheriff's non-emergency number.

AGENDA APPROVAL: Higgins re ordered agenda items so Planner would be present for certain items. Dixon added animal control and PA system. **Motion Keller/2nd Dixon to approve the agenda as amended.** All in Favor. Motion Carried.

CONSENT AGENDA APPROVAL: Kummer pulled 01/02/07 Board Meeting Minutes. **Motion Keller/2nd Dixon to approve remainder of consent agenda.** All in Favor. Motion Carried.

HEARING DECISION/ZONING ACTIONS: NONE

PUBLIC COMMENT: Several residents asked questions/expressed concerns about the Rumpca route (north on Oakgreen Avenue). These included bus safety, speed limits, dust control, striping, signage, turn lane, shoulder width, number of truck trips, hours and days of operation. Attorney stated that some issues raised, such as hours of operation, are what were agreed to in the original permit granted by the Township. The permit was issued and is filed with the County. Contents cannot be changed at this point. Oakgreen Ave. going south was eliminated by the Courts as a potential route. The Board was confronted with a situation that a route must be chosen, since Township is under a Court order to issue a permit. Decision making re: route was done through mediation. Using Oakgreen Avenue going North as the route was part of a negotiated settlement. Re: the road being built to a 9 ton standard, there is not a state law that says it has to be a 9 ton road. Since Rumpca is required to build the road at its own expense and maintain it for the life of the pit, it was believed that the road would be built to an adequate standard to accommodate the expected traffic. Board discussed the need to move an existing driveway & address field access questions. Board directed Engineer to review safety concerns, recommend signage, etc. and other recommendations which would address these concerns.

BUSINESS ITEMS:

Collins Density Units: Mr. Collins is requesting that the 2003 Development Agreement signed when the Ellingson Pflugli lot splits were approved be amended to allow him 11 density units remaining on the parcel. When Collins submitted a concept Plan in October 2006 for subdividing the property into 10 units, questions were raised as to the accuracy of the 2003

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Development Agreement, which limited density to 8 units. Attorney Shoeberg was directed to review the DA for accuracy. Shoeberg determined that 11 density units remained on property. Extensive discussion re: request. Concern expressed about setting precedent which could create possibility of the Township receiving other such requests. Attorney Gilchrist, after review of all documents, recommended amending 2003 DA to reflect that there are 10 density units remaining on the parcel.

Motion Keller, 2nd Dixon to amend 2003 Collins DA to reflect 10 density units rather than 8. Ayes: Higgins, Dixon Nays: Kummer, Keller. Motion failed.

Continued discussion re: request. Planner stated that the current plat submitted for consideration is a 50 acre plat. Comments from audience and Collins re: # of density units.

Motion Keller/2nd Kummer to amend the 2003 Collins DA to reflect 11 density units rather than 8. Ayes: Keller, Kummer Nays: Higgins, Dixon Motion failed.

Attorney stated that outcome of vote is that DA remains as it is. Could be brought back to Board for further action when five members are present.

Motion Kummer/2nd Keller to amend the 2003 Collins DA to reflect 11 density units rather than 8. Ayes: Keller, Kummer, Dixon Nays: Higgins Motion carried.

Proposed Ordinance Amendments:

Discussion re: proposed ordinance amendments as follows:

- Two Story Accessory Buildings: Discussion re: amending ordinance to allow 2 story accessory buildings. There currently are a number of such buildings in the township. When township adopted current ordinance, language from Wash Co. Ordinance was incorporated which limited number of allowed stories. Development code currently has language prohibiting such structures from being used as residential living space. Planner spoke to fact that Stillwater Township had made a similar amendment to their code.
- Density Units: Denmark incorporated language from County ordinance which allows development agreements to be amended to reallocate density units between contiguous parcels given certain criteria. Attorney recommends clarifying language in this section and
- Procedure to Amend the Denmark Development Code: Several issues are involved. Board supports clarification of ordinance.

Motion Higgins/2nd Kummer to forward to the Planning Commission the proposed Ordinance Amendments as reflected in Attorney Gilchrist's 01/31/07 memo to Board. All in Favor. Motion Carried.

Hideaway Shooting Range: Attorney reviewed issue of whether or not the Board should require a Conditional Use Permit for the shooting range. The findings have been put into the form of a resolution.

Motion Keller/2nd Higgins to adopt Resolution 2007-02, requiring Hide Away Shooting Range to obtain a Conditional Use Permit. All in Favor. Motion Carried.

Comp Plan Update: Planners Dick Thompson and Berry Farrington reported that Denmark is required to update their Comp Plan by December, 2008. Board authorized TKDA to put

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together a scope of work, cost estimate, and suggested processes for completing the required update.

TKDA Planning Services Agreement: Engineer reported that attorney has just received the draft for review. Discussion moved to March meeting.

Suburban Towing Update: Gilchrist reported that the Court ordered the unlocking of the building, that there be no business operated on the premises without a permit, and the \$10,000 to remain in escrow. Clerk will submit to the Court bills that the Township has incurred pertaining to Suburban. Board will continue this Board meeting on Wednesday, February 7, 2007 at 5:00 PM at the Town Hall to continue discussion on Suburban Litigation with legal counsel.

Charitable Gambling: Hastings Chapter Ducks Unlimited requested a gambling permit for gambling activity on 03/13/07 at County Point.

Motion Higgins/2nd Dixon to approve gambling permit for Hastings Chapter Ducks Unlimited. All in Favor. Motion Carried.

Town Prosecutor: Attorney reported that the Town will need to designate a prosecutor for Town Ordinance violations. Attorney recommended Linda Thompson from Kennedy Graven.

Motion Kummer/2nd Higgins to designate Linda Thompson as Town prosecutor. All in Favor. Motion Carried.

Attorney will notify County Administrator's Office.

Approval Of Election Judges: March 13, 2007 proposed election judges.

Jeanine Wagner, Marilyn Suchy, Tammy Johnson, Lyla Davies, Linda Stancer, Jean Boyd, Anna Quinn and Bill Krueger.

Motion Higgins/ 2nd Dixon to approve election judge list as submitted. All in Favor. Motion Carried.

WMO Update: Discussion re: questions from WMO specific to Denmark comments. Discussion re: EOR clarification questions. Consensus that Town Board supports WMO buffering requirements, prefers that lowest opening regulated be used (in lieu of low floor), does not support the requirement for an applicant to post sureties and/or performance bonds with the WMO, and believes that the WSCWMO should set & collect fees to cover costs of preferred "review & comment" program.

Board Of Audit: Clerk submitted receipt and disbursement registers totaling \$512,944 in receipts and \$618,778 in disbursements for 2006. Summary financial information will be submitted for the annual meeting.

Board pulled the following claims at random for review:

Check #8499 Claim #8197 Approved 01/09/06 Claimant-Tower Asphalt

Check #8575 Claim #8257 Approved 04/03/06 Claimant-HSBC Business Solutions

Check #8722 Claim #8381 Approved 08/07/06 Claimant-MN. Dept. of Revenue

Check #8764 Claim #8413 Approved 10/02/06 Claimant-Rivertown Newspaper

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Motion Higgins/2nd Keller to approve receipts/disbursements reports and claims audited during Board of Audit. All in Favor. Motion Carried.

Planning Commission Interviews: There is one vacancy on the Planning Commission (Pat Lilligren's position). Per Township policy, the position has been advertised. Planning Commission interviews set for February 21, 2007 at 4:00 PM at the Denmark Town Hall.

Pulled 01/02/07 Board Meeting Minutes: Kummer amended the 01/02/07 Board Meeting Minutes-page 1, Rumpca Matter, as follows: Rumpca will improve Oakgreen Avenue South at their cost and will maintain the road for the life of the gravel pit.

Motion Higgins/2nd Keller to approve the 01/02/07 Board Meeting Minutes as amended. All in Favor. Motion Carried.

Animal Control: Dixon reported that the cost of retrieval for animals picked up in the Township is about \$200. Dixon is requesting that the Township set a fee for the owner of any animal that is picked up, to relieve the Township of some of the expense.

Motion Keller/2nd Dixon to set a fee of \$75 for owners to retrieve their animals at shelters. All in Favor. Motion Carried.

Attorney directed to draft a resolution pertaining to the same, to be brought back to the Board for final approval.

PA System: Dixon met with Public Address specialists. They recommended personal units for individuals with hearing difficulties.

Meeting with legal on Township policy: Board approved Higgins to meet with planner, and Attorney to discuss roles and responsibilities, policies and procedures

11:00 PM **Motion Dixon/2nd Higgins to continue meeting on Wed. 02/07/07 at 5:00 PM at the Denmark Town Hall for the purpose of continued discussion regarding Suburban litigation. All in Favor. Motion Carried.**

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FEBRUARY 7, 2006

DENMARK TOWN BOARD MINUTES-Continuation of the 02/05/07 Board Meeting

Supervisors Present: John Kummer, Kathy Higgins, Gary Dixon and Jim Keller.

Also Present: Attorneys Gilchrist and Reuvers

Absent: Joe Moore

5:00 PM Chair Kummer reconvened the 02/05/07 Board Meeting.

5:01 PM **Motion Keller/2nd Dixon to close the meeting for the purpose of discussion on Suburban litigation under attorney-client privilege. All in Favor. Motion Carried.**

Discussion between Board and legal counsel on Suburban options.

6:11 PM **Motion Dixon/2nd Keller to reopen the meeting. All in Favor. Motion Carried.**

6:12 PM **Motion Dixon/2nd Keller to adjourn. All in Favor. Motion Carried.**

Becky Herman
Denmark Township Clerk/Treasurer