

DENMARK TOWN BOARD MEETING MINUTES  
October 2, 2006

**SUPERVISORS PRESENT:** John Kummer, Kathy Higgins, Gary Dixon, Jim Keller and Joe Moore.  
Also Present: Attorney Shoeberg and Engineer Geheren

**CALL TO ORDER:** Meeting called to order @ 7:00 PM by Chair Kummer.

**AGENDA APPROVAL:** Attorney added Amidon weed assessment. Moore added cable meeting and Kummer added Eagle's Watch.

**Motion Keller/2nd Moore to approve Agenda as amended. All in Favor. Motion Carried.**

**CONSENT AGENDA APPROVAL:** Higgins pulled the claims.

**Motion Higgins/2nd Moore to approve Consent Agenda without the claims. All in Favor. Motion Carried.**

**HEARING DECISION/ZONING ACTIONS:** NONE

**PUBLIC COMMENT:**

Sheriff Pott addressed speeding on Oakgreen Avenue between 70th and 60th Streets, stating that a speed trailer will be set up and more frequent patrolling will be done in the area. He reported that there has been vandalism in Denmark by juveniles and that restitution may be in order.

Tony Sieben asked if his driveway damage would be taken care of. Kummer stated that it would be fixed.

Valda VanAlstine asked for board approval to hang Historical Society items in the Town Hall.

Discussion that township would still like to meet with Historical Society to discuss obtaining photos/copies to have framed and placed in Town Hall .

**Motion Keller/2nd Moore to approve Historical Society items to be hung in the Town Hall.**

**All in Favor. Motion Carried.**

Dave Rowe asked if anything would be done on the road complications on 87th St. Kummer explained that because of the underlying crack sealing, sometimes ripples can appear. The decision not to reclaim came about based on a concern re: the weight 87th bears. To reclaim and overlay with 2 ½ inches of black top, the road wouldn't be as strong as the current 4 ½ plus 2 inches over the top of it. The reclaiming that didn't take place will be credited back to the Township in the amount of \$10,000.

**BUSINESS ITEMS:**

**Collins Concept Review:** Ted Collins and engineer, Tim Arvidson presented concept plan for proposed subdivision of 10 units on a 50 acre parcel owned by Mr. Collins. Proposal includes a road access from the West (adjacent to Fieldcrest) which would go through to St. Croix Trail. A cul-de-sac road is proposed entering subdivision off of St. Croix Trail. Collins would like to preserve a large stand of oak trees on property. States that there are no wetlands on the property. Board questioned number of available density units left on property. Attorney states that he thought there were only 8 density units left. Collins, his Atty & Shoeberg to review past Development Agreements to determine actual # of remaining density units. Comment from Board that they would like to see Southerly cul-de-sac line up with 67th St. on East side of St. Croix Trail. Consensus of Board that concept plan is acceptable subject to final determination of available density units and cul-de-sac entrance lining up with 67th St. Township recognizes it is not the road authority for St. Croix Trail, but is requesting this relocation of cul-de-sac access.

DENMARK TOWN BOARD MEETING MINUTES  
October 2, 2006

**Rumpca Gravel Pit:** Jack Clinton, Joe Rumpca and Ron Magone present to discuss their proposal for exiting the pit. Proposal consists of three possible routes with new conditions:

- Oakgreen Ave. N.: Exit pit 60 feet east of barn (different from township required exit point 1300 ft from Oakgreen Ave. intersection - at top of hill) and take Oakgreen Ave. N. to 70<sup>th</sup> St.: Applicant will build base to 9 ton standard. Township to move this street to its improvement list, do road design and one mile of blacktopping.
- 80<sup>th</sup> St. To Hwy 95: Exit pit 60 feet east of barn (different from township required exit point 1300 ft from Oakgreen Ave. intersection - at top of hill) Applicant not willing to install turn lanes on Hwy 95, as was part of Township's earlier conditions.
- 80<sup>th</sup> St. to Neal: Exit pit 60 feet east of barn (different from township required exit point 1300 ft from Oakgreen Ave. intersection - at top of hill), west to Neal, and north on Neal to 70<sup>th</sup>. Applicant will build base to 9 ton standard. Township to move this street to its improvement list, do road design and one mile of blacktopping.

Arbitration hearing scheduled for 10/16/06. Concerns expressed by Board that hearing was scheduled via conference call with Shoeberg, Clinton and Pat Kelly (arbitrator) on 09/20/06. Board members not involved in decision, nor were they notified of scheduled hearing until 09/26/06 with letter received from Clinton. Discussion re: safety issues: Clinton states safety issues addressed 5 1/2 yrs ago. States cost estimates were done also. All he's heard since is why things couldn't be done. Read from Court of Appeals decision that safety issues could be addressed. Challenges why Township needs more information. States if Township doesn't have enough information the arbitrator can describe it. Board stated that information they are requesting now has to do with current Township cost estimates (based on current asphalt prices), and assessment of different/new conditions in current applicant proposal. Board wants engineering review of current proposal as it relates to cost and differences between original Township recommended conditions and current proposal. Board would like resolution between the parties rather than going to arbitration. Applicant willing to postpone arbitration date for one month (2 weeks to get engineering analysis and two weeks to negotiate). Engineer requests that Board drive the routes and get back to her with questions. Arrangements made to hire truck so that board members can drive proposed routes.

