

DENMARK TOWN BOARD MEETING MINUTES  
May 7, 2018

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

**ABSENT:** None

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

**CALL TO ORDER:** Meeting called to order @ 7:04 PM by Chair Higgins

**AGENDA APPROVAL:** Agenda re-ordered.

**Motion J Moore/2<sup>nd</sup> J Strohfus approval of agenda as amended.** Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**Cordes/Zeaverino 12255 120<sup>th</sup> St S.-** Rezone RR to C/I and Conditional Use Permit. Attorney for property owner Ken Cordes requested that the matter be tabled to the 06/04/18 Board Meeting. Applicant's requested an additional 60 days, so the initial 60-day period will not expire until 07/10/18. **Motion J Moore/2<sup>nd</sup> K Herman to continue the Cordes/Zeaverino Rezone & Conditional Use Permit applications to the 06/04/18 Board Meeting.** Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**CONSENT AGENDA APPROVAL:** Claims for Approval pulled and will be addressed during business items.

**Motion J Moore/2<sup>nd</sup> B Rucker approval of Consent Agenda items which include 04/02/2018 Board Meeting, 04/16 & 05/02/18 LBAE Minutes, EFT payments- PERA 462212, MN Tax 0889039552, Federal Tax 95837733, payroll ending 05/01/2018, Financial Reports.** Voting Yes- J Moore, B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**HEARING DECISIONS/ZONING ACTIONS:**

**Wiegele 6404 Oakgreen Ave S-** Variances Temporary Care Facility. Applicant's not present.

Planner- Applicants are requesting a variance from the requirement that the temporary care facility be a manufactured home and a variance from the requirement that the person who is to occupy the temporary care facility be infirm to the extent that they require extraordinary care.

At the 04/16/18 Public Hearing, the Planning Commission found that the applicants failed to provide any information to support the existence of practical difficulties as required by State Statute, related to the need for variances from the manufactured home requirement or the need for extraordinary care as confirmed by the letter received from her doctor, indicating that the person occupying the home was found to be physically and cognitively in good health and was able to care for herself. The Planning Commission forwarded the application to the Town Board with a recommendation to deny the variances based on the Planner's 04/10/18 Findings of Fact.

Board reviewed 05/02/18 draft of resolution denying the variance requests, based on the Planner's Findings of Fact and the Planning Commission's recommendation. Attorney noted draft should be revised to correct p.3 word "recording" to record.

**Motion J Strohfus/2<sup>nd</sup> K Herman to adopt Resolution 2018-09 Denying The Variance Requests For The Property Located At 6404 Oakgreen Avenue South, with noted correction.** Voting Yes- J Strohfus, K Herman, J Moore, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Erin Glen Extension Request-** Patrick Smith (6680 St Croix Trail, LLC) present.

Property owners of Erin Glen development are requesting an extension to the deadline of 06/08/18 for completing the required improvements to 06/08/19. Owner noted that the existing home in the development has been renovated and sold. Owners have decided to sell the property to another developer who will be required to develop the property according to the existing Development Agreement with 6680 St Croix Trail, LLC., with no changes to the plat. Board reviewed 05/02/18 draft of First Amendment To The Development Agreement By And Between Denmark And 6680 St Croix Trail, LLC. Attorney noted that any future buyer would buy subject to the terms of the Development Agreement. **Motion B Rucker/2<sup>nd</sup> J Strohfus to approve the First Amendment To The Development Agreement By And Between Denmark Township And 6680 St Croix Trail, LLC., as drafted.** Voting Yes- B Rucker, J Strohfus, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

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**Law's Valley View Estates Final Plat-**

Planner- Final plat consists of 11 residential lots and 2 outlots.

Discussion re: remnant piece of parcel PID07.026.20.22.0001 to the south of the development. Parcel remnant is landlocked with no ability to be subdivided. The remnant is identified in the legal description on the final plat as an exception to the final plat. Board consensus to leave the remnant as an exemption to the plat and not to include it in the plat as an outlot.

Engineering- There are some engineering items which will be addressed during the construction process.

Attorney provided Board with draft resolution for review and noted that if the Board did not feel it necessary to include the remnant parcel as outlot C in the plat, condition #1 should be deleted, also condition #20 should not be in the draft and should be deleted.

Required will be a Development Agreement and a Stormwater Maintenance Agreement.

Strohfus inquired if the new development road would have curb & gutter. Applicant noted that the plans would be for a paved rural road. Attorney noted that the road would have to meet the current Town standards. Engineer added that this would be part of the Engineering review and that there are options/regulations regarding whether curb & gutter are required for certain grades. Strohfus noted that this should be looked at carefully, as there have been challenges in developments without curb & gutter.

Higgins- revise resolution to reflect development road name as 129<sup>th</sup> St Court S- item i, condition #2 & #11.

Condition #15 modify the language to reflect that the well permit must be obtained from the Minnesota Department of Health and that a copy would not need to be provided to the Town.

Revisions to 05/04/18 draft resolution-

Delete conditions #1 and #20. Modify language condition #15. Road name on item i and conditions #2 and #11.

**Motion J Strohfus/2<sup>nd</sup> J Moore to adopt Resolution 2018-10 Granting Final Plat Approval For Law's Valley View Addition, with deletion of conditions #1 and #20 and revision of language in condition #15 and reflecting development road name of 129<sup>th</sup> St Court S. in item i and conditions #2 and #11 as noted.**

**Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**Meyer Sewer Service Septage Use Site Permit Application-**

Meyer Sewer Service has applied to the County to apply septage on parcels in the area of 70<sup>th</sup>/Manning. The County requires local approval of any septage application sites. Meyer currently spreads on a parcel on Oakgreen, which was approved by the Town and in Afton. With injecting, all EPA and MPCA guidelines and regulations are followed. Criteria in the application include prior/future crops grown on the parcels and extensive soil testing. Most of the injections consist of approximately 85-90% water. The injectors put the material into ground and then discs uniformly cover the fields. Noted-because the Town Board meets only once a month, this timing can stall the application process.

Because this has been an approved process with EPA/MPCA oversight for a number of years, Strohfus would like to see these site applications not have to come before the Board each time, as the Town is actually just approving what the County additionally approves, and that because the Town Board meets only once a month, waiting for Board approval can stall the application process. Strohfus suggested that the Town could just receive a copy of the septage application/County documentation. Board in agreement and Higgins will contact the County regarding their requirements.

**Motion J Strohfus/2<sup>nd</sup> J Moore to approve the Meyer Sewer Service Septage Application on the four parcels (B Meyer/K Ruben) near 70<sup>th</sup>/Manning for Meyer Sewer Services. Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Attorney noted that another approach would be that the Town Board delegate authority for the Chair to sign off on applications on behalf of the Town if this would be acceptable to the County.

**Afton Alps Event-** Festival organizers discussed their plans for a 2019 Spring Music Festival at Afton Alps. The three-day Event (likely in May 2019) will include overnight camping, live concert music, food and beverage and outdoor games.

**Sound/Noise-** placing the music at the bottom of the hills will help absorb the noise level. Will comply with local regulations.

**Lighting-** Will comply with local regulations.

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Safety- will include a comprehensive safety plan which will be shared with the local Sheriff's Department and Hastings Fire Department. Organizers pay for needed security (including off duty officers) and traffic control. Would work with Afton's medical resources (Ramsey Medical) and Hastings EMS.

Organizers enlist local charities/groups to raise money for themselves during the event and would welcome any suggestions for local groups.

Camping- There will be several options/areas for the overnight camping, including family friendly and no alcohol camp sites. Will work with Afton Alps on number of campers they would allow, possible tents and parked campers.

Restroom facilities- portable bathrooms.

Music- variety of music styles playing from light music in the early morning and performances from noon to midnight, or until whenever allowed. Board consensus that it would be reasonable to shut down by 11:30 PM.

Food & Beverages/Alcoholic Beverages- Handled on site by Afton Alps.

Parking- There are approximately 2000 parking spots available on site. The event pre-sales would be capped based on the parking availability. Allowed number of attendees has not yet been set (likely 2000-5000 people).

Strohfus indicated that he would like to see all planned events come before the Board for oversight. Attorney noted that the Town's Large Special Event Ordinance requires that a facility that is operating with a permit for public events on the property (which Afton Alps is permitted), a license would be required only for an event with 7500 attendees or more.

Strohfus in belief that the event, between the promoter and Afton Alps, will self-limit the number of attendees to what is reasonable.

Strohfus also noted that residents in the area should be notified/possibly receive perks prior to the event.

Higgins noted that there is planned construction on Manning in 2019. State Hwy Dept, Washington County Hwy Dept and Washington County Sheriff's Dept should be made a part of the route plan.

Organizers will keep the Town informed on the event plans.

**Comp Plan Extension**- Comp Plan would need to be presented and approved at the May Planning Commission meeting. Plan also would need to be sent to neighboring jurisdiction 6 months prior to the 12/31/18 submission of the plan to the Met Council. Plan is not completed so the Town would need to file a formal resolution and timing plan in order to have approval of an extension by the Met Council. Draft resolution and extension timeline provided to the Board. The application will request an extension to September 30, 2018. **Motion J Strohfus/2<sup>nd</sup> B Rucker to adopt Resolution 2018-11 Requesting Additional Time Within Which To Complete The Comprehensive Plan "Decennial" Review Obligations, requesting an extension to September 30, 2018.** **Voting Yes- J Strohfus, B Rucker, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**Roads**- Residents in attendance requested information regarding 2018 road work in Eagle's Watch. Eagle's Watch streets were scheduled in 2018 for Sealcoat and Crack Seal maintenance. During a review of the streets in the development, the Board, Engineer and Roads Contractor noted that extensive patching would be needed prior to Sealcoat/Crack Seal. Rather than spend funds (est. \$100,000.00) on patching, sealcoating & crack seal in 2018 and then lose that investment when the streets would be reclaimed/overlaid in the next few years after that, it was determined that the streets should have a more significant improvement and it would make more sense just to move the reclaim/overlay schedule up. The streets will be reclaimed and overlaid, which will allow the matching of driveways to the roadway during the construction, likely in 2020/2021. Resident asked if there would be assessments to the Homeowners. Board noted that this would be an unknown at this time. Resident also questioned if culverts would be affected. Engineer believed that they would not likely be affected, but those adjustments would be made during the design process of the project.

**Afton-Denmark 60<sup>th</sup> St**- City of Afton has approved a large development on the north side of 60<sup>th</sup> St. Afton property owners in attendance. Denmark currently maintains Neal to Oakgreen, while Afton maintains Neal to Manning. Town has received a request from Afton regarding the possibility of swapping the maintenance sections of 60<sup>th</sup> St.

If the sections were swapped, the Town would be maintaining the gravel mile from Neal to Manning. If the sections were not swapped, Afton would be asking that the Town maintain the intended newly paved section from Neal to Oakgreen/Trading Post.

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Substantial Improvements to the Neal-Oakgreen section and any change in maintenance responsibility would necessitate a new agreement between Denmark and Afton.

Discussion regarding fixing the island like center portion at 60<sup>th</sup>/Oakgreen. Board consensus that corner should be reconstructed to remove the portion and construct a "T" at the corner.

Moore noted that the Manning to Neal portion has not been maintained with adequate gravel. Higgins did let the Afton Administrator know that this would need to be addressed. Request letter from Afton did note that the stretch from Neal to Manning would need to be upgraded. Strohfus in support of swapping the maintenance sections subject to Afton bringing the Manning to Neal portion up to the Town road standards and reconstruction of the 60<sup>th</sup>/Trading Post intersection. Also discussed was the possibility of the Town paving Oakgreen (70<sup>th</sup> to 60<sup>th</sup>, with fixing of the 60<sup>th</sup> intersection, in conjunction with Afton's paving of Neal to Oakgreen section, for possibly better pricing. Engineer estimate for paving Oakgreen (70<sup>th</sup> to 60<sup>th</sup> \$250K).

Property owner stated that he was told that Denmark would pave half of the Neal to Oakgreen portion of 60<sup>th</sup> St. Denmark let property owner know that Denmark will not pay for any paving of the section.

Discussion regarding Afton's portion being adequately upgraded to meet the Town's standards. If Denmark agreed to swap sections, should Denmark actually make the improvements to the Manning to Neal section and Afton pay for the upgrade.

Engineer noted that if paving does occur in the Neal to Oakgreen section the Town would want Town Engineer to have the ability to review the plans of what they are proposing with inclusion of straightening out the intersection.

- 1) Interested in swapping maintenance sections, which must be brought up to Town road standards.
- 2) Improvement of 60<sup>th</sup>/Oakgreen intersection.
- 3) Town Engineering review of the plans and ability to comment/approve.
- 4) Town Attorney would develop any agreement involving Denmark.

Board consensus to authorize Town Attorney to draft letter to Afton in response of Afton's 05/01/18 letter, based on Board discussion.

#### **Roads Continued-**

**Motion B Rucker/2<sup>nd</sup> J Strohfus to replace Eagle's Watch streets for 2018 Sealcoat/Crack Seal with roads planned to be on the 2019 Sealcoat/Crack Seal. Voting Yes- B Rucker, J Strohfus, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

#### **2018 Sealcoat/Crack Seal project includes the following:**

122nd Street (Morgan to Neal and Neal to St Croix Tr), Morgan Avenue (122<sup>nd</sup> to 127<sup>th</sup>),

110th Street (St. Croix Tr to Cedar Heights Tr), 131st St (Maycrest Ave to cul-de-sac)

Total Estimated 2018 Crack Seal & Seal Coat Construction Cost = \$70,000. Estimated Crack Seal Quote \$6200.00 (Fahrner Asphalt Sealers). Lake Elmo Joint Services administration fee \$4000.00.

#### **2018 Street Improvements-** 120<sup>th</sup> St S (TH61 to 310 ft east of Margo Ave).

Received four quotes. Engineer recommends that the contract be awarded to the Hardrives for their total quote of \$49,647.78. **Motion J Moore/2<sup>nd</sup> K Herman to award the 2018 Street Improvements Reclaim/Overlay project to Hardrive's Inc, the lowest responsible quote for their total quote of \$49,647.78.**

**Voting Yes- J Moore, K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.** Engineer's estimate \$40,153.70.

**Board Road Workshop-** Scheduled for Tuesday, July 10, 2018 @ 5:00 PM. to discuss and consider future street improvements and road priorities to prepare for August Budget Meeting. Engineer and Roads Contractor to take part in workshop.

**Town Hall Mowing-** Received quote from Mabry Companies to mow the Town Hall at a rate of \$195.00 per mowing for a 3-year term. Moore recommends accepting the quote and awarding a contract to Mabry Companies, subject to execution of agreement drafted by the Town Attorney. **Motion J Moore/2<sup>nd</sup> J Strohfus to award Town Hall Mowing contract to Mabry Companies at a rate of \$195.00 per mowing for the 2018-2020 mowing seasons, subject to execution of agreement drafted by Town Attorney. Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**Claims for Approval-** Received additional invoice from the Washington County Recorder's office. Change claim #11110 from \$92.00 to \$296.00. **Motion J Moore/2<sup>nd</sup> K Herman to approve claims #11106 through #11121,**

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**with the revision of claim #11110 as requested. Voting Yes- J Moore, K Herman, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0. Motion Carried 5-0-0.**

**Portfolio Workshop-** Scheduled for Tuesday, July 24, 2018 @ 5:00 PM.

**Attorney/Board Workshop-** Scheduled for Thursday, June 28, 2018 @ 5:00 PM.

**04/02/18 Closed Session Summary- Clerk/Treasurer's Performance Evaluation-** Clerk/Treasurer's Performance Evaluation was conducted on April 2, 2018. Clerk received a positive performance review. Clerk noted that the work load/pressures and hours have significantly increased. There was not increase in salary in 2017. Clerk received a salary increase of 6%.

Legal Reports: Solid Waste Ordinance draft may be before the Board in June.

10:05 PM **Motion J Moore/2<sup>nd</sup> B Rucker to adjourn May Board Meeting. Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Becky Herman

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Denmark Township Clerk/Treasurer

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Denmark Township Chair

Addendum Resolution 2018-09  
Resolution 2018-10  
Resolution 2018-11

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2018-09**

**A RESOLUTION DENYING THE VARIANCE REQUESTS FOR  
THE PROPERTY LOCATED AT 6404 OAKGREEN AVENUE SOUTH**

**WHEREAS,** Joseph Wiegle and Melissa Wiegale ("Applicants") applied to Denmark Township ("Town") for variances for the property (PID 05.027.20.14.0001) located at 6404 Oakgreen Avenue South and legally described in the attached Exhibit A ("Property") to allow the construction of a second home on the Property;

**WHEREAS,** the existing home on the Property is occupied by Mr. Wiegle's grandmother and the request was to allow her to remain in the home so they can assist with her care until she passes and then the home will be demolished and removed from the Property;

**WHEREAS,** Town staff informed the Applicants that under the Denmark Township Development Code ("Code") a second dwelling can only be temporarily allowed on the Property with a certificate of compliance, and then only if it qualifies as a temporary care facility under Chapter Two, Part 3, Section 2.41;

**WHEREAS,** the existing stick built home does not satisfy the requirement in Section 2.41 that the temporary care facility be a "manufactured home" and so the Applicants sought a variance from that provision to allow the existing home to constitute a temporary care facility;

**WHEREAS,** Section 2.41(3)(B)(1) requires that the person who is to occupy the temporary care facility be "infirm to the extent that they require extraordinary care", and so the Applicant sought a letter from the grandmother's doctor regarding her required level of care;

**WHEREAS,** when the doctor's letter indicated that the grandmother does not require care, the Town allowed the Applicants to expand their variance request to include a variance from the extraordinary care requirement;

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**WHEREAS**, the Town Planner, in his report dated April 10, 2018 (which is incorporated herein by reference), recommended the Town deny the Applicants' requests;

**WHEREAS**, on April 16, 2018 the Planning Commission held a hearing, after due notice having been provided, on the variance requests, heard from the Applicants and the grandmother, and voted to forward the application to the Town Board with a recommendation that it be denied; and

**WHEREAS**, the Town Board finds and determines as follows regarding the application:

- a. In order to qualify for a variance from the provisions of the Code an applicant must demonstrate the existence of practical difficulties, as defined in the Code, and that the request otherwise satisfies the requirements in Chapter One, Section 9.1 for the issuance of a variance;
- b. Chapter Two, Part 3, Section 1.1(12) indicates that "[t]here shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Development Code";
- c. One of the exceptions to this general prohibition is allowance for a temporary health care facility under Section 2.41, but there are several conditions placed on the exception so that it does not undermine the purposes behind the policy of only allowing one principal structure on a property;
- d. At the hearing, rather than attempting to demonstrate the existence of practical difficulties to justify the granting of the variances, the Applicants largely criticized Town staff for their handling of this matter and asserted what they really want is to rezone the Property, to split the property, or to just be allowed to build a second home on the Property since others in the Town have been allowed to have two homes on a property;
- e. The chair of the Planning Commission indicated support for the Town's staff, encouraged the Applicants to focus on the requests actually before the Planning Commission, and indicated the Planning Commission cannot consider allegations of what others may or may not have been allowed to do on their properties in the past;
- f. The Property contains approximately 26 acres and is located in the Agricultural (A-2) Zoning District. The minimum lot size in the district is 20 acres and so splitting the Property is not allowed as it would result in nonconforming lots;
- g. The Town Board agrees with the points made by the chair of the Planning Commission and that the Applicants' allegations of what others in the Town may have done in the past do not bear on the requests before the Town Board;
- h. Town staff attempted to work with the Applicants to explain the regulations, potential options, and the potential challenges of those options. That is what the Town expects of its staff and finds no evidence that the Town's staff were anything but helpful in this process;
- i. The Applicants also said they never wanted to seek permission for the second home under the temporary care facility provision and they did not claim the grandmother needed care. However, the Applicants sought the doctors letter and when the Town Planner sent a message asking the Applicants if they wanted to withdraw their application when the doctors letter did not support the need for care, the Applicants replied in a March 30, 2018 email that they wished to proceed, called into question the doctor's letter, and indicated the grandmother needed care;
- j. At the hearing, the grandmother reaffirmed that she does not need assistance and that the Applicants are not the people she would call upon for assistance if needed. She also called into question the Applicant's ownership interest in the Property. The Applicants submitted a deed with the application to demonstrate they have an interest in the Property, but an examination of the County's real estate record reveals that the deed has not been recorded. As such, it appears the Applicants may not have the interest in the Property they asserted they had at the time of submitting the application;
- k. The Applicants did not submit an application requesting the rezoning of the Property and so that issue is not before the Town Board;
- l. The Applicants failed to provide any information to support the existence of practical difficulties related to the need for variance from the manufactured home requirement or the need for extraordinary care to allow the home to remain as a temporary care facility. Nor was information presented to support the existence of practical difficulties for a variance from the single principal structure restriction to allow two homes on the Property; and
- m. The request amounts to nothing more than a desire to have two homes on a single parcel in violation of both the single principal structure restriction and the limitation on density in the zoning district without demonstrating the existence of practical difficulties to support the issuance of a variance to accommodate the request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, based on the record of this matter and the findings contained herein, hereby denies the Applicants' variance requests.

**BE IT FINALLY RESOLVED**, that the Town Clerk-Treasurer is hereby authorized and directed to provide the Applicants a copy of this Resolution as formal notice of the Town Board's decision.

Adopted this 7<sup>th</sup> day of May, 2018.

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2018-10

RESOLUTION GRANTING FINAL PLAT  
APPROVAL FOR LAW'S VALLEY VIEW ADDITION

**WHEREAS**, Scott Esler and Susan Jelks, on behalf of owner Point Douglas Properties, Inc., (collectively, the "Applicants") submitted an application to Denmark Township ("Town") for final approval of a Major Subdivision to allow the subdivision of their property containing approximately 69.97 acres to create eleven (11) single family lots and outlots ("Plat");

**WHEREAS**, the property to be subdivided (PID 06.026.20.33.0001 & 07.026.20.22.0001) is located at 13030 Maycrest Avenue Ct. S., Hastings, MN 55033, and is legally described in the attached Exhibit A ("Property"), which is incorporated herein;

**WHEREAS**, the Applicants have represented that they have clear title ownership of the Property;

**WHEREAS**, the Planning Commission reviewed the preliminary plat 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;

**WHEREAS**, the Town Board adopted Resolution 2018-05 on March 5, 2018, which is attached hereto as Exhibit B and incorporated herein, granting preliminary approval of the Plat subject to certain conditions ("Preliminary Approval Resolution");

**WHEREAS**, the Applicants have requested final approval of the plat, which is attached hereto as Exhibit C and incorporated herein;

**WHEREAS**, the Town Board considered the final plat request at its meeting held on May 7, 2018; and

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

- a. Except as noted within this resolution, the Applicants have complied with the conditions imposed on its approval of the Preliminary Approval Resolution;
- b. The Property is currently zoned Single Family Estate (SFE);
- c. Chapter 3, Section 7 of the Denmark Township Development Code ("Development Code") allows major subdivisions containing four (4) or more lots and requires the submission and filing of a plat;
- d. The proposed major subdivision, to be named Law's Valley View Addition, divides the Property into eleven (11) residential lots;
- e. The Applicants are proposing a conventional subdivision for the Plat;
- f. The Property satisfies the minimum lot size and frontage for the proposed use;
- g. The lots to be divided are in a location where conditions are well defined;
- h. The newly created property lines will not cause any resulting lot to be in violation of the Development Code;
- i. The proposed town road, identified as 129<sup>th</sup> Street Court South, meets the requirements of the Development Code;
- j. The proposed Plat was prepared by a registered land surveyor;
- k. The proposed Plat will not have any significant impacts on utility and school capacities;
- l. The proposed Plat does not conflict with the Town's Comprehensive Plan or the intent of the Development Code;
- m. The Engineer's report dated August 15, 2017 and an updated report dated February 5, 2018 (collectively, the "Engineer's Report") regarding this matter is hereby incorporated in this Resolution by reference;
- n. The Planner's report dated November 16, 2017 ("Planner's Report") regarding this matter is hereby incorporated in this Resolution by reference, except for the conditions which are superseded by the conditions contained herein; and
- o. The final plat is consistent with the approval of the preliminary plat and was timely submitted for approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, based on the record of this matter, the Planner's Report, and the findings and determinations contained herein, does hereby approve the final plat proposed by the Applicants subject to the following terms and conditions which, in addition to the conditions of the Preliminary Approval Resolution, must be met:

1. All lots within the Development shall be accessed off of 129<sup>th</sup> Street Court South. There shall be no direct access from any of the lots to 131<sup>st</sup> Street Court South, Mary Avenue South, or Maycrest Avenue Court South, whether through construction of a driveway approach or otherwise.

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2. The Applicants shall enter into a development agreement ("Development Agreement") that is satisfactory to the Town Attorney. 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. Such Agreement must be fully executed within 60 days of this approval and before the Plat may be recorded with the County.
3. All Engineering considerations described in the Engineer's Report shall be met.
4. The Applicants shall provide approved NPDES Construction Stormwater Permit when available.
5. 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.
6. 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 Plat, 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.
7. The Applicants shall enter into a Stormwater Maintenance Agreement prepared by the Town Attorney that provides for the operation and maintenance of the stormwater improvements in accordance with applicable requirements. The Town will record this final approved agreement along with the Development Agreement.
8. The Applicants shall provide access easements (20 feet wide with maximum slope of 10%) and label the easements on plans for stormwater management facilities.
9. Culverts in the street and storm sewer shall be reinforced concrete pipe. Driveway culverts may be CMP.
10. The proposed Town Road will be named per the Washington County Uniform Street Naming System.
11. An easement shall be provided to allow for the future connection of the existing driveway access to the new street.
12. A geotechnical report must be provided to support a minimum 9-ton road section based on Minnesota Department of Transportation 2360 Specifications.
13. Proposed private well locations must be shown on the plans.
14. A permit must be obtained from the Minnesota Department of Health prior to well construction.
15. 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.
16. 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.
17. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this approval application. In the event any fees are outstanding they will be paid by the Applicants within fourteen (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.
18. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants 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.
19. An estimate of construction costs for the proposed improvements must be provided for review. This amount will determine the security requirement for the Development Agreement.
20. All representations, written and oral, made by the Applicants and the Applicants' 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.
21. The Applicants are 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.
22. The Town Chairperson and Clerk-Treasurer are hereby authorized and directed, upon the Applicants' compliance with the terms and conditions of this approval, to sign the Development Agreement and Stormwater Maintenance Agreement when they are in a form acceptable to the Town Attorney.
23. The Town Chairperson and Clerk-Treasurer are hereby authorized and directed, upon the Applicants' compliance with the terms and conditions of this approval, to sign the final plat on behalf of the Town. Adopted this 7<sup>th</sup> day of May 2018.

DENMARK TOWN BOARD MEETING MINUTES  
May 7, 2018

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2018-11**

**RESOLUTION REQUESTING ADDITIONAL TIME WITHIN WHICH TO  
COMPLETE COMPREHENSIVE PLAN "DECENNIAL" REVIEW OBLIGATIONS**

**WHEREAS**, Minnesota Statutes, section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

**WHEREAS**, Minnesota Statutes, sections 473.858 and 473.864 require local governmental units to complete their "decennial" reviews by December 31, 2018; and

**WHEREAS**, Minnesota Statutes, section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the "decennial" review and amendments; and

**WHEREAS**, any extensions granted by the Metropolitan Council must be submitted by May 31, 2018, and must include a timetable and plan for completing the review and amendment; and

**WHEREAS**, Denmark Township ("Town") will not be able to complete its "decennial" review by December 31, 2018 because the Town Planner needs additional time to conduct meetings to gather additional information regarding the updates needed to the Town's plan and to prepare any such updates for review and approval by the Town Board, all while satisfying the required six month review period for the adjacent local governments before submission to the Metropolitan Council; and

**WHEREAS**, the Town Board finds it is appropriate to request from the Metropolitan Council an extension so the Town can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board as follows:

1. The Town Clerk-Treasurer, with the assistance of the Town Planner, is hereby authorized and directed to submit to the Metropolitan Council no later than May 31, 2018, an application requesting an extension to September 30, 2018.
2. The Town Clerk-Treasurer is directed to include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by the proposed submittal date indicated above; and (b) the review and amendment of the Town's fiscal devices and official controls.

Adopted this 7<sup>th</sup> day of May, 2018. **BY THE TOWN BOARD**