

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

**SUPERVISORS PRESENT:** Steve Kramer, Jim Keller, Gary Dixon, Joe Moore, Kathy Higgins  
**ALSO PRESENT:** Attorney Gilchrist, Engineer Geheren, Planner Farrington

**CALL TO ORDER:** Meeting called to order @ 7:04 PM by Chair Higgins

**AGENDA APPROVAL:** Moore added Town Hall crawl space, Mississippi Bike Trail and Hastings Bridge. Dixon added Whitetail Crossing. Keller added A+ Auto. Higgins added Town Hall. **Motion Moore/2nd Keller to approve agenda as amended. Motion Carried Unanimously.**

**CONSENT AGENDA APPROVAL:**

**Motion Keller/2nd Moore to approve consent agenda which includes 05/05/2008 Board Meeting and 04/22/2008 & 05/06/2008 LBOAE Meeting Minutes, claims #8877-8899, payroll ending 06/01/2008 and financial reports. Motion Carried Unanimously.**

**HEARING DECISION/ZONING ACTIONS:**

**Denmark Township 2030 Draft Comprehensive Plan**

Planner Farrington summarized overview of the Comp Plan Update.

A task force of Denmark residents worked with the Planner to develop the draft plan. The 2020 adopted Comp Pan and the October 2007 Community survey were used as the basis for the Draft Plan. Planner submitted a memo recommending that the 2030 Planned Use Map be revised to reflect the 3 areas currently zoned RR: the area NE of 122nd/St. Croix Trail, the area near Norwich/Nyberg, and the area near 120th/Mendel. The map was created based on the 2020 Future Land Use Plan, which shows these areas as long-term Ag.

*Planning Commission/Public Hearing Summary:*

The Planning Commission reviewed the plan on May 19, 2008. Ms. Bunker requested that the Plan have language added to provide for the protection and preservation of non-conforming/grandfathered property. Planner indicated that the language could be added to support the Township variance/grandfather Ordinances and processes.

Mr. Cordes submitted written and verbal comment requesting that the Town consider change to the draft Planned Use Map, to change the land use guidance for his property located on 120th St S., from Ag to RR. The Planning Commission did not recommend including this change in the draft plan, citing the possibility of setting a precedent and of also increasing average density in the Township.

The commission recommended two changes to the draft plan. That the Land Use Map be changed to be consistent with the zoning map and that the Critical Area Plan, page 7, has language added to reaffirm the Township's Ordinances and policies regarding grandfathering and variances. The commission recommended approval of the draft plan with these 2 changes, with a vote of 3 to 1.

*Board review of the 2030 draft Comp Plan:*

Ken Cordes asked that the Board review his request to change the Land Use for his property from Ag to RR. This would include both the 44 acre parcel located south of 120th Street and the 20.1 acre parcel that his house is on. The existing neighborhood across 120th Street is

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

zoned and developed at a RR density. Some of the property to the East is subdivided into six acre lots. The planner finds the request generally compatible with the policy to allow residential density that is consistent with the character of existing development. Because of the boundaries created by the street network, Morgan and 120th St could be used to contain non-agriculture land use. Planner submitted 05/12/08 memo with the following recommendations, should the Board approve the request. *That the future road connections are shown on the Transportation System map, so that access to the property connects to Margo and with an option to connect to the east. That in addition to the change on the map, that the Plan's text be updated to describe the reasons for the change to Rural Residential in the area. This would assist the Township in evaluating future requests for Rural Residential, if any were made.*

Gary Thyren submitted a letter requesting that the portion of his farm in Section 8 be zoned SFE. Due to Hwy 10 going through the southern portion of his farm, he lost a portion of his land (land was purchased by MnDot) due to the reconstruction of Highway 10. Is requesting rezoning of a portion of his farm (was not sure of the number of acres involved). Discussion re: prior application and subsequent withdrawal of a petition to create a cartway to access his land South of Highway 10.

**Motion Kramer/2nd Keller to approve changing the land use of Ken Cordes' acreages of 20.1 and 44.0 acres within 120th Street and Morgan Ave. from Agricultural to Rural Residential, with the Planners 05/12/2008 recommendations to be reflected in the draft 2030 Comp Plan. Motion Carried Unanimously.**

Discussion: There is RR property to the East, Residential to the West and Rural Residential to the North.

**Motion Keller/2nd Dixon to deny the Thyren request to increase SFE land use on his property, based on the following: Mr. Thyren received compensation for the 17 acres taken by the State, the area on the North side can be developed, the area on the south side can be developed if he pursues application for a Cartway. Motion Carried Unanimously.**

Board consensus that changing these areas to SFE would create Islands of SFE in a clearly marked Agricultural land use area.

Discussion Re: aggregate map. Board consensus to include language to indicate that the map was drafted by the Metropolitan Council and that at this point in time, the Township has no intent of putting it to that use, with respect to individual property rights.

**Motion Keller/2nd Dixon to approve the draft 2030 Comp Plan with the following changes:**

- (1) The 2030 Land Use Map to be consistent with the zoning map and,**
- (2) Critical Area Plan-page 7, variance language added,**
- (3) The Cordes 64.1 Agricultural acres be changed from Agricultural to Rural Residential, and the Transportation System map and text be changed accordingly and,**
- (4) Language be added regarding the aggregate area. Motion Carried Unanimously.**

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

**PUBLIC COMMENT:** Charlie Grote inquired on status of Rumpca Pit progress and inspections related to it. Discussion on monthly inspections and reports to the Board. Engineer and Attorney agreed that inspections should be tied to reasonable markers, rather than to regularly inspect each month, when not justified. Engineer will check on progress and report to the Board in July.

**BUSINESS ITEMS:**

**Dolan Ag Preserves:** Steve Dolan present. On April 1, 2002, The Denmark Board approved the Dolan request to remove 39.5 acres from the Ag Preserve program. The notice initiating Expiration of a Metropolitan Ag Preserve was signed and notarized on May 6, 2002. The notice was not recorded. Attorney submitted a draft resolution reaffirming the expiration date. Mr. Dolan corrected the property address. **Motion Moore/2nd Kramer to approve Resolution 2008-06, A Resolution Reaffirming The Expiration By Landowner Of Participation In The Metropolitan Agricultural Preserve Program For Certain Land Within Denmark, expiration date effective 05/06/2010. Motion Carried Unanimously.** Resolution attached.

**Town Hall Mowing Proposals:** Kramer has not obtained proposals for the Town Hall mowing. Kramer will submit proposals at the July meeting. Higgins requested copies of the proposals for the Board.

**Township Ditch Mowing:** Dixon received quotes from Jim Herman @ \$65 per hour and Rase Automotive @ \$45 per hour. Dixon recommends retaining Jim Herman for ditch mowing, because he has years of prior experience in mowing the Town ditches, is reliable and also has adequate equipment to perform the job. **Motion Dixon/2nd Moore to accept Jim Herman quote of \$65 per hour for mowing the Town ditches 2008-2009-2010, based on his experience, reliability and fact that he owns adequate equipment to do the job. Motion Carried Unanimously.**

**Engineer's Road Report:** Engineer submitted memo outlining options and price estimates for 2008 road projects. Also submitted were Seal Coat quotes from Allied (\$29,472) and Pearson (\$50,300), for 80th Street (Neal to Manning). Engineer recommends reclaim and overlay of Paris Ave (est. \$61,139) and sealcoat 80th, Neal to Manning (\$29,472) for road preservation and to stay within the budget. One mile of shape and pave is estimated at \$295,000. Engineer noted that if Paris is put off this year, the repair cost may go up due to further deterioration and possible sub grade repair needed. Gordy Herman suggested that the price may soften in the next couple months and that perhaps we should wait with the asphalt until the end of the year to see if the price softens. Limerock rate is good and it would probably be a good idea to put the limerock on now and wait until fall to put a bid out on blacktop. Engineer stated that the price is being reflected in labor pricing cuts and that she will have access to more bids coming in the end of June and may have a better picture of future pricing. Keller stated that at this time there is an opportunity for more options because

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

the prices are low, however he did not want to see the savings used or money borrowed at this time because of this economy. Moore also suggested that based on the economy, that many residents may feel that this is not the time for additional spending. Higgins is not in support of taking additional monies out of savings. Raised concern about current revenues being less than were projected, and Road & Bridge and Ditch budget being over expended. **Motion Keller/2nd Kramer to direct Engineer to put out a bid package requesting estimates for paving 1 mile of Neal Avenue (project A 110th to 100th) and for reclaim/overlay of Paris Avenue for base price for the Fall (Oct. 1st) of 2008 and also alternate pricing for the Spring (June 30) of 2009. Voting Yes-Keller, Kramer, Moore and Dixon. Voting No-Higgins. Motion Carried.**

Seal Coat bid quotes were received from Allied (\$29,472) and Pearson (\$50,300), for 80th Street (Neal to Manning).

**Motion Kramer/2nd Moore to direct Engineer to contact Allied Blacktop to see how long they will honor their bid of \$29,472 to sealcoat 80th Street between Neal and Manning. Motion Carried Unanimously.**

All road items will be discussed/decided at the August meeting.

**Gambling Permits:** Township received request for a charitable gambling permit. Attorney informed Board that gambling permits do not need to be approved by the Township. The approving authority is Washington County. Any future requests for gambling permits will be signed by the clerk for the purpose of acknowledging the gambling activity in the Township and the applicant will then seek approval from the County. The clerk will inform the Board of all applications.

**Warning Sirens:** Kramer raised issue of sirens in township. Clarification that sirens would be a part of the Emergency Preparedness portfolio assignment. Board discussion on additional sirens in the Township. A warning siren is located at St. Croix Bluffs. Kramer will make inquiries on cost and possible funding on additional sirens.

**Kirk Development Agreement Amendment:** The 05/06/2006 Kirk Development Agreement contains a requirement for an easement for the burial mounds. This easement was never executed. Kirk's are requesting that the requirement be removed from the Development Agreement. Attorney has reviewed the issue and has submitted a draft amendment to the Development Agreement for Board review.

**Motion Keller/2nd Moore to approve the Kirk Development Agreement Amendment. Motion Carried Unanimously.**

Board authorized chair and clerk to sign document, clerk to record at Town Cost.

**Open Space Inspections:** Development Agreements for three Township Open Space Developments require annual inspections by the Township. Engineer submitted an Open Space Inspection form and map for Board review. Engineer reported that they could be inspected annually each June and the inspection reports submitted to the Board in July.

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

Engineer will notify developers of the inspections. Clerk directed to bill developments according to the terms of their Development Agreements.

**PERA Claims:** Clerk reported that PERA is now requiring that all reporting and payments to them be done electronically. **Motion Keller/2nd Dixon to approve electronic reporting and Electronic Funds Transfer for payments to PERA. Motion Carried Unanimously.**

**Town Hall Maintenance:** Moore suggested that an exhaust fan in the crawl space may help remove the musty odor in the Town Hall. Kramer is checking on insulation in the crawl space. Kramer has contacted a company to check the Town Hall for acoustics/sound options. Work will be done to finish the area on the northeast corner outside the building to prevent future freezing issues as agreed to by Board at the October 2007 meeting.

**Hastings Bridge Repair:** Moore reported on his involvement with the Hastings Bridge Coalition.

**Whitetail Crossing:** Denmark has taken over the Whitetail Crossing roads for the purpose of snowplowing. The roads still need the final coat of blacktop. Barb Kallusky, on Mary Tichenor's behalf is requesting information on how to proceed with the final course. Development Agreement calls for 75% of homes to be occupied before final course is laid. Engineer stated that there will be more engineering charges while the final course is laid. Engineer will contact Ms. Kallusky on proceeding.

**WMO Update:** Metropolitan Council has approved the proposed water management plan amendment.

**Legal Updates:**

Communication with Collins Attorney-At this time, Collins is not going forward with Erin Glen. St Croix Ridge –Attorney still trying to resolve outstanding issues with Riegel.

**10:44 PM Motion Kramer/2nd Moore to adjourn. Motion Carried Unanimously.**

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum: Resolution 2008-06

DENMARK TOWN BOARD MEETING MINUTES  
June 2, 2008

Resolution 2008-06

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NUMBER 2008-06**

**RESOLUTION REAFFIRMING THE EXPIRATION BY LANDOWNER OF  
PARTICIPATION IN THE METROPOLITAN AGRICULTURAL PRESERVE  
PROGRAM FOR CERTAIN LAND WITHIN DENMARK TOWNSHIP**

**WHEREAS**, Stephen and Margaret Dolan, husband and wife (the “Landowners”), own property located at 13798 70<sup>th</sup> Street S, Hastings, Minnesota, and legally described in Exhibit A attached hereto (the “Property”), which is enrolled in the Metropolitan Agricultural Preserve program under Minnesota Statutes, sections 473H.01 to 473H.17;

**WHEREAS**, the Owners provided Denmark Township (the “Town”) with notice of their intent to initiate the expiration of the metropolitan agricultural preserve designation on their Property which was reviewed and approved by the Town Board at its meeting on April 1, 2002;

**WHEREAS**, the Owners signed the notice on May 6, 2002 in front of a notary and have not rescinded the notice;

**WHEREAS**, the notice was not recorded, but the Owners remain interested in having the agricultural preserve end on their Property as soon as possible;

**WHEREAS**, the Town Board remains supportive of the Owners’ efforts to have the agricultural preserve expire as soon as possible;

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby reaffirms and approves the expiration of the metropolitan agricultural preserve on the Property effective as of May 6, 2010, which is 8 years from the date the notice was originally signed;

**BE IT FURTHER RESOLVED**, the agricultural preserve designation and all benefits and limitations accruing through Minnesota Statutes, sections 473H.02 to 473H.17 for the preserve shall cease as of May 6, 2010; and

**BE IT FINALLY RESOLVED**, the Town Clerk-Treasurer is hereby authorized and directed to forward the original notice to the County Recorder for recording and to send a copy of the notice together with a copy of this Resolution to the County Auditor, County Assessor, the Metropolitan Council, and the County Soil and Water Conservation District.

Adopted this 2nd day of June, 2008.

**BY THE TOWN BOARD**

**EXHIBIT A**

Property Legal Description

The Southeast Quarter of the Southeast Quarter of Section 5, Township 27, Range 20, Washington County, Minnesota, except the East 165.00 feet of the South 264.00 feet thereof.