

DENMARK TOWN BOARD MEETING MINUTES
June 5, 2017

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

ABSENT: None

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

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

AGENDA APPROVAL: J Moore added Tree Trimming. K Higgins added Solar Proposal and July Board Meeting. **Motion J Moore/2nd B Rucker approval of agenda as amended. Voting Yes-J Moore, B Rucker, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

CONSENT AGENDA APPROVAL: Claims pulled. **Motion J Moore/2nd K Herman approval of Consent Agenda items which include Minutes 05/01/2017 Board Meeting, 04/18 & 05/02/2017 LBAE, 05/03/2017 Workshop, EFT payments- PERA 416426, MN Rev. Tax 0341510976, Federal Tax 10479549 payroll ending 05/01/2017 and Financial Reports. Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Claims Pulled 10912-10928: Revised Claim 10916 Washington County Recorder/Registrar to include additional invoice-Total Claim \$296.00. Added Claim 10929 Rivertown Newspaper Group amount \$364.00.

Motion J Moore/2nd K Herman approval of Claims 10912-10929 as revised. Voting Yes-J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Hearing Decisions/Zoning Actions: None

Public Comment: None

Business Items

MnDot Hwy 95 Project

Adam Josephson (MnDOT) presented summary of Hwy 95 project. 2017- in current construction at Valley Creek Road, Woodbury. 2018- in design stage Bailey Road to 70th St. which will include construction of right turn lane and intersection sight distance improvements at 60th St. 2019- 70th St to Hwy 61/10 which will include widening from 2' to 8' shoulders, install centerline and shoulder mumble strips, reflective pavement markings, construction of right turn lanes, intersection sight distance improvements at 80th, 90th and 110th, resurface existing pavement and drainage improvements. Local Governments have option to install lighting at the intersections of Manning and 70th, 80th, 90th, 100th and 110th. Cost Share would be 50% Local Government/50% State (estimate \$15,000/intersection). Denmark would be obligated for costs to own, maintain and provide power.

St Croix Knoll Second Addition Minor Subdivision- Jeff & Jill Leyde

Preliminary/Final Plat approval. Request is to replat St Croix Knoll Second Addition; combining 3 lots into one approximately 20.8 acre lot (St Croix Knolls Stables Addition).

Revision to the 5/1/17 draft resolution- reference to be made that Todd & Mary Kelm are the property owners, approximate acreage be revised.

Motion J Moore/2nd J Strohfus to adopt Resolution 2017-19 Granting Preliminary And Final Approval For Replatting A portion Of The St Croix Knoll Second Addition Plat As St Croix Knoll Stables Addition, with revisions as noted. Voting Yes- J Moore, J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

St Croix Knolls Stables Conditional Use Permit

Operation of Horse Boarding, 25 horses.

K Herman questioned why the house couldn't be located closer to St Croix Tr so it would then be closer to the road than the horse structure. Attorney noted that if the Board found there was a compelling reason to direct the Applicant's to move the house closer to the road than the horse structure is proposed to be, they could give that directive, but the Board is not required to do so. J Strohfus comfortable that Applicant designed facility layout to make it work and designed it to be visibly appealing. Supportive of plan that has been submitted. K Higgins also believes plan is reasonable, due to land topography and proximity to the park. J Moore in support of owner's plan and does not like to be tied to the current ordinance of accessory location to not be closer to the road than the

DENMARK TOWN BOARD MEETING MINUTES
June 5, 2017

home, as lot circumstances/ topography are different. Home and horse structure will be constructed concurrently.

Public Comment- Resident Bob Barr

Asked Board to consider condition that house is built prior or concurrently with the barn. Condition to protect the existing trees if they are going to be used as screening. Noted that there are additional areas that should be screened. Condition that if building is no longer used as an agricultural building or if the land were split, that the barn would need to be removed. Attorney indicated that once a structure is built, the owner has rights to allowed uses of the structure and wouldn't be required to remove it. Planner noted that the screening along the residential properties is important to separate the uses. Board could consider amending the screening condition to require that if the trees along the property line on the neighbor's property were to be damaged by the horses or a storm, the Applicant's would need to replace the trees. Attorney noted that there is concern in that the Applicant would need to go onto another neighbor's property to reestablish/replace the trees. Resident noted that he would not hold the Applicant responsible for storm damage, just for damage caused by the horses. Attorney also noted that the screening condition requires that any vegetation/screening needs to be reviewed/approve any landscape plan.

Revisions to the 6/1/17 draft resolution- Item (b) approval of the horse structure location closer to the road than the home. Condition 5- add requirement of maintenance of screening by Applicant. Add condition that home and structure be constructed concurrently. Condition 6- Clarify condition, Manure may be stockpiled for no more than six months. Manure pickup Monday-Sunday 7AM-7PM. Spelling corrections.

Motion J Strohfus/2nd J Moore to adopt Resolution 2017-20 Approving A Conditional Use Permit To Keep Up To 25 Horses Within The Plat of St Croix Knolls Stables Addition, with the noted revisions.

Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- K Herman. Abstaining- None. Motion Carried 4-1-0.

St Croix Knoll Second Addition Road Vacation Hearing

7:58 PM Chair Higgins reconvened Road Vacation Hearing- 108th St and drainage/utility easements. Driveway access to the existing home (Lot 2 Block 1) will replace the vacated 108th St. Applicants will be required to provide the Township with a copy of the easement agreement. Review of 6/1/17 draft resolution.

Public Comment- resident Greg Stratton asked who pays for vacation/removal of the road. Higgins noted that the road is not physically removed, but the Town is vacating its interest in the road and the Applicant's are now responsible for its maintenance.

K Herman- asked if the lot identified in the resolution is the Leyde lot (Lot 2, Block 1). Leyde's confirmed it is.

Motion J Moore/2nd J Strohfus to adopt Resolution 2017-21 Approving The Vacation Of 108th Street And Drainage And Utility Easements Located Within The Plat Of St Croix Knoll Second Addition, Washington County, Minnesota.

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

8:03 PM Hearing closed.

Meath 13625 Pt Douglas Drive Variance

Variance of approximately 18 ft from the sideyard setback. Board reviewed 5/26/17 draft resolution.

K Herman suggested an addition to condition 2. That the shed also may not be replaced if the shed is damaged beyond repair. Attorney will revise condition to "If the shed is destroyed such that more than 50% of the structure needs to be repaired or replaced in order for it to be restored, the Applicant shall remove the shed from its current location". Applicant will need to apply for an after the fact building permit and will need County approval as the property is in the Shoreland District.

Motion J Moore/2nd B Rucker to adopt Resolution 2017-22 Granting A Variance For The Property Located At 13625 Pt Douglas Drive South, with noted revisions.

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

Law's Valley View Concept

Applicant's/Property owner submitted 4/27/17 preliminary concept plan.

12 SFE lots serviced by a single street connecting off Maycrest Ave. Proposed lots meet standards for Lot Averaging Design. Total acreage 57.5 acres. Three outlots 21.1 acres. Developed acreage 36.4 acres. Average density 1 dwelling per 3.03 acres.

DENMARK TOWN BOARD MEETING MINUTES

June 5, 2017

Double frontage lots- Ordinance requires that an Applicant will need to demonstrate that there is a specific disadvantage of topography and orientation to justify the double frontage lots. If the disadvantage is adequately demonstrated, some level of restrictions would need to be placed on those lots to prohibit the use of 131st as an access, either as part of a development agreement or in a separately recorded covenant. Applicant indicated that it is a low area towards 131st St Ct S..

Applicant- Instead of having 3 separate roads servicing the development as presented in March, having 1 road encompasses the development into 1 neighborhood, which will limit the traffic that circles around the development. Applicant indicated that it is a low area towards 131st St S. Current design would help mitigate the water flow towards the newly constructed Maycrest rather than have it flow down towards 131st and into the river. Applicant would be open to restricting access on the double frontage lots. Attorney noted that in addition to restrictions in the covenants and development agreement, any access would be required to be by building permits and would be restricted there. Attorney also noted that if the Board does not determine that the Applicant meets the double frontage lot criteria, the Board could allow the Applicant to apply for a variance.

J Strohfus believes that the Applicant is trying to make a development plan work with this unique property, the cul-de-sac is a nice feature, the double frontage could be addressed in the covenants, DA. There could be some controls such as berms, plantings to make the double frontage lots workable. K Herman in agreement. Stormwater maintenance agreement would be required.

Outlot A- Applicant does not see a reasonable way to use as residential due to the proximity of Hwy 61. Intends on keeping as agricultural use. For possible future development, it would be accessible to Maycrest. Discussion regarding inquiries Town has received about re-zoning a portion of the property to commercial. Town has responded by saying that if the property is to be re-zoned, the Town would need to receive a formal application for rezoning.

Outlot B will be sold to the Tree House. Applicants are currently in the process of negotiating with MnDot for "taking" of land in Maycrest construction process.

Cul-de-sac- design shows elongated rather than round design. Round would be necessary (80 ft diameter) for ease of road maintenance. Engineer noted that the ordinance would not allow an island/planter in the roadway. Attorney- With the perspective of orientation, the Board believes the design of the double frontage lots is reasonable. Outlot A has Maycrest access if developed in the future. Cul-de-sac design would be revised as round to meet Township standards. Cul-de-sac length would not require a variance.

Universal Services

Dan Hartung provided the Board with updates to Universal Services. Has leased property in St Paul to store some of the vehicles and the traffic control signage. Will be moving the temporary office trailer by end of July/first week of August. Will immediately repair any grass that has died where the trailer was sitting.

Will be bumping out the gravel yard area around the secondary driveway. Will bring the fence out to wrap around it. Has contacted Building Official to find out the fence setback. Plans to landscape the fence with shrubs. Will submit application for an amended conditional use permit by 6/19/17. K Herman noted that the property improvements have been noticed.

Scott & Kristi Meier Accessory Structure Location

Meier's are interested in purchasing a 44 acre parcel on Morgan Ave/127th St. Plans on removing the old barn, foundations, and clean up the property. Would like to set the house back 300 ft from the road to eliminate noise, traffic headlights and the commercial zoning across the street. Would like to seek permission to build a shed on the south side of the property. The shed would be 10 ft away from the tower easement line, which is 200 ft from the Comcast tower. The tower is a 165 ft tall and is self collapsing, so the tower would be far enough away from the shed to prevent damage if it fell. The shed would not fit behind the house due to the elevation of the land and the pre-existing valley. To the northeast, there is a slope as well as a tree line which would stay intact for privacy and noise reduction. The house would be positioned to sit north-south. The 50x100 ft shed would sit east-west, so the shed would be 30-60 ft closer to the road than the house, dependent on the slope. The shed would still be approximately 200 ft from the road. Shed use is personal storage, no sales or commercial use.

Motion J Strohfus/2nd J Moore to approve the accessory structure location at 12713 Morgan Ave S to be located closer to the road than the house, as submitted. Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

DENMARK TOWN BOARD MEETING MINUTES

June 5, 2017

DeBaere Variance

DeBaere's are requesting a minor change to Resolution 2016-09 04/03/2016, the variance of approximately 2217 sq ft from the maximum allowable sq footage of 4000 ft for accessory structures located on a parcel between 10 and 19.99 acres. Also a variance to allow for an additional structure (total of 3) where a maximum of 2 structures are permitted on a parcel greater than 2 and less than 20 acres.

DeBaere's would like to remove a 24x32 wood shed instead of the 24x24 garage on the property. The new plan would remove 3068 of sq footage but only replace with a new building with less than 2900 sq ft. Doing so would still comply with the variance approving a total of 3 structures on the property and staying under the approved 2900 sq foot max for the new building. DeBaere's farm 39 acres. The shed will be used to store farm equipment and used for horses. Applicants will remove existing buildings per plan as submitted.

Motion J Strohfus/2nd J Moore to direct Attorney to prepare a resolution of approval for the change of buildings to be removed related to the DeBaere Variance. Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Attorney will draft a resolution of approval with site plan of new building and buildings approved to be removed.

Eagle's Watch Driveways:

Eagle's Watch Board provided Town with list of 13 property owners whose driveways have been affected by prior roadwork. Homeowners are requesting additional information regarding how the driveways are being addressed. Regarding the Eagle's Watch list. EW Board noted that some of the homeowners on the original list have opted out of the driveway repair.

Contractor who assessed the driveways noted that each driveway repair would be handled on an individual basis and each may be repaired differently. Homeowners believed proposal costs were high.

Engineer- process would be to sawcut/remove/touch up class 5/new 3" lift of asphalt. This would leave a seam, but with the flexible pavement system not likely to end up heaving. This is a customary process and should perform well over time.

Discussion regarding process (attorney recommendation to collect Homeowner's share prior to the work being done) and cost share (Town share 50 % up to \$1000 per driveway, up to \$2000 for the concrete driveway).

Informational meeting with homeowners, possible second quote, legal perspective on logistics/appropriate process. Attorney recommended each homeowner sign an agreement if entering into cost share with Town.

Eagle's Watch Board to set up an informational meeting between homeowners and Engineer next week.

Engineer noted that there would not be enough time to accomplish resolution to driveway issue before the planned sealcoat in Eagle's Watch.

Motion J Strohfus/2nd J Moore to explore driveway issue, and move the 2017 Eagle's Watch sealcoating to an alternate road. Voting Yes- J Strohfus, J Moore, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Standards For New Road Construction: Engineer provided Board with updated draft for New Road Construction. Prior revisions include curb/gutter requirement and certain allowed hours of construction.

Motion J Strohfus/2nd B Rucker approval of New Standards For Road Construction as updated/drafted. Voting Yes- J Strohfus, B Rucker, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Ditch Mowing Contract: 2 yr contract expired 11/01/2016. Mowing contractor Tri-County submitted a quote of \$85.00/hr for a 1 to 3 yr contract. Rate is same as in old contract.

Motion J Moore/2nd K Herman to approve award of Ditch Mowing Contract to Tri-County Services at \$85.00/hr for a 3 year contract term (2017-2018-11/01/2019). Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Utility Permits:

Motion J Moore/2nd B Rucker approval to authorize Ben Thurmes to inspect the right-of-way for required restoration following utility work. Voting Yes- J Moore, B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Tree Trimming: 2017 Tree Trimming Budget \$14,000.00. Identified areas- Neal/122nd/Norell and 80th. Board consensus to authorize J Moore and J Strohfus to identify/direct Tri-County regarding tree trimming.

DENMARK TOWN BOARD MEETING MINUTES
June 5, 2017

Solar Proposal: Town received request from private provider to enter into a subscription to purchase electricity from its company. Board consensus to not enter into any solar subscription.

July Board Meeting: Due to the 4th of July Holiday on Tuesday, the July Board meeting will be scheduled for Thursday, July 6, 2017.

10:38 PM **Motion J Moore/2nd K Herman to adjourn. Voting Yes- J Moore, K Herman, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendums Resolutions
2017-19 St Croix Knoll Plat
2017-20 St Croix Knolls Stables CUP
2017-21 108th St Vacation
2017-22 Meath Variance