

DENMARK TOWN BOARD MEETING MINUTES
SEPTEMBER 12, 2005

SUPERVISORS PRESENT: Jim Fitzpatrick, Kathy Higgins, John Kummer, Gary Dixon and Jim Keller
OTHERS PRESENT: Attorney Shoeberg

CALL TO ORDER: Meeting called to order at 7:20 PM by Chair Fitzpatrick

AGENDA APPROVAL: Higgins added Water and Sewer draft language that engineer submitted, and levy certification to County. Kummer added Eagle's Watch Trail. Attorney added payment for Legal bill.
Motion Keller/2nd Kummer to approve Agenda as amended. Motion Carried.

CONSENT AGENDA APPROVAL: Motion Higgins/2nd Kummer to approve consent agenda. Motion Carried.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT:

Gordy Herman-requested Town Board action on Planning Commission member's resignation, due to current lawsuit against Township. Attorney recommended against such action.
Joe Knapp (Eagle's Watch)-re: weeds. Board moved this discussion to be included in Business Items.

BUSINESS ITEMS:

7:25 PM Supervisor Kummer took seat in audience.

Kummer's Cliff-Final Plat- John D. Kummer gave clerk a signed and notarized Development Agreement. Township received \$2000 lot split/park dedication fee and \$6324.69 check for escrow balance. Keller inquired if all approvals were done. Attorney confirmed yes. Discussion on Law's action to deed an easement to the Township. Per attorney, Law's could do a Quit Claim Deed or an Easement Document with the Legal Description on it. Mr. Kummer submitted to Board a Legal Description of the property and an Agreement letter from Law's. Motion Higgins/2nd Keller to approve Kummer's Cliff Final Plat. Motion Carried.

7:31 PM Kummer left audience and resumed position on Board.

4 Wheelers in Denmark Township-Residents spoke to Board on nuisance of noise, trespassing and property damage done by ATV's and dirt bikes on private property. Resident asked Board to inform public of this problem. Kummer suggested information be put in Newsletter. Attorney will compile legal ramifications for publication in the Newsletter. Board will consider problem in detail when considering adoption of new ordinances. Keller will discuss submission into Newsletter with editor.

Homestead Estates Open Space Easement-Femling reported that the County took the position that either the County or the Township hold the Easement per County Ordinance. This is for management of Conservation Easement only. Motion Keller/2nd Fitzpatrick for the Board to direct the Attorney to make sure the Conservation Easement is held by the Township and is reflected in the development Agreement, and that the Homeowner's Association be responsible for reporting their compliance to the Township on an annual basis, and that Homeowner's Association inspection fees will be charged if the Township incurs fees for that. Motion Carried. Higgins requested a copy of the Homeowner's Association Document and the

DENMARK TOWN BOARD MEETING MINUTES
SEPTEMBER 12, 2005

Conservation Easement Document, as one of the conditions of the final plat approval by the County, is that the Township approves both documents. Higgins requested a copy of the latest draft of the Development Agreement. Attorney will provide all.

Discussion of Ordinance Meeting moved to Meeting notices on the Agenda.

Eagle's Watch-Kummer reported for Township Engineer. Walk through was done by Engineer and a representative of the Developer. A large portion of the trail was installed. On the portion not installed, there is a problem with grade of land for trail installation, and property line questions. Homeowners Association asked Board to help with solved remedy, Mr. Stanton asked to have it completed so he can sign off on the property. Kummer asked Board to come to a conclusion of either completing the unconstructed portion of the trail, or obtaining compensation from Mr. Stanton for the unconstructed portion of the trail. Kummer and Engineer were under the opinion that there would be very little benefit in completing the trail. Compensation estimates were \$3685.24 from Mr. Stanton and \$4061.58 from the Township Engineer. Board received the written estimates. Keller asked for consensus of Homeowners. Knapp said \$4000 would not install that portion of the trail. Question before Board is: Is the remaining portion of that trail so valuable as to continue it, or would the development best be served to take compensation for the unfinished portion? Motion Kummer/2nd Higgins to not install the remaining portion of the trail in Eagle's Watch Development and to seek compensation in the amount of \$4000 from Mr. Stanton for the portion of the trail not installed. Motion Carried.

Eagle's Watch Weeds-Weeds are in 10 unbuilt lots, only a portion of which have been mowed. Homeowners Association has sent the developers letters. Keller talked to all the builders. Attorney contacted builders by phone. Builders and developers were contacted by Kummer and said they were not contacted previously. Motion Keller/2nd Kummer to send forms to builders, developers and homeowners giving a 7 day notice to eradicate and/or mow noxious weeds or Board will direct eradication and/or mowing at the expense of the owner. Motion Carried.

Utility Permit Charge-Current utility permit charge is \$25. Higgins proposed to increase the charge to \$75 and make it a flat reimbursable fee rather than payment by salary with taxes withheld. Motion Higgins/2nd Dixon to increase utility inspection fee to \$75 per permit and change the method of compensation to flat rate compensation versus salary compensation, subject to professional advice on payment type. Discussion: Attorney questioned whether payment could be made without taxes being withheld. Higgins will check with M.A.T. and auditor. Motion Carried. Township will send a notice to Xcel, Sprint and Minnegasco to notify them of rate increase effective 9/12/2005. Policy may be updated to reflect any changes resulting from professional advice.

Water & Sewer Draft Language-Board received draft language from Engineer to be approved for implementation into the ordinances. Board moved this item to meeting notices.

Certification Of Levy-Motion Higgins/2nd Keller to certify Levy to the County in the amount of \$393,920. Motion Carried.

Sieben would like Board to find out who is responsible for the weeds on the property adjoining his. Board will check out.

DENMARK TOWN BOARD MEETING MINUTES
SEPTEMBER 12, 2005

Legal Payment to Attorney-Attorney asked for reimbursement for payment he made on behalf of the Township for one half of the arbitration fee. Motion Kummer/2nd Higgins to reimburse Attorney Shoeberg in the amount of \$1724.01. Motion Carried.

Clerk received Sheriff's report.

LEGAL REPORTS:

Suburban- Attorney reported Township has contractors ready to clean balance of property. Charges incurred will be certified to the taxes pursuant to the order.

Outstanding Items reviewed with Attorney:

Resolution on MnDOT-Attorney will draft

Buell's-has been recorded, Attorney will check on location

Marty-has been recorded, Attorney will check on location

Riegel-Attorney sent Development Agreement to Mr.Riegel's Lawyer; they will record and return original-

Attorney will follow up on status

John Hermann-He may not proceed, Attorney will follow up

Davison-Attorney informed applicant that as soon as appraisals are done on both Skow property and adjacent property, they can proceed. Attorney to report at next meeting as to appraisal status

Ace Trailer-hopefully signed, Attorney will follow up

CNC letter-Attorney will provide copy for Township

Joint Powers Agreement-Attorney will provide copy to Township when signed

122nd & Neal-need signed lease, Attorney will handle

Plat on 117th-Dwyer will have drawing. Attorney received statute from Dwyer. Attorney will prepare documents & summary for Board review. Board can approve at October meeting

Rossing Deeds-Attorney will provide copies to Township

110th St Culvert-There is no culvert under the middle of the road. Culvert possibly caved in or was removed when black topping was done. Mr. Riegel and Homeowner's Association are in the process of perhaps resolving the issue between themselves.

MEETINGS: In Lieu of scheduling another ordinance meeting, any Board comments on Engineer's Draft language needs to be to Engineer by September 16, 2005. Engineer will reply, if necessary, by September 21, 2005, via email. Clerk will receive final draft copy to put on CD. Attorney will provide information on requirements/timeline to Board, and send out proposed hearing dates.

Motion Dixon/2nd Kummer to adjourn. Motion Carried.

Becky Herman
Clerk/Treasurer