

DENMARK TOWN BOARD MEETING MINUTES
March 2, 2020

SUPERVISORS PRESENT: Kathy Higgins, Ron Simon, Bob Rucker, Shawn Racine, John Strohfus

ABSENT: None

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Engineer Geheren (Focus)

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

AGENDA APPROVAL: Motion B Rucker/2nd S Racine approval of Agenda as drafted. Voting Yes- B Rucker, S Racine, R Simon, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

CONSENT AGENDA APPROVAL:

Motion J Strohfus/2nd R Simon approval of Consent Agenda items which include Board Minutes 02/03/2020, Claims #11491-11504, EFT payments- PERA 546864, MN Tax 0541645344, Federal Tax 85862054, payroll ending 03/01/2020, Financial Reports. Voting Yes- J Strohfus, R Simon, B Rucker, S Racine, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT: Resident 131st Circle S- Resident reported that he fell on the road while walking granddaughter to bus stop. A snowstorm of 5-6 inches a couple of days prior. The road was plowed, but not sand/salted. Resident is requesting that the roads be sand/salted regularly. Inquired whether contractor is required to salt roads or is that per their judgement. Ice buildup and new snow over, causes dangerous conditions. J Strohfus noted that he did speak with the roads contractor and had them apply salt on the road. In belief that there is nothing in the contract that mandates when/how much salt is applied. Also noted that there is a salt shortage this year, so the Town is being rationed salt and the contractor is noting that also. Issue is likely compound due to the freeze/thaw weather. Resident also asked why the sand/salt is put down the middle of the road and not spread out over the road. Resident also noted that they do not get plowed right away after a snow, so the road gets packed down from vehicles driving on it. Believes if the road had salt applied, the snowpack would not happen. B Rucker- You want to get the salt beyond the center stripe because traffic will scatter it, the salt melts the snow and the crown of the road will let it let it flow to the edges when it melts. K Higgins noted that the primary (through roads) are done first, then the other roads are done. Resident also asked who to speak with regarding Hwy61/Maycrest signal light. Resident was directed to MnDOT.

BUSINESS ITEMS:

CTAS 2019 check void- add back to reissue check in 2020: Check #12427 \$46.17 was issued on 06/04/2019. Check was reported lost. Year 2019 has been closed out. The check will be voided in 2019. Replacement check will be issued in 2020. When closed, CTAS does not recalculate for the following year, so the replacement check which will be issued in 2020 will not have the voided \$46.17 check amount added back into the 01/01/2020 beginning balance. Beginning 2020 balance for salaries is \$51,518.19. New beginning balance for 2020 will be \$51,564.36 with the check amount added back in.

Code Red Joint Powers Agreement: Code Red Joint Powers Agreement between Denmark and the Washington County Sheriff's Office expired 12/31/2019. New agreement is through 2022, at the same cost of \$136.52 per year. Motion R Simon/2nd S Racine to approve entering into the Code Red Joint Powers Agreement, term ending 12/31/2022, with authorization for the Chair to sign. Voting Yes- R Simon, S Racine, B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Planning Commission Appointments: Planning Commission Members Steve Radke and Natalia Keene terms expire on 03/31/2020. Both have expressed their desire to be reappointed to their positions. The Town has had difficulty filling vacancies on the Planning Commission, even with advertising. Attorney drafted a resolution to reappoint Radke and Keene to their positions, and to authorize staff to prepare an amendment to the Code to simplify the process used to appoint/reappoint members to the Commission. Motion B Rucker/2nd R Simon to adopt Resolution 2020-03 to Reappoint S Radke and N Keene to their positions on the Planning Commission, with a 30 year term ending 03/31/2023 and to authorize staff to prepare an amendment to the Code to simplify the process to appoint/reappoint members to the Commission.

DENMARK TOWN BOARD MEETING MINUTES
March 2, 2020

Voting Yes- B Rucker, R Simon, S Racine, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Ditch Spray Agreement: B Rucker provided the Board with a 2020 agreement with 4 Control for spraying the ditches. 2020 price per mile increase from \$220/mi to \$225/mi. **Motion R Simon/2nd S Racine to authorize entering into a 2020 ditch spraying agreement with 4 Control.** **Voting Yes- R Simon, S Racine, J Strohfus, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Special Assessment Policy: Lengthy discussion regarding Special Assessment Policy Attorney provided Board with draft assessment policy. Engineer Geheren provided Board with sample cost calculations for Board review. Sample assessment rolls were done for Mendel neighborhood and for 120th/Morgan. Assessments were computed for each parcel and for each project based on potential project costs and the draft assessment policy. Assessments should be viewed as fair and equitable.

Assessment Rate of 75% was used in the calculations. Assessments are typically broken down to pay for a period of time such as 10 years. Interest is added to each year's assessments. Interest is typically set at 2% higher than the interest the Town would pay on the bonds purchased to pay for the road project.

A cap amount can also be set per parcel.

Board discussion reflected that 75% of project costs for assessments is too high.

B Rucker in belief that there should be a premium for living on a paved road.

J Strohfus stated that the development road projects are more costly, and the residents within the developments are the ones who benefit, so would support assessing 75% of development road project costs and Assessment of 25% for trunk (through) roads.

R Simon not in favor of a cap, as some developments are/may be ok with paying higher than a cap amount.

Attorney noted that the Board does have the flexibility to adjust with each project but there is a need to be careful to keep each project assessment fair. With a cap, it is less likely that one would challenge the consistency of a flat fee cap.

Engineer provided Board with Feasibility and Assessment Hearing steps/schedule.

B Rucker disc re: eagles watch. Survey work done in 2020. Ready to be out for bid in 2021. Could bond for various work in 2021 and just do repair and/or sealing in 2020 and do considerable work in 2021.

J Strohfus- should do from Mendel down 120th, Morgan. Curve into 127th up to the stop sign. Leveling around the corner of Morgan of the 127th stretch to address the shouldering, in 2020. B Rucker would rather see complete sections done rather than skipping portions.

B Rucker noted that millings removed from Eagle's Watch should be dumped on Neal/110th area, as the sides of the road are falling off and road/shoulders would benefit from the millings.

Board consensus that work on 120th and Morgan should be done in 2020. 2020 Budget includes \$400K for road project.

Sealcoat/crack seal Note: Maycrest Ave Ct \$8200, Neal (80-90) \$28,000, 80th (Neal-Oakgreen) \$29,000-T.

\$65,200. R Simon recommended with the construction on Hwy 95, we may want to wait to sealcoat Neal section and crack seal only. Board consensus to sealcoat & crack seal Maycrest Ave Ct and 80th (Neal-Oakgreen), and to only crack seal Neal (80-90).

J Strohfus- Should work as a Board to pave additional (gravel) roads, part of the Town's objective to do, and not be part of assessment. New road paving should go on the general tax base, only assessed when improved after initial paving.

K Higgins suggested 25% assessment. Engineer- the % should be high enough to hit the cap.

S Racine inquired if curb/gutter in a development would be inclusive with the cap. Engineer noted that if there were exceptional work required, like adding new curb-or drainage, you may want to have the flexibility to assess extra for that outside of the cap.

J Strohfus- Re: multiple parcels owned by landowners. Would like to protect individual landowners from being assessed on multiple ag parcels. Noted that this is a rural township and the comp plan states that residents want to keep it rural. One way to keep it rural is by making it affordable to farm the land.

Attorney recommended that the Board think about assessments in the terms of property not owner, and of the benefits to property not owner. Goal is to recoup some portion of project costs to ease the burden on taxpayers.

Engineer- recommended looking at project areas on the county website, to consider impact of multiple parcels owned by landowners.

DENMARK TOWN BOARD MEETING MINUTES
March 2, 2020

Strohfus recommends setting the special assessment rate at 75% of a project cost, not to exceed a \$7500.00 cap per owner, per project.

Motion B Rucker/2nd R Simon to set the special assessment rate at 75% of the project cost and to set the assessment cap at \$7500.00 per parcel.

Discussion: K Higgin noted it was reasonable and supports it. J Strohfus cannot support with assessments per parcel rather than per owner. B Rucker would rather have a unanimous vote. S Racine inquired if there could be a way to defer an assessment. Attorney noted that deferment is limited to military, other hardships.

Voting Yes- B Rucker, R Simon, S Racine, K Higgins. Voting No- J Strohfus. Abstaining- None. Motion Carried 4-1-0.

Attorney will update special assessment policy and bring back to Board for adoption. Policy will include 10 year payback but period may be longer if the bond period is longer.

Motion J Strohfus/2nd S Racine to authorize Engineer to prepare a road feasibility report for improving 120th St S (310 ft east of Margo to Morgan) and Morgan Ave S (120th to 122nd St S). Voting Yes- J Strohfus, S Racine, B Rucker, R Simon, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Legal Updates: Shamrock- Eagle's Watch. Development Agreement 2000 required Eagle's Watch developer to convey narrow strip of property PID 36.027.21.44.0003 on the north side of Eagle's Watch to Denmark Township. The parcel is at the Denmark-Cottage Grove border and partially follows 120th St S. Parcel was never conveyed. Kennedy-Graven worked with Shamrock to quitclaim the parcel to Denmark Township.

9:30 PM **Motion B Rucker/2nd S Racine to adjourn March 2020 Board Meeting.**

Voting Yes- B Rucker, S Racine, R Simon, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2020-03 Planning Commission Appointments

DENMARK TOWN BOARD MEETING MINUTES
March 2, 2020

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2020-03

WHEREAS, Chapter One, Section 8.2 of the Denmark Township Development Code (“Code”) indicates the Town Board appointments members to the Denmark Township Planning Commission (“Commission”);

WHEREAS, Commission members serve three-year terms and the terms are staggered so that no more than two members are up for appointment in any one year;

WHEREAS, the current terms of Commissioners Steve Radke and Natalia Keene expire on March 31, 2020 and the Town Board needs to appoint to fill those two positions;

WHEREAS, both Commissioners have expressed a desire to be reappointed to their positions on the Commission;

WHEREAS, the Town Board has had difficulty filling vacancies on the Commission and, because past efforts to advertise for open positions have been unproductive, the Town Board determines to dispense with the advertising requirement and to reappoint these Commissioners as they are both willing to continue in their positions; and

WHEREAS, the Town Board desires to amend its Code to remove the advertisement requirement for Planning Commission members as being an unnecessary burden, but one the Town can still utilize in the future as it determines is appropriate to seek out people interested in serving on the Commission.

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

1. Steve Radke and Natalia Keene are hereby reappointed to the Denmark Township Planning Commission, with terms commencing on April 1, 2020 and continuing through March 31, 2023.
2. Town staff are hereby authorized and directed to prepare an amendment to the Code to simplify the process used to appoint members to the Commission.

Adopted this 2nd day of March 2020. **BY THE TOWN BOARD**