

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2011

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Joe Moore, Gary Dixon

ABSENT: Jim Keller

STAFF PRESENT: Attorney Troy Gilchrist- Kennedy Graven

CALL TO ORDER: Meeting called to order @ 7:14 PM by Chair Higgins

AGENDA APPROVAL: Motion Moore/2nd Dixon approval of agenda as presented. All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: Higgins and Kramer pulled claims. Motion Moore/2nd Kramer approval of consent agenda items which include 09/06/2011 Board Meeting Minutes, EFT payments- PERA 187974, MN Revenue Tax 99113440998, Federal Tax 02357928, payroll ending 10/01/2011 and financial reports. All In Favor. Motion Carried 4-0.

HEARING DECISIONS/ZONING ACTIONS:

Joy Conzemius-Lewanski Commercial Kennel Interim Use Permit and Variance 80th St S PID 17.027.20.12.0004

Joy Conzemius-Lewanski present.

Applicant requested an Interim Use Permit (IUP) to establish a commercial kennel business on a 20.19 acre parcel (PID 17.027.20.12.0004) located on 80th Street, between Neal and Oakgreen Avenues. The property is located in the Agricultural (A-2) District. The Applicant also requested a Variance from the non agricultural accessory building size allowed of 5,000 sq ft for the construction of a 17,100 sq ft commercial kennel and a 2,500 sq ft livestock building.

At the 09/06/11 Board Meeting, the Board directed the Attorney to draft a resolution denying the variance, for review and action. Attorney reviewed 09/27/11 draft resolution with Board. **Motion Moore/2nd Kramer to adopt Resolution 2011-09 Denying A Variance Requested For The Construction Of Two Buildings On A Parcel Located on 80th Street Between Neal And Oakgreen Avenues.** All In Favor. Motion Carried 4-0.

At the 09/06/11 Board Meeting, The Board directed the Attorney to draft a resolution approving and Interim Use Permit without the requested variance subject to certain conditions placed upon it, for review and action.

Applicant submitted revised site, building and driveway plans. The footprint of the proposed accessory building has been reduced to 4,992 sq ft, and a second story has been added. As recommended by the Township Engineer, the driveway has been moved closer to the eastern property boundary, where there is an existing access. Screening has been added around the proposed parking lot. Applicant and constructional engineer will be working with the Building Inspector to construct kennel. Applicant intends on installing security cameras for protection of the business. Planner submitted 09/26/11 memo reviewing the revised plans to address Development Code requirements.

Reduced number of classes planned due to absence of agility arena. Applicant proposed to install a 6 ft cedar fence and to install a berm and trees to screen the kennel and parking areas.

Attorney reviewed 09/27/11 draft IUP and 09/28/11 possible/ alternate conditions with Board and Applicant.

Discussion regarding whether the additional proposed 2,500 sq ft accessory structure would be identified as agriculture or non agriculture. Statute defines an agricultural building as a structure on agricultural land designed, constructed and used to house farm implements, livestock or agricultural products used by the owner. Also considered is the use of the land that the structure is on, that being used for an agricultural purpose. Attorney indicated that the structure use would be for personal use or that of the kennel business and not for the use of production of agricultural products for sale and that the land use would be for the kennel business and not for the use of production of agricultural products for sale.

Discussion regarding the possibility of granting a variance to allow the additional accessory structure of 2,500 sq ft specifically for livestock. Applicant stated that the use for this building is strictly for agricultural purposes, to house livestock. Board consensus that in this instance, the 2nd accessory structure of 2,500 sq ft would be used to house a small number of chickens, goats and cattle and therefore, would qualify as an agricultural building. Applicant would need to apply for a certificate of compliance for a formal determination.

Board changes in the draft including the following:

Findings: 1) Address the additional 2,500 sq ft accessory structure as an agricultural building.
2) Correct date to reflect the correct plan.
3) Correct building height of 31 ft.

Conditions: 1) Alternate condition #1 to reflect a 15 year term on the permit. Also, to add odor to noise and visual impacts.
2) Additional condition regarding the installation of septic systems.
3) Additional condition regarding hours of operation. Monday through Sunday 6 AM to 9 PM.
4) Condition #14 Correct Engineer's memo date-09/15/11.

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- 5) Condition #2 Provide evidence that applicant has purchased the property within 60 days of the County's approval of a Conditional Use Permit.

Motion Kramer/2nd Moore to adopt Resolution 2011-10 Approving An Interim Use Permit To Establish A Commercial Kennel Business On A Parcel Located On 80th Street Between Neal And Oakgreen Avenues, with the amendments as discussed. All In Favor. Motion Carried 4-0.

Ordinance Amendments/2030 Comprehensive Plan Amendments:

Attorney submitted and reviewed 09/16/11 draft of proposed amendments with the Board. Amendments address variance language, role of Town Board as the Board of Appeals and Adjustment, accessory structure definition and required permits, driveway standards and location, kennel requiring IUP, combination of lots and updating the zoning map.

Planning Commission forwarded and recommended approval of amendments to the Board as drafted. Motion

Motion Moore/2nd Dixon to adopt Ordinance 2011-01 An Ordinance Amending Various Sections Of The Denmark Township Development Code. All In Favor. Motion Carried 4-0.

Motion Dixon/2nd Moore to adopt Resolution 2011-11 Resolution Approving Summary Language For Publication Of An Ordinance Amending Various Sections Of The Denmark Township Development Code. All In Favor. Motion Carried 4-0.

Board reviewed 09/09/11 draft of 2030 Comp Plan proposed amendments as submitted by Planner. Amendments address revisions made by the Met Council to the 2030 Regional Parks Policy Plan and the 2030 Transportation Policy Plan that affect the Township Comp Plan, including revisions to the 2030 Planned Land Use map, Conserved Lands map, Parks and Open Space and Trail Search Corridors map, Historic Sites map and Zoning map.

Motion Moore/2nd Dixon to adopt Resolution 2011-12 Resolution Adopting Amendments To The Denmark Township 2030 Comprehensive Plan. All In Favor. Motion Carried 4-0.

BUSINESS ITEMS:

Winter Roads Maintenance: Town advertised and had 5 quote specification requests for winter road maintenance. Received 1 quote back. Dixon recommends approval of the quote from Tri-County Services at \$95 per hour.

Motion Dixon/2nd Moore approval of awarding winter maintenance contract to Tri-County Services at \$95 per hour, for a 1 year contract, subject to execution of contract. All In Favor. Motion Carried 4-0.

Request For Engineering and Planning Services-Interview Dates: Clerk will coordinate with Supervisors to schedule interview dates, possible dates, October 25, 26, 27 or November 1, 2, 3.

Washington County Code Red: Denmark has partnered with Washington County in the Code Red System, which is a Mass Notification System. This System will allow Public Safety and other government agencies the ability to send mass messages that can be received by a home phone, cell phone as a message or text or by an email. Joe Moore and Steve Kramer attended the 09/08/11 training session. Denmark will send out flyers to inform residents on procedure for enrollment. Information and enrollment link will be set up on the website.

Open Space Inspections: Moved to November agenda

Legal Updates:

Pribnow Lot Line Adjustment: Pribnow's own 2 adjacent parcels on Oakgreen/70th Streets and are requesting to transfer .25 acres from the large 13.71 acre parcel (PID 04.027.20.33.0007 14084 70th St. C.) to the smaller 1.1 acre parcel (PID 04.027.20.33.0001 6865 Oakgreen Ave. S.) to accommodate a septic system. Applicants will be required to enter into a Development Agreement with the Township. Attorney submitted a draft resolution and draft Development Agreement for Board review. **Motion Moore/2nd Kramer to adopt Resolution 2011-13 Resolution Approving A Lot Line Adjustment For Properties Located At 6865 Oakgreen Ave S And 14084 70th St S. All In Favor. Motion Carried 4-0.**

Universal Services: Landowner wanted to make some changes to the property that were not previously approved, but the proposed changes were not significant enough to amend the conditional use permit on the property. The Township entered into a compliance agreement with the owner. The Letter Of Credit will expire on 10/22/11. Inspector Wasmund inspected the

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property on 09/01/11 and indicated that the business owner was in compliance. Attorney will contact Inspector to confirm whether or not the certificate of occupancy has been issued.

Electrical Inspections: State has historically provided electrical inspections for Denmark. Cottage Grove contracts with an electrical inspector at a 75/25 fee share. Denmark would need to consider whether or not they would want to remain with State inspections or work with Cottage Grove. Denmark would need to adopt an ordinance and code to allow someone other than the State to do the inspections. Board consensus to authorize attorney to contact Cottage Grove for further information regarding electrical inspections.

Meetings With County: Attorney and County have had discussions regarding special events in Denmark. Denmark has requested that Afton Alps submit an application to update their permit to include events on the property that are not addressed in their current permit. Discussions with the County included whether or not there should be an ordinance related to special events. Board consensus to look into ordinance samples for the welfare and possible impacts to the Township, participants and Town residents. Attorney will gather info for Board review.

Rumpca: Resident submitted list of concerns regarding Rumpca gravel pit. Attorney reviewed concerns and provisions of the conditional use permit. In Keller's absence, it is unknown whether Keller has met with Rumpca regarding concerns. Board consensus to have attorney work with Keller to address concerns.

Residency: Re: Residency and Vacancies in Public Office. Board authorized Attorney to look into the issue further and offer a recommendation. Attorney drafted memo containing research and recommendations on the matter. Board consensus to have Attorney and Dixon review and compile information to provide to the Board.

Pulled Claims: TKDA claim #9729 dated 09/06/11 appears to have duplicated engineering charges on escrow invoice #2011002456 in the amount of \$331.46. TKDA was contacted regarding clarification of the billing, but has not yet responded. **Motion Higgins/2nd Moore to reduce claim #9729 by the amount of \$331.46 until further clarification of the billing is obtained. Claim in the amount of \$3006.72 to be paid in the amount of \$2675.26. Approval of claims #9723-9734 with noted amendment. All In Favor. Motion Carried 4-0.**

10:25 PM **Motion Moore/2nd Dixon to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Addendum Resolutions 2011-09, 2011-10, 2011-11, 2011-12, 2011-13

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2011-09

RESOLUTION DENYING A VARIANCE REQUESTED FOR THE CONSTRUCTION OF TWO BUILDINGS ON A PARCEL LOCATED ON 80TH STREET BETWEEN NEAL AND OAKGREEN AVENUES

WHEREAS, O'Connor Properties LP is the owner of a parcel of land located on 80th Street between Neal and Oakgreen Avenues in Denmark Township, Washington County, Minnesota (PID 1702720120004), and legally described in Exhibit A, which is attached hereto and made a part of this Resolution ("Property");

WHEREAS, Joy Conzemius-Lewanski ("Applicant") has submitted an application to Denmark Township ("Town") for a variance to allow for the construction of two accessory buildings on the Property related to the operation of a commercial dog kennel business for which the Applicant has submitted an application for an interim use permit;

WHEREAS, the two proposed buildings have a total footprint of 19,600 square feet, which includes a boarding/training building of 17,100 square feet and a future livestock building of 2,500 square feet;

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested variance application on August 15, 2011 and took action to recommend that the Town Board approve the requested application for the variance with certain conditions;

WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6(2), the Town may not issue a variance unless the request satisfies the following criteria:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance.
- B. Variances shall only be permitted when consistent with the comprehensive plan.
- C. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Ordinance.
 1. "Practical difficulties" shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
 2. Economic considerations alone do not constitute practical difficulties.

WHEREAS, the Town Board discussed the variance application at its meeting on September 6, 2011 and heard comments from the Applicant and the public;

WHEREAS, the Town Board has reviewed the record, the additional information and testimony provided, and considered the legal standard for evaluating variances requests;

WHEREAS, the Town Board respectfully disagrees with the Planning Commission's recommendation and hereby makes the following findings related to its denial of the Applicant's variance request:

- a. The location of the proposed buildings is on a parcel approximately 20.19 acres in size located in the Agricultural (A-2) Zoning District;
- b. Chapter Two, Part 3, Section 1.2(B) of the Denmark Township Development Code ("Ordinance") limits the size of non-agricultural buildings to 5,000 square feet on parcels of land over 20 acres;
- c. The total square footage of the proposed accessory structures is 19,600 square feet, exceeding by almost four times the 5,000 square foot limit;
- d. The Applicant indicated the larger building size is needed to accommodate training and exercise activities proposed for the commercial kennel, which cannot be conducted on a year-round basis outdoors due to the extreme highs and lows of the temperatures in this climate and that a certain amount of indoor training space is needed in order to accommodate the required separation distance between training structures;
- e. A commercial kennel is consistent with the comprehensive plan as the use is allowed as an interim use within the A-2 Zoning District. However, when considering proposed new development the Town's policy, as expressed in the comprehensive plan, is to "consider the impact of new development on existing homes" and to promote land regulations that preserve property values. The Town Board determines the size of the proposed buildings would have a negative impact on surrounding homes as non-agricultural accessory buildings of this size are not contemplated in any district in the Town and that the proposed size of the building could negatively impact property value in the area;

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- f. The proposed building size is not in harmony with the general purposes and intent of the Ordinance because it far exceeds the size requirements in the Ordinance for non-agricultural buildings. For example, the proposed buildings are substantially bigger than a standard horse arena located in the A-2 District;
- g. For the following reasons, the Applicant has also not established that there are practical difficulties in complying with the requirements of the Ordinance:
 - i. While the proposed kennel use is reasonable because it is allowed as an interim use in this district under the Ordinance, the size of the proposed buildings and the excessive nature of the variance are not reasonable. The Applicant can train dogs without needing a large indoor training area and such an indoor training area is not an integral or necessary part of operating a commercial kennel;
 - ii. The Applicant's practical difficulties are mainly caused by the Applicant's economic motivation to construct buildings of a certain size to support a particular aspect of the proposed commercial use. The Applicant can still effectively operate a kennel in a building that complies with the Ordinance and the Applicant has submitted revised plans to establish the kennel in a building that complies with the 5,000 square foot maximum;
 - iii. The Applicant's plight is not due to circumstances unique to the property not created by the landowner. There are no physical characteristics of the property such as dimensional issues, ravines, or other topographical concerns that would require buildings on the parcel to be nearly four times the size allowed under the Ordinance. The Applicant is simply seeking to construct a building much larger than is allowed by the Ordinance; and
 - iv. The variance would alter the essential character of the area because of the sheer size of the proposed non-agricultural building.
- h. The Applicant has not satisfactorily demonstrated that sufficient practical difficulties exist to approve the requested variance and therefore the application does not meet the criteria for granting a variance.
- i. When the Town Board directed the preparation of a resolution denying the variance, the Applicant indicated a desire to have the Town Board continue to consider and act on her application for an interim use permit for a kennel based on the new plans submitted indicating the boarding building will have a footprint of less than 5,000 square feet.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, and the findings and determination contained herein, the Town Board of Denmark Township hereby denies the Applicant's requested variance from the requirement that the size of non-agricultural buildings on parcels of land over 20 acres be limited to 5,000 square feet to allow the construction of two accessory buildings totaling 19,600 square feet on the Property.

