

DENMARK TOWN BOARD MEETING MINUTES
March 6, 2017

SUPERVISORS PRESENT: Kathy Higgins, K Herman, John Strohfus

ABSENT: J Moore

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven), Planner Eric Maass (WSB) Engineer Cara Geheren

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

AGENDA APPROVAL:

Motion K Herman/2nd J Strohfus approval of agenda as drafted. Voting Yes-K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

CONSENT AGENDA APPROVAL: K Higgins pulled claims. **Motion K Herman/2nd J Strohfus approval of Consent Agenda items which include Minutes 02/06/2017 Board Meeting, EFT payments- PERA 409380, MN Rev. Tax 0820141376, Federal Tax 34464202, payroll ending 03/01/2017 and Financial Reports. Voting Yes-K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

PUBLIC COMMENT: None

BUSINESS ITEMS:

9041 Penrose Ave S- Supplemental Development Agreement

Property owner is requesting a modification to the St Croix Estates Development Agreement to modify the minimum elevation requirement in the DA with respect to their property as part of their request for a building permit to build a dwelling on the parcel. Town Engineer Stempski has reviewed the property and has recommended, based on the ponds, ravines and other unique conditions located on or near the property, that the Town grant some flexibility to the minimum elevations required in the Development Agreement. Supplemental DA also protects the Town from any liability regarding or related to building elevations or damage from ground or surface water. **Motion K Herman/2nd J Strohfus approval of Supplemental Development Agreement Regarding Lot 8, Block 2, St. Croix Estates. Voting Yes-K Herman, J Strohfus, K Higgins. Voting No-None. Abstaining- None. Motion Carried 3-0-0.**

Gyurisin/Lilligren Lot Line Adjustment: PID's 04.027.20.21.0001(Lamberg Gyurisin .25 acre) and 04.027.20.21.0003 (Lilligren Trust 34 acres)

Applicants Sara Lamberg Gyurisin and Lilligren Trust representative Jesse Lilligren present. Applicants are requesting to transfer approximately 7.75 acres from the Lilligren parcel to the Gyurisin parcel resulting in Lilligren parcel 26.25 acres and Gyurisin parcel 8 acres. Expanded Gyurisin parcel will be used for animals and not for residential purposes. The reduced Lilligren parcel will have a total of 5 density units, one of which is used by the current home on the parcel and the remaining will be impacted by the shoreland regulations. The expanded Gyurisin parcel will have one density unit, which is not suitable for residential use. The applicant will be required to combine the 7.75 acre transfer portion with the current .25 acre parcel into a single parcel.

Applicant indicated the current use of the parcel is horse pasture and that there will be no changed use after the transfer. She indicated that she may in the future build a horse shed on the parcel. Attorney noted that an accessory structure could not be placed on this parcel. Applicant noted that all of her lots total 21 acres.

Adjacent lots would be deemed as separate lots. An Ag building exemption for building an accessory structure without a home requires a minimum of 40 acres. Any temporary accessory structure is allowed for 30 days.

Resident inquired as to whether horse shed could be constructed on adjacent parcel, owned by applicants parents. Board members in support of construction on adjacent parcel.

Applicant noted that she did not need access to the expanded parcel, as they are the owners in fee simple of the 3 acre private driveway.

Attorney provided draft resolution for Board/Applicant review. Attorney recommended deleting condition #5 as the driveway already exists.

Motion J Strohfus/2nd K Herman to adopt Resolution 2017-13 Approving a Lot Line Adjustment For Properties Owned By Sara Jane Gyurisin And The Patricia S Lilligren Trust, with deletion of condition #5. Voting Yes-J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

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Law's Valley View Addition Concept: PID's 06.026.20.33.0001 and 07.026.320.22.0001

Applicants Scott Esler & Susan Jelks and Property owner Paul Morlock (Point Douglas Properties) present. Concept is to subdivide 60 acres into a development of 14 residential lots (3 acre avg). The property has been used for the past 70 years as a shade nursery with trees. Fourteen lots with 2 small interior cul-de-sacs to service the interior space. Outlot A is on Hwy 60 and Applicant does not want any houses in that area. Outlot B was severed from the property when Maycrest construction occurred and likely will be purchased by the Tree House (current garden center on Hwy 61). Outlot C is where the trees/sheds (60x96 & 60x30) currently exist. Planner- Four of the proposed lots (3, 4, 11, 12) are substandard (less than 3 acres) for the conventional design but would meet the standards for a Lot Averaging Design. Requested clarification on the total acreage as some of the property appears to be on the east side of Hwy 61. Planner indicated that there would be issues with Lots 7-10 if there was no access to Mary Ave. Possibility to push access of Maycrest between Lots 1 & 2. Additional opportunity with outlot A to create a loop off of Mary back to the proposed street/cul-de-sac. Applicant noted that property across Hwy 61 was taken up by State of Minnesota. Planner would like to see how MN has addressed the property.

Mary Avenue Access- Mr. Morlock has spoken with the current owners of Mary Ave So who indicated that they have no objection to the proposed development access to Mary.

Blacktopping/paving of both 131st Ave and Mary. Engineer- Maycrest Ave had overlay completed in 2013, no concerns with additional driveway access. 131st St is currently unpaved (gravel) and historically grading and the road condition because of drainage in the area has been problematic. Allowing more traffic without improvements to it would increase the roads issues. Mary Ave from the end of the 131st St cul-de-sac was constructed to Township standards as part of a prior development, but the Town did not require developer to pave it because there are only 2 lots accessing it. Mary Ave per the Plat is a Township road and goes all the way through, not stopping at the cul-de-sac. That portion would need to be paved from the 131st St cul-de-sac to the proposed Street. 131st S is in poor condition. For the proposed lots on 131st St, The Town typically requires access onto a paved road, not gravel as 131st St S is.

Board consensus that developer would be responsible for blacktopping the roads (131st /Mary) due to traffic increase on the roads. Town practice/policy has been for developers to incur the cost for road improvements associated with their developments. Applicants will reevaluate/reconfigure proposed plans.

2016 Financial Audit: Oberloh & Associates has provided the Town with an agreement and projected cost of \$4400.00 for the 2016 Town Financial Audit. **Motion K Herman/2nd J Strohfus to approve contracting with Oberloh & Associates to conduct the 2016 Financial Audit.** Voting Yes-K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

HEARING DECISIONS/ZONING ACTIONS: Subdivision Ordinance regarding Minor Subdivision Platting Washington County has relinquished jurisdiction for subdivisions to local governments. Denmark has opted to take on Denmark subdivisions with the exception of the river and Shoreland districts. Board reviewed draft ordinance amendment which would allow but not require an applicant to plat a minor subdivision. Discussion regarding whether platting should be required for further subdivision on property that was previously platted. Board consensus to not require platting for further subdivision on property that was previously platted. The Planning Commission reviewed the draft amendment and forwarded it to the Board with a recommendation to approve as drafted.

Motion J Strohfus/2nd K Herman to adopt Ordinance 2017-03 Amending The Denmark Development Code Regarding The Platting Of Minor Subdivisions. Voting Yes-J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Motion K Herman/2nd J Strohfus to adopt Resolution 2017-14 Approving Summary Language For Publication Of Ordinance No. 2017-03. Voting Yes-K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Hwy 95 Manning Avenue Project- Discussion re follow through regarding site lines at 80th and 90th/Manning intersections and issue of possible hills lowered & turn lanes installed for safety. Board consensus to have Engineering staff review with MnDOT.

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WSB Planner Eric Maas: With WSB since January 2014. Also serves another Township and the City of Ramsey as a consultant/Planner. Planning areas include Development review, day to day planning-building permits accessory buildings, assist in long range planning, comp plans, small area plans, landscape architect.

Ditch Trash Dumping: J Strohfus would like to review ditch dumping issue. Clerk will review claims and compile which roads are more affected. Discussion regarding possible monitoring/solutions.

Recycling: Town Attorney is in process of reviewing the draft ordinance provided by the county. The 2017-18 grant cycle application is due at the end of March. Denmark has been contracting with Cottage Grove for shared services with a recycling coordinator, which the county has funded. The County will no longer fund shared services. The Town could contract with a recycling coordinator independently. Denmark's base funding for 2017 is \$2500.00. Additional projects could amount to receipt of \$1258.00, bringing the maximum grant amount for 2017 to \$3758.00. Denmark would need to apply for the grant and fulfill reporting requirements in addition to managing potential projects. Cost to the Town would likely be greater than any grant funds received. Higgins contacted the county regarding Denmark's obligations. The only statutory requirement is that the Town must make recycling available to Township residents. Washington County will provide the Town with recycling information to share with residents.

Board consensus to not apply for a grant as the Town is currently complying with recycling mandates.

Pulled Claims: Added Claim #10883 Washington County Recorder \$92.00. Change Claim #10866 CenturyLink to \$332.32 (2 month billing). Discussion regarding charges related to CenturyLink account. Board consensus to contact CenturyLink to discuss rates. **Motion K Herman/2nd J Strohfus approval of Claims #10866-10883 as amended.**

Voting Yes-K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

LEGAL REPORTS: Attorney is reviewing solid waste ordinance, application process. Enforcement issues regarding property setback compliance. Statement made by resident in attendance noting that he was not in agreement with the way the Town was handling this enforcement issue or his prior enforcement issue and stated that he was going to sue the Town. Attorney noted that both enforcements for compliance were handled fairly. Building Inspector and Chair will be meeting on site at a business in the commercial district to address complaints regarding their conditional use permit.

9:35 PM **Motion J Strohfus/2nd K Herman to adjourn.** Voting Yes- J Strohfus, K Higgins, K Herman.
Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2017-13 and 2017-14
Ordinance 2017-03

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-13
RESOLUTION APPROVING A LOT LINE ADJUSTMENT
FOR PROPERTIES OWNED BY SARA JANE GYURISIN
AND THE PATRICIA S. LILLIGREN TRUST

WHEREAS, Sara Jane Gyurisin ("Applicant") has applied for a lot line adjustment for the certain properties located within Denmark Township ("Town");

WHEREAS, the Applicant owns certain property containing approximately 0.25 acres (PID 04.027.20.21.0001) and legally described in the attached Exhibit A ("Gyurisin Parcel");

WHEREAS, the Patricia S. Lilligren Trust ("Trust") owns certain property containing approximately 34 acres (PID: 04.027.20.21.0003) and legally described in the attached Exhibit B ("Trust Parcel");

WHEREAS, the Trust has agreed to transfer the approximately 7.75 acres portion of its property as legally described in the attached Exhibit C to the Applicant ("Transfer Portion");

WHEREAS, the Applicant intends to combine the Transfer Portion with the Gyurisin Parcel as shown in the attached Exhibit D and legally described in the attached Exhibit E ("Expanded Gyurisin Parcel");

WHEREAS, the Trust Parcel reduced as the result of the lot line adjustment is legally described in the attached Exhibit F ("Reduced Trust Parcel");

WHEREAS, the Town Board hereby finds and determines with respect to the requested lot line adjustment:

- a. Both the Gyurisin Parcel and the Trust Parcel are located within the Rural Residential, RR, Zoning District as designated by the Denmark Township Development Code ("Ordinance") and at least a portion of the properties are located within Shoreland Management District as a result of a trout brook running through both parcels;
- b. The allowed density within the Rural Residential District is eight (8) dwelling units per 40 acres, which is one (1) density unit per five (5) acres.
- c. The Applicant intends to use the Expanded Gyurisin Parcel for animals and not for residential purposes;
- d. There is currently a home on the Trust Parcel;
- e. Under the density limitations, the Reduced Trust Parcel will have a total of 5 density units, one of which is used by the current home on the parcel, and the Expanded Gyurisin Parcel will have one (1) density unit. However, the Applicant acknowledges the Expanded Gyurisin Parcel is not suitable for residential use and the further development of the Reduced Trust Parcel is impacted by application of the shoreland regulations; and
- f. Lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance, provided the Applicant supplies the required submittals, enters into a development agreement with the Town, and pays all of the costs the Town incurs related to processing and acting on the application; and

WHEREAS, the Town Board determines the proposed lot line adjustment is consistent with its Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the proposed lot line adjustment to transfer the Transfer Portion from the Trust Parcel to the Gyurisin Parcel, which will result in the Reduced Trust Parcel and the Expanded Gyurisin Parcel as shown on the survey attached as Exhibit D, conditioned on the Applicant's compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicant and the Trust must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicant and the Trust, their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
2. The Applicant and the Trust shall be responsible for providing all information the Town Attorney may request to assist in preparing the development agreement;
3. The Applicant must combine the approximate 7.75 acre Transfer Portion with the Gyurisin Parcel into a single parcel on the same deed with a single property identification number so that the recording of the Expanded Gyurisin Parcel after the lot line adjustment shows a single tax parcel increased in size by the land being acquired as a result of the lot line adjustment. The deed shall be recorded in the office of the County Recorder within 120 days of the date of this Resolution and a copy of the recorded deed provided to the Town within seven days of recording.
4. The one (1) density unit assigned to the Expanded Gyurisin Parcel is, for practical purposes, not useable given the restrictions imposed by the shoreland regulations. The Reduced Trust Parcel has a total of five (5) density units, one (1) of which is currently used, and use of the remaining four (4) density units will be impacted by the shoreland regulations.

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- 5. The Applicant shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs and recording costs.
- 6. The Applicant and the Trust shall be responsible for developing, executing, and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment. The Town will record the development agreement at the Applicant's expense.
- 7. The Applicant and the Trust are responsible for obtaining any other approvals that may be required and for making such corrections to its descriptions and survey as may be required by Washington County for recording purposes.

