

DENMARK TOWN BOARD MEETING MINUTES
June 1, 2009

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

SUPERVISORS ABSENT: None

ALSO PRESENT: Attorney Sarah Sonsalla (Kennedy-Graven) and Engineer Chris Winter

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

AGENDA APPROVAL: Keller added Mayor's Challenge. Higgins added Fire, Denmark Comp Plan, County Comp Plan, PERA and Open Space Inspections. **Motion Moore//2nd Keller to approve agenda as amended.** All In Favor. Motion Carried 5-0.

CONSENT AGENDA APPROVAL: **Motion Keller/2nd Kramer to approve consent agenda, which includes 05/04/2009 Board Meeting Minutes, 04/21/2009 & 05/05/2009 LBOAE Minutes, claims # 9147-9164, PERA EFT 105783, payroll ending 06/01/2009 and financial reports.**
All In Favor. Motion Carried 5-0.

Public Comment: Charlie Grote inquired on the current status of monitoring the Rumpca pit regarding conditional use permit requirements such as the fencing and berm. Engineer stated that both TKDA and Washington County met on site last fall and approved the CUP plans. Keller will follow up on progress. Stated that drivers from Barton are using 90th St. Grote was advised to contact pit to ask that drivers be reminded not to use 90th St. as a regular route.

Roads Maintenance Contract: Gordy Herman states that he is unable to obtain bonds for roads maintenance. Contractor requested that Board change contract or rebid roads maintenance contract. Attorney stated that public bodies are required to secure performance and payment bonds when the value of the contract is over \$75,000. Options could include splitting the contract to separate summer and winter maintenance, reducing the 3 year term of the contract to 1 year or looking for other surety companies that would issue the required bonds.

Contractor submitted a memo from CNA Surety stating that they would not be able to handle the bond. Contractor stated that he is not able to get a bond and believes that no one else will be able to get one. Attorney reviewed CNA Surety memo and stated that the surety company was not saying that they wouldn't issue the bond, but because the required bond would be for 3 years (not a 1 year term with possible renewals) CNA's annual bond form would not fit the contract. Attorney indicated that she could contact the surety company and possibly work with them on the contract terms. If necessary, Attorney could also check on the possibility of obtaining names of other surety companies that may issue the required bonds.

Contractor not interested in pursuing additional efforts to secure bonds. Contractor requested the return of his \$2500 bid security. Attorney stated that the Town may retain the bid security if the contractor fails to execute the agreement and provide the required insurance and bonds.

Contractor stated he will forfeit \$2500 bid bond and that the Township might as well rebid contract. The contract requires at least \$1.5 million of general liability insurance and the certificate received indicating \$1.0 million does not satisfy the \$1.5 per occurrence requirement.

Board consensus to work with contractor to complete contract requirements and fully execute the contract. **Motion Keller/2nd Kramer to direct the attorney to contact the CNA Surety Bond Company to look at the possibility of adjusting the contract so that a bond can be obtained.**

All In Favor. Motion Carried 5-0.

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2009 Sealcoating Projects: Received bids for 2 crack seal/sealcoat projects.

A Project -crack seal/sealcoat 117th, Osprey, 120th, Mendell Ave and Mendell Ave Court.

B Project-crack seal/sealcoat 117th, Osprey, 120th, Mendell Ave and Mendell Ave Court with patching needed on 120th prior to sealcoat.

Engineer's estimate **A Project** \$50,925 **B Project** \$56,475

Pearson Bros **A Project** \$44,290 **B Project** \$52,590

Allied Blacktop **A Project** \$48,995 **B Project** \$56,395

Motion Dixon/2nd Moore to accept Pearson Bros. bid of \$52,590 for B Project-sealcoat/crack sealing 117th, Osprey, 120th, Mendell Ave and Mendell Ave Court with patching needed on 120th prior to sealcoating. All In Favor. Motion Carried 5-0.

200 sq yd for 120th St patching is an estimate and charges will be on actual amount needed. Itemized amounts of \$1300 for Excavation and \$1600 for limestone base quoted on the project will only be charged if the subgrade failure is found.

Dixon will get quotes for additional patching needed on Township roads.

Marshall Lot Line Adjustment: Board reviewed Attorney's draft Development Agreement regarding a lot line adjustment for Scott Marshall. Several years ago, the Board approved the split of two 5 acre lots on the corner of 90th and Neal, before the 80 acre parcel was platted. Scott Marshall is requesting that the 6.35 acre piece adjacent to his parcel, be combined with his parcel. Previously, there have been a number of Development Agreements on this 80 acre parcel. In addition to the 6.35 acre lot line adjustment, the current Development Agreement addresses the previous Development Agreements and requires that any future plans within the 80 acre parcel would need Township approval. **Motion Moore/2nd Kramer to adopt Resolution 2009-06 Approving a lot line adjustment for property located at 9212 Neal Avenue South. Chair and Clerk authorized to sign Development Agreement.**

All In Favor. Motion Carried 5-0.

Prescott To Hastings Bike Trail: Washington County is applying for grant monies to assist in constructing a bike trail (on the old rail bed) that will connect Hastings, Denmark and Prescott. They are requesting a statement of support from the Township regarding their request for grant monies.

Motion Moore/2nd Keller to authorize Higgins to draft a letter of support regarding the trail project.

All In Favor. Motion Carried 5-0.

3M Incinerator-Cottage Grove: 3M has requested an amendment of the MN Pollution Control Agency permit regulating the operation of hazardous waste incineration at 3M in Cottage Grove. The amendment would allow for the import of solvents and other wastes from 3rd parties for incineration at 3M Cottage Grove. 3M has since withdrawn their request. Town Board members expressed concern regarding the potential pollution of the environment and will continue to monitor any action/decisions regarding this issue. Moore reported on efforts that were being done to remove PFC's. Additional information can be found on the website gary.krueger@pca.state.mn.us

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Mayor's Challenge: Keller would like to be involved in Cottage Grove's Annual Mayor's Challenge on 06/20/09. Participation requires 2 members.

Fire Services: Denmark Township's fire bill for 2009 is \$132,511.43. The formula is based on the Market Value of all Rural Fire Association members. Denmark's assessed Market value has increased 10.73% while the other 5 entities of the HRFA, all in Dakota County, range from an increase of only 3.75% to a decrease of 0.45%.

HRFA is requesting an informational meeting with the Fire Chief and an invitation will be extended to all Board members.

Denmark Comp Plan: The County Planning Commission has unanimously recommended approval of the Denmark Comprehensive Plan to the County Board.

Washington County Comp Plan: County has submitted its draft 2030 Comp Plan for comments. Board consensus to have the Town Planner review the plan for compatibility with Denmark's plan.

PERA: PERA has made a voluntary group life insurance plan available to PERA members. There is no employer contribution to the plan. Premiums are deducted from the participating PERA member's paycheck and employers submit these premiums to NCPERS Group Life.

Motion Keller/2nd Kramer to approve PERA members participation in the NCPERS Group Life Insurance Plan, costs to be incurred by the members as there is no employer contribution to the plan. All In Favor. Motion Carried 5-0.

WMO Update: MN Board Of Water and Soil Resources has approved dissolution of the LSCWMO and redistribution of the Local Government Units into various watershed districts. Denmark will be a part of the South Washington Watershed District. Keller expressed interest in being on the SWWD board. SWWD has 1 year to adopt plan which would include a 5 member board being increased to a 7 member board.

Parks Study Meeting Dates: 1st meeting scheduled for Monday, 06/08/09 @ 4:30 PM. 2nd meeting scheduled for Thursday 06/18/09 @ 4:30 PM. Purpose of the study is to plan for future improvements for both the Town Hall Park and the O'Connor Family-Denmark Township Nature Preserve.

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LEGAL UPDATES:

Rase/Suburban/Snaza: Property was inspected on 05/27/09. Some violations remain.

Homestead Estates: Frank Femling was in attendance and responded regarding the Homestead Estates issues of non-compliance.

Re: Wear Course not placed. Discussion regarding a Subordinate Service district. Frank stated that he was not familiar with a Subordinate Service District. Attorney explained that Frank would petition for the wear course improvements, the Town would have the work done and then assess the lot owners for the cost. Frank also stated that he would not want any assessment for those homeowners who have already purchased their lots.

Re: Required \$2500 escrow balance. Frank stated that 3 hrs to review the Letter Of Credit is excessive. He has spoken with Engineer Geheren regarding the charges. He would like to see the Town be more responsible on escrow expenditures. Also asked the Board to reduce the amount to \$500 or to \$0 and he will pay charges as they are incurred.

Re: Letter of Credit. Frank is unable to obtain a Letter Of Credit.

Re: Designation of 2 lots as not buildable-required variance for over length cul-de-sac. The 2 designated lots will be the 2 without road frontage. Frank would be willing to apply for a variance.

Re: 2008 Open Space Inspection fees. Frank stated that both the 2008 and 2009 Open Space Inspection fees will be paid.

Board authorized attorney to draft an outline of available options for these ongoing issues to be addressed at July Board Meeting.

Open Space Inspections: 2009 Annual Open Space Inspections will be done in June.

9:00 PM **Motion Keller/2nd Dixon to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2009-06

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2009-06

RESOLUTION APPROVING A LOT LINE ADJUSTMENT
FOR PROPERTY LOCATED AT 9212 NEAL AVENUE SOUTH

WHEREAS, Scott Marshall and Bonnie Marshall, husband and wife, have applied for a lot line adjustment for their property located at 9212 Neal Ave. S., Hastings, MN 55033 (“Applicants”);

WHEREAS, the proposed lot line adjustment would adjust the property line between Applicant’s property and property owned by Dwain Marshall and Delores Marshall, husband and wife, located at 12841 – 90th Street South, Hastings, MN 55033, resulting in approximately 6.35 acres of land being added to the Applicant’s property;

WHEREAS, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Town’s zoning ordinance provided the Applicants provide the required submittals, enters 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 zoning ordinance;

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

No later than 15 days from the date of this Resolution, the owners of both properties affected by this lot line adjustment must enter into a development agreement with the Town, which the Town will draft. Furthermore, the owners of both properties, 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;

The Applicants shall be responsible for reimbursing the Town for all costs incurs related to processing their application including, but not limited to, professional costs; and

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 Applicant’s expense; 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 1st day of June, 2009.

BY THE TOWN BOARD