Adopted this 3rd day of October, 2011.
BY THE TOWN BOARD

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2011-10**

**RESOLUTION APPROVING AN INTERIM USE PERMIT TO
ESTABLISH A COMMERCIAL KENNEL BUSINESS ON A PARCEL
LOCATED ON 80TH STREET BETWEEN NEAL AND OAKGREEN AVENUES**

WHEREAS, O'Connor Properties LP is the owner of a parcel of land located on 80th Street between Neal and Oakgreen Avenues in Denmark Township, Washington County, Minnesota (PID 1702720120004), and legally described in Exhibit A, which is attached hereto and made a part of this Resolution ("Property");

WHEREAS, Joy Conzemius-Lewanski ("Applicant") has submitted an application for an interim use permit ("IUP") on the Property for the operation of a commercial dog kennel business;

WHEREAS, the Applicant's business will have approximately six employees, will provide training, boarding, canine daycare, grooming, and specialized kennel use services, and proposes to board up to 50 dogs. The Applicant also proposes to build a home on the Property;

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WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested IUP application and on August 15, 2011 took action to recommend that the Town Board approve the requested application for the IUP with certain conditions;

WHEREAS, the Town Board reviewed the Planning Commission's recommendation, discussed the IUP application, and heard comments from the Applicant and the public at its meeting on September 6, 2011. At the meeting the Town Board directed the Town Attorney to prepare a resolution denying the Applicant's variance request to allow two accessory buildings with a total square footage of 19,600 square feet, which is nearly four times the square footage allowed under the Denmark Township Development Code ("Ordinance"). Given the likely denial of the variance, the Applicant was asked if she would like the Town Board to proceed with consideration of her application for an IUP. The Applicant indicated she desired to proceed with her IUP application and the Town Board directed the Town Attorney to prepare a resolution approving an IUP for a kennel that does not require a variance; and

WHEREAS, the Town Board has reviewed the record and additional testimony, and hereby finds and determines as follows with respect to the proposed use and approval of the requested IUP:

- a. The Applicant modified her proposal after the Town Board's September 6, 2011 meeting to redesign the boarding building to a two-story building with a footprint of 4,992 square feet. The second accessory structure proposed for the future to hold livestock remains part of the proposal and can only be allowed without a variance if it qualifies as an agricultural building under the Ordinance. The Town will make a formal determination of whether the proposed second accessory structure is allowed based upon, and at the time of, the Applicant's request for a certificate of compliance from the Town. However, the Town Board's initial finding is that the second accessory structure of approximately 2,500 square feet related to the keeping of a relatively small number of animals (sheep, cows, chickens) as described would qualify as an agricultural building. As an agricultural building on more than 20 acres, it is not included in the 5,000 maximum square foot limit applicable to non-agricultural accessory structures in the Ordinance.
- b. The Applicant submitted new site plan dated September 19, 2011 and building plans dated September 15, 2011 and October 1, 2011;
- c. An IUP is required for commercial kennel uses in the A-2 District as established by the Ordinance;
- d. The proposed use is consistent with the goals of the Comprehensive Plan for the A-2 District;
- e. The proposed use meets the minimum lot size of five acres and density requirements for a commercial kennel;
- f. The proposed boarding building and home meet the applicable setback requirements;
- g. The lot coverage for the proposed use, which includes a gravel driveway, parking lot, proposed kennel building and house, is approximately 4% and is well under the 25% maximum lot coverage allowed in the A-2 District;
- h. The proposed boarding building has a total footprint of 4,992 square feet, thus meeting the 5,000 square foot maximum applicable to non-agricultural accessory structures on a parcel of this size;
- i. The proposed boarding building has an exterior height of 31 feet and a sidewall height that does not exceed 16 feet, thus meeting the 35 foot maximum building height allowed in the A-2 District;
- j. The proposed parking lot for the use provides adequate parking under the Ordinance;
- k. Concern was expressed by owners in the area that traffic on 80th Street has increased over time, together with the speed of traffic, posing a risk for those who use of the road for bicycling and riding horses. They worry that the added traffic generated by the commercial kennel will exacerbate those concerns. However, there was no specific information provided to indicate that the estimated additional vehicle trips a day could not safely be accommodated on 80th Street, or that the road could not otherwise handle the additional anticipated traffic. Therefore, the Town Board finds proposed use will not negatively impact traffic flow on 80th Street;
- l. A number of those speaking at the public hearing expressed concern over the noise that may occur from the barking of dogs associated with this use; however, the concerns were largely speculation and not supported by any specific information that this commercial kennel would generate a level of noise that would unreasonably annoy the neighbors or constitute a nuisance. Also, the Town has in place an ordinance that addresses nuisances created by barking dogs and the Applicant will be subject to the ordinance. A planning commissioner shared his experience of having visited a kennel and of not hearing any noise when the dogs were inside, indicating it is possible to sufficiently contain noise from a kennel boarding area. The Applicant explained a staff member will be with the dogs when they are outside to keep the dog engaged, which will reduce barking. The Applicant explained that dogs bark when they are acting protectively or because they are bored. Because the kennel is not their home territory they will not be barking for protection reasons. The staff will ensure the dogs are provided sufficient outdoor and exercise opportunities to avoid barking because of boredom. Calls to some other communities in the area with kennels, including the community in which the Applicant currently trains dogs, revealed no reports of neighbor complaints;

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- m. The Applicant has discussed certain kennel related activities she wishes to conduct on the Property, such as grooming dogs and operating a canine daycare. Town Board wants to ensure the kennel use does not expand beyond the use currently understood by the Town Board since such an expansion could result in impacts that are not contemplated at this time or that are not adequately addressed in the conditions imposed on this permit. To that end, the description of the use is set out in the following conditions is intended to clearly identify what is allowed, but to also make it clear that the use may not be expanded beyond what is expressly allowed herein unless the Applicant first obtains an amended or new IUP from the Town;
- n. The location of the boarding building on the Property, the trees that will remain, and the additional screening required as part of this permit will serve to screen the use from surrounding properties; and
- o. The application materials submitted by the Applicant meet the Ordinance requirements in Chapter One, Section 11 regarding Interim Uses. The Town Board determines the use, as proposed, satisfies the criteria for granting an interim use permit in Chapter One, Section 11.3 of the Ordinance.

NOW THEREFORE, BE IT RESOLVED, that, based on the record of this matter, and the findings and determination contained herein, the Town Board of Denmark Township hereby approves and issues an IUP for the operation of a commercial dog kennel business provided the Applicant complies with, and remains in compliance with, all of the following conditions and limitations:

1. The Interim Use Permit shall be approved for the Applicant for up to fifteen (15) years. However, the Town Board retains the right to place additional or amended restrictions on the permit as it determines are necessary to reduce odor, noise, and visual impacts of the kennel use based on a finding, after the kennel is operational, that the present conditions do not adequately address those impacts. Before making any modifications to the IUP conditions, the Town Board will notify the Applicant of the proposed amendments and allow the Applicant to be heard regarding them. A change in ownership of the parcel, except for the completion of the purchase of the Property by the Applicant, or of the commercial kennel business shall cause this IUP to terminate and require a new IUP. This IUP shall terminate fifteen (15) years from the date of this Resolution, unless terminated earlier as a result of a change in ownership of the Property or of the commercial kennel. If this IUP is terminated, or if the Town Board revokes it for a violation of any of the conditions, all kennel and related uses must cease and shall not be resumed unless a new IUP is issued;
2. The outdoor exercise and training areas shall not be used, and no pick up or drop off of animals may occur, between the hours of 9:00 p.m. and 6:00 a.m. daily.
3. Applicant shall install separate septic systems, each approved by Washington County, for the boarding building and the home. The septic system installed for the boarding building shall be of a sufficient size to handle all wastewater generated in the building, including the waste and hosing from the kennel and kennel runs.
4. The Applicant shall provide evidence to the Town that she has purchased the Property within 60 days of the County's issuance of a conditional use permit for this use. A copy of the recorded deed conveying the Property to the Applicant shall be sufficient proof.
5. The number of dogs allowed on the Property shall not exceed 50 at any one time, inclusive of all activities allowed under this permit. Permitted activities include boarding, training, herding training, canine daycare, and grooming. Grooming activities are limited to those dogs boarded on the Property. Operation of a grooming business or the sale of other services or goods are not within the scope of this permit and are not allowed. Any proposal to undertake any other activities or provide any other services not expressly allowed by this permit, or any other expansion of the use, shall require an amendment to the IUP.
6. The Town may review the IUP on an annual basis, including any complaints related to noise or barking dogs. The Town may review the IUP more frequently based on complaints related to kennel operations.
7. The Commercial Kennel shall comply with the Town's ordinance regarding keeping of dogs.
8. The Applicant shall comply with the Town's zoning regulations regarding livestock with respect to the farm animals proposed to be kept on the Property.
9. Applicant shall limit noise impacts from the outdoor exercise/play areas to comply with the standards for noise pollution as established by the Minnesota Pollution Control Agency in Minnesota Rules, Chapter 7030, as amended.
10. The proposed building shall be in substantial compliance with the Site plan dated September 19, 2011 and building plans dated September 15, 2011 and October 1, 2011 (as presented at the October 3, 2011 Town Board meeting), must meet all requirements of the Ordinance, and requires the Applicant to obtain a building permit from the Town prior to construction.
11. The Applicant shall construct the driveway with a width of 20 feet and setback 20 feet from the side boundary lines of the Property. The driveway shall be constructed consistent with the recommendations contained in the Engineer's report, the Engineer's recommendation as to safety and sight line issues present on 80th Street, and the Town's driveway ordinance.

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12. The Applicant shall plant and maintain trees to screen the boarding building and the parking area.
13. The Applicant shall submit the required information regarding the septic system design, primary and alternate septic sites and soil conditions to Washington County and obtain the required County permit.
14. The Applicant shall obtain a sign permit for any proposed signage on the parcel. Signage must meet the requirements of the Town ordinance.
15. The Applicant shall construct the proposed off-street parking area in compliance with Town standards contained in Chapter Two, Part 3, Section 1.9. No parking related to the business shall be allowed on 80th Street.
16. The Applicant shall address the Engineer's comments included in the memo dated September 15, 2011 regarding access, drainage, driveways, disturbed areas, and erosion control.
17. If the project disturbs one acre or more, the Applicant shall meet the required South Washington Watershed District standards regarding stormwater rate, stormwater volume, allowable phosphorus load, and utilization of infiltration. The Applicant shall obtain any required stormwater permit from the Watershed District.
18. If the project disturbs one acre or more, the Applicant shall obtain an NPDES permit for General Construction Activities from the Minnesota Pollution Control Agency.
19. The Applicant shall install the proposed fencing in compliance with Town standards contained in Chapter Two, Part 3, Section 1.5. Non-agricultural fencing in excess of 6 feet in height requires a building permit.
20. The Applicant shall obtain a Conditional Use Permit from Washington County for the proposed use.
21. The Applicant shall pay all application fees and pay, from the escrow or in addition to the escrow if it is not sufficient, the costs the Town incurred related to processing this application.
22. A failure by the Town to take action with respect to any violation of any condition, covenant, or term of this IUP shall not be deemed to be a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
23. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this IUP, shall not be permitted unless a new or amended interim use permit is issued by the Town Board.
24. This permit is subject to the requirements of the Town's ordinances and the Applicant is required to comply with all applicable federal, state and local laws, rules and ordinances, and to obtain such other permissions and permits as may be required.
25. The Town may inspect the Property at all reasonable times for purposes of ensuring compliance with the conditions of this IUP.
26. The Applicant or owner shall correct all defects on the Property which violate any of these conditions immediately, but in no case more than 30 days of receipt of written notice from the Town.
27. Utilization of the Property for any of the uses allowed by this permit shall be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification or reservation.

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to record this Resolution in the office of the County Recorder at the Applicant's expense.

