

DENMARK TOWN BOARD MEETING MINUTES
June 7, 2010

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

ABSENT: Gary Dixon

STAFF PRESENT: Attorney Gilchrist, Planners Farrington & Gray and Engineer Winter

CALL TO ORDER: Meeting called to order @ 7:07 PM by Chair Higgins

Sheriff submitted citation report.

AGENDA APPROVAL: Motion Kramer/2nd Moore approval of agenda. All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: Moore pulled 05/03/10 Board Minutes. Motion Keller/2nd Moore approval of balance of consent agenda which includes 04/20 & 05/04/2010 LBOAE minutes, Claims #9377-9401, PERA EFT 140432, payroll ending 06/01/2010 and financial reports.

All In Favor. Motion Carried 4-0.

Pulled minutes- Clarification of wording re: Herman Contracting vs. Denmark- replaces "finding favor in the Township" with "court ruling in favor of the Township's position". Motion Moore/2nd Kramer to approve 05/03/10 Board Minutes as amended. All In Favor. Motion Carried 4-0.

HEARING DECISION/ZONING ACTIONS: None

PUBLIC COMMENT: Resident Frank Femling questioned charges/hours put into variances. Questioned \$500 Open Space Inspection fees as they relate to the cost of actual inspection charges. Questioned \$330 fee for commercial temporary building. Requested board review of fees. Planner stood behind billing of variance charges/hours. Board noted that the Open Space Inspection fees were clauses in the development agreements, signed by the developers, for the purpose of monitoring and protecting the Open Space. Open Space fees are accounted for separately and if the accounts build positive balances, there is the ability to review the escrow account annually and not charge the full fee for that year, based on the account balance.

BUSINESS ITEMS:

Presentation on Parks Plan: TKDA made a presentation of Parks plans for both the Town Hall and O'Connor's Parks. This presentation was scheduled based on resident request, advertised on the website and noticed in the Township Newsletter. Three residents were in attendance for the presentation of the plans.

2010 Street Improvements-sealcoat:

Quotes received for sealcoating/crack seal for Odell/Omar/Omar Ct. in Fieldcrest and 120th/122nd/122nd Ct. in Eagle's Watch. Pearson Bros. \$54,585-Astech Corp. \$63,970-Allied Blacktop \$59,779.

Quotes for patching on 80th St. Pearson Bros. \$19,503-Astech Corp. \$16,545-Allied Blacktop \$23,060.

Discussion re: benefits of patching 80th at this time if entire road will be done in the near future. Engineer stated that patching would most likely be of benefit, as 80th would probably be reclaimed and overlaid rather than having a full reconstruction in the future. Motion Keller/2nd Moore to award both projects, crack seal/sealcoating in Fieldcrest & Eagle's Watch and patchwork on 80th St. to Pearson Bros. in the amount of \$74,088. All In Favor. Motion Carried 4-0.

Board authorized engineer to get cost estimates for test shouldering.

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MnDOT Hwy 61 Project-Traffic Counts: Traffic Data Inc. has been solicited to conduct traffic counts (est. \$125 per count per location) on 120th/Morgan/122nd/Neal prior and during the construction. Roads have been rated (est. \$1500). Engineer will submit report on ratings. Roads will be rerated for comparison if necessary. One time counts will also be done on the 3 unpaved miles of Neal for future budget information. Board authorized Engineer to include Norrell for traffic counts.

3M Incinerator Proposal-Cottage Grove: Moved to July agenda.

Building Inspection Services Contract: Board review of draft contract resulting from negotiations between Cottage Grove, Town Attorney and Chair. Items of discussion regarding contract revisions include records retention (at the Town Hall), pending notice for permits (5 day to Board) and state surcharge fee not included in Cottage Grove's 25% share. Attorney reminded the Board that Kennedy-Graven represents both Denmark and Cottage Grove.

Motion Higgins/2nd Kramer acknowledging Kennedy & Graven represents both Denmark Township and the City of Cottage Grove and hereby waive any conflict regarding the firm's representation of both entities related to the BWSR matter and the building code inspection agreement and related services. All In Favor. Motion Carried 4-0.

Motion Keller/2nd Kramer to enter into the building inspection and code enforcement agreement with Cottage Grove, as amended, authorizing Chair and Attorney to negotiate if necessary. All In Favor. Motion Carried 4-0.

Hastings Rural Fire Association: 2009 billing to members of the HRFA (based on an estimated 5% increase) resulted in an overpayment of \$4250. Denmark's share is \$1262.01. Discussion regarding HRFA's refunding or retaining the funds. Board consensus to have HRFA retain funds.

Draft Zoning Ordinance Amendments: Discussion re: proposed ordinance amendments. Fee schedule to be included as an ordinance. Higgins/Clerk to prepare draft proposed fees to discuss at July Board Meeting.

Motion Moore/2nd Keller to direct Attorney to revise draft based on comments received, email to Board for review, forward to Planning Commission for July hearing. All In Favor. Motion Carried 4-0.

TKDA Authorization For Professional Services: TKDA submitted an authorization agreement in order to relocate the playfield. (move ball field to north, grading, survey, relocate backstop, remove outfield fence, plantings). Discussion re: standards required for backstop, having no outfield fence. Engineer stated that anything proposed that may not be needed, will not be charged. Board consensus not to include the following: Section 2. A.1. **Motion Keller/2nd Kramer to approve TKDA authorization for Professional Services Agreement omitting Sect. 2.A.1.) for the Town Hall Park for Design and Construction Phases in the estimated amount of \$15,000. All In Favor. Motion Carried 4-0.** TKDA will revise agreement for Chair to sign.

Election Judge Approval-08/10/10 Primary & 11/02/10 General Elections: Clerk submitted list of potential Election Judges-Jeannine Wagner, Marilyn Suchy, Jean Boyd, Alberta Brown, Linda Stancer, Lyla Davies, Tammy Johnson, Nancy Keene, Bob Woodford, Anna Quinn, Karen Herman, Wanda Klem and Sue Kubiak. **Motion Keller/2nd Moore approval of election judges as submitted. All In Favor. Motion Carried 4-0.**

Due to the Independence Day Holiday, the July Board Meeting will be on Tuesday, July 6, 2010.

Higgins reported that permission was given to Tiller for gravel hauling Saturday 06/05/10 to accommodate a MnDOT project.

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LEGAL REPORTS:

Rase-Suburban-Snaza: Court of Appeals awarded attorney fees and costs to Denmark. Board consensus to identify any further options pertaining to the securing of these funds. **Motion Keller/2nd Kramer to direct Attorney to proceed with any options available to Denmark to secure court awarded funds. All In Favor. Motion Carried 4-0.**

BWSR: Petition has been filed, in BWSR process. Attorney will inquire as to why hearing is in Moorhead instead of local area.

Contracts: Gravel hauling, Dustcoating and Ditch Mowing contracts are fully executed.

9:52 PM **Motion Kramer/2nd Moore to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman
Denmark Township Clerk/Treasurer