

DENMARK TOWN BOARD MEETING MINUTES  
May 6, 2013

**SUPERVISORS PRESENT:** Kathy Higgins, Jim Keller, John Kummer, Joe Moore, Karen Herman

**ABSENT:** None

**STAFF PRESENT:** Attorney Troy Gilchrist, Engineer Ryan Stempski

**CALL TO ORDER:** Meeting called to order @ 7:02 PM by Chair Higgins

**AGENDA APPROVAL:** Motion Moore/2<sup>nd</sup> Kummer approval of agenda. All In Favor. Motion Carried 5-0.

**CONSENT AGENDA APPROVAL:** Motion Moore/2<sup>nd</sup> Keller approval of consent agenda items which include 04/01/2013 Board Meeting minutes, 04/24/13 Board of Appeal minutes, 04/24/13 Portfolio Workshop minutes, Claims #10073-10086, EFT payments- PERA 247515, MN Rev. Tax 1415660288, Federal Tax 03606085, payroll ending 05/01/2013 and financial reports. All In Favor. Motion Carried 5-0.

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**County Pavement Improvement Program:** Washington County Commissioner Autumn Lehrke and County Engineer Wayne Sandberg, addressed the Board regarding Washington County's pavement management. The county manages about 300 miles of roads. A performance measurement is tied to pavement performance for each road.

County road work planned in Denmark Township includes:

2013- County Road 76 (90<sup>th</sup> St) this summer.

2014- Possibly County Road 78 (110<sup>th</sup> St).

2015- Possibly County Road 21 (St Croix Tr S).

Budget and funding dollars may change planned road work.

**Roads Update:**

Based on the Board's 2013 road inspection and the Road Improvement/Maintenance Planning Guide-Street Inventory, the following is a summary of the Boards evaluation of the roads.

**2013 Crack Seal/Sealcoat Maintenance: Budget \$53,000.** 87<sup>th</sup> St., Penrose Ave, Pleasant Ave.-estimated cost \$48,689. 66<sup>th</sup> St, 67<sup>th</sup> St, 68<sup>th</sup> St.- were sealcoated in 2007. Sealcoat looks good, but could use crack seal. Estimated cost \$1320.

**Motion Kummer/2<sup>nd</sup> Moore to add 66<sup>th</sup>, 67<sup>th</sup> and 68<sup>th</sup> Sts. to be crack sealed in 2013.** All In Favor. Motion Carried 5-0.

104<sup>th</sup> St S- Recommendation to add 104<sup>th</sup> St to **2014** Crack seal/sealcoat. Motion Kummer/2<sup>nd</sup> Moore to add 104<sup>th</sup> St to the 2014 Crack Seal/Sealcoat cycle. Discussion-consideration of adding 104<sup>th</sup> St to the **2013** Crack Seal/Sealcoat cycle.

Estimated cost \$6900. Kummer amended the motion to Crack Seal/Sealcoat 104<sup>th</sup> St in **2013**-**Motion Kummer/2<sup>nd</sup> Moore to amend the motion to include 104<sup>th</sup> St to the 2013 Crack Seal/Sealcoat cycle.** All In Favor. Motion Carried 5-0.

**Motion Kummer/2<sup>nd</sup> Moore to approve the motion as amended, to Crack Seal/Sealcoat 104<sup>th</sup> St in 2013.** All In Favor. Motion Carried 5-0.

**2013 Striping:**

Portions of 80<sup>th</sup> St near Oakgreen Ave and 122<sup>nd</sup> St were identified (map provided by engineer) for striping for safety purposes. Estimated cost \$362.00-double yellow centerline-5,400 lineal ft.

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**2014 Crack Seal/Sealcoat Maintenance:**

Scheduled for 2014 Crack Seal/Sealcoat- Margo Ave (120th to 122nd and 122nd to South end), 122nd St. (TH 61 to Margo), Oakgreen Ave (70th to Trading Post Trail), and 65th St (in Oakgreen Meadows). 65th St was sealcoated in 2007. Sealcoat looks good and is not needed for 2014. Engineer and Kummer recommendation to remove 65th St for 2014 Crack Seal/Sealcoat. Engineer's estimate \$17,700. **Motion Kummer/2nd Keller to remove 65th St from the 2014 Crack Seal/Sealcoat cycle. All In Favor. Motion Carried 5-0.**

65th will be placed in the unplanned future column of the inventory sheet to be looked at on an annual basis.

**Paris Ave (110th St to south cul-de-sac)-St Croix Ridge:**

Engineer's estimated construction cost to pave final wear course \$45,700. Final wear course has not been installed, and the Developer abandoned development project. Seven of the 10 lots are occupied. Township took the developer's financial security in the amount of \$23,737.50 to put toward the cost. Remaining funding to be determined. Discussion regarding setting a precedent if Township pays balance for the wear course. Discussed options of special assessment (either by regular process or by 100% resident consent) or subordinate service district (by resident petition). **Motion Kummer/2nd Moore to authorize Engineer to obtain quotes for final wear course for Paris Ave (110th St to south cul-de-sac), the township to utilize the financial security of \$23,757.50 and subsidize the remaining funding for the cost of the project, with Township dollars. All In Favor. Motion Carried 5-0.**

**Neal Ave (80-90th St):**

Engineer's estimated construction cost to Shape & Pave \$285,900.

Kummer wanted the estimate for future roads budget considerations. 80th St is another affect on the budget. At this time it would appear that 80th is holding up but needs to continue to be monitored and repaired as needed. Wanted cost amount available should it appear that in the next couple years there would be funds available to pave a mile. Engineer recommends soil borings to make sure that there is an adequate base before paving. Cost for borings can be expensive. Board believes roads contractor should be able to give adequate information regarding soft spots on the road.

Resident inquired what the funding source is for roads. Funds come out of Township dollars (tax levy). Discussion regarding paving 2 miles and bonding. Paving project will be considered during 2014 budget process.

**Future Projects to Consider:**

**Whitetail Crossing-Prairie Smoke Blvd.-Final lift not installed.** 75% occupancy is needed before final wear course can be installed. 6 of the 9 lots are occupied. No security is being held. Town has taken over the maintenance of the roads (51% occupation needed). Attorney authorized to review Development Agreement.

**80th St-** continue to monitor and repair pothole locations as they occur.

**Roads listed in inventory unplanned-**

**Paris Ave (110th St to north cul-de-sac)-** Engineer's estimate to reclaim /overlay \$97,000. Road is beginning to crumble. If it gets too distressed, reconstruction will cost more. Paris Ave (110th St to north cul-de-sac) and Panama are both in the unplanned section of the inventory guide, and will be looked at in 2014.

Discussion regarding bid process and estimated engineering costs/timing related to road paving. Board consensus to authorize Engineer to prepare plans/specifications to reclaim/overlay Maycrest Ave S. for Board consideration at the June Board Meeting. 2013 blacktop maintenance budget -\$200,000. Engineer's estimate to reclaim/overlay \$136,000.

**Motion Kummer/2nd Keller to authorize Engineer to prepare plans/specification documents to reclaim and overlay Maycrest Avenue S. (Hwy 61 to 131st St). All In Favor. Motion Carried 5-0.**

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**Mendel Property Certification of Service Charges: 11810 Mendel Ave S**

Attorney has been involved with CitiMortgage to recover the costs that the Town has incurred due to mowing the noxious weeds on the foreclosed property, with no resolve. Attorney recommended that the Board certify the mowing and legal costs that have been incurred due to attempts to recover the mowing cost, to the property tax. Board reviewed draft resolution. Draft resolution was amended to direct Clerk/Treasurer to certify the unpaid amount to the County Auditor for collection.

**Motion Keller/2<sup>nd</sup> Moore to approve Resolution 2013-06 to certify unpaid charges against the property of the Property Located At 11810 Mendel Avenue South, as amended. All In Favor. Motion Carried 5-0.**

**O'Connor Park Tree Planting:** Town has purchased trees from Washington Conservation District for O'Connor Park. Discussion regarding paying 4-H to assist in the planting. **Motion Moore/2<sup>nd</sup> K Herman to authorize payment of \$500. to the 4-H to plant trees in O'Connor Park, utilizing Park & Recreation funds. All In Favor. Motion Carried 5-0.**

**Planning Commission Vacancy:** Roger Lang has applied for the vacant seat on the Planning Commission. Board consensus to appoint Roger Lang to the Planning Commission. **Motion Moore/2<sup>nd</sup> K Herman to appoint Roger Lang to the Planning Commission for a 3 year term ending March 31, 2016. Voting Yes- Moore, K Herman, Higgins and Keller. Abstaining-Kummer. Motion Carried 4-0-1. Kummer abstained due to family relation with applicant.**

**Town Hall:** 2010 hail storm damaged north and west sides of the Town Hall Building. Town received \$6515.31 from insurance claim. Moore has contacted Hasting Siding & Remodeling for an estimate to replace the damaged sides. Hastings Siding & Remodeling originally sided the Town Hall in May, 2006. Estimate received to replace north and west sides, and replacement of some damaged trim is \$6000. Contractor can match the original siding and would be available to do the work right away. Water continues to leak into the northeast corner of the foundation. Moore recommends installing gutter and downspout on the north/east side of the building. Estimate from Fox Gutter Company is \$400. to install gutter/downspout on the northeast side. Moore will gather information regarding options for redirecting the water flow that runs down the north side of the building, foundation leakage and options regarding placing a barrier in front of the gas unit on the northwest side of the building.

**Motion Keller/2<sup>nd</sup> K Herman to approve replacement of the 2010 storm damaged siding on the north and west sides of the Town Hall by Hastings Siding & Remodeling at a cost of \$6000. and installation of gutter/downspout on the northeast roofline of the Town Hall by Fox Gutter Company at a cost of \$400. All In Favor. Motion Carried 5-0.**

**Letter of Support-Cottage Grove:** Cottage Grove is applying for the City of Excellence Award, based on their shared services. They have requested a letter of support from the Township. Board reviewed letter of support drafted by Higgins. Board consensus that the Township has benefited from shared services with Cottage Grove.

**Motion Kummer/2<sup>nd</sup> Keller approval of Letter of Support for Cottage Grove City of Excellence Award. All In Favor. Motion Carried 5-0.**

**Escrow Refund Requests:**

**St Croix Knoll 2<sup>nd</sup> Addition-** Jeff Leyde has requested that the \$869.20 escrow balance for St Croix Knoll 2<sup>nd</sup> Addition be refunded. Development was done in 2002. No security is being held. All improvements were to be completed by 09/15/2003, except that the final wear course was not to be installed until after the first freeze/thaw cycle. Final wear course has not been completed. Only 1 of the 4 lots is occupied. Attorney recommends an amendment to the Development Agreement be done with St Croix Knoll. Board may be willing to release the escrow, but in light of the fact that this development is progressing at a slower rate than anticipated, the Town may want to amend the Development Agreement to affirm that until the developer improves the road with wear course, the Town will not be maintaining the road. Attorney will review Development Agreement. Higgins will contact Mr. Leyde regarding options.

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**Pribnow 2<sup>nd</sup> Lot Line Adjustment-** Pribnow's have requested that the escrow balance for their 2<sup>nd</sup> Lot Line Adjustment be refunded. The 2<sup>nd</sup> Lot Line Adjustment has been completed and there remains a balance of \$906.50 in their escrow.

**Motion K Herman/2<sup>nd</sup> Kummer to refund Pribnow escrow balance in the amount of \$906.50. (Claim #10087). All In Favor. Motion Carried 5-0.**

**Warrior Dash:** Warrior Dash has submitted an application for a large special events license for their 06/29/13 event at Afton Alps. Application received consists of operational plan, emergency plan, and traffic management plan. Hastings, Cottage Grove, and Afton Alps ski patrol will be providing emergency medical services. Still need new certificate of Insurance, naming Denmark as additional insured, building Permit applications for tents/obstacles/electrical, signed agreements with Afton Alps, emergency/fire services, food permits, Gerten's parking agreement. Attorney is reviewing to include any requirements that the Board may wish to include based on last year's event. Board will review additional information at the June Board meeting. Board consensus that the prior requirement for notification of event to residents located in the parking/event area would not be necessary.

**Ball field Backstop fence:** Keller will be reviewing possibility of moving fence to the south.

**Legal Updates:**

Future considerations by the Board include Dog Ordinance revisions, to include in the ordinance a waiver procedure, to include in the ordinance language that would automatically authorize Attorney to incorporate approved amendments into the Development Code and for the chair and clerk to sign Board approved resolutions/agreements.

9:53 PM **Motion Kummer/2<sup>nd</sup> Moore to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolution 2013-06

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2013-06

**RESOLUTION TO CERTIFY UNPAID CHARGES AGAINST THE PROPERTY  
TAXES OF THE PROPERTY LOCATED AT 11810 MENDEL AVENUE SOUTH**

**WHEREAS**, the Town Board makes the following findings and determinations regarding the property located at 11810 Mendel Ave. S., Hastings, MN ("Property"):

- a. In July 2012 the Town received a complaints that the grass on the approximately 5 acres of the Property was not being mowed, resulting in noxious weeds growing and about to go to seed in violation of Minnesota Statutes, section 18.78;
- b. The Town's supervisors are designated local weed inspectors as provided in Minnesota Statutes, section 18.80, subdivision 2 and are authorized to act to control the growth and spread of noxious weeds in the Town;
- c. The Town contacted Safeguard Properties, the company identified by CitiMortgage, Inc. as managing the Property on its behalf, a number of times indicating the need to cut the long grass and weeds on the Property;
- d. Because the company only mowed a small area around the home and did not mow the grass and weeds on the majority of the Property;
- e. In an attempt to avoid the spread of noxious weeds and to avoid the creation of a public nuisance, the Town notified Safeguard Properties that it needed to act and directed its mowing contractor to cut the grass and weeds on the Property;
- f. On August 14, 2012 the Town's contractor mowed the grass and weeds on the Property. The contractor billed the Town \$300 for the work (four hours at \$75.00 an hour) and the Town paid the bill;
- g. The Town contacted CitiMortgage by e-mail on numerous occasions starting in September 2012 seeking reimbursement of the \$300 cost incurred. When the Town's attempts to collect the amount failed, the Town Attorney sent a letter dated February 25, 2013 to CitiMortgage indicating the need to reimburse the Town its costs and that failure to pay the amount by March 8, 2013 would result in the Town certifying the Town's costs against the Property for collection with the property taxes pursuant to Minnesota Statutes, section 366.012;
- h. The code violation department of CitiMortgage exchanged e-mails with the Town Attorney in which it indicated the matter was transferred to a different person in the department for a third time since the Town originally contacted them and proceeded to ask for information and explanations that had already been provided them. In a March 7, 2013 e-mail the Town Attorney indicated that if the \$300 was not promptly reimbursed, the Town would likely also seek reimbursement of the legal fees it was incurring;
- i. Because CitiMortgage failed to reimburse the \$300 and instead continued to ask questions that had previously been answered, by e-mail on March 15, 2013 the Town Attorney indicated to CitiMortgage that he would recommend to the Town Board that the Town certify the amount, together with its related legal costs, against the Property for collection;
- j. The Town incurred \$577.50 in legal related to this matter, including the drafting of this Resolution, for total of \$877.50 in costs;

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- k. An owner of property is responsible for controlling noxious weeds on its property and if the owner fails to control noxious weeds the Town is authorized by Minnesota Statutes, section 18.83 to act to control the weeds and to recover its costs;
- l. The Town further has the authority to prevent the Property from constituting a nuisance by cutting the long grass that had been allowed to grow on the Property. The notice to CitiMortgage also indicated that the Town was aware that the home contains mold, but the Town has not yet taken any enforcement action regarding that matter and the costs to be recovered at this point do not address that matter; and
- m. The costs to control the grass and weeds on the Property are a lawfully imposed service charge the Town may collect pursuant to Minnesota Statutes, section 366.012.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board as follows:

- 1. The \$877.50 of costs the Town incurred to control grass and noxious weeds on the Property in 2012 and legal fees incurred to recover its costs constitute a service charge on the Property collectable by certifying the amount to the County Auditor for collection along with the property taxes imposed on the Property. The amount certified is subject to the same penalties, interest and other conditions provided for the collection of property taxes.
- 2. The Town Attorney is hereby authorized and directed to send CitiMortgage a notice of the amount the Town intends to certify against the Property and the Town Clerk-Treasurer is authorized and directed to certify the unpaid amount to the County Auditor for collection.
- 3. The Town Board hereby authorizes the Town Clerk-Treasurer to include in the amount to be certified any additional costs the Town incurs that are directly related to this matter as determined by the Town Attorney.
- 4. The recitals set forth above are incorporated into and made part of this Resolution.
- 5. The Town Chairperson, Town Clerk-Treasurer, staff, and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Adopted this 6<sup>th</sup> day of May, 2013. **BY THE TOWN BOARD**