Adopted this 3rd day of October, 2011
BY THE TOWN BOARD

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2011-11
RESOLUTION APPROVING SUMMARY LANGUAGE FOR
PUBLICATION OF AN ORDINANCE AMENDING VARIOUS
SECTIONS OF THE DENMARK TOWNSHIP DEVELOPMENT CODE

WHEREAS, on October 3, 2011 the Town Board of Denmark Township ("Town") adopted "AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE DENMARK TOWNSHIP DEVELOPMENT CODE," ordinance number 2011-01, ("Ordinance");

WHEREAS, the Ordinance amends various sections of the Development Code, most notably the sections dealing with variances, accessory structures, and lot combinations;

WHEREAS, Minnesota statute, section 368.01, subdivision 21 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

WHEREAS, the Town Board determines that publishing the full text of the Ordinance is not feasible and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE DENMARK TOWNSHIP DEVELOPMENT CODE

The Town Board of Denmark Township adopted Ordinance No. 2011-01 amending various sections of its Development Code. The sections amended include those related to variances in order to address recent legislative changes, clarifications to the accessory structures provisions, regulations related to the placement of driveways, requirements related to the combination of lots, and certain corrective changes to other sections. A copy of the full ordinance is available on the Town's website, the Washington County Law Library, the Dakota County Hastings Branch Library, and can be obtained by contacting the Town Clerk-Treasurer.

Becky Herman
Clerk-Treasurer

BE IT FINALLY RESOLVED, that the Town Clerk is hereby authorized and directed to:

- Maintain copies of the full Ordinance at the Town Hall;
- Place copies of the full Ordinance at the Dakota County Hastings Branch Public Library;
- Place copies of the full Ordinance at the Washington County Law Library;
- Record a copy of the Ordinance with the County Recorder's office; and
- Place the Ordinance in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted this 3rd day of October, 2011.

BY THE TOWN BOARD

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2011-12
RESOLUTION ADOPTING AMENDMENTS TO THE
DENMARK TOWNSHIP 2030 COMPREHENSIVE PLAN

WHEREAS, the amendments adopted by the Metropolitan Council to its 2030 Regional Parks Policy and 2030 Transportation Policy Plan require Denmark Township ("Town") to make corresponding amendments to its 2030 Comprehensive Plan ("Plan");

WHEREAS, the Town desires to make other minor amendments to its Plan as reflected in the Township Planner's memorandum dated September 9, 9, 2011; and

WHEREAS, the Denmark Township Planning Commission held a public hearing on the proposed amendments to the Plan on September 19, 2011 and voted to recommend the Town Board approve the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby acts pursuant to its authority under Minnesota Statutes, section 462.355 to adopt the amended Denmark Township 2030 Comprehensive Plan as presented; and

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to keep a copy of the amended Plan in her office which will serve as the official Plan and to post a copy of the Plan on the Town's website.

Adopted, by at least a two-thirds vote, this 3rd day of October, 2011.

BY THE TOWN BOARD

DENMARK TOWN BOARD MEETING MINUTES
October 3, 2011

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2011-13

**RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR PROPERTIES LOCATED AT 6865 OAKGREEN AVENUE SOUTH AND
14084 70TH STREET SOUTH**

WHEREAS, Clarence A. Pribnow and Karen L. Pribnow, husband and wife, (the "Applicants") have applied to Denmark Township ("Town") for a lot line adjustment to adjust the lot line between their property located at 6865 Oakgreen Avenue South, Hastings, MN 55033 (PID 04.027.20.33.0001) (the "Small Parcel"), and their property located at 14084 70th Street South, Hastings, MN 55033 (PID 04.027.20.33.0007) (the "Large Parcel");

WHEREAS, both the Small Parcel and the Large Parcel are located in the Rural Residential (RR) Zoning District as designated by the Denmark Township Development Code ("Ordinance") and the density allowed for properties in this District is one home per 5 acres;

WHEREAS, the proposed lot line adjustment would transfer approximately 0.25 acres of property from the Large Parcel (which currently contains approximately 13.71 acres) to the Small Parcel (which currently contains approximately 1.1 acres);

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance provided the Applicants 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 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 conditioned on Applicants' compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicants must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants, their 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 shall be responsible for providing all legal descriptions and other information Town Attorney may request to assist in preparing the development agreement;
3. The Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs;
4. The Applicants 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
5. After the lot line adjustment, the Small Parcel shall have a total of one density unit (which is already used) and the Large Property parcel shall have a total of one density unit (which is already used).

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 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 3rd day of October, 2011.

BY THE TOWN BOARD