

DENMARK TOWN BOARD MEETING MINUTES
January 5, 2015

SUPERVISORS PRESENT: Kathy Higgins, Jim Keller, John Kummer

ABSENT: Karen Herman and Joe Moore

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven) and Engineer Ryan Stempski

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

AGENDA APPROVAL:

Motion J Kummer/2nd J Keller approval of agenda as submitted. All In Favor. Motion Carried 3-0-0.

CONSENT AGENDA APPROVAL: Motion J Keller/2nd J Kummer approval of consent agenda items which include 12/01/2014 Board Minutes, Claims #10435-10450, EFT payments- PERA 314764, MN Tax Deposit 1422119296, Federal Tax 53926796, payroll ending 01/01/2015 and financial reports. All In Favor. Motion Carried 3-0-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT: None

BUSINESS ITEMS:

Warrior Dash/Afton Alps: Nathan Hakseth (Afton Alps) present for discussion regarding Town expectations for the 2015 Warrior Dash event scheduled for July 11th and July 12th 2015. K Higgins provided Afton Alps with a summary of required submittals, notes and due dates regarding Ordinance/Township requirements for Special Events License Application process. Afton Alps has reviewed the requirements/timeline and indicated that a coordinator from Warrior Dash has already been assigned. Application will be started early for this year's event and Nathan will make Warrior Dash aware that this year all deadlines need to be met, without exception, or the license will be denied and the event may not occur. It was noted that the Parking arrangements should be identified early, as written notices need to be sent to the residents affected along the parking route.

MnDOT -Maycrest Realignment: Adam Josephson and Ryan Coddington spoke with Board regarding Maycrest realignment options. Construction slated for spring to summer 2016. Extensive discussion about project.

Maycrest ROW width 60 vs 66 ft.- Proposed ROW is 60 ft which matches the current ROW of Maycrest. The road does not sit right in the middle. It is offset a bit to provide for 10 ft on the Tree House side for snow storage and for the property owners maximum land use. Planned this way to maximize the space and minimize the impact to adjoining property owners.

Board consensus that the 60 ft ROW would be acceptable due to fact that current Maycrest ROW is 60 feet (road widths will match), new road will be curbed and guttered, and adjoining property owners needs have been taken into consideration/addressed.

ROW fee purchase or easement- MnDOT is recommending that the Town consider a fee purchase. Attorney noted that fee purchase gives the Town all the rights on the property and noted that if ever vacated the property would need to be conveyed. Board consensus for fee purchase rather than an easement.

Vacation of old portion of the road- JD Kummer is the sole property owner who has access by Hwy 61. Driveway enters the existing Town road near the Hwy 61/Maycrest intersection. If old portion were to be vacated, something may need to be done with existing driveway. Attorney-for the Town, there would remain a piece of ROW, not being used as a public ROW. Attorney noted that there would be some interest for the Town to vacate the old portion. State noted that if the property owner did want the driveway realigned, the owner would issue the State a permit to grant permission. J Kummer will have the discussion with JD Kummer regarding the issue.

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State has revised plans to accommodate truck turning movements. Curb and gutter has been cut back on the driveway entrances.

MN Statute allows the commissioner to enter into an agreement with the Township. It does not say that the Town, by force must enter into an agreement. The State and Town will enter into an agreement based on what the parties agree to.

Extensive discussion regarding cost participation. Per State policy Town's cost share would be approximately \$50 K for new signal, plus ongoing minor maintenance and power to signal (\$40-\$50/month). State will pursue additional Federal funding for project. If unable to reach realignment agreement, State will close median at Maycrest, resulting in a right-in/right-out only turn at current Maycrest Ave. intersection. Board consensus that this option not acceptable to Town (would create a hardship for both residents and businesses).

Exception to the MnDOT Cost Policy for Maintenance. Nothing in State Policy to set different rules. State can process an exception to the policy, but on exceptions regarding cost participation/maintenance of a signal, there is concern about setting a precedent. Chief Financial Officer would need to sign off on this exception. The argument such as the size of Denmark and the State/State legs of the signal with the bulk of the traffic being State Highway function and not a township function will be made.

Additional option discussed: Point Douglas (old Hwy 10) and 127th St turnback to Township.

Old Point Douglas and 127th St. East of Highway 10 are MnDot ROW's that only serve the Township rather than the State. The State would be interested in these roads being turned over to Denmark as Township roads. State would be willing to first improve the roads/bring up to Township standards. Board authorized State to work with Town Engineer regarding Hwy 10, soil boring, etc.

State will seek Federal Funds for construction and will seek an exception to the cost policy.

Higgins- Understands the States Policy and goal, however, believes that the realignment proposal is a direct result of a previous State Highway 61 project and not initiated by the Town.

Attorney-The State can't enforce the policy. The benefit of the proposal to exchange costs of the signal for taking on the responsibility of maintenance of the roads is the same responsibility that Town is already engaged in. Maintenance of a signal light is not something that the Town has had to deal with.

Higgins- In review, the State would bring Point Douglas (old Hwy 10) up to the Township's standards. The Town would have no upfront costs for the light, no ongoing maintenance costs for the light. State- There would have to be some conversations to get to that point, but that would be the proposal. Kummer- MnDOT has been very helpful in working with the Town and the landowners, trying to work through a solution that's good for everybody.

Higgins aware of current landowner in Town who would like to purchase from MnDot an adjoining parcel (parcel had been tax-forfeited and acquired by State many years ago). Landowner has not been able to make contact with appropriate State staff to discuss possibilities. Higgins to forward parcel information to Adam Josephson for follow-up.

Hastings to Prescott Trail: Peter Mott (Washington County) contacted K Higgins regarding construction of the trail from the Hastings Bridge to Prescott. They have invited Denmark to take part in their process. Board consensus to ask K Herman (Supervisor representing Denmark for Mississippi River Bike Trail) to represent Denmark.

2014 Financial Audit-Oberloh & Associates: Board review of Oberloh & Associates proposal to perform Denmark's 2014 Financial Audit at an estimated cost of \$4400 (\$100 increase). Oberloh & Associates have performed Denmark's Financial Audit for a number of years and is both professional and proficient in accordance with Government Auditing Standards in considering internal control over financial reporting and compliance. **Motion J Kummer/2nd J Keller to approve Oberloh & Associates to perform Denmark's 2014 Financial Audit as proposed. All In Favor. Motion Carried 3-0.**

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LEGAL UPDATES:

Mississippi River Critical Area: Rules are in the formal comment stage. Denmark's participation in the process has influenced the rules and many of our comments have been addressed. Higgins attended the last Critical Area meeting. Final changes to draft rules will be made by DNR before proceeding to Public Hearing.

Data Practices Policy: Denmark put in place a Data Practices Policy on December 3, 2007. Legislative changes have been made and policy should be updated to incorporate changes. **Motion J Kummer/2nd J Keller to authorize Legal to update Denmark's Data Practices Policy. All In Favor. Motion Carried 3-0-0.**

Comcast Cable Franchise: Town received notice from Comcast regarding renewal of the Cable Franchise Contract. Attorney is recommending Town reply to preserve the Town's rights concerning the franchise. Higgins noted that the agreement was signed in March 2005, due to expire in 2018. Board consensus to authorize Legal to review on behalf of Denmark.

8:35 PM **Motion J Keller/2nd J Kummer to adjourn.** All In Favor. Motion Carried 3-0-0.

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair