

DENMARK TOWN BOARD MEETING MINUTES  
September 2, 2014

**SUPERVISORS PRESENT:** Kathy Higgins, John Kummer, Joe Moore, Jim Keller, Karen Herman (@ 7:35 PM)

**ABSENT:** None

**STAFF PRESENT:** Engineer Ryan Stempki (Focus Engineering)

**CALL TO ORDER:** Meeting called to order @ 7:05 PM by Chair Higgins

**AGENDA APPROVAL:** K Higgins added Criminal Prosecution, Historical Society and Driveway Ordinance.

**Motion J Moore/2<sup>nd</sup> J Keller approval of agenda as amended. All In Favor. Motion Carried 4-0-0.**

**CONSENT AGENDA APPROVAL:** Higgins pulled Claim #10369 Harddrives \$388,883.58 (to be reviewed during roads update. **Motion J Moore/2<sup>nd</sup> J Keller approval Balance of consent agenda items which includes 08/04/14 Board Meeting Minutes, Claims #10346-10368 and 10370, EFT payments- PERA 300377, MN Rev. Tax 1297393280, Federal Tax 95767317, payroll ending 09/01/2014 and financial reports. All In Favor. Motion Carried 4-0-0.**

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**2015 Budget Adoption/Pay 2015 Proposed Tax Levy Certification:**

The following 2015 budget and levy were approved by the electors at the 09/02/2014 Reconvened Annual Meeting:

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	78,722	968	55,860		21,894		
SALARIES	73,477				73,477		
ROAD & BRIDGE	208,350		27,000		176,850		
FIRE	144,565		400		144,165		
DITCH & TRASH	14,700				14,700		
PARK & REC	0		2,650		2650		
<b>2015 TOTALS</b>	<b>515,314</b>	<b>968</b>	<b>85,910</b>		<b>428,436</b>	<b>-37.8%</b>	<b>0.0%</b>

**Motion J Kummer/2<sup>nd</sup> J Moore to adopt the 2015 Budget in the amount of \$515,314 as presented. All In Favor. Motion Carried 4-0-0.** The 2015 Budget reflects a decrease of -37.8%.

**Motion J Moore/2<sup>nd</sup> J Keller to certify the Proposed Property Tax Levy for Payable 2015 in the amount of \$428,436 as presented. All In Favor. Motion Carried 4-0-0.** The 2015 Proposed Levy reflects a 0 Levy increase.

**2014 Roads Update:**

Street Improvement project is almost complete except for a small amount of topsoil and seeding still to be done. Original contract of \$402,318 was for estimated quantities. The actual quantities increased as the project was extended slightly to capture additional cracked up pavement on 80th, and added a little more mix on the tie ins on the adjoining streets, Oakgreen and 80<sup>th</sup> St Ct. and removed and paved back in the bituminous flare by Rumpca pit (approx. 150 T. over the original est.). Quantities are about 1% over the estimated original quantities, which is below the 3% contingency going into construction for field variances.

Kummer- Re: tack coat line item on contract specs vs. actual used-if base and wear course are so many feet wind, and tack is applied, tack coat should be a consistent non calculated amount. Contract called for 1440 and 670 was applied, missed by 100%. Is this of concern?

Engineer-during the paving process after the first lift went down, an inspector observed to assure the tack coat application per the rate specs was applied correctly. Engineer noted that the quantity applied is low, didn't question but will check on it.

Re: Striping- contract specs indicated 530 LF, 911 LF was actual done. Engineer-existing striping came to the peak of the hill and Engineer had striping continue past the peak of the hill.

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Past patching on 80<sup>th</sup> indicated that there were 6-8 inches of gravel on the base. During culvert replacement, it was discovered that extra gravel would need to be added to the base. Soil borings may have indicated the need for additional base material. Neal shouldering- Plan was if we needed to shape or add gravel, the local road contractor would add. When gravel was bladed, the contractor indicated that the road needed material. Gravel was added prior to the paving. In the spec estimates, we intended on taking material off Neal to windrow on the shoulder to bring back shouldering, so extra gravel should have been added to Neal for this purpose. However, with ordering additional gravel that Hardrives hauled and packed on the shoulders, we have most likely a harder, better shoulder.

2013 Maycrest Reclaim/Overlay- Paris Ave Final Wear Course 1 year inspections

Kummer- 08/29/2014 Did Maycrest 2013 Reclaim/Overlay inspection. Looks good. Paris Ave (110<sup>th</sup> to s cul-de-sac) 2013 final wear course, overall looks good. There is some reflective cracking from the base underneath, so it should be added to the 2015 seal coat/crack seal project. This would not be part of the warranty. Some cracking is normal, base paving has been in for a number of years.

80<sup>th</sup> Street Issue- On 80<sup>th</sup> just west of Neal, paving was extended to repair an additional cracked portion of the road. Area was reclaimed & packed and passed a roll test. First lift of pavement, pack coat, and final lift were applied. Within a week, from the traffic, a large amount of cracking occurred. The first lift was milled off (12 x 36 area). Water was coming up through the base, not allowing it to bond with the tack course. The correct fix would be to do a full depth patch. Cut out bad area (extends approx. 120 ft west). Remove bituminous, have Tri-County haul out the wet material and replace new class 5 material and have Hardrives pave over new base.

Kummer-east bound lane is the worst, west bound not so bad. Kummer asked Engineer to get a price on full road width for 120 ft. Includes 3 ½ inches mix, mobilizing equipment, prepping, shaping, tacking, rolling, shouldering and paving. (\$56.75/ton plus \$1000 mobilization fee-total cost \$5000 which includes mobilization fee). Added to the cost would be Tri-County's labor and gravel. Local contractor asked if Hardrives could waive the mobilization fee since they are coming back to finish restoration anyway. Engineer indicated that they would not waive, as they are blaming the issue on the base. Engineer believes fee is good. Local contractor doesn't believe it will be 120 ft. Engineer recommends that if the Board does want the additional work done, they should give approval and the cost would be added to the final payment as a line item change order, with the remaining top soil restoration.

**Motion J Kummer/2<sup>nd</sup> J Moore to authorize Engineer to Process a change order to provide for a full depth patch (approximately an additional 120 ft west of Neal on 80<sup>th</sup> St S). All In Favor. Motion Carried 5-0-0.**

**Motion J Moore/2<sup>nd</sup> J Keller approval of Claim # 10369 Hardrives, Inc in the amount of \$388,883.58. All In Favor. Motion Carried 5-0-0.**

**Summer/Winter Roads Maintenance Contract:** Winter roads maintenance contract will expire fall 2014. Summer road maintenance agreement will expire spring 2015. 06/02/14 Board approved combining winter and summer maintenance agreements with a 3 year term.

**Motion J Kummer/2<sup>nd</sup> J Moore to terminate the existing Summer Roads Maintenance Agreement at the end of the 2014 season. All In Favor. Motion Carried 5-0-0.**

**Motion J Kummer/2<sup>nd</sup> J Moore to seek bids for a combined Winter and Summer Maintenance Agreement, with a 3 year term authorizing Town Attorney to draft agreement. All In Favor. Motion Carried 5-0-0.**

Discussion regarding contract to include rate per hour for summer maintenance, rate per hour for winter maintenance for the length of the contract, and to include a fuel surcharge. Roads Supervisor will work with Attorney regarding contract specs.

Town received complaint regarding the additional truck traffic on Oakgreen (80-70). County is currently working on St Croix Tr and 110<sup>th</sup> Streets and adjoining Township road bit aprons in the Township. Denmark has had a good working relationship with the County. Board consensus that the road work currently going on in the Town is necessary and that the Board understands that the truck activity has increased and would like to lessen the amount of trucks using Oakgreen route and recognizes that there needs to be an allowance for road projects within the Township. Also, that if the county is piling the road millings at the Rumpca pit, the county truck trips in and out of the pit should not affect Rumpca's allowed truck trip count.

Excerpt from the Rumpca IUP [The Town Board, or its designee, may allow a modification of the hours or days of operation to enable the applicant to adequately address the need for materials to respond to the emergency, the preparation for a reasonably anticipated emergency, or to satisfy the request of the public road authority.]

Board members in agreement that county road maintenance within the Township is considered Town road maintenance for the purpose of hauling, thereby exempting the county trips from Rumpca's truck trip count. Additionally, county trucks are encouraged to use both Oakgreen and 80<sup>th</sup> for their trips in and out of Rumpca pit to lessen increased truck activity on Oakgreen.

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**Aurora Solar-Dept of Commerce Request For Comments:** Dept of Commerce is requesting comments/questionnaire regarding the Aurora Solar project. Higgins completed draft of comments for Board review and invited Board to add/revise.

**Motion J Moore/2<sup>nd</sup> J Keller to send comments as presented regarding Aurora Solar project to the Department of Commerce. All In Favor. Motion Carried 5-0-0.**

**Driveway Ordinance:** Driveway Ordinance comments received from Cottage Grove. Engineer-Cottage Grove inquired as to if a metal apron on the end culvert should be an ordinance requirement. Engineer indicated that Denmark allows both metal and reinforced concrete culverts, and also, as technology changes, he would not advise adopting a specific required material for an apron. Just to either require or not require an apron. Roads Contractor added that aprons help keep the culverts from plugging. Engineer/local contractor recommend that aprons be required on culverts. Draft ordinance addresses requirement of hard surface based on slope, to prevent erosion. Roads Contractor questioned the need for a 16 ft width. Engineer stated that other municipalities have 10-12 ft wide driveways and that a 12 ft width is typical in Washington County. Board in support of reducing driveway width. Higgins will check with Fire Department regarding their width preference for emergency vehicles.

**Criminal Prosecution:** A criminal citation was issued in Denmark for a dog violation. Denmark needs legal representation to prosecute case on behalf of the Town. The Washington County Attorney's office doesn't prosecute ordinance violations. Those appointed as criminal prosecutors for local governments do primarily just prosecutions and typically do not also serve as the attorney for a community on its civil matters. Town Attorney recommends that the Board authorize the appointment of a prosecutor to look into and handle this matter for the Town.

**Motion J Kummer/2<sup>nd</sup> J Moore to authorize the Town Chairperson to work with the Town Attorney to select and appoint an attorney to serve as a criminal prosecutor for Denmark Township to handle criminal citations issued based on the Town's ordinances and the appointed person shall be fully authorized to prosecute such criminal citations on the Town's behalf. All In Favor. Motion Carried 5-0-0.**

**Historical Society:** Property adjacent to the Historical Society (Valley School) parcel has been forfeited. County Assessors' office has inquired on the status of buildability of the lot. Not likely buildable. Historical Society interested in purchasing parcel and is communication with Assessor's office.

**Maycrest Ave S.**-Engineer provided Kummer with map of MnDOT future plans to close Maycrest intersection in 2016. Engineer stated that MnDOT was inquiring if Town would favor an easement or State purchase of land. Request unclear, further clarification needed as to specifics of why Town would be involved in this decision.

**Escrow Balance Refund:** Paul Harrington (Buell Consulting) on behalf of Verizon CoC Tower at 6600 Peller Ave S has requested a refund of their escrow balance in the amount of \$1608. There are no pending Planning or Legal fees.

**Motion J Moore/2<sup>nd</sup> J Keller approval to refund escrow balance for account 801-011 Verizon (Buell Consulting) 6600 Peller Ave S-claim #10371 in the amount of \$1608.00. All In Favor. Motion Carried 5-0-0.**

8:40 PM **Motion J Moore/2<sup>nd</sup> J Keller to adjourn. All In Favor. Motion Carried 5-0-0.**

Becky Herman  
Denmark Township Clerk/Treasurer

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Denmark Township Chair