**Ratification of Levy Certification:**

**Motion Higgins/2nd Moore to ratify the levy certification as discussed/approved at the September meeting in the amount of \$430,663. All in Favor. Motion Carried.**

**Temporary Structure Permit Fees:** Board received information from Inspectron on what types of structures are/are not included in proposed fees for issuing temporary structure building permits which require a fee. **Motion Moore/2nd Keller to approve establishing a fee of \$300 for building permits for temporary structures used for commercial purposes as discussed in Inspectron memo dated 9/25/2006. All in Favor. Motion Carried.**

**Trash Haulers Licenses:** Discussion re: limiting the number of Trash Haulers in Denmark.

**Motion Kummer/2nd Higgins to approve ordinance to be drafted limiting the number of haulers to 4. Ayes-Higgins, Kummer, Moore and Dixon. Nays-Keller. Motion Carried. Review next year.**

DENMARK TOWN BOARD MEETING MINUTES  
October 2, 2006

**St. Croix Estates:** Duane Herman and contractor John Langenfeld presented situation re: one lot in St. Croix Estates. Proposed home site is located 140 ft from existing pond, with proposed elevation of 865.1 ft. Discussion re: requirement about high water level and building construction. With existing requirements, homeowner would only be allowed to have a 2 foot basement. Lengthy discussion re: unique characteristics applicable to this situation.

**Motion Higgins/2nd Moore that Lot 8, Block 2 of St. Croix estates be allowed to build at the proposed level based on the following:**

- **The existing stormwater pond is 140 ft away from the proposed home site.**
- **There is a large ravine 50 feet from the pond that the water will likely flow into.**
- **There is a heavy concentration of limestone in this section of the Township, resulting in the stormwater pond not holding water.**

**AND Subject to the homeowner signing an agreement that homeowner assumes the risks of constructing a home below the normal high water line, waiving liability for water damage, and the Development Agreement being amended/recorded accordingly, assuring that full disclosure will be provided to all future homeowners.** Ayes- Moore, Kummer, Higgins, Dixon Nays- Keller  
**Motion carried.**

Attorney will discuss Township action with Dennis O'Donnell.

**St. Croix Ridge:** Engineer received as-built plans on 09/25/06. Two problems noted: Pipe inlets/outlets on both ponds are outside acceptable tolerance, and corrections need to be made to the overflow near the Buffalo property. Not installed at correct level. It is highly likely that pond will overflow to the Buffalo property. Engineer will send letter to Riegel with copy to Board. Attorney passed along request from Riegel that he be allowed to place final wear course. Board said no.

**Summer Road Maintenance-60th St:** Kummer reported that Afton is requesting that Denmark maintain one mile of gravel road during the summer months on 60th between Manning & Neal Ave. Afton blacktopped all roads, and doesn't want to send a grader to that location to provide summer blading. Township's current road contractor is willing to do the maintenance, but wishes to deal directly with Afton.

**Eagle's Watch:** Kummer reported that Township has received a letter from Jim Stanton stating that crack sealing will be done by October 31st or that Denmark will undertake the coordination of this work and bill the charges to Shamrock.

**Motion Higgins/2nd Keller to release the Eagle's Watch subdivision bond.**

**All in favor. Motion carried.**

Engineer to send letter recommending release of the bond.

**Cable Meeting:** Moore reported on meeting at Afton. Afton in process of soliciting RFP's for Wi-Fi services. Approximate cost would be \$20/month/household. Infrastructure will be built at no local cost. Only cost to Denmark Township would be payment for consultation services to assist in the selection process (approximately \$20,000). Consensus of Board that this would be an excellent service for us to provide to Township residents at relatively little cost. Moore will follow through.

DENMARK TOWN BOARD MEETING MINUTES  
October 2, 2006

**Amidon Assessment:** Moore and Attorney reported on fact that an assessment against property taxes is allowed to be certified for township cost in mowing/removing weeds. Attorney fees/expenses may also be recovered. This is allowed by statute. Attorney has verified with Kevin Corbid @ County Assessor's office. Attorney to certify assessment.

**WMO Update:** Board received packet of information from engineer on stormwater ponds, infiltration practices and bioretention. Board will review information. Discussion re: current township practice of stormwater maintenance and need for township to develop consistent policy for future developments.

**Motion Higgins/2nd Moore to authorize clerk to add claim this month for LSCWMO in the amount of 16,895.50 for Denmark's balance owed for 2006. All in favor. Motion Carried.**

Discussion re: rules development by WMO Board. Town Board in support of infiltration basins being strongly recommended in rules, but not required. Board also in support of Township issuing permits for projects, as long as they meet WMO rule requirements. Discussed situation that neither Higgins nor Keller are able to attend this month's WMO Mtg. Suggestion made to contact WMO and ask that rules discussion be removed from this month's agenda. Keller will contact.

**Pulled Claims:** Higgins asked for more information on legal billing re: Amidon.

Higgins raised question re: township ditch mowing. Expressed disagreement with township mowing of private property. Mowing is occurring beyond Township right of way. Does not believe that private property should be mowed with public dollars.

**Motion Keller/2nd Dixon to approve claims # 8404-8434. Ayes- Kummer, Moore, Dixon, Keller. Nays- Higgins. Motion Carried.**

**RFP's:** Township received 4 proposals for legal services. Reviewed proposals. Two selected for interview. Received 2 proposals for Planning services. Two selected for interview.

**Rumpca:** Board scheduled workshop for 10-23-06 from 5-7 PM to review engineering findings on proposed routes/conditions.

**Motion Higgins/2nd Dixon to adjourn. All in Favor. Motion Carried.**

Meeting adjourned @ 11:17 PM.

Becky Herman  
Clerk/Treasurer