

DENMARK TOWN BOARD MEETING MINUTES
August 5, 2019

SUPERVISORS PRESENT: Kathy Higgins, Ron Simon, Bob Rucker, John Strohfus (7:02 PM)

ABSENT: Shawn Racine

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven)

CALL TO ORDER: Meeting called to order @ 7:01 PM by Chair Higgins

AGENDA APPROVAL: **Motion B Rucker/2nd R Simon approval of Agenda as drafted.** Voting Yes- B Rucker, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

CONSENT AGENDA APPROVAL: .

Motion R Simon/2nd B Rucker approval of Consent Agenda items which include Board Minutes 07/01/2019, Claims #11377-11389, EFT payments- PERA 519726, MN Tax 1094750240, Federal Tax 44577969, payroll ending 08/01/2019, Financial Reports. Voting Yes- R Simon, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT:

Hassan Sahouani (120th St S) resident inquired on the status of the non-compliant trucking operations on 120th St. Attorney noted that the criminal prosecution arraignment 08/22/19 @ 1:00 PM.

Al Gorgus (Neal Ave S) resident- concerns regarding truck traffic as a result to the HWY 95 project. Excess ditch material is being removed and semis, side dumps and tandem trucks which appear to be overloaded are taking the material to locations in Denmark. Material is being stockpiled on a Morgan Ave property. J Strohfus will contact Adam Josephson regarding where the material is being taken and will get information regarding truck weight enforcement.

Ditch mowing and tree trimming- branches from the side of the roads of 122nd, Morgan, Norell are hitting vehicles and need to be trimmed. Ditches were sprayed in 2019 but with the additional traffic, for safety purposes, the ditches need a top cut and the intersections need to be cleared.

BUSINESS ITEMS:

Law's Valley View Estates Road Construction/LOC: Town Engineer inspected and verified that the proper initial construction of 129th St Court S is substantially complete. Developer is requesting that the Letter of Credit be reduced to 25% (\$92,000.00) of its original amount (\$368,000.00). **Motion J Strohfus/2nd R Simon to adopt Resolution 2019-08 Accepting The Initial Construction of 129th St Court South in Law's Valley View Addition.** Voting Yes- J Strohfus, R Simon, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

St Croix Bluffs Storage Building: St Croix Bluffs will be constructing a 7200 sq ft storage building at the park. Denmark has a Memo of Understanding with the County that requires building permits for construction. St Croix Bluffs has a master plan on file with the Met Council which addresses future needs. Washington County will issue a Certificate of Compliance for construction of the building.

Hastings Fire Department: The Hastings Rural Fire Association has issued an invitation to all Town Board and City Council members from Denmark, Marshan, Ravenna, Nininger and Vermillion Townships and the City of Vermillion to discuss current services available and to tour the Fire Department, view the vehicles and equipment. Meeting is scheduled for 09/09/19 at 6:30 PM.

3M Settlement Work Group- Rural Water Meeting: Lowell Johnson, Washington County Public Health & Environment Director, notified Denmark that the 3M and Government Work Group will be holding a special meeting on the topic of rural water systems. Denmark has no PFA/C contaminated wells.

Budget Meeting: Budget Meeting scheduled for Wednesday, August 21, 2019 @ 6:30 PM.

Legal Reports: Town is proceeding with criminal prosecution regarding continuation of non-compliant trucking operation in Denmark. Attorney provided the Board with information related to civil prosecution of the same

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matter. Available mechanism through a civil process is a temporary restraining order. Board noted that the parties involved have significantly increased the trucking operation and civil process should be initiated.

Motion J Strohfus/2nd B Rucker to proceed with civil action against Cordes (property owner) and Zeverino DZ Trucking, LLC non-compliant trucking operation. Voting Yes- J Strohfus, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

7:50 PM **Motion R Simon/2nd B Rucker to adjourn August 2019 Board Meeting. Voting Yes- R Simon, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2019-08 Law's Valley View Estates Construction/LOC

Resolution No. 2019-08

**RESOLUTION ACCEPTING THE INITIAL CONSTRUCTION OF
129TH STREET COURT SOUTH IN LAW'S VALLEY VIEW ADDITION**

WHEREAS, on May 7, 2018, the board of supervisors ("Town Board") of Denmark Township ("Town") granted approval for the final plat of a major subdivision of 69.97 acres in Washington County, Minnesota, located at 13030 Maycrest Avenue Ct. S., Hastings, MN 55033 ("Subdivision"), subject to certain terms and conditions, with the Subdivision to be identified as Law's Valley View Addition;

WHEREAS, as a condition of the approval of the final plat, the Town and Point Douglas Properties, Inc., ("Developer") were required to enter into a development agreement including provisions related to, but not limited to, the construction of planned public improvements in the Subdivision and providing the Town financial security for the construction of the public improvements;

WHEREAS, on June 21, 2018, the Town and the Developer entered into a Development Agreement, recorded on July 3, 2018 in the office of the County Recorder as Document Number 4159437, ("Agreement"), which required the following public improvements: site grading, the construction of a road to be dedicated to the public as 129th Street Court South ("Road") and the construction of drainage and stormwater facilities;

WHEREAS, with regard to the provision of financial security to the Town for the construction of the public improvements, the Agreement required the Developer to deliver a letter of credit ("Letter of Credit") to the Town in an amount representing 125 percent of the total estimated cost of all public improvements;

WHEREAS, the Developer submitted the Letter of Credit to the Town in the amount of \$368,000, as required by the Agreement;

WHEREAS, the Agreement goes on to provide that the Letter of Credit be reduced by 75% upon the substantial completion of all public improvements, provided that the Town was satisfied with the quality and completeness of the construction or work and the Developer had taken steps to ensure that no liens would attach to the Subdivision;

WHEREAS, the Agreement required the Town to retain the remaining 25% of the Letter of Credit until all of the following occurred: (1) the Town adopts a resolution accepting the initial construction of the Road within the Property; (2) completion of the bituminous wearing course; (3) expiration of all warranty periods; (4) all corrective warranty work applicable to the public improvements is complete and accepted in writing by the Town; (5) the Town has been fully reimbursed its costs; and (6) the Developer has submitted to the Town a written request for the release of the remainder of the Letter of Credit; and

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

- a. The Developer notified the Town Engineer that the initial construction of the Road had been completed on August 29, 2018; and
- b. The Town Engineer subsequently inspected and verified the proper initial construction of the Road on August 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

1. The Town Board hereby accepts the initial construction of the Road as being substantially complete as of August 31, 2018.
2. The Town Clerk-Treasurer is authorized to release all but 25% of the Letter of Credit to the Developer and shall retain that amount until it is used or released as provided in the Development Agreement.
3. The Town Clerk-Treasurer is hereby authorized and directed to submit a fully-executed copy of this resolution to the Developer.

Adopted this 5th day of August 2019. **BY THE TOWN BOARD**