

DENMARK TOWN BOARD MEETING MINUTES
April 5, 2010

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

ABSENT: None

STAFF PRESENT: Attorney Gilchrist

CALL TO ORDER: Meeting called to order @ 7:11 PM by Chair Higgins

Sheriff submitted citation report.

AGENDA APPROVAL: Moore added Newsletter. Keller and Higgins added Code Violations. Higgins added Township ditches and Charitable Gambling. Kramer added Town Hall Mowing. **Motion Keller/2nd Moore approval of agenda as amended. All In Favor. Motion Carried 5-0.**

CONSENT AGENDA APPROVAL: Higgins pulled claims. **Motion Moore/2nd Kramer approval of consent agenda which includes 03/01/2010 Board minutes, PERA EFT 134549, payroll ending 04/01/2010 and financial reports.**
All In Favor. Motion Carried 5-0.

PULLED CLAIMS: Clerk received additional billings for Qwest-claim #9341 Total due \$209.43 and Rivertown Newspaper-claim #9344 Total due \$202.30. **Motion Kramer/2nd Keller approval of claims #9341-9360 with noted changes. All In Favor. Motion Carried 5-0.**

HEARING DECISION/ZONING ACTIONS: None

PUBLIC COMMENT: None

BUSINESS ITEMS:

ELECTION OF CHAIR/VICE-CHAIR: Keller recommended keeping current Chair/Vice-Chair in place. **Motion Keller/2nd Moore to elect Higgins Chair and Dixon Vice-Chair. All In Favor. Motion Carried 5-0.**

ORGANIZATIONAL ITEMS: **Motion Keller/2nd Moore to approve the following items:**

- **Designation of Hastings Star Gazette as official Town newspaper of record, and to also place notices in the St Paul Pioneer Press, as directed by the Board.**
- **Designation of the Town Hall outside south bulletin board as the official Town posting place.**
- **Designation of Wells Fargo Bank-Hastings as the official Town bank.**
- **Gopher bounty to remain at \$2.50 per gopher.**
- **Supervisor's salary to remain at \$70 per meeting and \$300 per month for Chair.**
- **2011 Annual Meeting set for March 8, 2011 @ 7:00 PM @ the Town Hall, per elector resolution.**
- **Retain contracted staff-Legal, Kennedy Graven- Planning & Engineering, TKDA.**

All In Favor. Motion Carried 5-0.

County Road Project-70th St: Washington County is proposing full depth reclamation for 70th Street from Hwy. 95 to Oakgreen Ave. The County will be using State Aid funding which requires municipal consent. Attorney submitted draft resolution for Board review. **Motion Kramer/2nd Keller approval of Resolution 2010-02 Resolution Approving A County Project Within The Township. All In Favor. Motion Carried 5-0.**

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Playground In The Summer 2010 (PITS): Board reviewed PITS contract for 2010. Hastings Community Ed proposes a 2 day/week program at a cost of \$1400. **Motion Moore/2nd Kramer to approve Denmark participation with PITS proposal 2 day/week program at a cost of \$1400. All In Favor. Motion Carried 5-0.** PITS will be at the Denmark Town Hall Park on Mondays and Fridays from 9:30 AM- 3:30 PM, June 21st through August 13th, 2010.

Planning Commission Appointment: Two applicants were interviewed for a vacant Planning Commission seat. Board consensus to approve reappointment of Pat Lilligren for continuity of the commission. Discussion re: alternates for the Planning Commission-not currently a provision in the ordinances. Since ordinances are being reviewed for possible amendments at this time, Attorney will review language to add option for alternates in the ordinances.

Motion Higgins/2nd Kramer approval of reappointment of Pat Lilligren for the term of 04/2010 through 03/30/2013. All In Favor. Motion Carried 5-0.

Building Inspection Services: City of Cottage Grove has contacted the Town regarding their interest in providing Building Inspection Services. Cottage Grove proposal is 75% share for Denmark. Current contract is 40% share. Board consensus to have Chair contact Cottage Grove to request additional information.

Charitable Gambling: Climb Organization is requesting approval of charitable gambling at County Point for pull-tabs, paddlewheel and bingo. Current organization (Lion's Club) will no longer be renewing their permit for charitable gambling at The Point. **Motion Kramer/2nd Dixon approval of Climb Organization Charitable Gambling at County point. All In Favor. Motion Carried 5-0.**

Newsletter: Moore reported resident interest in recreation and mailing of the newsletter. Board consensus to recreate and mail newsletter. Supervisors will submit info to Moore for circulation.

Code Enforcement:

CUP Compliance- Commercial Business District: Review of Conditional Use Permit compliance at 12260 Margo Ave.

Zoning Complaint- 120th St S: Continuance of zoning complaint inspections.

Zoning Complaint- 131st St S: Complaint re: business operation.

Nuisance Complaint- 60th St S: Complaints re: dogs continuous barking. Sheriff's department has investigated complaints. Animal Warden will send response letter.

8:45 PM **Motion Moore/2nd Keller to close meeting and go into closed session under attorney-client privilege (13D.05) to discuss BWSR litigation. All In Favor. Motion Carried 5-0.**

9:42 PM **Motion Kramer/2nd Moore to reopen Board Meeting. All In Favor. Motion Carried 5-0.**

Report on closed session regarding BWSR litigation. The closed session was attended by Board Supervisors; Keller, Dixon, Higgins, Moore and Kramer, Town Attorneys Troy Gilchrist and Sarah Sonsalla. Board received updated information and discussed the matter in litigation with Legal. The closed session was held for the purpose of meeting with the Town's attorneys pursuant to the attorney-client privilege under Minn. Stat. § 13D.05, subd. 3(b) to discuss matters related to the current litigation of Denmark Township and City of Cottage Grove v. Minnesota Board of Water and Soil Resources, Valley Branch Watershed District, South Washington Watershed District and Dan Belka.

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Town Hall Mowing: Kramer satisfied with performance of Precision Landscaping and recommends entering into contract with them for 2010 season. **Motion Keller/2nd Moore authorization for Kramer to renegotiate contract rate with Precision Landscaping for 2010 mowing season at the Town Hall, not to exceed 10% above the previous rate. All In Favor. Motion Carried 5-0.**

Ditch Mowing: Board authorized Legal to review previous contract and mowing policy and send possible revisions out. **Motion Keller/2nd Moore authorization for Dixon to seek proposals for ditch mowing. All In Favor. Motion Carried 5-0.** Dixon will report proposals at May meeting.

Schedule Road Inspection: Road Inspection scheduled for Wednesday, 04/21/10 @ 2:30 PM @ Town Hall.

Schedule Board Workshop:

Board workshop (portfolio) meeting scheduled for Tuesday, 04/13/10 @ 5 PM @ Town Hall.

LEGAL REPORTS:

Status of Ordinance amendments: Attorney sent out draft ordinance for Board review/comments. Attorney will send revised draft to Clerk-Clerk will send to PC for informal review and commenting. Board can review/comment on draft at May Board meeting.

Herman Contracting vs Denmark: Re: return of bid security. Litigation was heard on 04/01/10.

Rase-Suburban-Snaza: Court of Appeals opinion upheld Denmark's position.

10:38 PM **Motion Kramer/2nd Dixon to adjourn. All In Favor. Motion Carried 5-0.**

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2010-02

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**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2010-02

RESOLUTION APPROVING A COUNTY PROJECT WITHIN THE TOWNSHIP

WHEREAS, Washington County Recommended Layout, dated March 5, 2010, for State Aid Project No. 82-620-08, showing proposed pavement improvements for County State-Aid Highway No. 20 (70th Street South) within the limits of the Town of Denmark as a State Aid Project (“Layout”) have been prepared by Washington County and presented to the Town; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of Denmark Township, Washington County, Minnesota, that the Layout be in all things approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Town Board of Denmark Township, Washington County, Minnesota, that the Town supports the County continuing with the development of final plans necessary for the construction of the County State-Aid Highway No. 20 (70th Street South) project.

Adopted on the 5th day of April, 2010.

BY THE TOWN BOARD