

DENMARK TOWN BOARD MEETING MINUTES  
February 6, 2012

**SUPERVISORS PRESENT:** Kathy Higgins, Steve Kramer, Jim Keller

**ABSENT:** Joe Moore and John Kummer

**STAFF PRESENT:** Attorney Troy Gilchrist, Planner Kelsey Johnson

**CALL TO ORDER:** Meeting called to order @ 7:00 PM by Chair Higgins

**AGENDA APPROVAL:** **Motion Keller/2<sup>nd</sup> Kramer approval of agenda as submitted.**  
All In Favor. Motion Carried 3-0.

**CONSENT AGENDA APPROVAL:** **Motion Kramer/2<sup>nd</sup> Keller approval of consent agenda items which include 01/09/2012 Board Meeting Minutes, Claims #9783-9797, EFT payments- PERA 200563, MN Revenue Tax 0431469568, Federal Tax 10025704, payroll ending 02/01/2012 and financial reports.** All In Favor. Motion Carried 3-0.

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Point Douglas Trail-County Report:** John Elholm, Washington County Parks Director and Peter Mott, Washington County Parks Manager presented the master Plan for the Point Douglas Regional Trail. The Point Douglas Regional Trail is a corridor of 2.5 miles along the old rail bed which follows the Mississippi River between the Hastings Bridge and the Point Douglas Park/Prescott Bridge. Most of the land needed for the trail is already acquired. Estimated development cost is \$1,558,000.00 and development will occur as funds become available. Plan will need to be approved by the Washington County Board and the Metropolitan Council.

**Denmark Historical Society:** The Denmark Historical Society was established in 2000. The Historical society is organizing a campaign to raise \$125,000 to purchase the Valley School house on St. Croix Trail. Society plans are to restore the building and grounds to transform them into a historic site where children can explore pioneer learning and perhaps the site could also serve as an interpretive center. The Society asked the Town Board to make a financial investment or donation toward the purchase of the schoolhouse. They requested assistance to have the platted roadways through the property vacated in favor of the Historical Society. A survey is being done to determine if the schoolhouse is actually on private property or platted roadways. Also requested was assistance in securing the tax forfeited lots just west of the subject property.

Attorney- Townships have limited authority to make donations to non governmental entities. Statutory authority is needed. Statute gives The Town Board authority to give money to the Historical Society of its respective County to be used for the promotion of historical work and to aid in defraying expenses of carrying on historical work in the County. No City or Town may appropriate any money of any funds for the benefit of any Historical Society unless the society is affiliated with and approved by the Minnesota Historical Society. The electors may authorize the Town Board to contract with nonprofit organizations for not more than \$10,000 per year for health, social and recreational services. To do so, the Town Board must consider the services be in the public interest and good for the Town and would require a contract for services.

The Town Board has the authority to vacate platted roads. The Town does not have the authority to say who gets what part of the vacated land. The law dictates on which lot/lots the vacated property goes to. Towns cannot acquire tax forfeited parcels and give them away. A Town can purchase tax forfeited parcels, but is limited to what they can do with the property. If sold by the Town, the Town would be required to sell at market value. The Historical Society is also seeking possible grants from outside sources and will keep the Board informed of their progress.

Historical Society also requested the use of the Town Hall address for their permanent mailing address.

**Motion Kramer/2<sup>nd</sup> Keller to allow the Denmark Historical Society to use the Town Hall address for their mailing address.** All In Favor. Motion Carried 3-0.

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**Herman G Lot Line Adjustment:** Applicant split off 10 acres to sell to an adjoining property owner. Concerns raised regarding Planning charges of \$271.71 which occurred when the Town Planner sat in on a meeting with the applicants, their surveyor, and Washington County, without directive from the Applicants. Ordinance requires applicants to receive approval from both the County and the Township on proposed zoning actions. Applicant's surveyor was at the November Board meeting inquiring on how to proceed with the split. This was followed up with Planning staff. Due to the fact that the Town & the County have dual jurisdiction, Higgins authorized planning staff attendance at County Meeting so that consistent messages were given regarding proposed lot split. Board consensus to credit the account in the amount of \$271.71. Applicant questioned why a development agreement was required when the ordinance states that the attorney shall prepare a development agreement "if necessary". The Board required a development agreement per its resolution authorizing the split. All Lot Line Adjustments since present legal staff has been with the Township have required a DA. Primary reasons for a DA are the allocation of the density units of the parcels involved, cost reimbursement so that applicants, rather than all taxpayers, cover the costs associated with their applications, making clear the applicant is responsible for the legal descriptions, and recording of the new deeds.

Applicant suggested that if Lot Line Adjustments are requiring DA's across the Board, maybe the language of the ordinance should be changed.

**Motion Kramer/2<sup>nd</sup> Keller to reduce the GHerman Lot Line Adjustment charges by (\$249.71 + \$22.00) Total reduction \$271.71. All In Favor. Motion Carried 3-0.**

8:45 PM Chair called 5 minute break.

8:52 PM Chair called meeting back to order.

**DNR Grant Trees:** Planner reported that funds may be available for a DNR Bonding grant. 1<sup>st</sup> grant is for up to \$25,000 for a diversifying forest project. 2<sup>nd</sup> is \$150,000 grant for emerald ash borer research and removal of diseased trees. Denmark would not apply for this portion of the grant, as nowhere in Washington County is emerald ash borer.

Applications receiving priority would be those communities having emerald ash borer. Whatever is left from the \$150,000, applications that have a matching fund from the municipality would be next priority.

For Denmark, at O'Connor Park there are some diseased trees that could be removed and some newer plant species could be planted. Required would be for the Township to pass a shade tree ordinance, create a shade tree maintenance plan and create an Emerald Ash Borer readiness plan or a Community Forest Management Plan. Board consensus that Township is still involved with carryover from existing grant monies/implementations with BWSR/WCD and not to apply for this grant. Board not interested at this time in developing required ordinance/ forest management plan and resulting ongoing expense of implementation.

**Special Events:** Attorney submitted and reviewed draft special events ordinance with Board and residents. This year's event is planned for 06/30-07/01/12. Residents Cindy Femling (Afton Apple), John Strohfus (Strohfus Farms), and Jim Fitzpatrick present during discussion. Cindy Femling expressed concerns related to this year's event dates, as this would be at the same time that Afton Apple would be engaged in strawberry picking. Discussion from Board that it is very difficult for them to regulate when any business located in the Town schedules events to be held on its property. Strohfus Farms was part of the 2011 Warrior Dash parking plan. John Strohfus informed the Board that he has been having with Warrior Dash for the past three-four months. He is attempting to reach an agreement with Warrior Dash to use both his & Afton Apple Property as designated parking for this year's event. He indicated that Warrior Dash was 75% committed to this proposed plan. Special Events Ordinance Draft has been sent to Washington County for review & comment Attorney has received some comments back. Attorney requested Board to provide him with any additional input so he can submit final draft at March Board meeting.

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**SWWD Vacancy:** The term of office for Donald Pereira will expire on 05/01/12. Washington County has invited municipalities to submit nominees for consideration for the vacancy. Board consensus to send letter of support for the reappointment of Donald Pereira. **Motion Keller/2<sup>nd</sup> Kramer to approve letter of support for Donald Pereira for reappointment to SWWD Board. All In Favor. Motion Carried 3-0.**

**Electrical Permits-Ordinance Amendment/Inspection services Contract:**

Attorney submitted draft amendment to the current building inspection and code enforcement services agreement with Cottage Grove to include electrical permits and inspections and Certificates of Compliance for Agricultural Buildings. The draft ordinance incorporates the electrical permitting and amendments of the fee schedule. Planning Commission hearing will be in March and come before the Board in April.

**Possible Additions to draft Ordinance Amendments:**

Addition of clarification of a lot being a minimal amount off of a standard size.  
Clarification of language regarding requirements for Development Agreements.

**BOARD OF AUDIT:** Year ending 12/31/2011.

Supervisors Present- Higgins, Keller, Kramer. Absent- Moore and Kummer.

Year end account balances submitted as follows: checking account-\$377,165.74, general savings account-\$533,350.12, Cable Restricted account-\$5,073.74, and Park/Recreation Restricted account-\$153,755.26. Total cash balance \$1,069,344.86.

All revenues received by Denmark Township in 2011 total \$600,075.01. All expenditures made by Denmark Township in 2011 total \$505,424.90. Receipt and Disbursement Registers, Statement of Receipts, Disbursements and Balances (Schedule 1) for all Township accounts and account balances for the year ending 12/31/2011 were entered into the record.

Check range for all checks disbursed 01/01/2011 through 12/31/2011, #10162 through #10423.

Board selected the following claims at random for review:

Check #10164 Claim 9564 Approved 01/03/11 Claimant- Sentry Systems  
Check #10359 Claim 9723 Approved 10/03/11 Claimant- CenturyLink  
Check #10221 Claim 9613 Approved 04/04/11 Claimant- Washington County  
Check #10376 Oct. payroll Approved 10/03/11 Claimant- Steve Radke  
Check #10311 Claim 9687 Approved 08/01/11 Claimant- XCEL Energy  
Check #10199 Feb payroll Approved 02/07/11 Claimant- Becky Herman

**Motion Keller/2<sup>nd</sup> Kramer to approve claims audited during the Board Of Audit. All in Favor. Motion Carried 3-0.**

**Motion Keller/2<sup>nd</sup> Kramer to approve 2011 revenue/expenditure reports (\$600,075.01 in revenues and \$505,424.90 in expenditures) and 2011 year end account balances totaling \$1,069,344.86 as submitted. All In Favor. Motion Carried 3-0.** Financial reports will be submitted for the annual meeting.

10:30 PM **Motion Keller/2<sup>nd</sup> Kramer to adjourn.** All In Favor. Motion Carried 3-0.

Becky Herman  
Denmark Township Clerk/Treasurer