

DENMARK TOWN BOARD MEETING MINUTES
July 1, 2013

SUPERVISORS PRESENT: Kathy Higgins, Jim Keller, John Kummer, Karen Herman, Joe Moore (7:09 PM)

ABSENT: None

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven), Engineer Ryan Stempski

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

AGENDA APPROVAL: Higgins added St Croix Knoll and Recycling. Keller added Town Hall North Grass Area.
Motion Kummer/2nd Keller approval of agenda as amended. All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: **Motion Keller/2nd Kummer approval of consent agenda items which include 06/03/2013 Board Meeting minutes, Claims #10116-10130, EFT payments- PERA 253416, MN Rev. Tax Deposit payroll 07/01/13, Federal Tax Deposit 91028999, payroll ending 07/01/2013 and financial reports.**
All In Favor. Motion Carried 4-0.

PUBLIC COMMENT:

Rumpca gravel pit- Resident reported operations/noise from the gravel pit on June 17th and 18th, outside of the permitted hours of 7AM-6PM. Also heard guns discharging in the pit on June 21 and 22 and inquired whether using the gravel pit for a gun range would be a legal use. Week of June 10th, motocross bikes were running in the gravel pit. Attorney- shooting is not part of the mining permit. The Township has no authority to regulate the private non commercial use of firearms or motocross bikes used on private property.

Resident requested that gravel be placed on Oakgreen north of 90th due to potholes, mudholes and poor condition of the road.

Property at the north boundary of the Town Hall property was originally planted with prairie plantings. No prairie plantings have been identified. Neighbor's hayfield to the north has been affected by various weeds growing in the grassy area. Neighbors have identified Curly Doc, White Campion and thistles in the grass and hayfield and have requested mowing/spraying of the area. Board consensus to mow the area and spray thistles as needed.

HEARING DECISIONS/ZONING ACTIONS: Tower 13711 122nd Street S-Conditional Use Permit Amendment
(moved to business items-Applicant not present)

BUSINESS ITEMS:

Afton Alps Major Grading Project 2: Dan Tilson (G-Cubed Engineering), Tim Beck (Vail Resorts Development) and Ken Speltz (Afton Alps Mountain Manager), Joe Yasis (Afton Alps General Manager) present. Afton Alps' PUD requires Board Approval for any major modification on the site. Vail resorts is requesting approval of a second major grading permit application for various placements of the excess fill from the reservoir expansion project. Applicant submitted 5 page plan set dated 06/12/13 to the Board. As a part of their application, Vail has submitted a hydrology summary and storm water pollution prevention plan and a memo explaining the existing and proposed water use and system modification. Washington County and SWWD have both reviewed and approved the proposed grading plan. Engineer is recommending conditional approval of the request. There will be crushing (est. of 8-10,000 yds.) on the site during normal business hours (7AM-5PM) and not on weekends or holidays. Applicant does not believe blasting will be necessary. Afton will notify neighbors when blasting/crushing occurs.
Board requested Applicant let Township know when DNR approval for new well occurs.

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Motion Kummer/2nd K Herman approval of a Major Grading Permit for Afton Alps for the placement of excess fill from the reservoir expansion project, as submitted on their 5 page plan set dated 06/12/2013, requiring Afton Alps to notify the residents nearby when crushing occurs and to notify the Township when DNR approval for the new well is obtained, and subject to the following conditions being completed to the satisfaction of the Engineer:

1. A completed application form must be provided specific to this Major Grading Permit request.
2. Identify the location of the mechanical crusher on the plans. The anticipated start and end dates of the crushing should be provided to the Township.
3. Identify the access routes to the proposed grading areas on the plans. Indicate proposed restoration for this area once construction has been completed.
4. A comprehensive restoration plan must be provided to indicate all areas of proposed seeding, seed mixtures, application rates, and any additional information to ensure turf establishment.
5. A copy of the Inspection Reports as required by the SWPPP should be provided to the Township throughout the project.

All In Favor. Motion Carried 5-0.

Board consensus that only one major grading permit will be required to cover both the 05/15/13 reservoir expansion and 06/12/13 excess fill placement major grading project.

2013 Street Improvement Bids:

Maycrest reclaim/overlay project and Paris Ave (110th south to cul-de-sac St Croix Ridge) final bituminous wear course.

Bids for the 2013 Street Improvements Project were opened on July 1, 2013 at 10:00 AM with the following results:

Valley Paving, Inc \$133,482.45- Bituminous Roadways, Inc. \$135,872.30- Hardrives, Inc. \$139,539.20

Engineer's estimate \$137,100. Engineer recommendation to award the contract to the lowest responsible bidder, Valley Paving, Inc. for their total bid of \$133,482.45.

Motion Moore/2nd Keller to award the 2013 Street Improvements Project Contract to Valley Paving, Inc. for their total bid in the amount of \$133,482.45. All In Favor. Motion Carried 5-0.

MRB CUP Update: Engineer has confirmed that the paving/parking plan dated 05/14/2013 has been completed. Building Inspector has indicated that all improvements required to be completed by 06/30/13 have been finished and MRB has been issued a Certificate of Occupancy.

Cooper-Cysiewski Lot Line Adjustment: Don and Vernelle Cysiewski applied to the Township for a lot line adjustment to adjust the lot line between 2 parcels owned by Pat Cooper. The adjustment would transfer 2.47 acres of property from the large 32.48 acre parcel (PID 07.026.20.12.0007) to the small 3.76 acre parcel (PID 07.026.20.12.0005). Cysiewski's intent is to purchase the newly created small parcel of 6.23 acres from the owner, which would have 2 density units after the adjustment, subject to the requirements and restrictions of the Ordinance. The larger parcel which would be reduced to 30.01 acres would have 10 density units after the adjustment, subject to requirements and restrictions of the Ordinance. Owner and Applicants would be required to enter into a Development Agreement with the Township.

Attorney submitted draft Resolution and Development Agreement for Board review.

Motion Kummer/2nd Moore approval of Resolution 2013-10 Approving A Lot Line Adjustment For Certain Properties In Section 7, owned by Patricia Cooper, approval to enter into Development Agreement as drafted by Attorney.

All In Favor. Motion Carried 5-0.

Town Hall: Moore has been clearing the basement of unwanted junk/electronics to make room for file cabinets. Waiting for quote on work to address water leakage into the basement.

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2013 Financial Audit Approval: Dennis Oberloh presented and summarized the 2012 Financial Audit at the 06/01/13 Board Meeting. **Motion Moore/2nd Keller approval of the 2012 Financial Audit as presented by Oberloh and Associates.** All In Favor. Motion Carried 5-0.

St Croix Knoll 2: (108th Street development). Jeff Leyde previously requested an escrow balance refund for St Croix Knoll 2nd Addition. The road has not had the final wear course applied, as only 1 of the lots has a home built on it at this time. Higgins spoke with Leyde regarding the Board's request for an amended Conditional Use Permit to affirm the developer's responsibility to install the final wear course per the CUP conditions. Leyde aware of requirements for final wear course and has listed one of the parcels for sale. At this time, Leyde withdrew his escrow refund request.

Recycling: Washington County, in response to the State's recycling goals, is in the process of developing recycling requirements which will affect Cities and Towns. Board consensus to invite County representative Judy Hunter for further discussion.

Board authorized Attorney to review law regarding Town authority related to recycle/hauling issues.

HEARING DECISIONS/ZONING ACTIONS: Tower 13711 122nd Street S-Conditional Use Permit Amendment
Steven Mangold, Buell Consulting, (agent for T-Mobile), on behalf of owner Crown Castle is requesting a Conditional Use Permit Amendment for the attachment of one new microwave dish to the existing tower located at 13711 122nd Street South. Planning Commission conducted Public Hearing on 06/17/13, and recommended conditional approval of the request. At the Public Hearing the Applicant expressed concerns regarding a condition of the permit requiring financial security. At this time, the Applicant has made a request to extend the 60 day rule to 08/06/2013, stating that they could not support the proposed conditional use permit. Specifically, the conditions related to financial security, removal of the Tower, copy of leases, annual inspections and reimbursement costs. At the Public Hearing the Applicant did not address any concern related to the conditions for removal of the Tower, copy of leases, annual inspections and reimbursement costs. Steve Mangold has asked that the Building permit be issued prior to the Conditional Use Permit Amendment. Most of the conditions listed are directly from the Ordinance and should not be varied from. **Motion Moore/2nd Keller to accept the Applicant's requested extension of the Board's consideration of the Application for a Conditional Use Permit Amendment for 13711 122nd Street South, to August 6, 2013.** All In Favor. Motion Carried 5-0.

Discussion Re: Financial Security requirement. Historically, the Township has required Financial Security for new Towers. This is an existing Tower, not a newly installed Tower. Any financial security requested at this time to cover the cost of removal of the Tower would be a significant amount. The conditional Use Permit does include language to allow the Township to remove and certify costs to be collected with the property taxes if the Applicant fails to remove the Tower if abandoned. Conditional Use Permit also requires that the road leading to the property be kept in good repair so as not to negatively impact the public road or public road ditches. The Board noted that the road has washed into the ditch and has made the ditch higher than the shoulder, causing the water to run along the edge of the blacktop instead of running into the ditch. Attorney will work with the applicant and owner regarding conditions of the permit.

LEGAL UPDATES:

Legislative Update-Change to the park dedication. Park dedication requires land or cash dedication to Townships upon lot splits/plats. Land values have decreased but cash dedication required has not. New provision that establishes fair market value. Will review during general ordinance amendments.

9:23 PM **Motion Kummer/2nd K Herman to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer
Addendum Resolution 2013-10

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2013-10
RESOLUTION APPROVING A LOT LINE ADJUSTMENT
FOR CERTAIN PROPERTIES IN SECTION 7

WHEREAS, Donald Cysiewski and Vernelle Cysiewski (the "Applicants") applied to Denmark Township ("Town") for a lot line adjustment to adjust the lot line between two parcels owned by Patricia A. Cooper ("Owner"), one parcel containing approximately 3.76 acres (PID 07.026.20.12.0005) identified as Tract A in Registered Land Survey No. 92 (the "Small Parcel"), and the other containing approximately 32.48 acres (PID 07.026.20.12.0007) identified as Tract K in Registered Land Survey No. 74 (the "Large Parcel"). The Owner consented to and signed the application;

WHEREAS, both parcels are located in the Single Family Estate (SFE) Zoning District as designated by the Denmark Township Development Code ("Ordinance") and the density allowed for properties in this District is one home per 3 acres;

WHEREAS, the proposed lot line adjustment would transfer approximately 2.47 acres of property from the Large Parcel to the Small Parcel, resulting in the Large Parcel being reduced to approximately 30.01 acres and the Small Parcel being expanded to contain approximately 6.23 acres. The Owner proposes to record the expanded Small Parcel on a registered land survey;

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance provided the Applicants, together with the Owner, provide the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application; and

WHEREAS, the Applicants provided the required submittals and the Town Board determines the proposed lot line adjustment is consistent with its Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the proposed lot line adjustment subject to and conditioned upon the Applicants' and the Owner's compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicants and Owner must enter into a development agreement with the Town, which the Town will draft. The development agreement shall set out the legal descriptions of the current parcels, the portion being transferred as part of the lot line adjustment, and the descriptions of each of the resulting parcels. Furthermore, the Owner, her heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
2. The Applicants and the Owner shall be responsible for providing at their own cost all legal descriptions and other information the Town Attorney may request to assist in preparing the development agreement;
3. The Town hereby approves the proposed registered land survey for the expanded Small Parcel and authorizes the Town Chairperson and the Town Clerk-Treasurer to sign the survey after the development agreement is fully executed;
4. The Applicants and the Owner shall be responsible for reimbursing the Town for all costs incurred related to processing the application including, but not limited to, professional costs;
5. The Applicants and the Owner shall be responsible for developing, executing and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment. The Town will record the development agreement at the Applicants' expense; and
6. After the lot line adjustment, the expanded Small Parcel shall have a total of two (2) density units (none of which are currently being used) and the reduced Large Property parcel shall have a total of ten (10) density unit (none of which are currently being used). The actual development of either parcel for one or more single family dwellings is subject to the requirements and restrictions of the Ordinance;

BE IT FURTHER RESOLVED, this approval of the requested lot line adjustment shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicants and the Owner fail to provide the requested legal descriptions, fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution; and

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to enter into the development agreement for this lot line adjustment on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 1st day of July, 2013.

BY THE TOWN BOARD