

DENMARK TOWN BOARD MEETING MINUTES
August 4, 2014

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

ABSENT: None

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

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

AGENDA APPROVAL: K Higgins added Complaints and Lot Split. K Herman added 122nd St building site.

Motion J Moore/2nd J Keller approval of agenda as amended. All In Favor. Motion Carried 5-0-0.

CONSENT AGENDA APPROVAL: Motion J Keller/2nd J Moore approval of consent agenda items which include 07/07/14 Board Meeting Minutes, Claims #10324-10341, EFT payments- PERA 297217, MN Rev. Tax 059554068, Federal Tax 0899894, payroll ending 08/01/2014 and financial reports. All In Favor. Motion Carried 5-0-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT:

Oakgreen residents- Gravel pit concerns

Resident-asked if there was a maximum number of blasts that are allowed during a year.

Regarding the magnitude of the explosion, it appears that there is a lot more material being blown into the air. After blasting, the noise of grinding seems to be getting louder and occurs on a daily basis from 7 AM to 5 PM. Inquired on possibility of noise fence being installed. Would like to see a couple of inspections a year by the Town or County, and have all members of the Board go there before the pit opens up in the beginning of the year, and during the year conduct an unannounced inspection.

J Kummer- doesn't believe the permit limits the number of times blasting can occur during a year. They have to provide notice of blasting. Having toured the site this spring, as the gravel pit matures, the blasting frequency should become less. The area of the pit is a small area, as the blasting continues to open up a deeper area there is more material to be able to blast. Once the wall is established there should be less frequent blasts. The equipment is placed on the hill during blasting. The equipment should not be on the hill over the winter months when not used. They are making an effort to move the equipment back into the workspace after blasting as quickly as possible. Because of the wet weather, Rumpca did make a request to blast on a weekend, but was denied.

Resident- seems to be a lot noisier than before. Last blast was considerably louder than before. Is there a way of monitoring how deep they go? K Higgins-that would be monitored through the inspections that are done annually. They are limited to a depth of 900 ft.

Resident-They are opening/working earlier than 7 AM. They installed a 2 wire fence. There needs to be more monitoring. It is dusty and water needs to be added to the grinding operation.

Attorney-re IUP-no set limit of blasts, blasts need to be conducted in accordance with the bureau of mines recommended standards for vibration and air blast s. For each blast, seismic and decibel information must be recorded by an independent contractor and that information provided the Town as part of the applicant's annual report. Owner needs to report depth of the pit annually. Operation of equipment hours are Mon-Fri 7 AM-6PM and retail sales of product on Sat 8 AM-5 PM.

Resident- the last blasting was exceptionally large compared to the others; the house vibrated and shook some of the popcorn texture off the ceiling. Concerned if it can do that, is it also doing damage underneath to our water system.

J Keller- heard from an 80th St resident next to O'Connor's Park who stated that the last blast was huge and that they had concerns.

J Kummer-IUP doesn't limit frequency of blasts-they are providing proper notice-will address if pit roads are being dusted, cannot dust material as it is being ground, as it won't flow-noise fence would be addressed during permit renewal process-will address the starting before 7 AM (asked residents to report date and time of start if it happens)- will inquire on current depth of pit.

Discussion regarding interpreting the blasting reports. J Kummer will follow up based upon concerns from the last blast. Will get the reports and try to have information for the September meeting.

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BUSINESS ITEMS:**2014 Roads Update:**

Crack Seal: Northwest Asphalt's final cost for crack seal \$7,400. Contractor did not completely crack seal the road as they used up Denmark's estimated amount of crack seal. Engineer states estimating the quantity of material needed is near impossible. The Engineer noted that Cottage Grove indicated that the contractor may have stopped because the unfinished cracks exceeded the width that they are specified to do. Engineer also plans on speaking with Cottage Grove regarding this contractor.

Engineer stated that there would be an additional cost to crack seal the remaining cracks that were 1 inch or wider.

Cottage Grove provided Engineer with a price (\$1,400.) to spray patch the unfinished wider cracks over 1 inch.

Township has a Joint Services Agreement with Cottage Grove. K Higgins stated contract with Cottage Grove clearly states that Denmark is responsible for onsite supervision on its own projects. Engineer stated that Cottage Grove holds the contract with the contractor and no matter what the Denmark Engineer says, the contractor would listen to Cottage Grove (the contract holder). States that when a project starts, the Engineer meets the contractor on site and checks the materials and operations. Typically calls contractor with questions and quantity check-ins, and inspects road once final quantities are received. Board consensus that if the estimated amounts have been used up before the project is finished, the Town needs to be notified so the project can be completed properly. Board expressed concern about possibly sealcoating roads that haven't been properly crack sealed. Board in agreement that there should be local oversight during the road projects.

Discussion regarding option of using a local business for the crack seal portion when sealcoating/crack sealing a road.

Attorney-The Joint Services Agreement makes it clear that it is the Town's responsibility to inspect/oversee its own work.

J Kummer- would be interested in finding out Cottage Grove's experience with this contractor. Noted that we have had positive experiences regarding our Joint Services with Cottage Grove, and Denmark does have the benefit of having a local roads contractor who is aware of what is going on with our roads. Doesn't believe Joint Services Agreement with Cottage Grove would restrict Denmark from choosing to use any contractor if so desired. There is an obligation of the contractor to inform who they're contracted with if they are going to deviate from expectations. If they just choose to stop before completion of the project, someone has to be made aware of that, at a time that is helpful, not after the fact.

Seal Coat: Asphalt Surface Technology's preliminary cost \$60,600. Total construction cost for crack seal/sealcoat \$67,800.

Neal Ave Shape/Pave and 80th St Reclaim/Overlay: Post bid construction cost \$402,318. Tri County has replaced the 4 culverts. Class 5 gravel has been added to Neal. 08/05 80th reclamation will start. When culverts were being replaced, it was noticed that the gravel base was not adequate and additional gravel will be added as it is being reclaimed. Focus Engineering has staked the roads and will have an Engineer at the site each day there is significant work being done. Thickness and compaction will be checked as paving is occurring. Quantities will be checked. Upon completion, driveway matching and restoration will be checked. Quality will be checked, Focus receives the inspection reports from the bituminous plant which identify the product mixture and standard requirements.

County and Denmark have entered into an agreement to pave the aprons of the gravel roads when they pave St Croix Tr and 110th Streets (St Croix T/Odell, 110th/Oakgreen, 110th/Nyberg).

MRCCA: Public meetings were held regarding proposed rules for the Mississippi River Critical Corridor Area. Comment period will be up on August 15th. Attorney is recommending that the Board authorize the Chair and himself to draft comments on behalf of the Town. Attorney asked Board to send any comments they may have to him. **Motion J Kummer/2nd J Moore to authorize Attorney and Chair to draft and submit comments on behalf of Denmark regarding the MRCCA proposed rules by comment period deadline. All In Favor. Motion Carried 5-0-0.**

110th St/St Croix Tr Dumping: Complaint received regarding organic matter being pushed into the steep ravine on the south side of 110th St east of St Croix Tr. K Higgins contacted Dennis O'Donnell at Washington County and they decided to contact Jay Riggs (Washington Conservation District). South Washington Watershed District also willing to check if Town so desires.

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Escrow Balance Refunds: Motion J Moore/2nd J Keller approval of the following escrow balance refunds:
account 801-006 AT&T (Creospan) 13711 122nd St Tower-claim 10342 \$286.50
account 801-007 Crown Castle (Sprint) 13711 122nd St Tower-claim 10343 \$254.50
account 801-008 Sahouani Winery 12250 120th St S-claim 10344 \$138.50
account 801-009 Smith CoC 10950 Paris Ave S-claim 10345 \$189.00 All In Favor. Motion Carried 5-0-0.

Draft Ordinance: Attorney submitted 07/31/14 draft ordinance amendment for Board review.

Driveway

Currently the Township has a driveway policy but no set ordinance related to driveways. Board consensus was to update, simplify and incorporate into the ordinance. Draft is meant to replace the policy. Attorney will add language to the draft to repeal the old policy. Definitions for Driveway and Driveway access have been added/clarified. Driveway access would be in the Right of Way. Driveway would be the portion within the property. Driveway Access and Driveway portion would need to meet setbacks. Draft ordinance addresses:

Driveway Accesses- Driveway Access Permits, Application Process, Standards (width, vertical clearance, setbacks, angles, profile, headwalls, drainage, obligation to maintain drainage), Multiple Driveway Accesses, Unsafe Driveway Accesses, Surfacing, Construction, Restoration, Waivers and Recovering Costs.

Driveways- Driveway standards, Driveway Accesses.

Revisions to draft- attorney will revise draft to distinguish references to driveway roads and town roads. Language to be added to repeal the old driveway policy.

Discussion re: material required to be used for Driveway Access. No Board decision made. Draft will be sent to Cottage Grove Building Department for their review/feedback.

Watershed District

References within the ordinance will be changed from Watershed Management Organization or WMO to South Washington Watershed District or SWWD as is appropriate.

Schedule 2015 Budget Workshop: Budget Workshop scheduled Tuesday, August 19, 2014 @ 5:00 PM.

Complaints:

K Herman received complaint regarding the building of a home on Neal Ave being held up, due to something about Cottage Grove requiring a retaining wall. Discussion regarding Cottage Grove's implementation of building permits. K Herman raised question of whose ordinances Cottage Grove uses. K Higgins stated that Cottage Grove looks at both Denmark Ordinances and the building codes when issuing building permits on behalf of Denmark. K Higgins not aware of there ever being such a requirement and suspects there may have been a misunderstanding. K Higgins will contact Cottage Grove to inquire on the issue.

K Higgins noted that there is a driveway that has been constructed on 122nd St S. Cottage Grove Building Department will notify landowners that a permit is be required.

Complaint received that the accessory structure built on a parcel on 122nd/Neal is too close to the side property line. Cottage Grove checked the property and setbacks and confirmed that the accessory structure does not encroach the approved 30 ft setback.

Complaint received regarding horse manure being left on the roads.

Any ordinance addressing the issue would apply to any manure on the roads, which would include manure left by cattle, manure spreaders, etc. Town is an agricultural community. Many residents keep horses on their property and ride them on Township roads. Board consensus that resolution should be between the residents that are involved. Board does not support an ordinance change to address the issue. K Higgins will contact those involved.

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K Herman noted that the St Croix River cruise was well worth taking.

Lot Split: Received request for lot split on Morgan. Additional parcels were added to commercial district when the comp plan was updated. Approximately 20 of the 40 acre parcel was rezoned to commercial. Landowner would like to split off 20 acres to build. Part of proposed new parcel would be in the Commercial District and part in the Ag District. Attorney is reviewing.

8:59 PM **Motion J Moore/2nd J Keller to adjourn.** All In Favor. Motion Carried 5-0-0.

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair