

DENMARK TOWN BOARD MEETING MINUTES
May 2, 2011

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Gary Dixon, Joe Moore, Jim Keller

ABSENT: None

STAFF PRESENT: Attorney Gilchrist, Planner Buss, Engineer Geheren

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

AGENDA APPROVAL: Higgins added Carter request on building change, Keene RLS, Eagles Watch, and Commercial Business Use. Dixon added Road Weight Signs. **Motion Moore/2nd Dixon approval of agenda as amended. All In Favor. Motion Carried 5-0.**

CONSENT AGENDA APPROVAL: Higgins pulled claims for approval. **Motion Moore/2nd Dixon approval of consent agenda items which include Minutes-04/04/2011 Board Meeting, 04/19 & 04/27/11 LBOAE, EFT payments- PERA 172593, MN Revenue Tax 99112458782, Fed Tax 00994641, payroll ending 05/01/2011 and financial reports. All In Favor. Motion Carried 5-0.**

Pulled Claims- Added claim #9644 Prairie Restorations, in the amount of \$12,172.34 (\$13,172.34 less \$1000.00 hold back as recommended by Washington Conservation District for unfinished work. Added claim #9645 Riverside Routers 4-H ditch cleaning, in the amount of \$800.00. **Motion Keller/2nd Moore approval of payment of Claims #9627 through #9645. All In Favor. Motion Carried 5-0.**

HEARING DECISIONS/ZONING ACTIONS:

Ace Trailer/RCM Specialties (12090 Margo Ave S) amended Conditional Use Permit

Property owner is Foursight, LLC. RCM Specialties is requesting to amend the existing CUP, which is for the operation of Ace Trailer. Request is to allow RCM to lease part of the property and operate its roadway repair service in the northwest corner of the parcel (Lot 2- 2.5 acres) in addition to Ace Trailer sales business. RCM also proposes a new accessory structure on the parcel to be used for storing paving and patching material. The building would be 1800 sq ft and would be constructed of a concrete base with a covered metal truss, and its design would allow for easy removal if required. Foursight, LLC also owns adjacent Lot 3- 2.6 acres.

An amended CUP was issued in 2004 to Midwest Rec Clearinghouse. Neither of the existing CUP's are for the same use as is being proposed by RCM Specialties.

Maximum lot coverage in C/I district is 65%. Current business has 82% coverage and is not conforming to the existing site plan or to the ordinance. Current request to put a building on the existing gravel would maintain the 82% coverage.

Planning Staff presented the following options:

1. Deny the amendment based on the inability to meet the lot coverage requirement. Lot 2 as proposed exceeds the maximum 65% lot coverage [Chapter 2, Part 2, Section 2].
2. Table the request, if the applicant seeks to submit new plans that conform to the lot coverage requirement. To meet the lot coverage standard, the applicant and owner could investigate putting the accessory structure on Lot 3 and returning the northwest corner of Lot 2 to a permeable surface. Alternatively, some trailer storage on Lot 2 could be relocated to Lot 3, returning that part of Lot 2 to a permeable surface.
3. Table the request, if the applicant seeks to combine Lots 2 and 3 into one lot. Combining the two lots would allow the request to meet the lot coverage standards by creating one buildable lot. However, this could possibly limit future development options for the property. If this option is considered, the applicant and property owner would work with Washington County to combine the lots and submit a revised site plan to the Town for consideration.
4. Approve the CUP amendment, with conditions, by considering Lots 2 and 3 as one lot for the purpose of meeting the lot coverage requirement, since they are both under the same ownership and both are used as Ace Trailer. The property owner requests the Town consider this option, and suggests that the Town include a condition in the CUP requiring the reduction of impervious coverage on Lot 2 should the lot become a separate use or come under separate ownership. The property owner points out that the requested accessory structure is easily removed by design.

Planning Commission recommended approval of option #4 with the expectation that legal staff would review to see if option 4 was a viable option.

DENMARK TOWN BOARD MEETING MINUTES May 2, 2011

Attorney- Considering the 2 lots as 1 to determine compliance is not consistent with the Ordinance. The current coverage on lot 2 is 82% and is already out of compliance with the Ordinance. Considering 2 uncombined lots as one still leaves lot 2 at 82% coverage, and out of compliance. Each lot must comply with the lot coverage requirements. Also, determining compliance with the ordinance across multiple lots will create a precedent that will be difficult to change in the future. Granting the CUP as requested without combining the lots as one parcel would be approving a violation of the Ordinance. If the owner wishes to go with option 2 and combine both lots as one parcel, the Ordinances as they are today, would allow the owner to split the lots in the future. Owner was made aware that if the Ordinances changed in the future a lot split would be subject to the Ordinances in place. The MRC CUP and its conditions would not be applicable to the new proposed use of the property. Planning and Legal staff recommend that the Board approve either option 2 or 3. During the discussion, it was disclosed that in addition to the operation of the pothole paving business, the applicant would also be selling the pothole paving equipment. The sale of equipment was not addressed in the CUP application.

Frank Connelly (RCM Specialties) and Steve Teitjen (Ace Trailer) present.

Steve Teitjen stated that the proposed building is not a permanent structure and the placement of it would cover the product and improve the site appearance. It would not increase the coverage any more than is now.

Frank Connelly stated that when he leased the property, he leased it as it was; both the building and the covered (graveled) lot, and that if necessary, in the future, the structure can be readily disassembled.

Board consensus is that the property is out of compliance and needs to be put back into compliance.

Discussion Re: Combining lots 2 and 3 as one parcel. Steve Teitjen owns Ace Trailer. His is only 1 of the owners of the lots (Foursight, LLC.) and would need to speak with the other owners.

Attorney recommendation to continue the 60 day rule to allow owner to discuss with other owners the option of combining lots 2 & 3 and for staff to consider/make recommendations addressing the new information regarding the sales of pothole paving equipment.

Motion Moore/2nd Kramer to extend the 60 day rule for another 60 day extension to allow time for the owners to discuss option of combining the lots 2 & 3, and for Town staff to consider/make recommendations addressing the additional information received regarding the sales of pothole paving equipment. All In Favor. Motion Carried 5-0.

Crashed Toys (12260 Margo Ave S) Amended Conditional Use Permit

Planning Commission recommended approval of the CUP, with the request that the applicant submit an inventory storage area plan showing the storage areas and fire access lane locations for both parcels, approved by the Fire Marshall. Also submittal of a revised grading, drainage and erosion control plan that addresses the Engineer's 04/14/11 memo. The items were not submitted in time for the May Board Meeting, so there was a 60 day extension executed, with a request for the submittals to be received by 05/23/11 for a 06/06/11 Board Review.

PUBLIC COMMENT:

80th St Resident: Resident inquired why roads supervisor did not contact contractor regarding ditch mowing. Supervisor previously suggested to resident that contractor could contact him.

Inquiry regarding Kennels and Training operation being permitted as an Interim use Permit. IUP's do have an ending date or time period placed on them. Questions re: Kennels being classified as Ag in regards to buildings. Planner will send information to resident.

BUSINESS ITEMS:

Diversified Manufacturing Corp: Manufacturing Company in Newport, Mn that manufactures personal care products.

Company is looking for additional space for storage only. No manufacturing on site. Has looked at building @ 12271 Margo Ave (D&M/M&R Plumbing site). Would need to add 4 loading docks on the west side of the building. Company is also asking Township to look at possibility of applying for funding through a Federal Program on behalf of the company. Planner has done preliminary review of the MN Investment Fund program.

Planner-Business would need to apply for an amended conditional use permit. Process would require submittal of a site plan. Planner and Engineer would review the plans. For the purpose of finding if this proposal would be allowed, prior to submitting an application, staff could look at a plan that is not completely engineered, but it would have to reflect the dimensions accurately to see if the proposed plans would be feasible.

Board consensus to authorize Planner to review preliminary proposal and to authorize Legal to research funding information.

DENMARK TOWN BOARD MEETING MINUTES May 2, 2011

Sheriff's Report: Deputy reported that a number of vehicles and vehicle parts were stolen in the Business district. HEADS UP TO RESIDENTS: Warning that mail is being stolen from mailboxes in the area and that fully executed checks are being whitewashed to be re used. Watch for suspicious vehicles near your property.

2011 Road Projects: Engineer/Board on site evaluation of roads. Significant deterioration of pavement. Discussion re: long range management of existing pavement vs. new paving vs. ongoing costs of maintaining gravel roads.

Re: 80th manning to St Croix Tr. Patching was done in 2010. Alligator cracking is sign of subsurface failure. Shape/Pave projects are what has been done in the past. Reconstruction is putting in a new gravel base (excavation, building new subgrade) before paving. More expensive but life expectancy is longer term. Reclaim/overlay 80th est 900,000. Reconstruct est 2 million.

Disc re: Whether shoulders have been built up correctly. To widen shoulder, would require lowering/cutting down road then widen to create a wider shoulder. This could have been done if a full reconstruction would have been done, rather than reclaim/overlay.

Sealcoat project 2011 includes 127th -Hwy 10 to Morgan, Morgan -127th to 122nd, 122nd -Morgan to Neal, Neal -122nd to 110th. Recommendation to consider long term management of existing pavement.

Board consensus to authorize Engineer to evaluate roads inventory for Board review, e.i. life cycle cost on 80th, longer range projections on staging of pavement projects to see how it would work out on annual basis, sealcoating and gravel/maintenance costs on annual basis as opposed to maintaining pavement.

Gravel Quotes: Obtained by Quotes. Received 2 quotes for material ¾" minus limerock. Bryan Rock- gravel \$6.50/\$9.05 per ton delivered. Rumpca- gravel \$5.50/\$8.25 per ton delivered. **Motion Dixon/2nd Keller to approve Rumpca quote for gravel \$5.50/\$8.25 per ton delivered. All In Favor. Motion Carried 5-0.**

Ditch Mowing Proposals: Obtained by Open Market. Proposal from contractor hired for ditch mowing in 2010. Tri-County Services-\$75.00 per hour. **Motion Moore/2nd Keller to approve Tri-County Services for 2011 ditch mowing at \$75.00 per hour, subject to execution of contract. All In Favor. Motion Carried 5-0.**

Road Weight Restriction Signs: Law specifies that any paved road not posted will be enforced at 10 ton limit when road restrictions are applicable. Any gravel road not posted will be enforced at a 5 ton limit when road restrictions are applicable. Dixon received sample sign posting from the County and will check with city of Cottage Grove sign shop regarding production. Dixon will report findings at June Board Meeting.

Winter Road Maintenance: Contract should be reviewed/revise for 2011 winter maintenance services. Board consensus to authorize Dixon to work with attorney to draft contract for Board review.

Town Hall Park Mowing Proposals: Obtained by Open Market. Received 2 proposals. Precision- \$170.00 per mowing. Mabry Companies- \$120.00 per mowing. **Motion Keller/2nd Kramer to approve Mabry proposal of \$120.00 per mowing for a 2 year contract, subject to execution of contract, authorization of signature by Chair/Clerk. All In Favor. Motion Carried 5-0.**

Town Hall Park Bathroom: Park portable bathroom was destroyed October 2010 by wind damage. Insurance covered loss at \$2000.00. Need to replace to accommodate summer park use by residents and summer school programs. Bathroom must be American Disabilities Act (ADA) compliant. **Motion Moore/2nd Keller to authorize Kramer to purchase portable bathroom for Town Hall Park, expenditure not to exceed \$3500.00. All In Favor. Motion Carried 5-0.**

Denmark Township pid 06.026.20.11.0003: Old Schoolhouse site property on the corner of Neal/122nd may qualify for exempt status, as it can be described as vacant Town land. Board consensus to authorize Clerk to send in application to Washington County Property Tax Division to find if land qualifies for exempt status.

Carter Property: 7793 Quadrant. Property owner received amended variance for construction of new home & partial tear-down of old home. During construction, owner found the footings would require the square footage to be 56 ft larger than anticipated. County will be reviewing this request and would like to know if Town Board would want to review first. Variance issued by the Town has no mention regarding size limitation. Board consensus to have County review and handle with property owner.

DENMARK TOWN BOARD MEETING MINUTES
May 2, 2011

Keene Property RLS: Keene property

Keene's surveyor's office is requesting Town Board and Planning Commission approval of their Registered Land Survey. The land survey has already been approved by the County Surveyors Office and they were instructed that the Town must grant approval before it can be recorded. Attorney has reviewed and believes this would be applicable if the Township were over 5000 in population, so may not apply to the Township. Attorney will contact the Recorder's Office for additional information.

Motion Kramer/2nd Dixon to authorize Attorney to work through proper procedures/approvals for handling request. Clerk and Chair authorized to sign documents as necessary to approve request at Township level. All In Favor.

Motion Carried 5-0.

Eagle's Watch: Received 05/05/11 letter from Crowe's-Eagles's Watch residents requesting that any restoration plans stemming from tree clearing of the bluff line be postponed for another year to allow for the regrowth process. A meeting had been scheduled on 05/06/11 with the WCD, Eagle's Watch Homeowner's Association and Crowe's. Board consensus to proceed with the original plan of having the WCD view the site and assist in developing a plan for restoration on the conservation easement. Chair will relay Board decision to resident.

LEGAL UPDATES

Universal Services: Received Universal Services agreement unrecorded back from recorder's office. Property that this agreement was to be recorded against is owned by Hartung Enterprises and not by Universal Services. Dan Hartung is President of Universal and owner of Hartung Enterprises. Agreement will need to be redone to reflect correct name for property owner. A new letter of Credit will be needed to reflect the correct name. **Motion Kramer/2nd Dixon to approve revised agreement to reflect correct ownership of property, authorizing Chair and Clerk to sign agreement.**

All In Favor. Motion Carried 5-0.

10:15 PM **Motion Dixon/2nd Keller to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer