

DENMARK TOWN BOARD MEETING MINUTES
September 4, 2012

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Joe Moore, Jim Keller and John Kummer

ABSENT: None

STAFF PRESENT: Attorney Troy Gilchrist

CALL TO ORDER: Meeting called to order @ 7:04 PM by Chair Higgins

AGENDA APPROVAL: Moore added Tree Trimming. **Motion Kummer/2nd Kramer approval of agenda as amended.** All In Favor. **Motion Carried 5-0.**

CONSENT AGENDA APPROVAL: Higgins pulled claims. **Motion Moore/2nd Keller approval of consent agenda items which include Minutes 08/06/2012 Board Meeting, EFT payments- PERA 222251, MN Revenue Tax 197812584, Federal Tax 92860716, payroll ending 09/01/2012 and financial reports.** All In Favor. **Motion Carried 5-0.**

Pulled Claims- Submitted Claims for approval #9917-9939. Added Claim #9940 Detailed Outdoor Services (Town Hall Turf broadleaf spray and fertilize) in the amount of \$600.00. Added Claim #9941 Tennis Sanitation (junk pick up in ditches) in the amount of \$117.39. Added Claim #9942 Kathi Pelnar (animal warden retainer and animal pick up) in the amount of \$376.40. **Motion Moore/2nd Keller approval of Claims #9917-9942 as amended.** All In Favor. **Motion Carried 5-0.**

PUBLIC COMMENT:

Valda VanAlstine gave the Board an update on the Denmark Township Historical Society. The society has received pledges and donations in over \$58,000 for the purchase of The Valley Schoolhouse. Received \$4800.00 grant from the Legacy Fund to fund the nomination of the Valley School to be listed in the National Register of Historic Places. The Sweatt Fund is providing \$3000.00 for the costs of a Historic Structures Report. Upcoming events include the annual vintage ballgame on 09/09/12 1 PM at the Town Hall Park. 09/30/12 event "School Days" will be at Carpenter Nature Center 1-3 PM. This event is to thank those who helped in the saving of the school. Festivities include a tour of the Valley School, horse wagon rides, music, refreshments and a raffle.

BUSINESS ITEMS:

Brede Lot Line Adjustment: 13654 90th St S. Orville Brede present. Brede's would like to transfer 15.44 acres of their 20.44 acre property (pid 17.027.20.43.0001) to the adjacent 20.47 acre parcel to the west (pid 17.027.20.43.0002) that is owned by Steve and Peggy Oehlke. Brede's would retain the remaining 5.01 acres with their home and buildings. Applicants will be required to enter into a Development Agreement with the Town. No density units are being created or transferred as a result of the lot line adjustment. The existing 1 density unit for the Oehlke parcel remains and is currently unused. The existing 1 density unit for the Brede parcel is used. Attorney submitted draft Resolution for Board review. **Motion Keller/2nd Kramer approval of Resolution 2012-09 A Resolution Approving A Lot Line Adjustment For Property Located At 13654 90th Street South.** All In Favor. **Motion Carried 5-0.**

Road Repair Update: (excerpt from 08/06/12 Board Meeting) Engineer Stempski submitted updated Street Improvement & Maintenance Planning Guide to Board. Engineer has reviewed 80th Street and submitted plan to repair 3 sections of the road. 13760 80th- subsurface repair and 60x26 ft patch (60 ft stretch). West of 13760 80th- subsurface repair and 100x26/13 patch (100 ft stretch). Area east of Manning (100 ft stretch). Projected cost \$20-25,000.00) Engineer has received 1 quote and if Board approves 80th St repair plan, Engineer will get another quote. Board consensus to go forward with repair plan. **Motion Moore/2nd Kramer to authorize Engineer to obtain a second quote for 80th St. repair, and to authorize Engineer and Roads Supervisor Kummer to review and select a contractor and to authorize repair work, not to exceed the amount of \$25,000.00.** All In Favor. **Motion Carried 3-0.**

Received quotes from Hardrives in the amount of \$38,870 and Ace Blacktop in the amount of \$24,066. Ace Blacktop has been selected to do the 80th Street repairs.

Town Hall Deck/Ramp/Railing: Kramer has not received the written quotes he had requested. Building inspector has inspected the handicap ramp and accessibility for safety and compliance and offered the following: Reattach the "Van Accessible" parking stall sign. The accessible parking stall should be striped with a minimum 96" access aisle.

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Ramps with a running length over 30” should be provided with a minimum 60” landing (flat spot to rest). The ramp is approximately 60” so whoever constructed the ramp should have built that into it. Since ramp is existing, it’s acceptable.

The rail should extend all the way through the concrete portion of the ramp since a guardrail is required for ramps with a rise more than 3”. You could have a post installed at the end of the concrete pad at the side of the ramp near the building and extend the existing rail to the new post. You are not required to modify the rail.

The slope of the ramp is sufficient.

The top (wooden) rail could use some cleanup and paint but works just fine.

The graspable stair rail at the top of the stairs is supposed to extend 12” past the top rise. The existing rail only extends about 8”. Since rail is existing, it’s acceptable.

Kramer will contact the Building Inspector regarding his inspection and will get prices for painting the rails.

Town Hall wooden chairs still need repair. Kummer will contact contractor regarding repair.

O’Connor Park Work Proposal: Board reviewed additional work proposal for O’Connor’s Park. Keller will speak with Jyneen Thatcher regarding possible work at O’Connor’s Park

Possible October Presentation: DNR Great Rivers Confluence presentation will at the October Board Meeting.

Tree Trimming: Moore has received information from a resident regarding tree overgrowth on Oakgreen. Resident expressed safety concern due to the overgrowth. Moore viewed the site and contacted Kummer. Kummer told Moore to have Tri County take care of the trimming. Moore expressed concerns regarding the cost and responsibilities of the Township for trimming/removing trees in the Right Of Way.

Discussion-When are utility companies responsible for trimming/removal? Are landowners responsible for some or all trimming/removal costs? Kummer stated that it is important to mow ditches to stop tree seedling growth.

The cost of removing the trees once fully grown is far greater. Kummer will speak to Tri County regarding cost of trimming.

Attorney comments- Small growth can be brushed. Based on Statute, once trees grow to 6” in diameter, there is a procedure that the Town is required to go through if the landowner does not want the tree cut, even if the tree is within the Right Of Way. Town does have the authority to trim trees within the Right Of Way.

Board consensus for Moore and Kummer to check problem areas/review possible costs for trimming and report back to Board. Board will revisit discussion on handling tree overgrowth in the Town Right Of Way.

2013 Budget Adoption and Pay 2013 Proposed Tax Levy Certification:

The following 2013 budget and levy recommendation was presented and approved by the electors at the 09/04/2012 reconvened Annual Meeting:

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	74,765		47,570	0	27,195		
SALARIES	70,677		0	0	70,677		
ROAD & BRIDGE	388,350		20,000	200,000	168,350		
FIRE	150,400		400	0	150,000		
DITCH & TRASH	15,300		0	0	15,300		
PARK & REC	10,990		3,000	0	0		
2013 TOTALS	710,482	0	70,790	200,000	431,522	-8.2%	-3.1%

Motion Moore/2nd Keller to adopt the 2013 Budget in the amount of \$710,482 as presented. All In Favor. Motion Carried 5-0. The 2013 Budget reflects a decrease of 8.2%.

Motion Keller/2nd Moore to certify the Proposed Property Tax Levy for Payable 2013 in the amount of \$431,522 as presented. All In Favor. Motion Carried 5-0. The 2013 Levy reflects a decrease of 3.1%.

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Legal Updates:

Potential Dangerous Dog: Hearing regarding the potential dangerous dog declaration was on 08/15/12. Board appointed panel members were Board Supervisor Moore, Board Supervisor Higgins and Dog Kennel Owner Joy Conzemius. The declaration was overturned and the dog found not to be potentially dangerous. Findings were sent to the parties involved. Attorney will be drafting an updated dog ordinance to reflect the current statutes.

7707 Manning Ave update (Buell's): Planning Commission/Public hearing for an amended Condition Use Permit and an Ordinance Amendment to allow for a yard waste facility with composting as an accessory use to a plant nursery will be on September 17, 2012.

11747 Manning Ave: Conditional Use Permit application is in process.

8:23 PM **Motion Kummer/2nd Moore to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2012-09

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**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2012-09
RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR
PROPERTY LOCATED AT 13654 90TH STREET SOUTH**

WHEREAS, Orville Brede and Elaine Brede, husband and wife, (the "Applicants") have applied to Denmark Township ("Town") for a lot line adjustment;

WHEREAS, the proposed lot line adjustment will transfer approximately 15.44 acres of property from the Brede Parcel (which currently contains approximately 20.44 acres), located at 13654 90th Street, Hastings, MN 55033 (PIN 17.027.20.43.0001) to the adjacent parcel to the west that is owned by Steve Oehlke and Peggy Oehlke (PIN 17.027.20.43.0002) (which currently contains approximately 20.47 acres);

WHEREAS, both the Brede Parcel and the Oehlke Parcel are located in the Agricultural (AG) Zoning District as designated by the Denmark Township Development Code ("Ordinance");

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance provided the Applicants provide the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application; and

WHEREAS, the Town Board determines the proposed lot line adjustment is consistent with its Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the proposed lot line adjustment conditioned on Applicants' compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicants and the Oehlkes must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants and the Oehlkes, their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
2. The Applicants shall be responsible for providing all legal descriptions and other information the Town Attorney may request to assist in preparing the development agreement, including the legal description of the current Oehlke Parcel and the legal description of the Oehlke Parcel with the addition of the land being transferred;
3. The Oehlkes must combine the approximate 15.44 acres they are acquiring with their existing parcel into a single parcel on the same deed with a single property identification number so that the recoding of the Oehlke Parcel after the lot line adjustment shows a single tax parcel increased in size by the land being acquired as a result of the lot line adjustment. The deed shall be recorded in the office of the County Recorder within 120 days of the date of this Resolution and a copy of the recorded deed provided to the Town within seven days of recording.
4. The Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs and recording costs;
5. The Applicants shall be responsible for developing, executing, and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment. The Town will record the development agreement at the Applicants' expense; and
6. No density units are being created or transferred as a result of this lot line adjustment. The existing one (1) density unit for the Oehlke Parcel remains for the property and is currently unused. The existing one (1) density unit for the Brede Parcel is used.

BE IT FURTHER RESOLVED, this approval of the requested lot line adjustment shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicants fail to provide the requested legal descriptions, fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution; and

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to enter into the development agreement for this lot line adjustment on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 4th day of September, 2012. **BY THE TOWN BOARD**