

DENMARK TOWN BOARD MEETING MINUTES
March 8, 2018

SUPERVISORS PRESENT: Bob Rucker, Karen Herman, Kathy Higgins

ABSENT: Joe Moore, John Strohfus

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Planner Maas (WSB), Engineer Geheren (Focus)

CALL TO ORDER: Meeting called to order @ 7:02 PM by Chair Higgins

AGENDA APPROVAL:

Motion K Herman/2nd B Rucker approval of agenda as amended. Voting Yes- K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

CONSENT AGENDA APPROVAL:

Motion B Rucker/2nd K Herman approval of Consent Agenda items which include 02/05/2018 Board Meeting Minutes, Claims 11070-11091, EFT payments- PERA 454470, MN Rev. Tax 0707689664, Federal Tax 60916920, payroll ending 03/01/2018, Financial Reports. Voting Yes- B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

HEARING DECISIONS/ZONING ACTIONS: Law's Valley View Major Subdivision Preliminary Plat
PID's 17.026.20.22.0001 & 06.026.20.33.0001

Scott Esler and Susan Jelks present. 13030 Maycrest Ave Ct S.

Applicant proposes to subdivide 60 acres within the Single Family Estate & Shoreland Districts into 12 residential lots (ranging from 2.5-3.8 acres) and 2 outlots (A & B).

Planning Commission reviewed the request at a 11/20/17 public meeting and acted to forward the application to the Board with a recommendation of conditional approval.

Engineer noted that SWWD comments have been addressed. Additional details will be addressed through the final construction plans. Engineer recommends preliminary plat approval.

K Herman asked for clarification regarding any discussion of paving 131st St. Planner noted that while the project does back up to 131st St, no access will be granted from any of the lots to 131st St S. Therefore, none of the lots are benefitting from 131st so there would be no request/condition for paving.

Attorney provided Board & Applicants with 02/28/18 draft Resolution.

Applicant will be required to enter into a Development Agreement with the Town. Cost estimates for the proposed public improvements provided by the Applicant will be reviewed by the Town Engineer. Homeowner's Association is an option for the Applicant. A Storm Sewer Improvement Tax District has been created within the Development. Applicant will be required to enter into a stormwater maintenance agreement with the Town. Applicant is not intending to develop covenants. Park dedication for the development is \$22,000.00 (11 new lots). K Higgins noted that the SWWD is willing to reactivate the past planned ravine repair project. Scott Esler will get information on current ownership to K Higgins.

Re: condition #10. Higgins asked to clarify access limitation by using language "all properties will access to/from Valley View Court". Attorney will revise condition to add additional language.

Motion B Rucker/2nd K Herman to adopt Resolution 2018-05 Granting Preliminary Plat Approval For Law's Valley View Addition, with noted addition. Voting Yes- B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

PUBLIC COMMENT: None

BUSINESS ITEMS:

Haukedahl Lot Line Adjustment: Seth Haukedahl present.

Haukedahl parcel- 6211 Oakgreen Ave S. PID 04.027.20.21.0005- 26.89 acres.

Titan parcel- 6255 Oakgreen Ave S. PID 04.027.20.23.0003- 9.16 acres.

Applicant is seeking a Lot Line Adjustment to transfer 4.11 acres from the Titan parcel and combine this acreage to the Applicant's property. Resulting in increased Haukedahl parcel of 31.0 acres and reduced Titan parcel to 5.05 acres. Density for Titan property would be 1, which is already used. Density for the Haukedahl property would be 6, one of which is already used.

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Attorney provided Board & Applicant 02/27/18 draft Resolution for review. Applicant will be required to enter into a Development Agreement with the Town. Applicant will be required to combine and record the transfer (4.11 acre) portion with his existing parcel. **Motion K Herman/2nd B Rucker to adopt 2018-06 Approving A Lot Line Adjustment For Property Owned By Seth Haukedahl And Located At 6211 Oakgreen Ave S.** Voting Yes- K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Cottage Grove Building Permits: Moved to April Agenda due to unavailability of Bob LaBrosse and J Strohfus.

Lake Elmo/Denmark Joint Services Agreement: Cottage Grove will not be providing joint services for Sealcoat/Crack Seal. Denmark reviewed joint service agreement with Lake Elmo. **Motion B Rucker/2nd K Herman to enter into a joint services agreement with Lake Elmo for the 2018 Sealcoat/Crack Seal project.** Voting Yes- B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0. Streets scheduled for sealcoat/crack seal are Eagle's Watch roads, 122nd (Morgan to Neal), Morgan (122nd-127th).

MnDOT Corridor For Commerce Projects: Town received information regarding possible projects for interchanges on Hwy 61 at Hwy 10 and Hwy 61 at Hwy 95. Engineer- program is a funding program in which MnDOT will award funding for projects in Minnesota. Heavily weighted on the scoring criteria is that all cities and counties touched by the project area must provide resolutions of support. Higgins noted that there would be a considerable impact on Denmark's Commercial District. Rucker noted that MnDOT would need to acquire a lot of right-of-way. MnDOT representatives will present information to the Board regarding both the Hwy 95 project and Corridors for Commerce in April.

Public Hearing Specialized Acres 2nd Addition Utility & Drainage Easement Vacation:

7:40 PM Chair Higgins opened Public Hearing. Darrin McFadden was granted approval for a Conditional Use Permit and a Lot Line Adjustment for property he owns in Specialized Acres 2nd Addition. The drainage & utility easements need to be vacated from the eastern side of the property.

Public Comment: None

Motion K Herman/2nd B Rucker to adopt Resolution 2018-07 Approving The Vacation Of Drainage And Utility Easements Located On Lot 1, Block 2, Specialized Acres 2nd Addition, Washington County, Minnesota. Voting Yes- K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0. 7:52 PM Hearing Closed.

Public Hearing Fee Schedule Ordinance Continuation: 7:56 PM Chair Higgins open Public Hearing.

Public Comment: None

Motion K Herman/2nd B Rucker to close the Fee Schedule Public Hearing. Voting Yes- K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Hearing closed at 7:58 PM. Board will continue discussion regarding proposed fee schedule at the April Board Meeting.

LEGAL NOTICES:

Solid Waste Ordinance- Direct comments to Attorney. Draft before the Board in April.

Planning Commission Workshop- well attended. Board Workshop may be scheduled at April Board Meeting.

8:05 PM **Motion K Herman/2nd B Rucker to adjourn March Board Meeting.** Voting Yes- K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendums

Resolutions 2018-05 Law's Valley View Addition Preliminary Plat Approval

Resolution 2018-06 Haukedahl 6211 Oakgreen Ave S Lot Line Adjustment

Resolution 2018-07 Specialized Acres Lot 1 Block 2 D&U Easement Vacation

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**Resolution No. 2018-05
RESOLUTION GRANTING PRELIMINARY PLAT
APPROVAL FOR LAW'S VALLEY VIEW ADDITION**

WHEREAS, Scott Esler and Susan Jelks, on behalf of owner Point Douglas Properties, Inc., (collectively, the "Applicant"), have made an application for preliminary plat approval for a major subdivision to allow the subdivision of approximately 60.00 acres for residential development;

WHEREAS, the property to be subdivided (PID 06.026.20.33.0001) is located at 13030 Maycrest Avenue Ct. S., Hastings, MN 55033, and is legally described in Exhibit A ("Property"), which is attached hereto and made part of this Resolution;

WHEREAS, the proposed plat, which is to be named Law's Valley View Addition, involves creating 11 new, in addition to one existing, residential lots, for a total of 12 residential lots, as shown on the preliminary plat attached hereto as Exhibit B ("Development");

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

WHEREAS, the Planning Commission reviewed the request for preliminary plat approval at a duly noticed public hearing held on November 20, 2017 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions; and

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

- a. The Property is zoned Single Family Estate, and the proposed residential uses are allowed in the zoning district;
- b. The proposed Development includes the dedication to the public of a new town road which is identified on the preliminary plat;
- c. The number of lots proposed to be created and developed on the Property and the dedication of a public road necessitated that this subdivision be reviewed as a major subdivision under the Denmark Township Development Code ("Ordinance");
- d. Chapter 2, Zoning Regulations, and Chapter 3, Subdivision Regulations, of the Ordinance regulate the development of major subdivisions;
- e. The Town's Planner has reviewed the request for consistency with Chapters 2 and 3 of the Ordinance and has determined that the proposed plat satisfies the requirements of the Ordinance;
- f. The Town's Planner prepared a report dated November 16, 2017 ("Planner's Report"), which addressed the proposed new major subdivision. The Planner's Report is incorporated into and made part of this Resolution by reference, except for the proposed conditions which are superseded by those contained herein;
- g. The Town's Engineer prepared an initial report regarding the preliminary plat dated August 15, 2017 and an updated report dated February 5, 2018 (collectively, the "Engineering Reports"), which are incorporated into and made part of this Resolution by reference;
- h. The original preliminary plat was submitted for review and comment by the Minnesota Department of Transportation ("MnDOT") and then a revised preliminary plat was submitted for additional review. The Town received two comment letters from MnDOT, the first dated November 30, 2017 and the second dated February 22, 2018;
- i. The proposed lots meet all applicable minimum lot size requirements;
- j. Some of the proposed lots are subject to the Shoreland Overlay District and must meet the required Shoreland Overlay requirements;
- k. The proposed cul-de-sac is approximately 1,259 linear feet in length which satisfies the 1,320 foot length limit for permanent cul-de-sacs set out in Chapter Three, Section 9.2(5) of the Ordinance;
- l. The Applicant revised the preliminary plat after the public hearing conducted by the Planning Commission in order to respond to staff comments and presented the updated documents to the Town Board for its meeting; and
- m. The Town Board held a public hearing and on January 18, 2018 adopted Ordinance No. 2018-01 to establish the Law's Valley View Addition Storm Sewer Improvement Tax District for all properties within the proposed Development.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby approve the Preliminary Plat proposed by the Applicant, subject to compliance with all of the following terms and conditions:

1. **Development Agreement.** The Applicant shall enter into a development agreement (the "Development Agreement") with the Town that is prepared by the Town Attorney. More specifically, the Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, the maintenance of public improvements and under which circumstances the Town will assume maintenance of the roads being built, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate. The Town will not execute the final plat or release it for recording until the Applicant has entered into the Development Agreement in a form acceptable to the Town.
2. **Cost Estimate.** The Applicant shall provide the Town an engineer's estimate of construction costs for the proposed public improvements, which shall be used to determine the amount of security required as part of the Developer's Agreement.
3. **Final Plat.** The Applicant shall prepare and submit to the Town for approval within one year of this preliminary approval a final plat which meets the following:
 - A. The final plat must be consistent with this preliminary approval, the preliminary plat, the Ordinance, and state law;

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- B. The final plat shall include the information referenced in the "Surveys" section of MnDOT's February 22, 2018 comment letter;
 - C. The Applicant satisfactorily completes any and all requirements after review of the final plat; and
 - D. The final plat shall include all easements, including access easements for all stormwater improvements, as required by the Town Engineer and/or Town Attorney.
4. Engineering Considerations. All engineering considerations contained in the Engineering Reports are met.
5. Stormwater.
- A. The Applicant intends to utilize a Town-owned stormwater management pond for some or all of the stormwater needs of the Development. The Applicant must obtain and record prior written perpetual legal right from the Town to utilize such pond. Such rights shall only be granted on terms acceptable to the Town Board. Additionally, the Applicant shall comply with the requirements herein to guarantee the ongoing maintenance of such pond. Further, the Applicant acknowledges that such pond also serves properties not located within the Development. As such, nothing herein shall bind the Town to provide the Applicant with such perpetual legal rights to use such pond unless and until the Town determines that such participation and maintenance obligations are equitably distributed among all such users, in addition to any other criteria which the Town deems appropriate.
 - B. The Development shall be reviewed by the South Washington Watershed District and their comments shall be incorporated into or addressed by the plans.
 - C. An approved NPDES Construction Stormwater Permit shall be provided, when available.
 - D. The Applicant must provide for the on-going maintenance of all stormwater improvements within, or otherwise serving, the Development by creating a homeowners association and making it responsible for such maintenance, or by some other method acceptable to the Town Board. All documents related to the creation of the homeowners association shall be subject to review and approval by the Town Attorney.
 - E. The Applicant must enter into a stormwater maintenance agreement with the Town that details operation and maintenance schedules and responsibilities related to the stormwater facilities serving the Development. The Town will record the stormwater maintenance agreement when it records the Development Agreement.
 - F. Culverts in the street and storm sewer shall be Reinforced Concrete pipe. Driveway culverts may be CMP.
 - G. The Town created a storm sewer improvement tax district pursuant to Minnesota Statutes, sections 444.16 – 444.21. The Town is not obligated to perform any work on the stormwater improvements within the Development are that are relied upon by the Development to manage its storm water, but if the Town does undertake any projects to address stormwater from the Development the costs incurred will be assessed against the properties within District, which includes all lots within the plat.
6. Covenants. The Applicant shall provide any proposed covenants for the Development to the Town Attorney for review and approval.
7. Road.
- A. The name of the proposed public road, currently shown on the preliminary plat, must be reviewed and approved by Washington County per the Washington County Uniform Street Naming System.
 - B. The proposed public road must be constructed in accordance with the Town's standards.
 - C. As outlined in the Township Standards for New Roadway Construction, a geotechnical report including a recommendation from a geotechnical engineer for the proposed roadway section shall be provided. The typical section provided outlines the minimum section.
8. Well and Septic Systems.
- A. Proposed private well locations must be shown on the plans.
 - B. A permit from Minnesota Department of Health must be obtained prior to well construction.
 - C. Washington County Department of Public Health and Environmental must approve the proposed septic system locations per the most recent requirements of the Washington County Septic Code.
9. Park Dedication. The Applicant shall pay the Town a park dedication fee in lieu of land dedication in the amount of \$22,000 (\$2,000 per new residential lot). The Town will not execute the final plat or release it for recording until it receives such park dedication fee payment in full.
10. Driveway Access Limitation. All lots within the Development shall be accessed off of Valley View Court. There shall be no direct access from any of the lots to 131st Street Court South, Mary Avenue South, or Maycrest Avenue Court South, whether through construction of a driveway approach or otherwise.

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11. Fees. The Applicant shall pay all planning, engineering, and legal fees and costs incurred by the Towns for processing this approval application. In the event any fees are outstanding they will be paid by the Applicant within 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.
 12. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant 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.
 13. Representations. All representations, written and oral, made by the Applicant and the Applicant's 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.
 14. Compliance. The Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted.
- Adopted this 5th day of March, 2018. **BY THE TOWN BOARD**

Resolution No. 2018-06

RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR PROPERTY OWNED BY SETH HAUKE DAHL AND LOCATED AT 6211 OAKGREEN AVENUE SOUTH

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

WHEREAS, the Applicant owns property containing approximately 26.89 acres (PID 04.027.20.21.0005) located at 6211 Oakgreen Avenue South, legally described in the attached Exhibit A, and labeled as Parcel A on the map attached hereto as Exhibit D ("Parcel A");

WHEREAS, Titan Property Ventures, LLC & G.R. Frederick Enterprises, LLC ("Titan") owns certain property containing approximately 9.16 acres (PID: 04.027.20.23.0003) located at 6255 Oakgreen Avenue South and legally described in the attached Exhibit B ("Titan Parcel");

WHEREAS, Titan has agreed to transfer the approximately 4.11 acres of the Titan Parcel as labeled as Parcel B on the map attached hereto as Exhibit D, and as legally described in the attached Exhibit C to the Applicant ("Transfer Portion");

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

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

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

- a. Both Parcel A and the Titan 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 Parcel A;
- 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. Parcel A and the Titan Parcel each currently contain a single family dwelling;
- d. The one (1) density unit available for the approximately 5 acres of the Reduced Titan Parcel is already used;
- e. The Expanded Parcel A will contain approximately 31 acres and will have a total of six (6) density units, one (1) of which is currently used with the current home on the property. Given the topography of the land, the meandering brook through Parcel A, and the development restrictions under the Ordinance, it would be very difficult to divide the property in such a way as to allow any further development of the Expanded Parcel A; 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 Titan Parcel to Parcel A, which will result in the Expanded Parcel A as legally described in the attached Exhibit E and the Reduced Titan Parcel as legally described in the attached Exhibit F, 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 Titan must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicant and Titan, 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 Titan 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 4.11 acre Transfer Portion with Parcel A into a single parcel on the same deed with a single property identification number so that the recording of the Expanded Parcel A 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 Reduced Titan Parcel is used.

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5. Of the total of six (6) density units assigned to the Expanded Parcel A, one (1) density unit is already used, the remaining five (5) density units are not, for practical purposes, useable given the topography of the land and the restrictions imposed by the shoreland regulations.
6. 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.
7. The Applicant and the Titan 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.
8. The Applicant and the Titan 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 Titan 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 5th day of March, 2018. **BY THE TOWN BOARD**

Resolution No. 2018-07

RESOLUTION APPROVING THE VACATION OF DRAINAGE AND UTILITY EASEMENTS LOCATED ON LOT 1, BLOCK 2, SPECIALIZED ACRES 2ND ADDITION, WASHINGTON COUNTY, MINNESOTA

WHEREAS, Denmark Township ("Town") received a petition from Darin McFadden ("Petitioner") requesting the vacation of certain drainage and utility easements located along the east property line of Lot 1, Block 2, Specialized Acres 2nd Addition, Washington County, Minnesota ("Petitioner's Property");

WHEREAS, the drainage and utility easements the Petitioner is requesting be vacated are legally described as follows ("D&U Easements"):

THE EAST 10 FEET OF LOT 1, BLOCK 2, SPECIALIZED ACRES 2ND ADDITION EXCEPT THE NORTH AND SOUTH 10' THEREOF, TOWN OF DENMARK, WASHINGTON COUNTY, MINNESOTA.

WHEREAS, the D&U Easements were dedicated to the public along the east property line of the Petitioner's Property at the time of platting and now the Petitioner is requesting they be vacated in order to allow the Petitioner to fully utilize the expanded area of the Petitioner's Property resulting from the lot line adjustment that was approved by the Town Board on January 18, 2018 by Resolution No. 2018-03;

WHEREAS, the D&U Easements have not been built or used for the purposes for which they were dedicated;

WHEREAS, the Town Board has the authority, pursuant to Minnesota Statutes, sections 462.358, subdivision 7 and 368.01, subdivision 25 to vacate easements dedicated to the public within a plat, including those for drainage and utility purposes;

WHEREAS, the Town Board held a public hearing regarding the requested vacation on March 5, 2018 after providing at least two weeks' published and posted notice;

WHEREAS, the proposed vacation was reviewed by the Town Engineer and no concerns were identified with respect to drainage or utilities; and

WHEREAS, the Town Board finds that the vacation of the D&U Easements is in the interest of the public as it will allow the Petitioner to utilize the expanded area of the Petitioner's Property.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of Denmark Township as follows:

1. The D&U Easements, as described above, are hereby vacated effective immediately.
2. The Town Board determines that no damages are owed for this vacation as any claimed damages are offset by the benefits derived from the vacation.
3. The Town Clerk-Treasurer is hereby authorized and directed to prepare and file a notice of completion of this vacation for presentation to the County Auditor and recording in the office of the County Recorder.

Adopted on this 5th day of March, 2018. **BY THE TOWN BOARD**