BE IT FURTHER RESOLVED, this approval of the requested lot line adjustment shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicant or the Trust fail to provide the requested information, fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution; and

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

Adopted this 6th day of March, 2017. **BY THE TOWN BOARD**

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2017-14
RESOLUTION APPROVING SUMMARY LANGUAGE
FOR PUBLICATION OF ORDINANCE NO. 2017-03**

WHEREAS, on March 6, 2017 the Town Board of Denmark Township ("Town") adopted "AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT CODE REGARDING THE PLATTING OF MINOR SUBDIVISIONS", Ordinance Number 2017-03 ("Ordinance");

WHEREAS, the Ordinance amends the minor subdivision process by eliminating the requirement that all such subdivisions be platted;

WHEREAS, Minnesota Statute, section 368.01, subdivision 21 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

WHEREAS, the Town Board determines that publishing the full text of the Ordinance is not practical and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2017-03
AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT
CODE REGARDING THE PLATTING OF MINOR SUBDIVISIONS**

The Town Board of Denmark Township has adopted Ordinance No. 2017-03 to amend Chapter Three, Section 6.1 of the Denmark Township Development Code to no longer require the platting of minor subdivisions. A certificate of survey is required and platting remains an option, but effective immediately platting is no longer required for a subdivision of property qualifying as a minor subdivision. A copy of the ordinance can be obtained on the Town's website, at the Washington County Law Library, the Dakota County Hastings Branch Library, and can be obtained by contacting the Town Clerk-Treasurer.

Becky Herman
Clerk-Treasurer

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to:

- (1) Publish the above summary of the Ordinance once in the Town's official newspapers;
- (2) Maintain a copy of the full Ordinance at the Town Hall;
- (3) Place a copy of the full Ordinance at the Dakota County Hastings Branch Public Library;
- (4) Place a copy of the full Ordinance at the Washington County Law Library;
- (5) Record a copy of the ordinance amending the development code with the County Recorder's office; and
- (6) Place the Ordinance in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted this 6th day of March, 2017. **BY THE TOWN BOARD**

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

**AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT
CODE REGARDING THE PLATTING OF MINOR SUBDIVISIONS**

The Board of Supervisors of the Town of Denmark ordains:

Article I. Chapter Three, Section 6.1 of the Denmark Township Development Code is amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- (1) ~~Review Process: A Minor Subdivision requires the submission and filing of a plat that complies with the requirements of Minnesota Statutes, chapter 505.~~ A Minor Subdivision is reviewed by the Planning Commission and approved by the Town Board. An applicant shall submit to the Town Clerk an application for the Minor Subdivision along with certain other submittals required by the Township. The applicant may elect, but is not required, to plat a Minor Subdivision and any such plat shall be in accordance with the requirements of Minnesota Statutes, chapter 505. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the incurred by the Township in processing the request. The applicant may be required to pay a Park Dedication fee for each additional lot being created. Said fees and escrow shall be established by ordinance of the Township. The approval process will consist of review by Township Staff for compliance with the Denmark Township Development Code, a Public Hearing in front of the Planning Commission, and final approval/denial by the Denmark Town Board.
- (2) Submittals for a Minor Subdivision:
- (A) Completed application and escrow deposit.
 - (B) Legal description of the original parcel and the new lots.
 - (C) A preliminary plat showing the following:
 - 1. ~~Topographic data at two (2) foot contour intervals. Flood plain information may be required if deemed necessary by the Zoning Administrator.~~
 - 2. ~~Buildable area on the lots.~~
 - 3. ~~Driveway access points.~~
- A certificate of survey prepared by a licensed land surveyor showing the boundaries of the newly created lots. All improvements on the property should also be shown on the Boundary Survey.
- (D) Proof that the real estate taxes for the year have been paid in full.
 - (E) A title commitment or title opinion that establishes ownership of the original parcels.
 - (F) Soil testing for the installation of an on-site sewage disposal system for a primary and secondary site.
 - (G) Drainage, grading, and erosion control plans.
 - (H) Wetland delineation report and map.
 - (I) ~~A final plat prepared in accordance with Minnesota Statutes, Chapter 505 showing the original parcel, platted lots, and lands to be dedicated.~~ Topographic data at ten (10) foot contour intervals. Data at two (2) foot contour intervals and floodplain information may be required if deemed necessary by Township Staff.
 - (J) Buildable area on the parcels.
 - (K) Driveway access points.

Article II. Chapter Three, Section 6.3 of the Denmark Township Development Code is amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- 6.3. Exceptions to Platting Requirement. Platting is not required for Lot Line Adjustments, ~~or~~ Administrative Minor Lot Splits, or Minor Subdivisions.

Article IV. Incorporation of Amendments. The Town Attorney and Town Clerk-Treasurer are hereby authorized and directed to do the following with respect to the Denmark Township Development Code upon the adoption of this ordinance:

1. Incorporate these amendments into the text of the Development Code, including renumbering sections and subsections as needed; and
2. The Clerk/Treasurer shall maintain an official copy of the updated Denmark Development Code in the office of the Clerk/Treasurer, which shall constitute the official copy of the Code, and post a copy of it on the Township's website.

Article V. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 6th day of March, 2017. **BY THE TOWN BOARD**