

DENMARK TOWN BOARD MEETING MINUTES

April 7, 2014

SUPERVISORS PRESENT: Kathy Higgins, Jim Keller, John Kummer, Joe Moore, Karen Herman**ABSENT:** None**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 Recycling Grant Application. K Herman added Meeting Minutes Recordings.**Motion J Kummer/2nd J Moore approval of agenda as amended. All In Favor. Motion Carried 5-0-0.****CONSENT AGENDA APPROVAL:** Claims pulled. **Motion J Moore/2nd J Keller approval of consent agenda items which include 03/03/2014 Board Meeting Minutes, EFT payments- PERA 2283804, MN Rev. Tax 1613591680, Federal Tax 05737959, payroll ending 04/01/2014 and financial reports. All In Favor. Motion Carried 5-0-0.****Pulled Claims:** Add final claim from Troje's Trash, claim #10269 in the amount of \$10.64 to claims for approval.**Motion J Moore/2nd J Keller to approve claims #10255-10269 as amended. All In Favor. Motion Carried 5-0-0.****HEARING DECISIONS/ZONING ACTIONS:** None**PUBLIC COMMENT:** None**BUSINESS ITEMS:****Bushinski Driveway:** 11875 122nd St Cir S. Shawn and Dawn Bushinski are constructing a backyard accessory structure and driveway extension to access the structure. Due to placement of the current driveway and attached garage, the proposed driveway extension would not meet the minimum 20 ft side yard setback on the south side of the property. The driveway extension would be located 6 ft off the south property line, at the narrowest point. The accessory structure would meet the 20 ft side yard setback. Extending the driveway across the front entrance of the home along the north side of the lot and across the back yard would have an adverse visual impact to the front architecture of the house and would result in significantly more driveway to be maintained. Placing the accessory structure on the north side of the lot would be more visible to those driving on Hwy 61 and entering the neighborhood. The Eagle's Watch Architectural Committee has approved Bushinski's plans, as has their closest neighbor to the south. **Motion J Keller/2nd J Kummer approval of Bushinski driveway extension location at a reduced setback of 6 ft from the side yard property line, as presented. All In Favor. Motion Carried 5-0-0.****Afton Alps Road Reconstruction:** Vail Resorts (Afton Alps) has submitted a new major grading permit application to improve their existing access road. Dan Tilson (G-Cubed Engineering) put together the plans (dated 01/22/14) for the reconstruction. Grade would remain basically the same as existing, pushing it about 2 ft toward the hill, adding a curb to catch the water in a catch basin/ pipe to direct the flow to the bottom of the hill, to eliminate the current erosion issue. Stabilization on the ravine side of the road will be part of the project. New plate beam, cable type of guard rail will be installed to allow both protection of traveling public and ease of pushing snow off the road. At the bottom of the hill is a paved parking lot which will be partially milled/overlaid. Vail is working with Washington County for the County Permit. South Washington Watershed District reviewed the plans and had no concerns/comments and did not require a permit. The current NPDES permit that Vail has for their previous project is able to be transferred to the new road reconstruction project. Construction schedule will be aggressive so the road is ready for the Resorts summer activities. Vail has received approval in writing of all the property owners who will or may be encroached upon.

Engineer comments include the following conditions:

1. The applicant must reimburse Denmark Township all costs required to review the application and inspect the construction of the proposed improvements.
2. The Town Board may require a bond or other financial guarantee to ensure compliance with the permit and suitable restoration.
3. Written approval should be provided from all properties to be encroached on during construction of the proposed improvements.
4. The location and dimensions of the rock construction entrance must be shown on the Erosion Control Plan.
5. The location of the concrete washout area must be identified on the Erosion Control Plan.
6. Additional erosion control measures (i.e. silt fence or ditch checks) should be placed around all stormwater outlet areas and identified on the Erosion Control Plan.
7. A copy of an approved Washington County Permit must be provided to the Township.
8. A copy of an approved MPCA NPDES Permit must be provided to the Township prior to construction.
9. A final plan of the selected alternatives must be provided to the Township prior to construction.
10. The Date and time of the pre-construction meeting must be provided to the Town Engineer for attendance.

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Vail is in agreement with the conditions.

Town Board did not require a bond for the purpose of plan completion and restoration. Vail will provide Township Engineer with construction schedule, confirmation/agreements from property owners who will be encroached upon, and any additional information requested by Engineer. **Motion J Kummer/2nd J Moore approval of Vail Resorts (Afton Alps) 6600 Peller Ave S Major Grading Permit for road reconstruction, as presented in 01/22/14 plans. All In Favor. Motion Carried 5-0-0.**

Election of Chair, Vice-Chair: Keller nominated Higgins for Chair. No other nominations. **Motion J Keller/2nd J Kummer to appoint K Higgins as Chair. Voting Yes-J Keller, J Moore, K Herman, J Kummer. Voting No-none. Abstained-K Higgins. Motion Carried 4-0-1.**

Motion J Kummer/2nd K Higgins nominated and moved to appoint J Keller as Vice-Chair. All In Favor. Motion Carried 5-0-0.

Designate Official Newspaper of Record: Currently Hastings Star Gazette, also Pioneer Press when directed by Board-electors recommended keeping same. **Motion J Moore/2nd K Herman to designate Hastings Star Gazette, also Pioneer Press when directed by Board, as official newspaper of record. All In Favor. Motion Carried 5-0-0.**

Designate Official Posting Place: Currently Denmark Town Hall-electors recommended keeping same. **Motion J Moore/2nd J Kummer to designate Denmark Town Hall as official posting place. All In Favor. Motion Carried 5-0-0.**

Designate Official Bank: Currently Vermillion State Bank. **Motion J Moore/2nd J Keller to designate Vermillion State Bank as official Township Bank. All In Favor. Motion Carried 5-0-0.**

Gopher Bounty: Currently \$2.50 per gopher-electors recommended keeping same. **Motion J Moore/2nd J Kummer to set gopher bounty at \$2.50 per gopher. All In Favor. Motion Carried 5-0-0.**

Supervisor Salary: Currently \$70.00 per meeting and \$300.00 per month chair-electors recommended keeping same. **Motion J Moore/2nd J Keller to set supervisor salary at \$70.00 per meeting and \$300.00 per month chair. All In Favor. Motion Carried 5-0-0.**

Motion J Moore/2nd J Kummer to set Date/Time/Site of 2015 Annual Meeting- Tuesday, March 10, 2015- 7:00 PM @ the Denmark Town Hall. All In Favor. Motion Carried 5-0-0.

Contracted Staff: Discussion regarding option of reviewing/conducting Request For Proposals every few years to check rates and expertise of Law Firms for a check and balance. Board members commented that the RFP process is time consuming, frustrating, and that training in new staff on the history/processes of the Township, which is very relevant for the Township, is difficult and that the continuity of keeping same staff, if satisfied, is valuable. Also that current Legal is doing a good job and that it is in the best interest of the Town to approve continuation. **Motion J Moore/2nd J Keller to approve continuation of current contracted staff Legal-Kennedy-Graven, Planning-WSB and Engineering-Focus Engineering.**

Voting Yes- J Moore, J Keller, J Kummer, K Higgins. Voting No-none. Abstaining-K Herman. Motion Carried 4-0-1.

ROADS:

Gravel- Received quotes for Limerock- Bryan Rock @ \$11.30 delivered/\$7.85 FOB. Rumpca @ \$8.10 delivered/\$5.60 FOB. **Motion J Kummer/2nd J Moore to approve purchase of gravel from Rumpca Excavating at a cost of \$8.10/ton delivered (\$5.60 FOB). All In Favor. Motion Carried 5-0-0.**

Dustcoat: Received quotes for Dustcoating-Envirotech @ .88/gal magnesium chloride and .92/gal calcium chloride. Luhman's @ .85/gal magnesium chloride and no quote for calcium chloride. In 2013 used calcium chloride. Rate for calcium chloride is slightly higher than rate for magnesium chloride, but application rate of material is lower. **Motion J Kummer/2nd J Moore to approve purchase of calcium chloride dustcoat from Envirotech at .92/gal, estimated 15, 000 gallons. All In Favor. Motion Carried 5-0-0.**

Discussion with Township resident- Resident spoke with Board regarding the lime from the gravel dust affecting the PH in his fields along the gravel roads and is requesting that the Board consider application of dustcoat be applied to gravel roads along the length of fields, not just in front of the residences.

Schedule On Site Road Inspection: On site road tour is scheduled for Monday, April 14, 2014 @ 4:30 PM.

Schedule Supervisor Portfolio Workshop: Portfolio Workshop scheduled for Tuesday, April 15, 2014 following the Local Board of Appeal, approximately 5:30 PM.

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Conveyance of Tax Forfeited Land: Washington County is requesting that Denmark review tax forfeited parcel 08.026.20.24.0014 and respond if interested in acquisition of the parcel. The parcel could be conveyed to the Township free of charge if the Township uses the land for a public authorized use, such as a road, right of way, park that is both available and accessible by the public, trails and the like. Subject property is a 0.996 acre parcel which is unbuildable and because of its ravine-like topography, would not likely be accessible by the public. Board consensus that parcel would be of no value to the Township. **Motion J Moore/2nd J Keller to take no action on conveyance of parcel 08.026.20.24.0014 to the Township. All In Favor. Motion Carried 5-0-0.**

Recycling Grant Application: Recycling grant components have changed. Denmark would be eligible to receive \$2500 in grant money based on the number of households in the Township. Additional grant money (max \$1750) is available if criteria for certain projects are met. Keller and Higgins will attend future meetings. **Motion J Moore/2nd J Kummer to authorize Town to apply for the Washington County Recycling Grant Funds to a maximum amount of \$3750, subject to final approval of grant content /amount applied for by J Keller based on outcome of next recycling meeting. All In Favor. Motion Carried 5-0-0.**

Recorded Meeting Minutes: Discussion regarding keeping the recorded minutes for perpetuity, rather than erasing them after transcription.

K Herman- Keeping the recordings would bring better transparency to the meetings and would better inform absent supervisors of meeting discussions.

K Higgins- Supervisors have the opportunity, responsibility and obligation to review and approve minutes as presented to them. If Board members upon review of the minutes find that anything has been omitted or inaccurately described they can amend the minutes.

J Moore- The clerk interprets and transcribes the meetings into something that can be printed. If the recording is also kept, it would seem that the Board would be subject to endless speculation and reinterpretation of the meeting.

Attorney- Anyone from the public can record or video tape any public meeting. Any recorded data kept as a record and not just for the purpose of transcription by the Township may be subject to retention requirements of keeping the recorded data forever, and kept in a way that it would be made readily accessible to whoever requested it. If the Board made the decision to keep recordings, there may be challenges in the long term on the storage and making them readily available to the public. Regarding destruction of the recordings, would need to contact the State Historical Society to confirm if recorded data can ever be set on a retention schedule or must be retained permanently. Current practice is to record meeting minutes for the purpose of transcription only. No action taken to change current practice.

Clerk/Treasurer Performance Evaluation: Board conducted annual Clerk/Treasurer performance evaluation.

Annual review date April 1st. Current salary \$2867.81/month. Discussion regarding separation of evaluation and salary/setting precedence on annual raise percentage.

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.

Motion J Keller/2nd J Moore to increase Clerk/Treasurer's current monthly salary 7% (\$200.75) to \$3068.56/month, effective April 1, 2014. Voting Yes-J Keller, J Moore, K Higgins, J Kummer. Voting No-K Herman. Abstaining-none. Motion Carried 4-1-0.

Legal Updates:

Lower St Croix River- A bill was introduced by Senator Sieben, which would modify the Lower St Croix River Act, to install the DNR in an oversight role in the Township's zoning decisions and included additional criteria regarding variances. Attorney corresponded with Senator Sieben on the Town's behalf, expressing the Town's concerns that this legislation would be contrary to Local Government control. The Bill was amended accordingly and is presently in the finance committee. Bill has not yet reached the House of Representatives.

Mississippi Critical Corridor Area- Upcoming meeting is a follow up meeting to the previous meeting with Local Government Units, which resulted in revised draft rules. Attorney and Higgins will attend.

Keller- Attended the League of Governments at Lake Elmo Inn. Also encouraged the Board to sign up for the River Boat Tour with the Washington Conservation District/Ag Department.

9:15 PM **Motion J Kummer/2nd J Moore to adjourn. All In Favor. Motion Carried 5-0-0.**

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair