

DENMARK TOWN BOARD MEETING MINUTES
May 5, 2014

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

ABSENT: Jim Keller

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

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

AGENDA APPROVAL: Higgins added Warrior Dash. **Motion J Moore/2nd J Kummer approval of agenda as amended.**
All In Favor. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: Minutes pulled. **Motion J Moore/2nd J Kummer approval of consent agenda items which include Claims for Approval 10270-10284, EFT payments- PERA 286826, MN Rev. Tax 0669581952, Federal Tax 32898711, payroll ending 05/01/2014 and financial reports.** All In Favor. Motion Carried 4-0-0.

Pulled Minutes: K Herman requested amendment of the minutes to include additional information regarding discussion of determining the clerk/treasurer salary range and review of salary rates of other Washington County townships.

Motion K Herman/2nd J Kummer to approve amending the 04/07/14 Board Minutes to include the following:

K Herman expressed concerns regarding the salary range for the clerk/treasurer. She noted that most government positions and private sector positions do have a salary range with a minimum range and a highest range for that position. K Herman expressed concerns about yearly increases that are compounding the salary for the clerk/treasurer and suggested that we review the salary paid to the clerk/treasurer or clerk and treasurer of other townships in Washington County to see if the salary that Denmark Township pays is comparable. All In Favor.

Motion Carried 4-0-0.

Motion J Kummer/2nd J Moore approval of 04/15/14 Supervisor Portfolio, 04/15&04/29/14 LBAE and 04/07/14 Board Meeting Minutes as amended. All In Favor. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT:

Resident reported that there is equipment sitting around the gravel pit and that it has been accumulating for some time. Requested that the Board inspect this and the other conditions related to the permit for the pit once or twice a year during operations. Kummer has spoken with Rumpca's regarding the equipment and the road condition of the pits haul route, Oakgreen. Joe Rumpca has indicated that the equipment is on top of the hill because of the planned blasting and the crushing equipment will be moved back down into the pit when the blasting is finished. Resident stated that the equipment has been sitting for months, not just there now for blasting purposes. Resident noted that last summer, the dust from the semi trucks in and out of the pit area has been a problem. Would like to see some watering done to hold down the dust. Another resident reported that the storage area in which the new gravel is to be stored is not fenced (south and east of the pit) and understood that this was supposed to be done. Kummer will review permit conditions and visit the site.

Sheriff Report: Deputy noted that there was a citizen's academy for residents and another will be scheduled this fall.

Finalized dates will be posted on the Washington County's website. Board requested traffic control plans during the county road construction projects slated for Denmark this summer. Deputy will pass request to his Commander. Deputy indicated that there hasn't been major crime activity in Denmark. Barking dogs, ATV's running around, occasional traffic stops are common calls to the Sheriff's office.

BUSINESS ITEMS:

Geronimo Aurora Solar: Tena Rytel representing Geronimo addressed the Board regarding future solar project in Denmark. Geronimo is a renewal energy company that builds solar and wind energy farms. Geronimo submitted their solar project at Xcel's request for capacity energy. As part of their project submittal, Geronimo went through a trial process and appeared before the Administrative Law Judge (ALJ) who made a recommendation to the Public Utilities Commission (PUC). The ALJ recommended that the Geronimo project would be the best going forward with the least cost. PUC approved recommendation and Geronimo entered into a power purchase agreement.

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Project is 100 MW, distributed between 25 sites in MN. 5 MW being proposed for the Denmark site, which is a 40 acre parcel, north of Pt Douglas Rd, west of Carpenters. Project won't be using the big transmission lines. Geronimo has entered into a lease agreement with the Denmark landowner. Posts that hold the panels are driven into the ground, not cemented. The panels are 5x3 ft and are placed about 10 ft above the ground. The ground underneath is planted with clover like groundcover. Panels track at a slow pace and are not noisy. Lines on site are underground and Xcel brings in a line, usually using existing poles if possible. Project will be required to go through a state permitting process, anticipated approval in 2015. Construction is anticipated to be in 2015-2016. Dept of Commerce does a scoping meeting, which will define what will be in the environmental assessment that they draft. Public hearing for public comment is conducted. ALJ reviews and passes to PUC for approval. Parcel is landlocked. Geronimo will work with local authorities regarding permitting for use of Township roads. Construction period is 3-4 months. Entire parcel will be covered except for the buffer by the fence. Geronimo will contract with Xcel for 20 years. Panel life is 30-35 years, but if the contract were decommissioned after 20 years, the panels would most likely be replaced/updated. A decommission plan is written into the lease with the property owner and this plan is also submitted with the site permit.

Property classification will be changed to commercial which will bring more taxes into the township. A production tax will be paid and distributed at 80% to the county (about \$9600) and 20% to the township (about \$2400/year).

Geronimo has not received complaints from residents regarding glare from the panels. Building permits would be obtained from the Township. Geronimo is working with the DNR regarding environmental issues.

Attorney requested advance notice if Geronimo intended on using township roads, and noted that he would recommend that the Town enter into a roads agreement with Geronimo, so there would be a clear understanding of which roads will be used, and so there could be an inspection of the road conditions prior to the project to determine if damage has occurred due to the project.

Tiller Bond: Tiller's Interim Use Permit requires them to provide Denmark with a \$296,000 bond. Tiller is requesting that an old bond be terminated and canceled upon acceptance of a new bond. Attorney has reviewed the proposed bond and has concerns regarding Washington County/Denmark being named together as the obligee, rather than being named as individual obligees. The bond also references only the County CUP. Tiller is working with their bond company to address Attorney's concerns.

Motion J Kummer/2nd J Moore authorize the cancellation of the existing Tiller bond in favor of a unified bond with the County, once it's in a form acceptable to Denmark Counsel, and to authorize the Chair to send letter authorizing cancellation of the bond. All In Favor. Motion Carried 4-0-0.

Town Hall: Moore had Diebold Safe Company inspect the Town Hall safe. The safes lock mechanism was unassembled, cleaned and the combination has been reset. Diebold is checking for information regarding fire protection of the safe. Tuck point work on the rock foundation has been done. Moore has placed piping with removable caps in the vent like openings in the foundation. Moore has purchased and donated tools needed for the outside water/well pump/drinking fountain.

Roads: Board did an onsite inspection of the roads and reviewed the updated street improvement and maintenance planning Guide which was developed to assist in considering improvement and maintenance of the roads.

Planned 2014 Sealcoat/Crack Seal- 122nd (61-Margo), Margo 120th -s. end) and Oakgreen (70th -Trading Post Tr). At road tour, added 80th (St Croix Tr-Quadrant) and 120th (61-310' e of Margo). Engineer estimate \$67,200. Estimated cost post bid \$62,079. Removed St Croix Tr Lane (not a township road) from proposed 2015 Sealcoat/Crack Seal projects.

Tri County will fix and replace 5 culverts in the Township (122nd, 2 on 80th and 2 on Neal).

Considered Projects:

Shape and Pave Project-Neal Ave (80th-90th)

Tri-County will gravel/crown and remove/replace 2 culverts.

An apron onto Neal, 200 ft north of 80th will be removed and replaced for intersection road maintenance safety.

Neal is already class 5 material, shaping will provide excess limerock for 1-2 ft shoulders.

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Engineer estimated construction cost \$246,000. Tri-County and Engineering fees are an additional cost. Kummer noted that Tri-County will do grading prep work on Neal, as close as possible to the actual paving construction. Road will be watched for dust control.

Reclaim and Overlay- 80th Street (Neal-Oakgreen)

Tri-County to remove/replace 2 culverts.

The excess reclaimed material would be used to create compacted 2 ft shoulders on the edge of the road (apron and shoulders part of cost estimate). Engineer noted that both limerock and reclaimed material are acceptable for shoulders.

Engineer estimated construction cost \$262,000. Tri-County and Engineering fees are an additional cost.

Budget projections and saving figures were submitted to the Board. Original budget includes a shape/pave project.

Approximately \$345,000 would be available for additional projects.

Combined estimates of both Shape/Pave and Reclaim/Overlay projects include \$46,000 in possible contingencies.

Combined engineering fees of \$18,000 would decrease if both projects are done. Sealcoat/Crack Seal cost estimates are lower than original estimates.

Motion J Moore/2nd J Kummer to authorize Engineer to prepare Plans and Specifications for Shape and Pave Project- Neal Avenue (80th to 90th) and for Reclaim and Overlay Project- 80th St (Neal to Oakgreen with apron onto Neal north to be included). All In Favor. Motion Carried 4-0-0.

Discussion: The Project Schedule. Town has not historically ordered prep of plans/specs and then approved them once prepared. Higgins doesn't see a need to have to approve specs/plan when complete. Engineer stated that after the Board authorizes preparation of the plans/specs, it takes several weeks for him to get a biddable project together. Kummer questioned the 2 month window between the work beginning and completion of work. Engineer indicated that giving a larger window to contactors tends to solicit more bids. Realistically, this period can be scaled back to 45 days or so.

K Herman asked what the bid time frame was-Engineer indicated that it is a 3 week period from the first publication date.

Engineer will review and will try expedite project schedule. Board requested award of Bid to be set for the 07/07/14 Board Meeting.

Washington County will be overlaying both St Croix Trail and 110th St S Summer 2014. Recommendation would be to create aprons on the gravel roads that adjoin St Croix Tr and 110th Street for safety/ease of winter maintenance of the intersections.

Motion J Kummer/2nd J Moore to authorize Engineer to contact Washington County to coordinate with the contractor doing the 110th St work, to pave an apron onto Oakgreen south of 110th to the top of the hill and an apron onto Nyberg north of 110th. From St Croix Tr, to pave an apron onto Odell, west of St Croix Tr. All In Favor. Motion Carried 4-0-0.

Fire Reports: Higgins provided Fire Department reports for 2012 and 2013. Reports can be viewed in the Town Hall office.

Warrior Dash: Warrior Dash is planning their event at Vail/Afton Alps on July 12, 2014. Town has not received application at this time. Higgins will meet with Warrior Dash and Vail representatives on Wednesday 05/07/14.

Legal Updates:

Attorney reminded Board to review/comment on draft tree policy.

Attorney recommended Driveway Policy be converted into an ordinance. Board consensus to have Attorney and Engineer review policy.

Kummer suggested contacting Whitetail Estates developer regarding final wear course of roads in the development.

K Herman noted that the zoning for the Lavelle property on Oakgreen is Rural Residential 1/5 density. K Higgins will review as Mr. Lavelle has asked about the possibility of building another home on his property.

8:51 PM **Motion J Moore/2nd J Kummer to adjourn. All In Favor. Motion Carried 4-0-0.**

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair