

DENMARK TOWN BOARD MEETING MINUTES
August 3, 2009

SUPERVISORS PRESENT: Steve Kramer, Kathy Higgins, Joe Moore, Jim Keller (8:00 PM)

SUPERVISORS ABSENT: Gary Dixon

ALSO PRESENT: Attorney Gilchrist

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

AGENDA APPROVAL: Moore added ditches. Higgins added Code Enforcement. **Motion Moore/2nd Kramer to approve agenda as amended.** All In Favor. Motion Carried 3-0.

CONSENT AGENDA APPROVAL: Note to Board: Resolution 2009-07 Rygh Administrative Lot Split is an addendum to the 07/06/2009 Board Meeting Minutes. **Motion Moore/2nd Kramer to approve consent agenda, which includes 07/06/2009 Board Meeting Minutes, Claims #9184-9198, PERA EFT 111561, payroll ending 08/01/2009 and financial reports.** All In Favor. Motion Carried 3-0.

Public Comment:

Re: Rumpca Pit Status: discussed later in the minutes.

Roads Maintenance Contracts Bid Opening:

Summer Road Maintenance- Received 3 bids. Moore opened and read the following bids:

Wagner- \$74 per hour with a \$2500 bid security(personal check), Herman Contracting-\$100 per hour with a \$2500 bid security(cashier's check) and All Weather Services-\$85 per hour with a \$2500 bid security(bid bond).

Discussion re: personal check being submitted for bid security. Board consensus that Wagner lives and farms in the Township and has worked for the Township in the past. Agreed that accepting a personal check from him as bid security would be safe and as good as other forms of bid security, and determined that this would be a minor irregularity. Clerk directed to deposit check promptly for security of funds.

Discussion re: Assurance that lowest bidder has 3 years summer road maintenance experience. Clerk directed to review Township roads maintenance records. Upon presentation of Township records at this meeting, records indicate that Wagner does have 3 years experience summer road maintenance with Denmark Township alone.

Motion Kramer/2nd Moore to award the Summer Roads Maintenance contract to W.V."Butch" Wagner, lowest responsible bidder, at a bid of \$74 per hour, accepting his submittal of a \$2500 personal check for bid security, waiving this form of bid security as a minor irregularity, subject to execution of contract. All In Favor. Motion Carried 3-0.

Winter Road Maintenance- Received 2 bids. Moore opened and read the following bids:

Herman Contracting-\$115 per hour with a \$2500 bid security(cashier's check) and All Weather Services-\$95 per hour with a \$2500 bid security(bid bond).

Motion Moore/2nd Kramer to accept All Weather Services bid of \$95 for winter maintenance services.

Motion Moore/2nd Kramer to withdraw prior motion.

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Board consensus that without having any experience with or knowledge of the lowest bidder, All Weather Services, the Board will delay awarding the winter roads maintenance contract, in order to review the company for assurance of meeting contract criteria. Moore and Dixon to contact All Weather Services for further information on the company. Board will receive information at the September 8, 2009 Board Meeting and may at that time award the contract.

Motion Moore/2nd Kramer to delay award of the winter roads maintenance contract, for the purpose of obtaining information from the lowest bidder, All Weather Services, to assure contract criteria are met, and to submit information to the Board for possible award at the September 8, 2009 Board Meeting. All In Favor. Motion Carried 3-0.

Gordy Herman inquired on the return of his bid securities. Attorney stated that at this point, the winter roads maintenance contract has not been awarded yet, so the bid security should be held. The summer roads maintenance contract has been awarded, but since no one has been qualified yet, the bid security should be held. As far as the bid security that was a part of the unexecuted original Winter/Summer Road Maintenance Contract, the security has been forfeited due to lack of bonds in place according to the contract document requirements.

Washington County Comp Plan Review: Planner not present. Planner's review of Washington County's draft 2030 Comp Plan will be placed on the September agenda.

All Hazard Mitigation Plan: Washington County is updating the Multi-Jurisdictional All-Hazard Mitigation Plan and is requesting a statement of interest from each jurisdiction who has interest in assisting in the revision process and would want continued coverage under the countywide plan.

Attorney review of this project indicated that there may be a cost share of up to 25% and that participation may incur professional costs. **Motion Moore/2nd Kramer to participate in the All Hazard Mitigation Plan, with modifications. All In Favor. Motion Carried 3-0.**

Attorney directed to draft memo to County to reflect that the Town does have interest in the process, but does not want to incur possible costs the process may require.

Collins Escrow Balance Refund Request: Ted Collins has requested return of the balance of his escrow for the development of Erin Glen in the amount of \$2375.91. Board tabled action on the request until attorney could review status of any time extensions or unresolved issues on this development. Attorney indicated that the deadlines for recording the final plat and all extensions have expired. Collins attorney communicated on 06/03/08 that Collins will be shelving the development. Any further action on this would require the submission of a new escrow. Regarding the lot line adjustment for the Collins and Pflugi properties which were approved by the Board, the Town's costs related to the adjustment were to be drawn from the development escrow. It is unknown if they ever completed and recorded the adjustment. Attorney saw no problems in releasing the remaining escrow, after deducting the time spent for his review of this matter. **Motion Kramer/2nd Moore to refund Collins escrow for Erin Glen development, with noted legal review deduction (\$31), for a refund in the amount of \$2344.91, to be paid with this month's claims as claim #9199. All In Favor. Motion Carried 3-0.**

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Ditches: Moore reported that the ditches are overgrown with weeds. Believes that even though wild parsnip is not identified as noxious, the Town should put effort in to control this invasive and harmful weed. Would like to see some spot mowing done. Dixon and Moore will identify problem areas.

Keller in attendance.

Code Enforcement: Property on Oakgreen and 65th -Property owner applied for building permit to build an accessory structure. Approved plans included a driveway for the accessory structure going through the owners' yard. The driveway was never constructed. The property access is to be the access which is a shared driveway with the neighbor to the south. Owner was noticed by building inspector on 01/07/09 to discontinue use of the field access. Owner was also given information on the appeal process. No appeal was filed. Neighbors complained that field access was still being used. Final notice from building inspector to discontinue use of the driveway at the north line of the property was sent to the owner on 06/30/09. Owner came into the Town Hall and received all necessary application materials for a variance. Variance was not applied for. Neighbors complain that field access is still being used. Board consensus to have attorney and building inspector proceed with enforcement.

Rumpca Pit Status: Status of Conditional Use Permit requirements. Neighbor indicated that there has been quite a bit of activity occurring in the pit. Fence is not complete. Berm does not appear to be completed. Keller will contact the County regarding status of CUP requirements and will also speak with Joe Rumpca about completing these CUP requirements.

WMO Update:

LEGAL UPDATES:

Fieldcrest 2nd Addition-Reiter Property: Fieldcrest resident proposing to clear trees off 5 acre lot to create a pasture to accommodate up to 3 horses. Attorney drafted letter to resident to inform him of provisions of the development code that would likely prohibit or limit the proposed project.

Homestead Estates: Attorney submitted 07/31/09 letter to Frank Femling outlining the following proposed plan to address the outstanding issues on Homestead Estates.

- 1) Developer will apply for a variance for the over length cul-de-sac, by 08/14/2009.
- 2) Developer will put in the wear course by 10/31/2009, and if not properly placed by then, he will submit a petition to the Board, on the town's form, to establish a subordinate service district. Before the wear course is placed, Developer will contact the Town's Engineers to perform an inspection of the roads to identify any repairs that may be needed before placement of the wear course. Before placing the wear course, Developer will notify the Town's Engineers, so they can have a representative present during the work to confirm it complies with the required specifications.
- 3) The required Letter of Credit will be temporarily suspended, provided Developer makes a good faith effort to obtain a letter of credit as soon as his situation changes.
- 4) Annual open space inspection fee is required to be paid.

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Motion Keller/2nd Moore to accept legal's recommendation of the discussed conditions for Homestead Estates, provided that the Town secure written consent of agreement from Developer, Frank Femling. All In Favor. Motion Carried 4-0.

Board directed attorney to draft conditions in the form of an agreement for Developer to sign.

Rygh Administrative Lot Split: Development agreement has been drafted and attorney is waiting for additional legal descriptions for completion.

Resident Complaint: Motorcycle racetrack complaints within the Township- Attorney has reviewed how other communities have addressed these complaints. Noise ordinances, erosion aspect, restrictions and requirements in the zoning ordinances, and violations of laws regarding shoreland regulations and stormwater construction permit requirements are possible options. Land trust will be enforcing motorcycle use on the conservation easement by the river. County Planner and Town Inspector intend on performing on site inspections on properties with motorcycle activities.

Board consensus to review ordinances regarding public nuisance in the near future.

Road Maintenance contract: Clerk requested direction regarding the handling of bid securities.
Motion Moore/2nd Kramer For clarification purposes, the Board finds that Herman Farms & Contracting failed to supply bonds as required in the contract documents for the Summer/Winter Road Maintenance Contract, and therefore, the \$2500 bid security provided with his original bid was forfeited and will be retained by the Town to offset its costs, and Clerk is directed to secure original bid security funds into Township account. All In Favor. Motion Carried 4-0.

Conditional Use Permit Inspection done at Hwys. 61 & 10.

WMO Update: Keller reported that Woodbury is seeking an appeal to BWSR decision. Neither SWWS nor Valley Branch are participating in this appeal.

9:35 PM **Motion Kramer/2nd Moore to adjourn.** All In Favor. Motion Carried 4-0.

Becky Herman
Denmark Township Clerk/Treasurer