

DENMARK TOWN BOARD MEETING MINUTES
October 7, 2013

SUPERVISORS PRESENT: Jim Keller, Joe Moore and Karen Herman

ABSENT: Kathy Higgins and John Kummer

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven)

CALL TO ORDER: Meeting called to order @ 7:01 PM by Vice-Chair Keller

AGENDA APPROVAL: Moore added Town Hall. K Herman added Fire Signs.

Motion Moore/2nd K Herman approval of agenda as amended. All In Favor. Motion Carried 3-0.

CONSENT AGENDA APPROVAL: Motion Moore/2nd K Herman approval of consent agenda items which include 09/03/2013 Board Meeting minutes, Claims #10167-10184, EFT payments- PERA 264037, MN Tax Deposit 0579809024, Federal Tax Deposit 80700341, payroll ending 10/01/2013 and financial reports. All In Favor. Motion Carried 3-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT: None

BUSINESS ITEMS:

15290 67th St S-Accessory Structure Location: Windschitl's are requesting location of an accessory structure between their house and the road. Julie Windschitl explained that the structure cannot be located behind the house because the location is at the top of a large valley and the grade is extreme in areas. The septic and well are located in front of the house. The lot is hidden back in the woods. Only necessary trees will be removed, which include no large oaks. The existing woods between the road and the garage will remain for privacy and looks. The structure will be by the neighbor's second garage, so that their view would not be affected. Windschitl's have spoken with Afton Alps manager Joe Yasis who expressed no concerns.

Motion Moore/2nd K Herman approval of accessory structure location for 15290 67th St S, as presented, subject to setback, code compliance and obtainment of a building permit. All In Favor. Motion Carried 3-0.

6228 St Croix Tr S-Accessory Structure Location: Tobritzhofer's are requesting location of an accessory structure between their house and the road. Dan explained that he would like to place the structure in the southwest portion of his parcel, adjacent to his parents pasture. The closest residents to the structure would be his parents. The structure would have little or no visibility to St Croix Trail, which is over 300 ft away, through tree lines.

Motion K Herman/2nd Moore approval of accessory structure location for 6228 St Croix Tr S, as presented, subject to setback, code compliance and obtainment of a building permit. All In Favor. Motion Carried 3-0.

2013-14 Winter Roads Maintenance Quotes: Two quotes were received for the 2013-14 Winter Roads Maintenance. Tri-County Services @ \$95 per hour. Mabry Companies @ \$105 per hour. Board satisfied with Tri-county's past performance.

Discussion regarding difference between quotes and bids for roads contracts. Benefits of lengthening contract term.

Motion Moore/2nd K Herman to award the 2013-14 Winter Roads Maintenance Contract to Tri-County Services at the lowest quote of \$95 per hour. All In Favor. Motion Carried 3-0.

Paris Avenue (110th south) Final Wear Course/Open & Maintain: Town has had final wear course installed on Paris Ave (south of 110th) in St Croix Ridge. **Motion Moore/2nd K Herman adoption of Resolution 2013-13 Resolution To Add Paris Avenue South To The Town's System Of Publicly Maintained Roads. All In Favor. Motion Carried 3-0.**

Township Joint Meeting: Keller met with a number of Township representatives engaging in discussions regarding Township issues. These meetings are planned to occur every 3 or 4 months. Keller recommended that the Town continue participation in the joint meetings. Moore and K Herman are interested in attending future meetings.

DENMARK TOWN BOARD MEETING MINUTES
October 7, 2013

Buckthorn Workshop: Keller and Moore attended Buckthorn Workshop put on by the Washington Conservation District.

LBOA Certification:

Keller attended training and has been certified for the LBOA meetings conducted in 2014, 2015, 2016 and 2017.

CTAS 8 Rewrite: The State Auditor's Office is requesting that any entity interested in continuing to use CTAS to maintain financial records, submit a one time user's fee of \$300 by December 15, 2013. Denmark does wish to continue use of the State Auditor's financial software and has submitted the fee. The Town's computer will need to be upgraded to a minimum of Windows 7 operating system to handle the new software.

Town Hall: Contractors have completed the concrete design at the north end of the Town Hall to redirect the water flow away from the building. The septic pipe in the northeast corner has also been dug out and revamped to protect the area from drainage and freezing. Bollards have been constructed around the gas utility on the west side of the building. Minor repair to a couple of areas of the siding has been done. Old wooden cover from the septic and the old metal hockey net will be discarded.

Moore has requested a tuck pointing quote for the rock foundation from the contractors.

Fire Signs: K Herman is in the process of installing fire signs to various properties in the Township. She has been researching other entities regarding written policies on fire signs. Supervisor Herman indicated that she encountered difficulties in placing a sign at a property with a St Croix Tr address. The resident requested 3 signs (the first on St Croix Tr- the second on the private road where it branches off into the direction leading to the property and the third on the alleged easement to the property), as this is the route that he used when entering his property. After receiving information that the resident was in dispute with his neighbor regarding an easement to his property, Karen placed one sign on St Croix Tr. and contacted the Hastings Fire Department to view the site. Assistant Fire Chief Townsend viewed the property and spoke with the neighboring landowner and concluded that there is no reasonable fire or emergency access to the property. Going across the alleged easement, emergency vehicles with equipment would not be able to access the subject property. Only all terrain vehicles could get through and there would still be a problem getting water back to the house. On the portion of the property that goes out to St Croix Tr, there is a deep ditch that would hinder the large fire vehicles. Karen stated that Townsend said to leave the fire sign on the road to indicate that the property is back in that direction and the Fire Department will make a determination of how to address it. The Fire Department has noted the extenuating circumstances of access to the property and will send a letter to the Town regarding the matter.

The Attorney had recommended that based on the property owner's normally used route when accessing the property, that placing signs on both St Croix Tr and at the second spot where the different driveway accesses branch off would be appropriate. Attorney also noted that the Board has final decision on placement of signs.

Moore expressed concerns about the Board being on record as having ignored the advice of legal counsel and would like to see full Board input on the matter. Board will continue discussion after review of Fire Department correspondence.

LEGAL UPDATES:

Tree Removal Policy: Attorney submitted updated 09/25/13 rough draft resolution establishing a policy regarding tree removal in the Town Road Right-Of Ways. Attorney requested that Board review document and contact him with comments/questions. Areas of discussion included allowance of some plantings in the ROW and clarifying the ROW definition. Draft Policy will be reviewed at future Board Meeting.

MRCCA: Attorney and Higgins attended meeting with DNR. A formal letter consisting of comments regarding the rulemaking will be submitted to the DNR. Attorney will also be attending the next scheduled MRCCA meeting on behalf of the Township.

8:29 PM **Motion Moore/2nd K Herman to adjourn.** All In Favor. Motion Carried 3-0.

Becky Herman
Denmark Township Clerk/Treasurer
Addendum Resolution 2013-13

DENMARK TOWN BOARD MEETING MINUTES
October 7, 2013

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2013-13**

**RESOLUTION TO ADD PARIS AVENUE SOUTH TO THE
TOWN'S SYSTEM OF PUBLICLY MAINTAINED ROADS**

WHEREAS, Paris Avenue South is located within Denmark Township ("Town") and was dedicated to the public in the plat of St. Croix Ridge;

WHEREAS, the Town requires, both by development agreement and Town policy, that the roads dedicated to the public within a plat be built to a certain standard before the Town Board will be willing to open and maintain them as part of the Town's system of publicly maintained Town roads;

WHEREAS, the portion of Paris Avenue South located south of 110th Street South (such portion hereinafter referred to as the "Road") was improved and the adjacent owners have requested that the Town take over the maintenance of the Road;

WHEREAS, the Town Engineer examined the Road and determined the improvements satisfy the Town's construction standards and the lots along the Road are sufficiently developed to satisfy the Town's requirements for taking over maintenance of the Road;

WHEREAS, Minnesota Statutes, section 164.11 declares that land dedicated to public use as a road within a Town is deemed a legal cartway and under Minnesota Statutes, section 164.10 the Town Board is prohibited from expending Town road and bridge funds on a cartway unless it adopts a resolution finding that the public interest requires such an expenditure; and

WHEREAS, the Town Board hereby finds and determines that the Road having been constructed and developed in accordance with requirements of the development agreement and the Town's policy, the public interest requires the Town to take over the maintenance of the Road.

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

1. The portion of Paris Avenue South located south of 110th Street South is hereby added to the Town's system of publicly maintained Town roads and the Town shall provide for the maintain of the Road in accordance with its applicable policies and procedures; and
2. Nothing in this Resolution waives or releases any remaining obligations within the development agreement executed for this plat.

Adopted this 7th day of October, 2013.

BY THE TOWN BOARD