

DENMARK TOWN BOARD MEETING MINUTES
January 3, 2017

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, John Strohfus, K Herman

ABSENT: J Kummer

STAFF PRESENT: Attorney Hartnett (Kennedy-Graven), Planner Perdu (WSB)

CALL TO ORDER: Meeting called to order @ 7:05 PM by Chair Higgins

OATH OF OFFICE: Karen Herman and John Strohfus were duly elected at the election held on November 8, 2016. K Herman Supervisor Seat 1 and J Strohfus Supervisor Seat 3 took the official Oath of Office, each to hold their respective seats for a 4 year term ending January 2021.

AGENDA APPROVAL: J Strohfus added building permits on Agricultural property.

Motion J Moore/2nd K Herman approval of agenda as amended. Voting Yes-J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: K Higgins pulled claim #10845 WSB \$420.00. **Motion J Strohfus/2nd J Moore approval of Consent Agenda items which include Minutes 12/05/2016 Board Meeting, Claims # 10829-10844, 10846. EFT payments- PERA 401818, MN Rev. Tax 1703823680, Federal Tax 34743692, payroll ending 01/01/2017. Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

PUBLIC COMMENT: None

HEARING DECISIONS/ZONING ACTIONS:

Poepl Minor Subdivision- Morgan Farms Lots Plat PID's 06.026.20.41.0001, 06.026.20.44.0004, 06.026.20.43.0024, 06.026.20.43.0007.

Request is for preliminary and final plat approval for a minor subdivision intended to replat the lines to correct a discrepancy between the location as described and labeled within the Registered Land Survey (RLS), as well as to dedicate right-of way at the properties located at 12713 Morgan Ave S. Dave Dupay (Registered Land Surveyor) addressed Board on behalf of James & Annalise Poepl.

Proposal is to rearrange the lot lines. Because of the discrepancies the Applicant will need to go to court for a proceedings subsequent, to align the 2 factions. After the court issue is resolved, Washington County is willing to accept a plat rather than a new RLS. A plat can also be used to dedicate right-of-way/easements, but an RLS cannot. At this time the property will continue to be used as Agricultural. Right of Way (Tract D) will be dedicated to the Township. No additional lots are being created.

The Planning Commission reviewed the request at a 12-19-16 public hearing and recommended conditional approval.

Motion J Strohfus/2nd J Moore to adopt Resolution 2017-01 Granting Preliminary and Final Approval For Morgan Farms Lots Plat. Voting Yes- J Strohfus, J Moore, K Herman, , K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Heinbuch Minor Subdivision- Hidden Valley Acres 2nd Addition Plat PID's 28.027.20.21.0003, 28.027.20.24.0001, 28.027.20.13.0007

Request is for preliminary and final plat approval for a minor subdivision creating 3 lots at the properties located at 14541 104th St S. The lots are a part of the existing Hidden Valley Acres plat. The request would reconfigure the 3 existing lots into 3 new lots. Applicant is also proposing to vacate all of the easements on the original 3 parcels and re-dedicate appropriate drainage and utility easements on the 3 newly created lots.

Dave Dupay (Registered Land Surveyor) addressed the Board on behalf of John & Jill Heinbuch and Gerald & Carol Heinbuch. No additional lots are being created.

The Planning Commission reviewed the request at a 12-19-16 public hearing and recommended conditional approval.

Motion J Moore/2nd K Herman to adopt Resolution 2017-02 Granting Preliminary and Final Approval For Hidden Valley Acres 2nd Addition Plat. Voting Yes- J Moore, K Herman, J Moore, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Motion J Moore/2nd K Herman to initiate the vacation process for drainage/utility for Hidden Valley Acres and to establish a public hearing for the vacation at the 02/06/17 Board Meeting. Voting Yes- J Moore, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

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Granley Homestead Estates Minor Subdivision (Phase 2 replat)- PID's 10.027.20.32.0003, 09.027.20.41.0007, 09.027.20.41.0014, 09.027.20.41.0013, 10.027.20.32.0004, 10.027.20.32.0005
Request is for preliminary plat approval for a replat of a portion of Homestead Estates (Phase 2), creating 1 lot from 6 existing lots, vacating the property line easements along the 5 lots, and vacating 77th St S (St Croix Tr Ln S to St Croix Tr S) and a portion of the cul-de-sac of 78th St S. The cul-de-sac on the north end of the property will remain in place for future use if necessary.
Because a portion of the north cul-de-sac is on a neighbor's property (L1 BL3 Chapeau), the applicant intends on proceeding with a lot line adjustment to give the other property owner additional property to replace the property being taken by the cul-de-sac. This additional property would need to be combined with the Chapeau property and not remain as a separate portion. Discussion regarding proposed plat being Phase 2 property and owner of L1 BL3 being Phase 1 property, and how to address for combination. Attorney noted that this could be a condition of the Development Agreement. Applicant noted that the small portion shows it as not being part of the plat, but shown as being a part of L1 BL3, and would need to be memorialized.

The main utility/drainage easement that runs mostly east/west through the property will be retained. Because a small portion of the main easement overlaps 77th St, this portion will not be vacated for the purpose of retaining it for the dedicated easement. The utility/drainage easements surrounding each lot will be vacated. Applicant has obtained petition for vacation of the roads/easements and will have a public hearing on the vacations at the 02/06/17 Board Meeting.

Applicant plans on building a home on the northern end of the property (existing L3 BL3) with the driveway coming off the existing northern cul-de-sac.

L1 BL6 (the Stoffel home, which was placed on the original plat in error) will not be a part of the proposed plat. Upon vacation of 77th, a small section of 77th between St Croix Tr Ln S and the Phase 2 property will be absorbed by the existing property owners of L1 BL3 and L1 BL5. The portion of 77th between existing L6 BL5 and the Stoffel home (L1 BL6) is shown on the proposed plat as being totally absorbed by the south proposed plat property. Attorney noted that the Stoffel lot would have the rights to the north half of the vacated road. To minimize expense of redrawing plat, Attorney stated that approving preliminary now should be okay, but he would need to review issue prior to final plat approval. Attorney noted that the vacation order would automatically place the property into those lot owner's properties, as a vacation process changes the lot lines to the middle of the road with part going to the north and part going to the south. A vacation process cannot allow unequal amounts of property going to the abutting lot owners. If owners to the north are agreeable to deed their portion to Granley, the plat can be adjusted. Or, if the plat were adjusted to reflect each owner getting equal amount this would be acceptable. Revisions would need to be redone before final plat approval.

Applicant questioned if he could pull permits to start construction on driveway. Board consensus that due to the complexity of the property no construction can begin prior to final plat approval. A new development agreement will be drafted that will supersede the prior development agreement. Attorney noted that construction is typically allowed after the development agreement is executed. Strohfus added that he would be open to construction after final approval of the plat.

K Herman questioned concerns regarding fire/emergency safety of the overlength of St Croix Tr Ln., with 77th access being vacated. K Higgins noted that the County and the Town ordinances prohibit overlength cul-de-sacs and that it was not related to fire/emergency concerns. There was a variance granted for the overlength of the cul-de-sac, which intended it to be temporary until 77th was constructed. Now that 77th will be vacated, the overlength will be permanent.

Existing covenants will not change. Granley will be responsible for 6 lot shares for the replat. Road to the north and connection to the west will remain for future development.

The Planning Commission reviewed the request at a 12-19-16 public hearing and recommended conditional approval.

Motion K Herman/2nd J Strohfus to adopt Resolution 2017-03 Granting Preliminary Approval For The Re-platting Of A Portion Of The Homestead Estates Plat (resolution b. should note approximately 32.5 acres).
Voting Yes- K Herman, J Strohfus, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

PUBLIC COMMENT: None

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BUSINESS ITEMS:**Zedler Driveway License-** 13705 St Croix Tr S PID 09.026.20.31.0021

Property owner Ryan Zedler currently accesses his home via a driveway that runs to St Croix Tr S, on a curve with limited sight distances. Adjacent to the property to the east is a 66 ft wide road that was dedicated to the public on the 1849 plat of Point Douglass. This road has not been build, opened or maintained or vacated by the Town. The owner wishes to reroute his driveway east in front of his home and then north in the dedicated road to St Croix Tr S to improve site distances and increase safety for the owner and those traveling on St Croix Tr S. The county will not issue an access permit to change the driveway until he has permission from the Town to use that piece of road. Rather than vacate the subject road, Legal recommends and has drafted a license agreement between the Town and the property owner. The agreement will allow the property owner to access St Croix Trail, while protecting the Town by required the homeowner to maintain the access, and protection for the Town from any possible liability issues that may occur on the public right of way. Attorney drafted License Agreement for Board review. Property owner will cover legal costs associated with the request.

Motion J Moore/2nd J Strohfus approval of License Agreement and authorization for Chair/Attorney to enter into License Agreement with property owner. Voting Yes- J Moore, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Solar Ordinance Amendment: Board reviewed draft of Solar Ordinance Amendment which will go before the Planning Commission for a public hearing on 01/19/17. Temporary Healthcare Dwelling Ordinance will also go before the Planning Commission for a public hearing on 01/19/17.

J Strohfus noted that the definition of Solar Electric System, Accessory should indicate that a reasonable excess amount can be sold back to the utility company.

Attorney asked if the Board would prefer that Article 11- Zoning Use Index, include Solar Electric System, Accessory. Board consensus to add Solar Electric System, Accessory to the Zoning Use Index chart.

Discussion regarding the maximum that panels can come up off the roofline. Strohfus noted that if technology changes, these standards could change. Attorney noted that the main concern is that it matches the slope of the roof. K Herman asked what the proposed numbers was based on. Attorney noted that other entities ordinances were looked at. K Herman will check with the solar division to see if there were general height limitation/guidelines. Performance Standards- Ground mounted solar total area allowed to be covered by an accessory electric system (200 sq ft).

Board consensus to forward the solar ordinance amendment to the Planning Commission with the suggested revisions.

Dual Jurisdiction: Washington County has exempted certain Towns from their subdivision ordinance and has revised their ordinance. Board has previously discussed not requiring platting for minor subdivisions. Board reviewed draft amendment provided by Attorney. Questions included minimum lot size of acreage split, easements. Board consensus to go forward with amendment.

Resignation: John Kummer has sent his resignation effective 12/31/2017. **Motion J Strohfus/2nd J Moore to adopt Resolution 2017-04 Accepting A Resignation And Declaring A Vacancy In The Office. Voting Yes- J Strohfus, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Pulled Claim: WSB Claim #10845. Charge for Planning Services included incorrect charges that should have been charged to 2 Applicants rather than the Town. Planner will revise the billings and send revised bills for February Claims.

Building Permits on Agricultural Property: J Strohfus asked for clarity regarding building permits. Resident is on an Ag property, over 20 acres and applied for a permit to build an Ag building. Received a building permit estimate from Cottage Grove for over \$2000. Resident was told he needed a licensed construction company to build the building and that he could not build it himself. Strohfus is asking that if it is an Ag building, can anyone can build it. Any electrical/plumbing would need to be done by a licensed contractor. Permit fees should be much less. Strohfus is requesting additional information.

LEGAL REPORTS: None

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8:55 PM **Motion J Moore/2nd K Higgins to adjourn. Voting Yes- J Moore, K Higgins, J Strohfus, K Herman. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2017-01, 2017-02, 2017-03, 2017-04

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-01
RESOLUTION GRANTING PRELIMINARY AND FINAL
APPROVAL FOR THE PLAT OF MORGAN FARM LOTS**

WHEREAS, James and Annalise Poepl (“Applicants”) submitted an application to Denmark Township (“Town”) for a minor subdivision to reconfigure four (4) existing tracts of land into three (3) new lots;

WHEREAS, the property to be subdivided is located at 12713 Morgan Avenue South, (PIDs 06.026.20.41.0001, 06.026.20.44.0004, 06.026.20.43.0024, 06.026.20.43.0007), and is legally described in the attached Exhibit A (collectively, the “Property”);

WHEREAS, the proposed plat is to be named MORGAN FARM LOTS and the survey of said plat is attached hereto as Exhibit B;

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on December 19, 2016, and has recommended approval with certain conditions; and

WHEREAS, the Town Board hereby finds and determines as follows:

- a. The Property is currently zoned Agricultural, A-2 and the allowed density within this District is one dwelling unit per 20 acres;
- b. The Property contains approximately 87.80 acres;
- c. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code (“Development Code”), Chapter Three, Section 6;
- d. The Applicants submitted a complete application and related submittals to seek approval for a minor subdivision;
- e. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code even though it includes the dedication of some public right-of-way as the dedication relates only to an existing town road and does not propose to create any new town roads;
- f. The primary purpose of seeking approval for this plat is to allow the Applicants to correct certain boundary lines in the Registered Land Survey No. 74;
- g. The Planners Report (WSB Project No. 02048-390) dated December 14, 2016 developed for the requested minor subdivision, including its findings, is incorporated herein by reference. The recommended conditions in the Planners Report are superseded by the conditions contained in this Resolution;
- h. Because the minor subdivision does not result in any new lots, the payment of a park dedication fee is not required; and
- i. The Applicants are required to enter into a development agreement with the Town as required by Chapter Three, Section 6.2 of the Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner’s Report, the record of this matter, and the findings and determinations made herein, does hereby approve the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

- 1. County Approval. The plat must be submitted and approved by Washington County, to the extent required.
- 2. Development Agreement. The Applicants shall enter into a development agreement with the Town in a form acceptable to the Town Attorney for the minor subdivision no later than 60 days from the date of this Resolution.
- 3. Plat. The Applicants shall be responsible for making any other corrections or changes to the plat as may be needed to comply with Washington County’s requirements and to put it in recordable form.

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4. Density. The total density for the Property, including all land being included in the plat, is four density units. As of the date of this Resolution, none of the density units available on the Property have been used.
5. Representations. That all representations, written and oral, made by the Applicants and their agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
6. Compliance. The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
7. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
8. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the development agreement for this minor subdivision on behalf of the Town once it is in a form acceptable to the Town Attorney.
2. To sign the final plat only after the development agreement is fully executed and all other conditions required to be completed prior to recording the plat have been satisfied.

Adopted this 3rd day of January, 2017.

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-02
RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR REPLATTING OF A PORTION OF THE HIDDEN VALLEY
ACRES 2ND ADDITION**

WHEREAS, John Heinbuch and Jill Heinbuch, and Carole A. Heinbuch and Gerald C. Heinbuch Trusts (collectively, the "Applicants") submitted an application to Denmark Township ("Town") for a minor subdivision to reconfigure three (3) existing lots within the Hidden Valley Acres Plat into three (3) new lots;

WHEREAS, the property to be subdivided is located at 14541 104th Street South, (PIDs 28.027.20.21.0003, 28.027.20.24.0001, 28.027.20.13.0007), and is legally described in the attached Exhibit A (collectively, the "Property");

WHEREAS, the proposed minor subdivision is to be named HIDDEN VALLEY ACRES 2nd ADDITION and the survey of said plat is attached hereto as Exhibit B;

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on December 19, 2016, and has recommended approval with certain conditions; and

WHEREAS, the Town Board hereby finds and determines as follows:

- j. The Property is currently zoned Agricultural, A-2 and the allowed density within this District is one dwelling unit per 20 acres;
- k. The Property contains approximately 74 acres;
- l. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code ("Development Code"), Chapter Three, Section 6;
- m. The Applicants submitted a complete application and related submittals to seek approval for a minor subdivision;
- n. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code;
- o. The Planners Report (WSB Project No. 02048-380) dated December 14, 2016 developed for the requested minor subdivision, including its findings, is incorporated herein by reference. The recommended conditions in the Planners Report are superseded by the conditions contained in this Resolution;
- p. The proposed minor subdivision includes land that was previously platted and on which drainage and utility easements were dedicated to the public. Those easements need to be vacated in order to accommodate the new configuration of the lots;

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- q. Because the minor subdivision does not result in any new lots, the payment of a park dedication fee is not required; and
- r. The Applicants are required to enter into a development agreement with the Town as required by Chapter Three, Section 6.2 of the Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby give preliminary and final approval of the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

1. County Approval. The plat must be submitted and approved by Washington County, to the extent required.
2. Development Agreement. The Applicants shall enter into a development agreement with the Town in a form acceptable to the Town Attorney for the minor subdivision no later than 60 days from the date of this Resolution.
3. Plat. The Applicants shall be responsible for making any other corrections or changes to the plat as may be needed to comply with Washington County's requirements and to put it in recordable form.
4. Density. The total density for the Property, including all land being included in the plat, is three (3) density units. As of the date of this Resolution, one (1) of the density units available on the Property has been used.
5. Easement Vacation. The drainage and utility easements dedicated as part of the previous plat that are no longer consistent with the reconfiguration of the lots must be vacated before the plat may be recorded.
6. Representations. That all representations, written and oral, made by the Applicants and their agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.
7. Compliance. The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
8. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
9. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the development agreement for this minor subdivision on behalf of the Town once it is in a form acceptable to the Town Attorney.
2. To sign the final plat only after the development agreement is fully executed and all other conditions required to be completed prior to recording the plat have been satisfied.

Adopted this 3rd day of January, 2017.

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-03

RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE
RE-PLATTING OF A PORTION OF THE HOMESTEAD ESTATES PLAT

WHEREAS, Ben Granley, ("Applicant") submitted an application to Denmark Township ("Town") for a minor subdivision to reconfigure six (6) existing platted lots into one (1) new lot;

WHEREAS, the property included in the proposed re-platting into a minor subdivision was identified as Phase II of the plat of Homestead Estates (PIDs 10.027.20.32.0003, 09.027.20.41.0007, 09.027.20.41.0014, 09.027.20.41.0013, 10.027.20.32.0004, 10.027.20.32.0005) and is legally described in the attached Exhibit A (collectively, the "Property");

WHEREAS, the proposed minor subdivision is to be named HOMESTEAD ESTATES PHASE II and the survey of said plat is attached hereto as Exhibit B;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on December 19, 2016, and has recommended approval with certain conditions;

WHEREAS, the Town Board hereby finds and determines as follows:

- a. The Property is currently zoned Rural Residential (RR) and the allowed density within this District is eight (8) dwelling units per forty (40) acres;

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- b. The Property contains approximately 32.5 acres;
- c. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code ("Development Code"), Chapter Three, Section 6;
- d. The Applicants submitted a complete application and related submittals to seek approval to re-plat the Property as a minor subdivision;
- e. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code, but given the complexities involved in the proposed re-platting of the Property the Applicant is required to seek separate preliminary and final approvals;
- f. The Planners Report (WSB Project No. 02048-370) dated December 19, 2016 developed for the requested minor subdivision, including its findings, is incorporated herein by reference. The recommended conditions in the Planners Report are superseded by the conditions contained in this Resolution;
- g. St. Croix Trail Lane South constitutes an over-length cul-de-sac under the Development Code. The Town had previously issued a variance to allow it to remain until such time as Phase II of the development was built, which would have involve the construction of 77th Street South to provide an alternative access to the lots in the plat. The Town Board remains cognizant of the need to avoid over-length cul-de-sacs, but in this case it would be impractical to require the construction of an entire street over the what will become a single lot simply to provide a secondary access to lots that have been served by the over-length cul-de-sac for many years;
- h. The Applicant will be required to construct 78th Street South as the road is required to provide public road access to Lots 9 and 10, Block 5, Homestead Estates;
- i. The Applicant indicated a willingness to accept the obligations under the covenants recorded for Homestead Estates with respect to all six (6) lots of the Property rather than attempting to amend the covenants to recognize the reduction of the lots into a single lot. The re-platting of the Property into one (1) lot does not alter the Applicant's obligations under the covenants as the owner of six (6) lots;
- j. The Applicant has petitioned to vacate a portion of 77th Street South, a portion of 78th Street South, and the drainage and utility easements dedicated around the lots that are being eliminated by the action in order to accommodate the proposed re-platting of the land;
- k. Because the minor subdivision does not result in any additional lots, the payment of a park dedication fee is not required; and
- l. The Applicant is required to enter into a development agreement with the Town as required by Chapter Three, Section 6.2 of the Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby approve the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

1. County Approval. The plat must be submitted and approved by Washington County, to the extent required.
2. Development Agreement. The Applicant shall enter into a development agreement with the Town in a form acceptable to the Town Attorney for the minor subdivision no later than 60 days from the date of the Resolution granting final plat approval.
3. Plat Corrections. The Applicant shall be responsible for making any other corrections or changes to the plat as may be needed to comply with Washington County's requirements and to put it in recordable form.
4. Final Plat. The final plat shall be submitted within one year of final approval and said final plat shall comply with the following:
 - a. The final plat shall be prepared consistent with the preliminary plat, this approval, the Development Code, and state law; and
 - b. The Applicant shall satisfactorily complete any and all conditions placed on the approval of the final plat.
5. Easement Vacations. The final plat shall not be recorded until 77th Street South, a portion of 78th Street South, and the drainage and utility easements as shown on the map provided by the Applicant are vacated.
6. 78th Street South. The Applicant shall be responsible, at its own cost, for constructing 78th Street South as shortened. The construction shall be completed within nine (9) months of the date of the Resolution granting final plat approval unless a different timeline for completion is established in the development agreement.
7. St. Croix Trail Lane South. At such time as the property located to the north of this Property is developed, as determined by the Town Board, the Applicant shall be responsible, at its own cost, for removing the temporary cul-de-sac currently existing at the end of St. Croix Trail Lane South and for constructing the remaining portion of the road through to and including the platted cul-de-sac.
8. Road Specifications. All required road construction shall be done in accordance with the specifications and standards approved by the Town Engineer and in accordance with the development agreement;

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9. Covenants. The Applicant shall assume the responsibilities of each of the six (6) lots of the original Phase II portion of Homestead Estates under the covenants. This condition is intended to avoid the burden shifting that would otherwise occur under the covenants by eliminating five (5) lots, but is not otherwise intended to speak to the obligations or rights under the covenants. Nor does this condition make the Town responsible for administering or enforcing the covenants.
10. Engineering Considerations. All Engineering Considerations described in the staff report dated December 13, 2016 are met.
11. Primary Drainage Easement. The existing drainage easement that provides for drainage through and across the property shall be retained.
12. Septic System. Washington County Department of Public Health and Environmental must approve the proposed septic system and its location per the most recent requirements of the Washington County Septic Code.
13. Density. The Property was originally approved for six (6) density units as part of the plat of Homestead Estates. The total density for the Property, including all land being included in the plat, is six (6) density units. As of the date of this Resolution, none of the density units have been used, but the Applicant does intend to build a home on the resulting single lot.
14. Representations. That all representations, written and oral, made by the Applicants and their agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
15. Compliance. The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
16. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
17. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to execute the development agreement for this minor subdivision on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 3rd day of January, 2017.

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-04

**A RESOLUTION ACCEPTING A RESIGNATION
AND DECLARING A VACANCY IN THE OFFICE**

WHEREAS, John Kummer submitted an email to the Town Board resigning his position as Town Supervisor effective December 31, 2016; and

WHEREAS, Minnesota Statutes, section 351.02 indicates that an office becomes vacant before the expiration of the term upon the incumbent's resignation.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby accepts the resignation from Supervisor John Kummer, declares a vacancy in the office of Town Supervisor effective immediately, and the Town shall proceed as provided in law to appoint someone to fill the vacancy and to serve until the next election at which time the position will be placed on the ballot.

BE IT FINALLY RESOLVED, that the Town Board sincerely thanks John Kummer for his many years of dedicated service to the Town and its residents.

Adopted this 3rd day of January, 2017.