DENMARK TOWN BOARD MEETING MINUTES
July 6, 2020

This meeting was conducted via telephone conferencing pursuant to the Chairperson's statement issued under Minnesota Statutes, section 13D.021.

SUPERVISORS PRESENT: Kathy Higgins, Shawn Racine, Bob Rucker, John Strohfus
ABSENT: Ron Simon
STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Engineer Geheren (Focus), Planner Krzos (WSB)

CALL TO ORDER: Meeting called to order @ 7:02 PM by Chair Higgins

AGENDA APPROVAL: K Higgins added Board of Appeal. **Motion B Rucker/2nd S Racine approval of Agenda as amended. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

CONSENT AGENDA APPROVAL: K Higgins pulled claims for approval.
Motion K Higgins/2nd J Strohfus approval of Consent Agenda items which include Board Minutes 05/04/2020, EFT payments- PERA 563228, MN Tax 0915005728, Federal Tax 50903299 , payroll ending 07/01/2020, Financial Reports. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS: Meyer-Murphy Minor Subdivision & Variance
Lana Meyer (Applicant) & Chris Wagner Present
Planner- Applicant is requesting a minor subdivision of a 56.6 acre parcel. The proposed southern 19.7 acre parcel "B" would gain access to Hwy 95/Manning Ave S via an access easement through the northern 45 ft of 16.65 acre parcel "C" (PID 06.027.20.33.0006) at the Hwy 95/ Manning & 70th St S intersection. Since the width of the easement is 45 ft, a variance is requested to reduce the required roadway frontage form the standard 300 ft to 45 ft. The remaining proposed 36.9 acre northern parcel "A" would have road frontage along Hwy95/Manning Ave S. Both proposed parcels meet the minimum required lot size and buildable area.
Planning Commission recommended conditional approval of the minor subdivision at its 06/15/20 meeting
Applicant will be required to enter into a development agreement with the Town. The proposed minor subdivision results in one additional buildable parcel, so would require that a $2000.00 park dedication fee be paid.
Staff recommends conditional approval based on the 06/08/20 Findings of Fact.
Attorney- There are 2 easements in this subdivision. The 75ft x 75ft easement on the 19.59 acre parcel PID 06.027.20.33.0003 to the south of subject property, owned by Barb Meyer. The 45 ft wide easement across the entire north end of the 16.65 parcel "C" to create the access onto Hwy 95/Manning Ave S.
Applicant noted that the newly created parcel will be used for Ag related purposes.

Motion J Strohfus/2nd S Racine to adopt Resolution 2020-08 Granting Preliminary and Final Approval For Minor Subdivision of Meyer-Murphy Property Located On State Highway 95/Manning Avenue South And Approving A Variance. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

PUBLIC COMMENT: None

BUSINESS ITEMS:
Election Judge Appointment: Clerk submitted list of potential election judges for the August 11, 2020 Primary and November 3, 2020 General Elections. Judges- Marilyn Suchy, Jeannine Wagner, Tammy Johnson, Wanda Klem, Sue Kubiak and Nancy Keene.
Motion B Rucker/2nd S Racine to appoint election judges as submitted by Clerk for the August 11, 2020 Primary and November 3, 2020 General Elections. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

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Eagle's Watch Geo-Tech Services: Engineer received 2 proposals for geotechnical services necessary for design of Eagle's Watch neighborhood, for proposed work in 2021. Services include falling weight deflectometer, ground penetrating radar, pavement cores and a final report of conclusion. American Engineering Testing $5150.50 and Braun $8605.00. Engineer recommends AET for best value. Scope of services for work on the Eagle's Watch project will include a proposal for preliminary work on the Topographic and Mapping survey and also future support services for preparing the detailed plans and specs. Engineer will have the proposals put together with a phased approach, because Engineer thinks we need the geotechnical services plus the topographic and mapping survey, in order to define the needed scope of services, to prepare plans & specs. Topo & Mapping survey proposals likely to the Board in August.
Motion S Racine/2nd B Rucker to authorize Geotechnical Services as proposed by American Engineering Testing in the amount not to exceed $5150.50. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Ehlers Proposal: Board requested proposal from Ehlers to develop an updated financial analysis regarding funding of its future road improvement projects. Ehlers proposes to invoice its actual time spent on the analysis, with a not to exceed cap of $3000.00.
Bruce Kimmel- Ehlers anticipates preparing 3 scenarios reflecting different combinations of investment in road improvements and cash/bond funding of those projects. Base of analysis would be Street Inventory 5-7 year proposed project/timing information, fund balance analysis and tax impact (10 year look). Results will be estimated future Town Fund balances and property tax levies.
J Strohfus- Based on the Street Inventory, Town has a need for approximately $700K worth of road projects annually. Current funding level has been approximately $400K for road projects annually. Need to determine how fast to fund the gap, and if funding should come from significant tax levy increases immediately to cover 2-4 years of roads projects. Bonding approach-Need to see if it makes more sense to do 1-2 Million bonds, with longer gaps between the capital projects. B Kimmel noted that at this time 10 year bonds can be issued at a little over 1% interest rate. Workshop Meeting set for Tuesday, July 28,2020 @ 1PM.
Motion B Rucker/2nd J Strohfus to accept Ehlers proposal to develop a financial analysis to provide the Board with road funding information, cost not to exceed $3000.00. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

O'Connor Park: B Rucker provided pictures of stones that would be purchased ($4-7K) to have the O'Connor Park signage at the park entrance. Stone would be a sandblasted, engraved stone with permanent signage. Tri-County would build a pad of large stones to set the Signage on. Tri-County would also pick up the purchased stone sign in Hammond, WI and install it on the pad. Tri-County has estimated the pad/stone pick up/installation, and removal of a few trees to be approximately $3000.00. B Rucker is requesting authorization to allot approximately $10,000.00 from the park/rec fund for this project. **Motion K Higgins/2nd J Strohfus to authorize expenditure of approximately $10,000.00 for the signage project. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Tri-County Estimates: Engineer Stempski requested St Croix Tr Ln/70th St S in Homestead Estates be swept prior to the sealcoating. Tri-County submitted an estimate of $320.00 to sweep. J Strohfus requested an estimate from Tri-County to trim the trees that are significantly encroaching/hanging over Nyberg Ave S. Tri-County submitted an estimate of $3200.00 to trim the trees on both sides of Nyberg Ave S. **Motion B Rucker/2nd S Racine approval of Tri-County estimate of Homestead Estates Roads sweeping in the amount of $320.00 and estimate of $3200.00 to trim the trees on both sides of Nyberg Ave S. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Board of Appeal Training: Reminder: Board of Appeal Training for Board Members is available online. Currently only one board member is certified. If Town has no certified members it will lose the ability to hold a Local Board of Appeal and Equalization. All township appeals will be handled by Washington County with no input from Denmark Town Board members.

Claims For Approval: Due to Covid-19, Clerk received approval from the Chair to purchase protective check-in shields ($564.84 cost) for the elections. The additional cost of Personal Protective Equipment will be covered by

the Cares Act and Town will be reimbursed. Shield purchase requires 25% payment upon purchase order. Claim #11578 in the amount of $141.21 added to claims. GDO Law submitted $5000.00 billing for Flat Fee for Appeal of Order related to Cordes Matter. Chair understanding is that the fee was a not to exceed $5000.00. Billing noted that $2500.00 was due upon receipt. Claim #11564 in the amount of $5000.00 to be amended to $2500.00. **Motion K Higgins/2nd S Racine to approve Claims #11559-#11578 as added/amended. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

LEGAL UPDATES: Attorney has been reviewing the Cares Act Funding. Town could apply to receive up to approximately $44,950.00 for restricted use related to Covid 19. Board consensus to authorize Attorney to look into Cares Act Funding.
Property owner received notice in September 2019 to remove the temporary hoop structure, which is allowed for 30 days. Subsequently, property owner came to 11/04/19 Board Meeting and was granted an extension of the removal requirement to May 1, 2020. Hoop structure has not been removed yet. Landowner has been notified that extension has expired and structure needs to be removed.

8:18 PM **Motion B Rucker/2nd J Strohfus to adjourn July 2020 Board Meeting. Voting Yes- K Higgins, S Racine, B Rucker, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

_____ _____
Denmark Township Clerk/Treasurer Denmark Township Chair

Addendum Resolution 2020-08 Meyer-Murphy Minor Subdivision

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2020-08

RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL FOR MINOR SUBDIVISION OF PROPERTY LOCATED ON STATE HIGHWAY 95/MANNING AVENUE SOUTH AND APPROVING A VARIANCE

WHEREAS, Lana Meyer ("Applicant") submitted an application to Denmark Township ("Town") for a minor subdivision for property (PID 06.027.20.23.0004), which is located on State Highway 95/Manning Avenue South, which is legally described in the attached Exhibit A ("Property");

WHEREAS, the proposed minor subdivision divides the Property into two parcels, which are identified as "Parcel A" and "Parcel B," as shown on the survey attached hereto as Exhibit B and legally described in the attached Exhibit C;

WHEREAS, Parcel A would be 36.9 acres in size and have frontage along State Highway 95/Manning Avenue South, and Parcel B would be 19.7 acres in size and gain access via an access easement;

WHEREAS, since the width of this access easement abutting Parcel B is 47 feet, a variance is requested to reduce the required roadway frontage from the standard 300 feet to 47 feet;

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WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on June 15, 2020 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions; and

WHEREAS, the Town Board hereby finds and determines as follows:

a. The Property owner proposes to subdivide the Property, which is a reasonable use;

b. The proposed dividing line between Parcels A and B is along a quarter section line and transmission line corridor which are unique circumstances not caused by the landowner, and the dividing line in this location allots the entirety of the existing frontage to just Parcel B;

c. The variance, if granted, will not alter the essential character of the locality as Parcel B will be of a similar size as a parcel in the vicinity and the proposed parcel will remain in agricultural use;

d. Economic conditions are not contributing to the practical difficulties;

e. The Property is currently zoned Agricultural A-2;

f. Chapter 3, Section 6 permits minor subdivisions containing three (3) or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road;

g. The proposed minor subdivision would subdivide one (1) lot into two (2) lots;

h. In conjunction with the subdivision an access easement will be defined and executed which will provide access for Parcel B to State Highway 95/Manning Avenue South;

i. The proposed minor subdivision does not dedicate any new public roads;

j. The property satisfies the minimum lot size for the proposed use;

k. The lots to be divided are in a location where conditions are well-defined;

l. The newly created property lines will not cause any resulting lot to be in violation of the Development Code except as authorized;

m. The proposed division was prepared by a registered land surveyor;

n. The proposed subdivision is in compliance with the Town's Comprehensive Plan;

o. Parcel B will have approximately 47 feet of frontage on Manning Avenue via a private access easement running across the top of Parcel C. Because the width of the access easement will be less than the 300 feet of frontage required by the Development Code, a variance is needed to allow the reduced frontage; and

p. The Town Board determines that under these circumstances practical difficulties exist to supporting the granting of a variance regarding the frontage requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby grant preliminary and final approval of the above described minor subdivision of the Property as proposed in the survey attached hereto as Exhibit B, which will result in two parcels as legally described in the attached Exhibit C, and approves a variance to reduce

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the required roadway frontage from the standard 300 feet to 47 feet, conditioned on compliance with all of the following:

1. Development Agreement. The Applicant shall enter into a Development Agreement that is prepared by the Town Attorney. The Development Agreement shall include provisions related to, but not limited to, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.

2. Access Easement. The Applicant shall prepare and record an access easement to provide the landlocked parcel access to a public road. The easement must be in a form acceptable to the Town Attorney.

3. Park Dedication. The Applicant shall pay a park dedication fee in lieu of a land dedication. This fee shall be an amount based on fair market value of the land, and shall be paid at the per lot fee as established by the Town Board as part of the Township fee schedule.

4. Representations. All representations, written and oral, made by the Applicant and the Applicant's agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made.

5. Compliance. The Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted.

6. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this approval application. In the event any fees are outstanding, they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.

7. Inspections. The Town, its officers, and its consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

BE IT FINALLY RESOLVED, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized and directed to do each of the following:

1. To execute the Development Agreement for this minor subdivision on behalf of the Town once they are in a form acceptable to the Town Attorney.

2. To execute such other documents and to take such other actions as may be required to carry out the intent of this Resolution upon the Applicant's satisfactory completion of its obligations.

Adopted this 6th day of July 2020. **BY THE TOWN BOARD**