

DENMARK TOWN BOARD MEETING MINUTES

June 3, 2019

SUPERVISORS PRESENT: Kathy Higgins, Ron Simon, Shawn Racine, Bob Rucker, John Strohfus

ABSENT: None

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

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

AGENDA APPROVAL: K Higgins added Fire Signs and 60th St Denmark/Afton Agreement. **Motion R Simon/2nd S Racine approval of Agenda as amended. Voting Yes- R Simon, S Racine, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

CONSENT AGENDA APPROVAL:

Motion B Rucker/2nd R Simon approval of Consent Agenda items which include Minutes 05/06/2019 Board and 4/16 & 4/30/2019 LBAE, Claims #11343-11359, EFT payments- PERA 511612, MN Tax 1686081472, Federal Tax 53522897, payroll ending 06/01/2019, Financial Reports. Voting Yes- B Rucker, R Simon, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS: Herman Farms Minor Subdivision- moved to Business Items.

PUBLIC COMMENT:

Resident inquired re: status of the non-compliant business operations on 120th St S
Attorney noted that the Town Board has decided to engage a prosecutor to review matter to determine whether or not to bring charges regarding the violation.

BUSINESS ITEMS:

Wright Legacy Concept: The 05/28/19 staff report was based on the plan received 05/28/19 and dated 05/20/19. Revised plan was received 06/03/2019 at Board Meeting and also still dated 05/20/19. Surveyor's notes on received 06/03/19 plan state that Lots 5, 6 and 7 will share a driveway. Applicant Steve Grotting and Surveyor Dennis Boschetti (Johnson & Scofield present. Property zoned Single Family Estate with St Croix River Management District Overlay.

Planner Perdu- Concept plan for a major subdivision on the properties located south of 87th/Quadrant. Proposal to divide the parcels (15.027.20.44.0001 & 15.027.20.44.0002) into 9 single family lots. Lot sizes range from 3 to 11 acres gross area. Accesses off the new cul-de-sac and 87th St S (two shared driveways lots 8 & 9 and lots 6 & 7), which would need to be approved by the Town Engineer. Proposed stormwater retention area and raingardens are indicated on the plan. All the lots meet the minimum width requirement (modified from previous versions), building pads and septic adhere to bluff line setbacks. Each lot demonstrates a buildable area of at least 1 acre (revised to take into account the 25% slopes).

R Simon- access for lot 8. Lot 8 & 9 proposed to share driveway. Planner noted the slope of the driveway would have to be reviewed at the time of the plat application.

K Higgins- questions the septic and house pad setbacks from the bluff line. Surveyor Boschetti- Lot 1, drainfield into the setback can be slid back. Surveyor stated that the definition from the bluff line setback, refers to only what is visible from the river, and that the areas marked on the proposed plan are not visible from the river.

Town Planner- Washington County Bluff line Ordinance- definition of bluff line is a line along the top of the slope connecting the points at which the slope proceeding away from the river or adjoining watershed channel becomes less than 12%, and it only includes slopes greater than 12% visible from the river or any water course tributary.

Attorney- watercourse is defined as a channel in which a flow of water flows either continuously or intermittently. The term applies to either naturally of artificial channels.

K Higgins- would like to clarify Bluff line Ordinance regulations/interpretation with Washington County.

Historically, on other applications blufflines have not been interpreted in the manner depicted by the surveyor.

Proposed rain gardens- Planner Maass requested that proposed stormwater plans be presented on concept plan.

Public Comments:

K Fritze- Noticed there were abandoned vehicles/trash on the property. Questioned process for removal.

S Grotting noted that the abandoned truck/trailer and tires will be removed. Attorney indicated that as part of the development process, the Board could require removal of trash items.

J Skow- Because the property was used as a gravel pit, with parking of vehicle and dumping of asphalt, inquired whether or not reclamation (slopes/topsoil) of the property would be required. Also noted that the embankment

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where lots 7 & 8 are proposed, is increasingly getting closer to the road and question whether this was a Town or homeowner issue.

Town Engineer indicated that the MPCA, NPDES, stormwater permit, SWWD review would be required.

K Fritze- Inquired on rules regarding a private driveway next to a road (setbacks or buffering?).

K Higgins requested that the plan indicate the setback distances from the bluffline for each building pad and septic area. Also noted there should be a tree inventory. Town Engineer recommended that Town Engineer and Town Planner meet with developer on project site.

Purpose of a concept review is for the Board to identify issues regarding proposed plans and to provide feedback to applicants prior to application for preliminary plat approval.

Afton Alps (Vail Resorts) Major Grading Permit: Nathan Hakseth (Afton Alps operations manager present) Vail Resorts is requesting a Major Grading Permit to improve their existing parking lot and driveway. This project is in conjunction with the SWWD Trout Brook Stream re-routing around the parking lot area to enhance water quality.

Nathan- The gravel parking lot will be decreasing in size (about 50 spaces), due to the re-route. Drop off/turn around area near the building with the handicap area will be asphalt. Engineer recommends conditional approval of the permit, with no bond necessary. **Motion J Strohfus/2nd S Racine to approve Afton Alps Major Grading Permit, subject to Afton Alps addressing the Engineer's conditions outlined on the Engineer's 05/21/19 report. Voting Yes- J Strohfus, S Racine, B Rucker, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Herman Farms Minor Subdivision: St Croix Tr S PID 15.027.20.32.0008 Herman Farms Outlot A Zoned Rural Residential.

Planner- Applicants Steve & Becky Herman are requesting to subdivide the existing Herman Farms Outlot A (29.27 acres) into three lots. Parcel 1-11.001 acres, Parcel 2- 13.215 acres, Parcel 3- 5.056 acres. All lots meet the 5 acre minimum lot area, 1 acre buildable area, 300 ft minimum public road frontage and 300 ft minimum lot width. Park dedication fees for 2 new lots will be required. Applicants will be required to enter into a development agreement with the Town. At the 05/20/19 public hearing, the Planning Commission recommended conditional approval of the subdivision.

Attorney- Re: density units. When Outlot A was created, it identified 6 density units. In the Development Code, there is a provision for conventional lots for a yield plan, if there is a remainder, then the remainder accounts for an additional density unit. Draft resolution should be corrected to reflect 6 density units for Outlot A. Also, Attorney will also to add language in the resolution to designate the 6 density units for the new lots.

Parcel 1 (2 density units), Parcel 2 (3 density units) and Parcel 3 (1 density unit). Attorney noted that with 3 density units designated to the 13.215 acre parcel 2, there may be challenges to create 3 lots from parcel 2.

Motion J Strohfus/2nd R Simon to approve Resolution 2019-04 Granting Preliminary and Final Approval For A Minor Subdivision Of Property Located On St Croix Trail South (south of 80th St S and north of 87th St S), with the additional language identifying 6 density units on Outlot A and allocation of the units to the 3 newly created parcels. Voting Yes- J Strohfus, R Simon, S Racine, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Complaint & Enforcement Policy: Attorney drafted an updated complaint & enforcement policy for Board review. All complaints need to be submitted in writing to the Town Clerk. Town Clerk informs the Supervisor designated as the "Inspector Liaison" of the complaint. The Inspector Liaison determines if the complaint relates to a potential violation of the code. If identified as a potential violation of the code, the Building Inspector and/or Attorney will process complaint. Discussion re: using certain forms for complaints. Discussion re: Point at which the Board is informed of complaints. Attorney noted that using specific forms for complaints may create problems for the complainant, and that just a written submittal of the complaint should be sufficient. Also, the Board would be notified of any reports made by staff on proposed zoning violations. Board consensus to authorize the Attorney to finalize the draft policy for Board action at the July Board meeting.

Discussion re: Complaint on 120th St S Business. Staff is currently addressing complaint with bus company.

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Speed Study Resolution: Attorney provided a draft resolution requesting a speed study from MnDOT for reducing the speed limits on 120th St S and 110th St S.

Summary based on State Statute.

Urban District- There is an automatic 30 mph speed limit in areas qualifying as an urban District. If the Town Board determines a stretch of road satisfies the criteria, it can adopt a resolution documenting that fact and directing that 30 mph speed limit signs be posted.

Rural Residential District- The Town Board can post a 35 mph speed limit on a road running through an area that qualifies as a rural residential district (area along the road is built up with visible dwellings that are at intervals of 300 ft or less for a quarter of a mile or more). If the Town Board determines that a stretch of road satisfies the criteria, it can adopt a resolution to find that the road qualifies and direct that 35 mph speed limit signs be posted.

Residential Roadway- The Town Board can post a 25 mph speed limit sign on a road that qualifies as a residential roadway.

If a road does not qualify under one of the options, the Town can request that MnDOT conduct a speed study. Engineer will conduct a review for 110th St S to see if the road meets the required criteria for rural residential district.

Board does not have the authority to set a 45 mph speed limit on any road without a speed study.

Motion J Strohfus to adjust the speed limit on 110th St S to 35mph under the Rural Residential District. Comment J Strohfus- Although we have comment from staff, the Board can proceed irrespective of staff advice. Motion dies for lack of second.

Board consensus to have Engineer review 110th St S to see if criteria are met for Rural Residential and to have Attorney draft resolution for a speed study to reduce the speed limit to 45mph on 120th St S.

Aurora/Enel Solar: K Higgins contacted Aurora Solar and Aurora confirmed that they would install the driveway culvert at the end of the solar property. Aurora has asked for an estimate for the cost of having the Town install the culvert for them. Review of the estimates from Town roads contractor Tri-County Services- estimate #1 \$5,560.00 and estimate #2 \$10,850.00. Estimate included additional gravel that the Town added to Norell Rd to repair damages to Norell stemming from the solar project. J Strohfus noted that the contractor estimates were for work if the contractor did all the work in its entirety. The higher estimate on the solar driveway culvert was if the contractor did that specific work only. K Higgins would like to see an estimate that would include culvert replacement and line item for additional gravel for road repair. Motion R Simon/2nd S Racine to have J Strohfus, S Racine and K Higgins obtain a revised scope of work/cost to be drafted for a new estimate for the Aurora Solar driveway culvert and installation. Voting Yes- R Simon, S Racine, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Re: culvert replacement on Oakgreen Ave S- estimates received from Tri-County \$13,476.00, from Miller Excavating \$13,237.46. Because the difference in the estimates was minor amount of \$238.54, J Strohfus authorized Tri-County to proceed with the culvert replacements.

Roads Workshop: Roads Workshop will be scheduled at the July Board Meeting.

60th St Denmark/Afton Agreement: Supervisor J Strohfus and S Racine, Engineer Stempski and Attorney Gilchrist met with Afton regarding designation of which 60th St S road portions that Afton and Denmark would be responsible for. Currently, Denmark maintains 60th St between Neal Ave and Oakgreen Ave S. Afton maintains 60th St S between Manning Ave S and Neal Ave S. Upon entering into the agreement, Denmark will be maintaining Manning Ave to Neal Ave S and Afton will maintain Neal Ave S to Oakgreen Ave S. Afton has inspected the portion it intends to maintain and agrees it satisfies the City's standards. Denmark and Afton agree that improvements are needed between Manning Ave S and Neal Ave S, but Afton is attempting to have the party that caused damage to that portion of the road repair it and once the Town confirms the portion satisfies the Town standards, the Town will provide Afton with written notice of acceptance and will then be responsible for maintaining that portion of the road. Attorney drafted agreement for Board review. Board authorization to execute the agreement would allow minor changes to be made by the Attorney if necessary.

Motion J Strohfus/2nd S Racine to authorize Agreement Between Denmark Township and the City of Afton For The Division of Maintenance Responsibilities For Portions of 60th Street South, be executed and entered into once in its final form, subject to significant changes made. Voting Yes- J Strohfus, S Racine, R Simon, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

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Fire Address Signs: Received estimates for fire address signs. Gopher Sign approximately \$20.00 for 16" x 6" flag mount, die cut numbers which would have to be assembled by purchaser. Advantage Signs- \$34.50 for double sided 16" x 6" flag mount signs with addresses already printed on the signs.

Motion S Racine/2nd J Strohfus to purchase the already made signs from Advantage Signs for \$34.50 each. Voting Yes- S Racine, B Rucker, R Simon, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Ditch Spray discussion: B Rucker noted that the Township ditches have been sprayed. Rucker noted that a section on Oakgreen had been missed and he will address with 4 Control. Also, noted that there is already evidence of dead weeds.

Supervisor responsibilities will be discussed at a later date.

9:40 PM **Motion R Simon/2nd B Rucker to adjourn June 2019 Board Meeting. Voting Yes- R Simon, B Rucker, J Strohfus, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2019-04 Herman Minor Subdivision

Resolution No. 2019-04

**RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR
A MINOR SUBDIVISION OF PROPERTY LOCATED ON ST. CROIX TRAIL SOUTH AND SOUTH OF 80TH STREET AND
NORTH OF 87TH STREET SOUTH**

WHEREAS, Steve Herman and Becky Herman ("Applicants") submitted an application to Denmark Township ("Town") for a minor subdivision for property (PID 15.027.20.32.0008) they own, which is located on St. Croix Trail South and south of 80th Street and north of 87th Street South, which is legally described in the attached Exhibit A ("Property");

WHEREAS, the proposed minor subdivision divides the Property into three parcels, using a conventional design, which are identified as "Parcel 1," "Parcel 2" and "Parcel 3," as shown on the survey attached hereto as Exhibit B and legally described in the attached Exhibit C;

WHEREAS, the Property is currently undeveloped, and the Applicants have indicated no plans for development at this time;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on May 20, 2019 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 currently zoned Rural Residential, RR;
- b. The Property contains approximately 29.27 acres, which is proposed to be divided into Parcel 1 containing approximately 11.00 acres, Parcel 2 containing approximately 13.22 acres, and Parcel 3 containing approximately 5.05 acres;
- c. The proposed minor subdivision is subject to the requirements of Chapter Three, Section 6 of the Denmark Township Development Code ("Development Code");
- d. In 2017 the Town Board adopted Ordinance 2017-03, which amended the Development Code to no longer require the platting of minor subdivisions;
- e. The proposed minor subdivision proposes to create three lots where one currently exists;

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- f. The Applicant submitted a complete application and related submittals to seek approval for a minor subdivision;
- g. The proposed subdivision of the Property qualifies as a minor subdivision under Chapter Three, Section 6.1 of the Development Code;
- h. No new public roads or public drainage or utility easements are proposed as part of this subdivision;
- i. The lots to be divided are in a location where conditions are well defined;
- j. The newly created property lines will not cause any resulting lot to be in violation of the Development Code.
- k. The proposed division was prepared by a registered land surveyor;
- l. The proposed minor subdivision will not have any significant impacts on utility and school capacities;
- m. The proposed minor subdivision does not conflict with the Town's Comprehensive Plan or the intent of the Development Code;
- n. Because the minor subdivision results in the creation of a new parcel, a park dedication fee must be paid;
- o. The density in the RR District is limited to one dwelling unit per 5 acres; therefore, the maximum number of allowed dwelling units on the Property is five;
- p. Using the Conventional Design, the minimum lot size is five acres, the minimum public road frontage is 300 feet and the minimum lot width is 300 feet. As proposed, Parcel 1 contains approximately 11.00 acres, has 462.4 feet of frontage along St. Croix Trail South and is 460 feet wide. Parcel 2 contains approximately 13.22 acres, has 512.5 feet of frontage along St. Croix Trail South and is 510 feet wide. Parcel 3 contains approximately 5.05 acres, has 360 feet of frontage along St. Croix Trail South and is 360 feet wide; therefore, Parcel 1, Parcel 2 and Parcel 3 meet and exceed all of the minimum requirements of the Development Code;
- q. The Town Planner's memorandum dated May 1, 2019, developed for the requested minor subdivision ("Planner's Report"), including its findings, is incorporated herein by reference. The recommended conditions in the Planner's Report are superseded by the conditions contained in this Resolution; and
- r. The Applicants are required to enter into a development agreement with the Town as required by Chapter Three, Section 6.2 of the Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby grant preliminary and final approval of the above described minor subdivision of the Property as proposed in the survey attached hereto as Exhibit B, which will result in three parcels as legally described in the attached Exhibit C, conditioned on compliance with all of the following:

1. Development Agreement. The Applicants shall enter into a development agreement that is prepared by the Town Attorney for the minor subdivision no later than 60 days from the date of this Resolution. The development agreement shall include provisions related to, but not limited to, payment of the park dedication fee, the allocation of the density units, and such other provisions as the Town Attorney determines are appropriate.
2. Recording. The minor subdivision shall be recorded with Washington County upon final approval by the Town Board. The Applicants are required to make such adjustments and to provide such additional information as may be required by the County in order to record the minor subdivision.
3. Well and Septic System. Prior to the development of Parcel 1, Parcel 2 or Parcel 3, the Applicants shall satisfy the following conditions with regard to a well and septic system:
 - a. Applicants must identify an acceptable site a minimum of 10,000 square feet in size for a well and septic system within the specific parcel to be developed;
 - b. Applicants must provide the Town with the well and septic location and soil testing results;
 - c. A permit from the Minnesota Department of Health must be obtained prior to well construction.

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- d. 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.
4. Park Dedication. The Applicants shall pay a park dedication fee in lieu of land dedication. This fee is an amount based on fair market value of the land and totals \$4,000 for the two new lots being established pursuant to this minor subdivision. The park dedication fee shall be paid to the Town prior to the Town signing the development agreement.
5. Representations. All representations, written and oral, made by the Applicants, including their 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.
6. Compliance. The Applicant shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
7. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on their application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount 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.
8. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants, 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.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the Development Agreement for this minor subdivision on behalf of the Town once they are in a form acceptable to the Town Attorney.
2. To execute such other documents and to take such other actions as may be required to carry out the intent of this Resolution upon the Applicants' satisfactory completion of its obligations.

Adopted this 3rd day of June, 2019.

BY THE TOWN BOARD

Kathleen A. Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer