

DENMARK TOWN BOARD MEETING MINUTES
September 4, 2007

APPROVED
10/01/07

SUPERVISORS PRESENT: Joe Moore, Gary Dixon, Kathy Higgins and Steve Kramer

ABSENT: Jim Keller

ALSO PRESENT: Engineer Geheren and Attorney Linda Thompson (Kennedy-Graven)

CALL TO ORDER: Meeting called to order @ 7:10 PM by Chair Higgins

AGENDA APPROVAL: Dixon added 122nd/Morgan Engineers Report. Higgins added Town Hall Leak. **Motion Moore/2nd Dixon to approve agenda as amended. All in Favor. Motion Carried.**

CONSENT AGENDA APPROVAL:

Higgins pulled the 08/06/2007 Board Meeting Minutes. **Motion Moore/2nd Dixon to approve consent agenda without the Minutes, which consists of Claim #'s 8673-8693 and payroll ending 08/31/2007. All in Favor. Motion Carried.**

Discussion re: intent of the Board at the 08/06/07 meeting re: number of allowed accessory structures.

Motion Kramer/2nd Moore to clarify that the intent of the motion made by the board on 08/06/07 to adopt the zoning ordinance amendment included allowing up to 2 accessory structures on lots 2 to 4.99 acres in size. All in Favor. Motion Carried.

Motion Moore/2nd Kramer to approve the minutes as clarified on 09/04/07. All in Favor. Motion Carried.

HEARING DECISION/ZONING ACTIONS: Higgins updated Board on the Verizon Wireless request to install and maintain a tower, stating that the Planning Commission continued the hearing to 09/17/07 for the purpose of giving Verizon, Comcast and Denmark Staff more time to supply additional information on the possibility of collocation.

PUBLIC COMMENT: NONE

BUSINESS ITEMS:

Website- Board received information on Qwest, Visi and GovOffice as possible Internet Service Providers for the Website. **Motion Moore/2nd Dixon to approve/authorize agreement with GovOffice as Website provider. All in Favor. Motion Carried.**

Erin Glen Final Plat Approval- Ted Collins is requesting Erin Glen Final Plat Approval. Board received revised plat dated 09/04/07. Mr. Collins is also requesting approval of a lot line adjustment between himself and the Pflugi property. The lot line adjustment would be an exchange of 2 small parcels of land to facilitate alignment of the roadway to be established in the Erin Glen plat. A portion of the Pflugi property will be conveyed to the Collins and a portion of the Collins' property will be conveyed to the Pflugi's. The Collins' property will then be platted as the plat of Erin Glen and combined into the plat. Attorney Linda Thompson stated that approval of the final plat would include a fully executed development Agreement and the financial securities requirements as outlined by TKDA. Engineer Geheren stated that all conditions listed on the TKDA 08/29/07 memo will need to be addressed by the applicant. Engineer also gives final construction approval and would ensure all things would be done before final construction approval.

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Motion Kramer/2nd Moore to approve Resolution 2007-10 as drafted, approving the requested Collins/Pflugi lot line adjustment with the stated conditions. (resolution attached) All in Favor.
Motion Carried.

Motion Moore/2nd Kramer to approve Resolution 2007-11 as drafted, approving Erin Glen Major Subdivision Final Plat with the stated conditions. (resolution attached) All in Favor.
Motion Carried.

Bridge Repair- MnDot is planning to do repair work on the Hastings Bridge in 2008. Addressing the issue were Ken Johnson, MnDot representative and Chief Mark Holmes and Assistant Chief Mike Schutt from the Hastings Fire Department. Full replacement of the Hastings Bridge is not expected to be done until after 2018.

