

DENMARK TOWN BOARD MEETING MINUTES  
January 18, 2018

**SUPERVISORS PRESENT:** Bob Rucker, John Strohfus, Karen Herman, Kathy Higgins

**ABSENT:** J Moore

**STAFF PRESENT:** Attorney Gilchrist (Kennedy-Graven), Engineer Stempski (Focus), Planner Eric Zweber (WSB)

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

**AGENDA APPROVAL:** K Higgins added Election Judge Appointments, Focus Engineering 2018 Rates, Planning Commission Appointment. **Motion K Herman/2<sup>nd</sup> B Rucker approval of agenda as amended.** Voting Yes- K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**CONSENT AGENDA APPROVAL:**

**Motion B Rucker/2<sup>nd</sup> J Strohfus approval of Consent Agenda items which include 12/04/2017 Board Meeting Minutes, Claims 11037-11049, EFT payments- PERA 448256, MN Rev. Tax 1752741056, Federal Tax 40777923, payroll ending 01/01/2018, Financial Reports.** Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Public Hearing- Establishment of Storm Sewer Improvement Tax District for Law's Valley View Estates**

7:07PM Chair Higgins opened hearing. Purpose of the hearing is to establish a storm sewer improvement tax district which will allow the Town to recover its costs if it elects to maintain or repair the storm water facilities serving the development by placing those costs on the taxes of the lots within the plat. The district is proposed to include all lots and outlots within the plat.

Discussion: K Herman inquired whether the Town inspects the stormwater facilities. Inspections are based on a complaint basis or if a problem is identified.

Public Comments: Question on how the costs are placed on those within the district. Town would need to set cost calculations/adjustments if a problem was identified and repaired. Question if adjacent land were developed, would that be added to the stormwater district. Not likely that this district would be expanded, rather another storm sewer district for a new development would be established.

B Rucker- if a district is developed nearby which causes water flow into the same pond, how would that work. At the time that a problem is identified, the issue would have to be looked at to see what is contributing to a problem and who is benefiting from the fix.

**Motion K Herman/J Strohfus to adopt Ordinance 2018-01 An Ordinance Establishing The Law's Valley View Addition Storm Sewer Improvement Tax District.** Voting Yes- K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Motion K Herman/B Rucker to adopt Resolution 2018-01 Approving Summary Language For Publication Of An Ordinance Establishing The Law's Valley View Addition Storm Sewer Improvement Tax District.** Voting Yes- K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

7:25 PM Hearing Closed.

**HEARING DECISIONS/ZONING ACTIONS:**

Law's Valley View preliminary plat will be placed on the February Agenda, subject to receipt of requested information. Applicant Scott Esler present. Applicant will sign a time extension.

**Darin McFadden- Specialized Acres Conditional Use Permit, Variances and Lot Line Adjustment.**

Applicant Darin McFadden present.

Applicant is proposing to construct and operate a self-storage business consisting of five buildings on Lot 1 BL 2 in Specialized Acres 2<sup>nd</sup> Addition. Plans are to construct the buildings in two phases. Phase 1- three buildings and Phase 2- two buildings. Until, or should the second phase not materialize, the Applicant would like to gravel that area and have outdoor storage for vehicles, boats, trailers, etc. on that area.

Planner- The Planning Commission reviewed the proposed plans and forwarded the application to the Board with a recommendation to approve the CUP and Variance requests.

Revisions to the draft resolution

Finding L-strike [to allow the removal of the existing accessory structure and to replace it with one new accessory structure as proposed].

DENMARK TOWN BOARD MEETING MINUTES  
January 18, 2018

Condition #15 Regarding truck rentals- CUP required one additional parking space for each rental truck which will be offered for rent to the general public. Language added to indicate for each rental truck **or trailer.**

**Motion B Rucker/2<sup>nd</sup> J Strohfus to adopt Resolution 2018-02 Granting A Conditional Use Permit And Variance For The Property With PID 06.026.20.23.0010, as revised. Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Applicant is also requesting approval of a Lot Line Adjustment to add an additional 1.9 acres to Lot 1 BL 2 (3.46 acres) from the adjacent Outlot A (20.78 acres) to increase Lot 1 BL 2 to 5.36 acres. The resulting 18.88 Acres of Outlot A cannot be used until it is platted. There currently exists a gravel cul-de-sac which will need to be extended if Outlot A is developed. The gravel cul-de-sac would need to be blacktopped if the Outlot is platted as one lot, and the road extended if the Outlot is subdivided and platted.

Attorney noted that the drainage and utility easement will need to be vacated.

**Motion J Strohfus/2<sup>nd</sup> K Herman to adopt Resolution 2018-03 Approving A Lot Line Adjustment Related To The Development Of A Self-Storage Business On Lot 1, Block 2, Specialized Acres 2<sup>nd</sup> Addition. Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Marty CUP Clarification:** Owner's John & Mary Marty present. A CUP issued on 10/02/17 to allow the keeping of up to 80 horses on the property located at 12407 80<sup>th</sup> St S. The Marty's are requesting that the requirement to widen the driveway to 24 ft be removed. The driveway currently varies from 16-18 ft wide. The drive has utility poles on one side and a farmer's property on the other side. Marty's do not believe that there is not much room to widen the driveway. Owner indicated that there is room for two vehicles to pass each other. Higgins noted that the requirement came from past CUP's on the property. Also, no other properties have been required to have the driveways 24 ft wide.

B Rucker stated that it would be unlikely that two vehicles with 8 ft wide trailers would be able to pass each other. If vehicles entering and exiting at the same time, one would have to wait on 80<sup>th</sup> St and questioned if this might cause a traffic hazard. Rucker expressed concerns regarding a vehicle/trailer waiting on 80<sup>th</sup> St to enter the driveway, and the possibility of another vehicle/motorcycle pulling out to pass around it. M Marty noted that there was good visibility on 80<sup>th</sup> and that there would be no obstruction. J Strohfus believes there was open visibility on 80<sup>th</sup> near the property. K Herman noted that there was minimal traffic on 80<sup>th</sup> St. If a vehicle/trailer were to wait on 80<sup>th</sup> St to enter the driveway, the property is far enough from Hwy 95, so wouldn't impact the through traffic on 95. M Marty also noted that very few boarders use their trailers. Real Estate agent for both the Marty's and the buyer stated that the sale is contingent upon the amending the language requiring widening the driveway. Agent noted that if the drive was at some time required to be widened, it would be physically impossible. Attorney noted that it can be done as the utility poles can be moved. K Higgins noted that it is highly unlikely that there would be an issue. The property has had the same use for many years (original CUP issued 11/4/1985) and there have been no problems/complaints received. Attorney also noted that there would have to be a basis, based on things that actually happen to require the 24 ft driveway.

Attorney noted that the condition cannot be removed without going through the CUP Amendment Process. The resolution before the Board is for the Board to deem the existing driveway is sufficient with the understanding that the owners may be required to widen the driveway to a width of 24 ft in the future if the Board determines the existing driveway is no sufficient to handle the traffic generated by the expanded horse operation.

Attorney noted that if an issue was identified, the owners could try to fix it internally. Strohfus noted that the resolution is sufficient for a potential buyer. If the buyer wants to apply to amend the CUP the Board would be supportive of that.

**Motion J Strohfus/2<sup>nd</sup> K Herman to adopt Resolution 2018-04 Regarding The Conditional Use Permit Issued For The Property Located At 12407 80<sup>th</sup> Street South. Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carrie 4-0-0.**

**Whitetail Crossing:**

[Excerpt from 11/6/17 Board Meeting Minutes] Whitetail Crossing base course was placed in 2004. Development Agreement did not allow wear course to be put on until 75% of the lots were occupied. 75% occupancy was recently reached. The road has 1 ½ " asphalt on it. No

DENMARK TOWN BOARD MEETING MINUTES  
January 18, 2018

sealcoat/crack seal has been done and the road has deteriorated. Engineer Stempski inspected the road and found that the base course is in rough shape. Any wear course put down over the existing base, would likely reflect the cracks showing through. Wear course cost estimated at \$50,000. If all the base course had to be removed and replaced, the cost would be estimated at \$140,000.00. Engineer Stempski's preliminary recommendation is to mill or remove existing surface and install a new 1 ½" base and 1 ½" wear course.

[Excerpt from 12/4/17 Board Meeting Minutes] Option 1- remove all existing base course- lay 3" (base & wear) full improvement plus shouldering cost estimated at \$140,000. Option 2- minor patching of existing base course and adding additional 1 ½" wear course with shouldering of sides cost estimated at \$75,000. There would likely be reflective cracking that would need to be attended to in the first few. Strohfus has not been able to connect with the developer yet. He is recommending that the Town continue to pursue the developer regarding cost sharing (\$75,000 base course est. cost) for improvements. Also, recommends that the Town add the full improvement into the Town's Road Maintenance schedule and not seek assessment from the residents within the development. Attorney noted that legal pursuit of cost share from the developer may not be cost efficient.

**Motion J Strohfus/2<sup>nd</sup> B Rucker, regarding White Tail Crossing development roads, to continue to pursue developer for expense of \$65,000 to cover the cost of the lift as required in the Development Agreement, to not seek assessment from the residents of the development, and to add Whitetail Crossing Roads Improvements to the Town's Road Inventory Maintenance Plan.** Voting Yes- J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**2018 Sealcoat:** 2018 planned sealcoat for 122<sup>nd</sup> St (Neal/Norell to Morgan), Morgan Ave, Eagle's Watch (122<sup>nd</sup>, 120<sup>th</sup>, 122<sup>nd</sup> St Ct, 122<sup>nd</sup> St Circle). Cottage Grove will not be participating in joint services sealcoating. Denmark can bid the project out or join in with another municipality, i.e. Lake Elmo/West Lakeland, for competitive rates gained from quantity. Administration fee estimated at \$3000 flat fee. Engineer recommends joint services agreement with Lake Elmo as they use the same rock/oil material as Denmark does. Denmark stockpiles within the Township at the cul-de-sac at Margo.

**Motion B Rucker/2<sup>nd</sup> J Strohfus to pursue entering into joint services with Lake Elmo for 2018 sealcoat services.** Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Motion Carried 4-0-0.

Engineer will coordinate and bring the agreement before the Board in February.

**Motion J Strohfus/2<sup>nd</sup> B Rucker to pursue entering into joint services with Lake Elmo for 2018 Crack Seal services.** Voting Yes- J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Motion J Strohfus/2<sup>nd</sup> K Herman to continue joint services with Cottage Grove for 2018 striping.** Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Voting Yes- None. Motion Carried 4-0-0.

Engineer Stempski and Roads Supervisor Strohfus reviewed Street Improvement Maintenance & Planning Guide. J Strohfus noted that 104<sup>th</sup> St is in rough shape and that the Board could look at it during the spring road tour. Also suggested that the Engineer, Roads Contractor and Roads Supervisor do a more thorough physical review of the roads prior to the full Board road tour on site review to provide the Board with a priority list for the road tour based on particular road issues. Strohfus is also requesting that a more comprehensive plan be done. As the Town has more roads coming into maintenance as developments are being paved, we are adding to our liabilities long term expenses and there is a need for a more thorough capital plan. There could be a multi-year budget for those rather than reactive (issues seen on the road tour). Interested in a five-year rolling plan. As expenses increase, there would be time/flexibility to look at levies or financing opportunities if needed. Higgins noted that this is already being done with the Street Improvement Maintenance & Planning Guide. As new developments come in, the roads are added to the Street Inventory. It includes a schedule of maintenance for all roads in the Town and estimated costs. Estimated costs of projects are budgeted for in the next budget cycle. Historically, decisions about paving existing gravel roads have been based on traffic counts and budgeted for.

J Strohfus indicated that a roads fund could be built up to do bigger roads projects should they arise. B Rucker in belief that we do have projected work incorporated into the inventory/maintenance sheet.

K Higgins noted that in prior policy discussions, the Board has been in agreement to pave Neal Avenue in its entirety as a north-south arterial. B Rucker not in favor of paving the rest of Neal, as every mile of paved road will need to be sealcoated. For every mile of gravel turned into pavement, it will then need repaving at some time. Any paved road can be taken as a detour route if the State were to work on Hwy 95 and the paved road becomes damaged and the Town would not receive enough money to cover the repair costs. J Strohfus, of the opinion that

DENMARK TOWN BOARD MEETING MINUTES  
January 18, 2018

Neal should be fully paved within the next 10 years. With the other roads issues that come up, where do the funds come from unless we are reactively budgeting for it. Would rather have a levy increase of ½ or 1% over a 5-year period to build up funds to do something rather than having to some year increase the levy heavily.

Engineer- Some cities have a 5-year capital improvement plan. Denmark is doing this with maintenance plans, but not with paving plans. Paving projects are identified when the Board inspects the roads during the spring road tour.

Discussion regarding roads plans will be brought up for full Board input at the budget meeting.

**2017 Town Financial Audit-Oberloh & Associates:** Proposal received from Oberloh & Associates for 2017 Financial Audit at the cost of \$4450.00.

**Motion J Strohfus/2<sup>nd</sup> K Herman to approval of Oberloh & Associates to perform the 2017 Financial Audit for Denmark Township at the cost of \$4450.00.** Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Election Judge appointments:** Clerk submitted Election Judge Appointment list for the 01/29/18 Special Primary and 02/12/18 Special Elections. Potential judges include Marilyn Suchy, Jeannine Wagner, Tammy Johnson, Alberta Brown, Linda Stancer, Susan Kubiak, Nancy Keene, Wanda Klem.

**Motion K Herman/2<sup>nd</sup> B Rucker approval of Election Judge Appointments as submitted.** Voting Yes- K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Focus Engineering 2018 Rates:** Focus Engineering has provided the Town with their 2018 Rate Schedule. The rates will increase for 2018. **Motion B Rucker/2<sup>nd</sup> K Herman approval of Focus Engineering rate increase as noted in the Focus 2018 Rate Schedule.** Voting Yes- B Rucker, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Planning Commission Appointment:** Received application from Natalia Keene for the Planning Commission seat that Charlie Grote will be vacating. **Motion J Strohfus/2<sup>nd</sup> K Herman to appoint Natalia Keene to the Planning Commission for the term ending March 31, 2020.** Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Legal Updates:**

**Solid Waste Ordinance-** Any questions/comments on the draft ordinance should be directed to Legal. Conciliation court claim has been resolved/dissolved with prejudice, with appeal deadline of 01/22/18.

9:30 PM **Motion K Herman/2<sup>nd</sup> B Rucker to adjourn.** Voting Yes- K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2018-01, 2018-02, 2018-03, 2018-04  
Ordinance 2018-01