

DENMARK TOWN BOARD MEETING MINUTES

October 2, 2017

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

**ABSENT:** K Herman

**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:** **Motion J Moore/2<sup>nd</sup> B Rucker approval of agenda as drafted.** Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**CONSENT AGENDA APPROVAL:** **Motion J Moore/2<sup>nd</sup> J Strohfus approval of Consent Agenda items which include Minutes 09/07/17 Board Meeting, Claims #10981-10999, EFT payments- PERA 435204, MN Rev. Tax 0391327936, Federal Tax 53291572 payroll ending 10/01/2017 and Financial Reports.** Voting Yes- J Moore, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**HEARING DECISIONS/ZONING ACTIONS:**

**Meier Morgan Ave Field Drive Access**

Scott Meier (property owner) and Jeff Keene (farming ag land on subject parcel).

Parcel currently has 2 existing driveways, on the curve of Margo Ave S. One serves as the driveway to the future home and the south driveway serves as an access to an existing cell tower. Mr. Meier intends on landscaping/paving the area around the homes driveway and large ag equipment would damage this area.

Request is for a 3<sup>rd</sup> access into the ag field portion of the 40 acre parcel for farming purposes. Proposing to construct the new access to the north, away from the curve, approximately 50 ft from the north property line.

Access would need to be wide enough to accommodate large ag equipment. **Motion J Moore/2<sup>nd</sup> J Strohfus approval of 3<sup>rd</sup> driveway access at 12713 Morgan Ave S as depicted in the plan submitted by the property owner.** Voting Yes- J Moore, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Universal Services 12151 120<sup>th</sup> St S- Conditional Use Permit**

Owner Dan Hartung present.

Outstanding items

Written confirmation from adjacent neighbor regarding complain of damage/requested repair to their property caused by Universal Services. Dan Hartung stated that he had requested written confirmation that acceptable repairs had been made.

Septic- confirmation of southern septic repair/approval from county, update of site plan to show locations of septic systems.

Universal Services has contracted with Advanced Septic who has met with Chris LeClair (Washington Co) and has laid out a plan regarding the septic. Plan would be to develop a design that will allow the upper system septage to be delivered down to the lower system area. Due to time to develop the design and the time of the year, Advanced Septic is has indicated that the construction would likely not be until suitable weather next spring. Planner noted that he has not seen an actual site plan. Planner has attempted to contact Chris LeClair and is waiting to hear back from him.

In order to provide the Applicant with additional time to receive the additional information requested, the Town is extending the period to consider and act on the application for up to an additional 40 days from the end of the initial 60 day period. **Motion J Moore/2<sup>nd</sup> B Rucker to continue Universal Services conditional use permit application to the November Board meeting, and to extend the period (10/18/17) to consider and act on the application for up to an additional 40 days from the end of the initial 60 day period (11/27/17).**

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

**Wagner Variance- 6610 Neal Ave S 06.027.20.41.0002**

Chris/Crissy Wagner (property owners 2.99 acres) are proposing to demolish and replace an existing accessory structure and are requesting a variance from the 50 ft back yard setback. Wagner's would like to place the new structure at the same setback as the existing shed (25 ft). If new building were placed 50 feet from rear setback, it would encroach on existing driveway. The immediate adjacent land is approximately 37 acres of farmland with no buildings in the vicinity.

Wagner's are also seeking a variance to allow the new structure to be 3,000 sq ft. to accommodate the size of their farm equipment. The total allowed sq footage for accessory structures on 2.99 acres is 2,000 sq ft. There

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is no attached or detached garage on the property. The code would allow for a detached garage of up to 864 sq ft in addition to an accessory structure.

The Planning Commission held a 9/18/17 public hearing regarding the requested variances and recommended conditional approval of the variances.

The Applicants have agreed that in exchange for additional sq footage for the new accessory structure, no detached garage could ever be built on the property.

Attorney provided 9/27/17 draft resolution for Board review.

Revision- Page 1 b.(3) strike, as no variance is necessary for 16 ft sidewalls on an Agricultural Structure.

**Motion J Strohfus/2<sup>nd</sup> J Moore to adopt Resolution 2017-26 Granting Variances For The Property Located At 6610 Neal Avenue S, as revised. Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Olsen/Marty Horse Boarding Conditional Use Permit (CUP)-12407 80<sup>th</sup> St S 18.027.20.21.0003**

Eric Olsen present.

Current CUP allows for 40 horses on the property. Olsen's are requesting to amend the CUP to allow for up to 80 horses.

Applicant plans on having 30 stall horses and an additional 50 paddock/pasture horses. The number of stall horses is not increasing. U of M recommendation for shelter is 3240 sq ft shelter per 50 horses. Property has 4200 sq ft shelter space. U of M recommendation for paddock space is 400 sq ft per horse (32,000 sq ft). There are 11 paddocks, 201,000 sq ft paddock space.