Mr. Johnson stated that major rehabilitation work will be done on the bridge in the summer of 2008. MnDot is looking for input from Hastings & Denmark Township as to their preferences re: how to handle the project. One possibility is to allow one lane traffic on the bridge during construction. Project would take 3 ½ months. Another possibility is to close the bridge completely, and detour traffic to different routes. Construction time for this alternative would be 2 ½ months. In both situations emergency vehicles would be allowed to cross. In both situations there would still be 7-10 days when total closing is necessary due to the nature of the repairs (putting in the barriers, switching sides, removing the barriers and jacking up the bridge for repair between the pier and the deck). Mr. Johnson welcomed any ideas from the involved communities. Some of the issues taken into consideration on which closing will be used include the school opening and closing dates, any particular events on both sides of the bridge, fire/emergency services and mail delivery. Fire Chief Holmes told residents that they are working closely with MnDOT on the closing. Averaged over the past 3 years, Denmark has had about 38 calls for emergency services during the 3 summer months. Chief Holmes stated that with some of the other shorter term project on the bridge that there had been minimal delays in crossing. In the event that something would happen that emergency services in Hastings were unable to cross the bridge, Cottage Grove and Prescott emergency services are willing to help. Either way, there will most likely be 7-10 days there would need to be a contingency plan in place for providing emergency & fire services

Resident Comments:

Gordy Herman-close total-get work done and get it over with. In summer, before fall. Fall businesses in Denmark (Orchards) would be affected if it runs into fall.

Frank Femling-work on Highway 95 has run late and is affecting orchard business.

Tony Sieben-close it and get it done and get it over with.

Contact persons to MnDot for bridge work are Dixon and Higgins. To be added to agenda for discussion at October meeting for further discussion and recommendation to MnDot as to which alternative would be Denmark's preference.

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Levy Certification- Electors approved the following 2008 budget recommendation at the continuation of the Annual Meeting:

PROPOSED 2008	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	CERTIFIED LEVY	PERCENT BUDGET CHANGE	PERCENT LEVY CHANGE
GENERAL	172,430		114,874	57,556		
SALARIES	62,015	13,600		48,415		
ROAD & BRIDGE	268,300		15,100	253,200		
POLICE	0		0	0		
FIRE	139,540		400	139,140		
DITCH & TRASH	10,300			10,300		
PARK & REC	4,770		4,770	0		
2008 TOTALS	657,355	13,600	135,144	508,611	17.3%	22.3%

Motion Moore/2nd Dixon to certify the 2008 levy to the County in the amount of \$508,611.00. All in Favor. Motion Carried.

WMO Update- WMO draft rules were sent out for comment. Attorney Gilchrist submitted his comments on the rules. Board reviewed the draft rules and Attorney comments. Moore and Kramer expressed concern that there was not sufficient time to review the draft rules and meet the 09/05/07 deadline for written comment. Review and discussion resulted in the following Board comments:

- 1) Concern expressed about requirement that rules require applicants to submit plans for review prior to township changing ordinances, resulting in charges to applicants when town would have no authority to enforce rules.
- 2) The definition of “land disturbing activity” is too broad and contains no minimum thresholds.
- 3) Section 1.2 Regulated activities. Board would like Section 1.2 C amended to include the language “triggering a variance or a grading permit by the LGU”.
- 4) Section 4.3 Criteria. Wetland Conservation Act is currently being administered by the County. If the Town does not choose to administer the Act, the Board would like it to be continued to be administered by the County.
- 5) Section 6.2 Regulation. Engineer believes that if the town puts in public road in which would be in contact with a body of water, it would be appropriate that it be approved by the WMO. However, the definition as stated would apply to modifying any road with a ditch; hence the language should be looked at. Attorney comment to be forwarded to the WMO.
- 6) Section 7.3 Criteria. Rule is not clear as to whether it is the intent of the WMO to regulate the installation of a simple driveway culvert or similar projects.
- 7) Section 10.0 ISTS and Soil Treatment systems. Since Washington County administers this program for the township in accordance with MPCA regulations, the Board believes that no rules should be incorporated on ISTS systems.
- 8) Section 11.0 Water Appropriations. The DNR does water appropriation permitting. Is it appropriate for the WMO to assume the permitting function? Engineer will check if this is consistent with other watershed districts.
- 9) Section 12 Greenways and Open Space. The Board requests that this section be removed from the rules, as it does not believe that Greenways & Recreation Management is an appropriate role for the WMO.