Manure will be composted and spread on the ag land. Paddocks & pastures will be dragged. Any excess manure not composted will be removed from the premises.

Applicant has notified the MPCA and has provided registration to the Township.

Planning Commission held a 9/18/17 public hearing and recommended conditional approval.

Attorney provided 9/27/17 draft resolution for Board review.

Revisions- Page 4 #13. Strike condition requiring certain times of deliveries of hay, animal, other products as the property not located in residential area.

**Motion J Strohfus/2<sup>nd</sup> B Rucker to adopt Resolution 2017-27 Approving A Conditional Use Permit To Keep Horses On The Property Located At 12407 80<sup>th</sup> St S, as revised. Voting Yes- J Strohfus, B Rucker, J Moore, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Motion J Moore/2<sup>nd</sup> B Rucker to adopt Resolution 2017-28 Revoking All Prior Conditional Use Permits For The Property Located At 12407 80<sup>th</sup> Street South. Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Minnesota Coaches Amended Conditional Use Permit (CUP)-12044 120<sup>th</sup> St S 31.027.20.33.0007**

Pat Regan (owner) Todd Erickson (civil engineer), present.

Applicant is requesting to amend the current CUP to allow for the addition of a 5,000 sq ft storage building, to store busses, vans and cars associated with the operation of the South Washington County and Hastings School Bus contracts. Also proposed is a new parking area on the northeast end of the property, constructed of gravel (class 5 aggregate base and recycled bituminous milling compacted), the paving and striping of a small area to the northwest of the existing building and proposed storage building, and the addition of a fuel island for business use consisting of two (12,000 and 6000 gal) above ground double-walled tanks on the east side of the existing building. Other than leasing outdoor parking of up to 30 vehicles to Universal Services, MN Coaches no longer leases any portion of the buildings/property to anyone.

Owner is working with MnDOT regarding the MnDOT ROW easement that a small portion of the east parking area encroaches.

Discussion- possible widening of 120<sup>th</sup> St S to accommodate 3 turn lanes to reduce traffic congestion.

SWWD has reviewed the drainage plans. Engineer Geheren noted that any comments received from the SWWD would need to be addressed.

Owner has met with adjacent landowner regarding landscaping screening and indicated that the current screening plan is adequate and will add additional trees for screening.

Applicant will be required to enter into a stormwater agreement that would capture both the prior subdivision and the current conditional use permit.

J Eilers (adjacent property)- expressed concerns regarding screening of the parcel and traffic issues at 120<sup>th</sup>/Hwy 61.

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**Motion J Moore/2<sup>nd</sup> J Strohfus to adopt Resolution 2017-29 Approving A Conditional Use Permit To Operate Certain Uses On The Property Located At 12044 120<sup>th</sup> Street S.** Voting Yes- J Moore, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Motion J Moore/2<sup>nd</sup> J Strohfus to adopt Resolution 2017-30 Revoking All Prior Conditional Use Permits For The Property Located At 12044 120<sup>th</sup> Street S.** Voting Yes- J Moore, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Public Comment:** re: Oakgreen Meadows Subdivision-Sara Gyurisin  
Gyurisin (adjacent landowner) expressed concerns regarding access to their 5 acre parcel. Land owner is requesting that the Town require the developer to provide an easement through the development to provide access to the 5 acre parcel to the northeast. Landowner noted that the Town will be requiring the developer to provide an access to the east of the development. Gyurisin's asked for an explanation as to why the Town will require the developer to provide an easement to the property to the east, but not to the 5 acre parcel to the northeast. Gyurisin's noted that whether the 5 acre parcel is buildable or not, the property is currently not accessible by vehicle because of the topography.

**Business Items:**

**Oakgreen Meadows Major Subdivision Final Plat Approval**

Planner- Applicant is proposing to subdivide the existing 49.38 acre parcel (Oakgreen Meadows Lot 1 BL 6) creating 9 lots.

Attorney- In the Town's platting standards, there is a provision recognizing the continuity of a transportation system, that when developing a property, that the proposed street goes through to other developable land beyond. The easement in the plat will continue to the large parcel to the east which is likely be buildable. This is different than providing an easement to go to the north to a 5 acre parcel that is likely not buildable. The Town is not obliged to require easements to every property. The 5 acre parcel to the north is adjacent to another parcel owned by the same landowner.

Board approved Preliminary Plat on 09/07/17 based on Findings of Fact and subject to certain conditions.

**Motion J Strohfus/2<sup>nd</sup> K Higgins to adopt Resolution 2017-31 Granting Final Plat Approval For The Oakgreen Meadows Second Addition.** Voting Yes- J Strohfus, K Higgins, J Moore, B Rucker. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Public Hearing-Oakgreen Meadows 2<sup>nd</sup> Addition Storm Sewer Improvement Tax District**

8:38 PM Chair K Higgins opened Public Hearing Regarding The Establishment Of A Storm Sewer Improvement Tax District for Oakgreen Meadows Second Addition.

Homeowners are typically responsible to maintain/repair stormwater facilities. Establishing a Storm Sewer Improvement Tax District will allow the Town to recover its costs if it elects to maintain or repair the storm water facilities being placed within the development by placing those costs on the taxes of the lots within the plat.

**Public Comment-** Sara Gyurisin noted that with the construction of the lots within the development, her adjacent property could be damaged by the changed flow of the water if it drains onto her land. Supports the tax and questioned whether costs related to damage to her property could be recovered with this tax. Attorney noted that the district and any work that may be done only applies to within the subdivision, not to neighboring properties. Engineer noted that there is a potential that damage could occur if storm water facilities were not properly maintained. This tax district would give the Township the ability to see that the facilities within the site are corrected and repaired properly.

Gyurisin asked if she could get a temporary easement in case she ever had to repair the ravine on her property. Attorney noted that this would be a private property matter in which the Town has no authority to grant a temporary easement. The matter would need to be worked out between the private parties involved.

**Motion J Moore/2<sup>nd</sup> B Rucker to adopt Ordinance 2017-04 Establishing The Oakgreen Meadows Second Addition Storm Sewer Improvement Tax District.** Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Motion J Moore/2<sup>nd</sup> J Strohfus to adopt Resolution 2017-32 Approving summary Language For Publication Of An Ordinance Establishing The Oakgreen Meadows Second Addition Storm Sewer Improvement Tax District.** Voting Yes- J Moore, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Public Hearing closed 8:50 PM.

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**Homestead Estates Road Construction-** Board previously granted Frank Femling approval to sell the 2 lots (Lots 9 & 10 BL 5) on 78<sup>th</sup> St S in Homestead Estates Phase 1 once the road is constructed and approved by the Township. Frank has a potential buyer with a tentative closing in November. Potential buyer is intending on building in Spring 2018. The rains have caused a waiting list for contractors to pour the concrete curb and this may have to wait until spring. Frank is requesting that with the Town's approval of the road construction plans and a written agreement that the road will be completed by a certain date, and with a construction bond, that the Town allow potential buyers to obtain a building permit even if the road is not finished. The road will be rough graded with class 5 aggregate at this time. Frank's representative Ben Ford has forwarded construction plans to the Town Engineer. Ford will provide Town Engineer with construction costs.

Attorney noted that unless the code specifically addresses and prohibits this, recommendation would be a written agreement in place, noting a specific date for completion and that a bond be provided.

Board consensus to authorize Attorney to draft agreement for Board review at November Board Meeting.

**Comprehensive Plan Update-** WSB provided Board with schedule for 2040 Comp Plan meetings proposing to hold four joint Town Board/Planning Commission meetings beginning on November 6, 2017. Higgins would like to see the proposed meeting dates not be scheduled on Board Meeting dates. Also requesting that meetings not be scheduled prior to the Holidays. Board consensus to begin process in January 2018. Planner will email current comp plan goals/policies for feedback. Information regarding comp plan update process to be provided to Planning Commission at its next meeting.

**Red Rock Corridor Commission-** Washington County is requesting that the Board by resolution formally withdraw from the Red Rock Corridor Commission. Attorney provided draft resolution for Board review.

**Motion J Moore/B Rucker to adopt Resolution 2017-33 Withdrawing From The Red Rock Corridor Commission Joint Powers Agreement.** Voting Yes- J Moore, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**MDA Nitrogen Rule Local Advisory Group-** Washington County is looking for farmers to join the Nitrogen rule Local Advisory Group. K Higgins will send email to the County with possible names from Denmark Township.

**Planning Commission Appointments- Motion J Moore/2<sup>nd</sup> K Higgins to re-appoint Steve Radke and Charlie Grote to the Planning Commission for a 3 year term ending 03/31/2020.** Voting Yes- J Moore, K Higgins, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Legal Updates:**

Planning Commission workshop is tentatively scheduled for 10/12/17.

Fire Contract Update- HRFA and City of Hastings will be taking part in mediation regarding contract/share cost.

9:45 PM **Motion J Strohfus/2<sup>nd</sup> J Moore to adjourn.** Voting Yes- J Strohfus, J Moore, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Becky Herman

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Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2017-26, 2017-27, 2017-28, 2017-29, 2017-30, 2017-31, 2017-32, 2017-33  
Ordinance 2017-04