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- 10) Section 13.1- Fees. Additional discussion between LSCWMO and Town regarding fees charged and collected are needed.
- 11) Section 15.1-Policy Statement. “extraordinary and unnecessary hardship” language should be changed to “undue hardship”, which would be consistent with Minnesota Statutes language.
- 12) Section 16.1 Policy Statement. “shall be administered by the LSCWMO” appears to be in conflict with the early part of the rules which indicate that the LGU’s will be the permitting agencies of the rules.

Township Engineer to compile Board comments for written submission to the WMO.

Davies Variance- Board received a copy of a letter from LSCNSR Partnership team to the Lower St. Croix Management Commission. The letter was critical of decisions made by Denmark Township, the Washington County Board of Adjustment and Appeals and the MnDNR to grant the Davies Variance. Board consensus is that the township decision received much study and public discussion/input.

122nd and Morgan- Engineer submitted report on recommendations for improving the safety of the intersection. Possibilities included relocating the current stop sign and adding another on Morgan for vehicles approaching the intersection from the north, adding a warning sign, realigning the intersection, and purchasing additional right-of-way. Speed in both directions is an issue. Kramer also suggested striping on the roadway. Consensus to move current stop sign to new location, add another stop sign, add a warning sign and stripe the intersection. Engineer and Dixon will check on striping information. Dixon to order signs and install.

Town Hall Leak- Inspectron submitted a report of their findings on water leaking into the basement of the Town Hall. Per Ron Wasmund’s recommendations, the Town Hall will have additional gutters added on the Northeast side of the building, regrading will be done on the North side of the building to redirect water flow from the building as well as repair of the damaged walls in the basement and installation of plastic over floor of crawlspace. There has been a consistent problem with musty odor since the building was constructed. Clerk to contact gutter company to install additional gutters. Kramer to arrange for re-grading, wall repair, and covering crawl space with plastic per building inspector’s recommendation in an attempt to deal with musty odor in building.

Legal Updates: Attorney is working on Data Practices and reviewing the 117th Street matter. Suburban- Town has not yet received a complete application for Suburban CUP. Board expressed concern that there appears to be a business operating on the site, and the town has not yet received a complete CUP application. Requested that attorney follow up with Ms. Snaza’s attorney.

Motion Dixon/2nd Kramer to adjourn. All in Favor. Motion Carried.
Meeting adjourned at 10:15 PM.

Becky Herman
Denmark Township Clerk/Treasurer

See addendums: Resolution 2007-10 and Resolution 2007-11

Resolution 2007-10

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-10**

RESOLUTION APPROVING REQUESTED LOT LINE ADJUSTMENT

WHEREAS, Theodore J. Collins, III, aka Theodore J. Collins, Jr. and Brenda M. Collins (“Collins”) submitted an application to the Denmark Town Board requesting approval of a lot line adjustment;

WHEREAS, the Applicants are the owners of the property located at 6680 Saint Croix Trail and legally described in Exhibit A (“Collins Property”) which is attached hereto and made part of this Resolution;

WHEREAS, Matthew and Barbara Pflugi (“Pflugi”) are the owners of the property located at 6574 Saint Croix Trail South and legally described in Exhibit B (“Pflugi Property”) which is attached hereto and made part of this Resolution;

WHEREAS, Collins and Pflugi have requested the line between their respective properties be adjusted in order to accommodate the placement of a public road to be built as part of subdivision development proposed for the Collins Property;

WHEREAS, the proposed lot line adjustment involves the transfer of a small amount of land from the Collins Property, identified as Tract A and legally described on the attached Exhibit C attached hereto and made part of this Resolution, to the Pflugi Property and the transfer of a small amount of land from the Pflugi Property, identified as Tract B and legally described on the attached Exhibit D attached hereto and made part of this Resolution, to the Collins Property, as shown on the survey in Exhibit E attached hereto and made part of this Resolution;

WHEREAS, the Town Board has the authority under Chapter 3, Section 4.1 of the Denmark Development Code to approve lot line adjustments; and

WHEREAS, the Town Board determines approving the lot line adjustment will accommodate a more favorable placement of the road being dedicated as part of the Erin Glen plat and is in the best interests of the public;

NOW, THEREFORE, BE IT RESOLVED, the Denmark Town Board does hereby approve the lot line adjustment as shown in Exhibit E subject to the following terms and conditions, all of which must be met:

1. The Town Board determines a development agreement is not needed for this lot line adjustment.

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2. Collins shall be responsible for all costs incurred by the Town related to its consideration of the application, which the Town shall deduct from the escrow Collins has provided the Town related to the Erin Glen development. Collins shall replenish the escrow deposit as needed to reimburse the Town for its costs and to maintain at least the required minimum deposit amount.
3. Collins shall supply the Town the necessary legal descriptions of the properties involved to complete the adjustment.
4. Collins and Pflugi shall, at their own cost, complete and execute such property transfer documents as may be needed to accomplish the exchange of property.
5. To the extent required by the County, a legal description of the Pflugi Property shall be developed incorporating Tract A and shall be recorded in the office of the County recorder.
6. The plat for the Collins Property shall reflect the incorporation of Tract B.
7. Collins and Pflugi shall be responsible for obtaining such permission from the County as may be required to accomplish the lot line adjustment.

Adopted this 4th day of September, 2007.

BY THE TOWN BOARD

Kathleen A. Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer

Resolution 2007-11

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2007-11**

ERIN GLEN SUBDIVISION FINAL PLAT APPROVAL

WHEREAS, Ted Collins, Collins Property Management LLC (“Applicant”) has made application for a Major Subdivision to allow the subdivision of approximately 51 acres to create eleven single family lots;

WHEREAS, the property to be subdivided is located at 6680 Saint Croix Trail and is legally described in Exhibit A (“Property”) which is attached hereto and made part of this Resolution;

WHEREAS, the Applicant has represented that it is has clear title ownership of the Property;

NOW, THEREFORE, BE IT RESOLVED, the Denmark Town Board does hereby approve the Final Plat proposed by the Applicant based on the following findings:

- The Property is zoned Rural Residential, and single family residential uses are permitted in the Rural Residential District;
- Chapter 2, Zoning Regulations, and Chapter 3, Subdivision Regulations, of the Denmark Development Code regulate the development of single family residential, major subdivisions;
- The Town’s Planners have reviewed the request for consistency with Chapters 2 and 3 of the Development Code;
- The proposed eleven lots meet minimum lot size requirements;
- The proposed structures conform to the yard setback requirements;
- The lots conform to frontage requirements;
- The lots meet the minimum buildable area requirement;
- The Lots meet the impervious area requirements; and
- Such other information as contained in the TKDA Staff Report dated August 29, 2007.

BE IT FURTHER RESOLVED, that the approval is subject to the following terms and conditions which must be met:

8. That all conditions of the approved preliminary plat remain in effect, except as expressly modified herein.
9. That the plat is titled final plat.

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10. That Low Floor Elevations, at least two feet above the 100 year flood elevation, are recorded with the Final Plat in the manner required by Washington County.
11. That the street name complies with the Washington County uniform street naming and numbering system.
12. The Applicant must provide the required application materials for the lot line adjustment, the lot line adjustment must receive the Town Board's approval, and the Applicant must satisfy all conditions of approval. The plat must accurately reflect the adjusted lot line.
13. That the Developer's Agreement shall be fully executed and financial guarantees provided.
14. That a roadway stub with curb radii be provided at the future roadway extension to the north, and that permanent barricades be provided at the roadway stub.
15. That the Applicant provides a copy of all applicable construction permits to the Township.
16. That the Applicant provides an Engineer's Estimate for the Township Engineer's review.
17. That the construction of the roadway in areas where bedrock will be encountered be performed in accordance with the Geotechnical Engineer's recommendations dated, February 14 and May 21, 2007.
18. That the entire southeast corner of Lot 1, Block 1 must be platted within drainage and utility easement such that the storm sewer pipe from CB-5016 to APR-5017 is within an easement. In addition, the grading in this area must be revised to provide maintenance access to Storm Pond 1.
19. That all the items outlined within the Township Engineer's Construction Plan review memorandum, dated August 29, 2007, be addressed.
20. The Applicant shall comply with all other federal, state, and local laws, ordinances, and regulations, including obtaining such other approvals, permissions, or permits as may be required.

Adopted this 4th day of September, 2007.

BY THE TOWN BOARD

Kathleen A. Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer