

DENMARK TOWN BOARD MEETING MINUTES
August 3, 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, Ron Simon, John Strohfus

ABSENT: None

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven)

CALL TO ORDER: Meeting called to order @ 7:04 PM by Chair Higgins

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

CONSENT AGENDA APPROVAL: Motion S Racine/2nd B Rucker approval of Consent Agenda items which include Board Minutes 07/06/2020, Special Board Meeting 07/16/20, Claims #11579-11596, EFT payments-PERA 566775, MN Tax 0457353504, Federal Tax 52717589 , payroll ending 08/01/2020, Financial Reports. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

PUBLIC COMMENT: None

BUSINESS ITEMS:

Accessory Structure Location Approval- Neal & Bridget Herman 15200 87th St S.

Residents are requesting to locate accessory structure closer to the road than the house. Existing shed is 240 sq ft and the proposed shed would be 2240 sq ft. (T 2480 sq ft). Land directly west and north of the home is used primarily for crops and residents would like to keep those areas in ag production. The adjacent ag property to the north and west is owned by resident's parents. Adjacent property owners to the east and south have approved proposed accessory structure location. The new shed would meet all property line setbacks and would be approximately 200 ft from the road.

Motion B Rucker/2nd K Higgins approval for Neal & Bridget Herman 15200 87th St S to locate the proposed accessory structure closer to the road than the house. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Ehlers Road Funding Project Analysis-Bruce Kimmel

Debt Service Projection: 4 Million capital outlay for road projects. \$3.6 Million Bond plus \$400,000 Town Cash. Annual Road & Bridge levy increases of 5-6% every year 2021 through 2030 to cover the estimated \$279,000 of average annual debt payments and also accumulate an estimated \$1,035,000 fund balance through 2030 for future cash fund road projects.

Review of Updated road funding financial projections, tax impact and hypothetical Bond schedule of events. Advantage of doing it now is locking in rates, benefit locking into financing. Can invest Bond proceeds, for 1-8 months, some could come available in June or July and the latter until Oct-Nov, or longer if projects are done in 2022. Some communities opt to bond close to when they will need the money, so they won't need to or don't want to invest.

Motion J Strohfus/2nd R Simon to proceed with calling for a Street Reconstruction Plan Public Hearing to occur October 5, 2020, with an anticipated Bond Funding level for Street Improvements of \$4 Million Dollars or \$3.6 Million Dollars in funding level. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Kimmel will contact Town Engineer for the Road Bonding plan for an October hearing.

CARES ACT Funding: State Department Of Revenue (DOR) issued CARE ACT funds, allocating \$44,950 to Denmark Township. Town provides emergency service (fire/ambulance) to the Town residents. Kennedy-Graven is looking into specific uses for funds, which may include the Town's contract expense that the Town has with the Fire Department.

Secretary of State (SOS) Office is issuing a block grant, going through Washington County to Cities/Towns for election related expenses due to covid-19. Town could opt to give the \$976.14 Town allocation to the county, or the Town could opt to directly receive/use the funds, with a Town 20% match of funds (unused balance is

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allocated to the County). **Motion R Simon/2nd J Strohfus to use the DOR CARE ACT Funds allocated to Denmark Township to go towards Denmark's Fire/Emergency Services costs and to adopt Resolution 2020-09 To Accept An Allocation of Grant Funds From Washington County Under The Cares Act Grant Program Administered By The Office Of The Secretary Of State.**

Blast Report: Town received a blasting report each time Rumpca pit blasts. Supervisor Strohfus was near the gravel pit at the time of the last blast. Neighboring resident noted that when the blasting occurs, the cabinets in the house rattle, unlike during prior blasting. Strohfus also noted that during the blast he felt the ground tremble. The blasting report does not have clarity regarding the blasts impact. Strohfus would like to have someone with the ability to assess the reports look at them. Higgins noted that somewhere in the report, the blasting company notes that the blasts meet all the blasting requirements/standards. Attorney noted that the Town could explore hiring a consultant to review the reports. Strohfus will contact County regarding the Blasting Reports and will report back to the Board.

Storm Damage Oakgreen Ave Tree Removal: Due to the July 18, 2020 tornado, a massive amount of trees were topped and brought down on and near Oakgreen Ave S, south of 90th St, leaving the debris on the road and in the right of way. Tri-County has pushed the debris that was on the road into the ditch, but the debris needs to be removed from the ditch area. Tri-County would do the clean-up and provided a written estimate of \$6800.00. Supervisor is requesting that the Board either accept the estimate from Tri-County or obtain additional estimates as the area needs to be cleaned up. Because of the twisted way the trees are laying, Board consensus is to remove the debris in the right of way including removal of fallen trees/debris in the right of way that extend into the adjacent property owner's property, but not to enter into the adjacent private property. Tri-County will be asked to provide the Town with before and after pictures of the project.

Motion J Strohfus/2nd S Racine to accept Tri-County estimate of \$6800.00 to clean up/remove the tree/debris that are in the right of way and parts of those trees that are in the right of way which extend into the adjacent private property, but not to enter adjacent private property. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Neal Ave Gravel Detour Repairs: J Strohfus does not have information regarding the negotiation between MnDOT and their contractor (Park Construction), regarding how/who will be addressing resolution of the damage to Neal Ave (2 gravel miles) due to use for a detour while MnDOT works on HWY 95. J Strohfus noted that Park Construction had done some not successful grading of Neal Ave.

J Strohfus requested an estimate from Tri-County to get Neal Ave back to its previous condition. Class 5 limerock delivered & spread, 4" thick. Rate of \$8.80/T 2775 Ton.

Total amount \$24,420.00. This application of gravel may lessen the amount of new gravel needed on Neal Ave next spring/summer. Strohfus recommends accepting the proposal/doing the repairs now and then try to get reimbursement from the State.

S Racine questioned whether J Strohfus had been in contact with State/Park Construction to see if they had planned on coming back to repair Neal Ave. J Strohfus noted that when he met with MnDOT, he was told to keep track of expenses that incurred due to the use of Neal and 100th. J Strohfus asked MnDOT how we would get fixes from where we are today. MnDOT implied that they were going to have conversations with their contractor and J Strohfus has not heard back anything yet. J Strohfus suspects that the one time grading and the water they provided for dust control may be all they intend on doing.

Attorney noted first and foremost, the Town should make the road safe. If the Town does not believe the road is dangerous in its present condition, it may make sense to get the quote to the State. B Rucker noted that cities and Towns can recoup their costs for unofficial detours and also noted that MnDOT has signs posted directing traffic onto Neal Ave as a detour road. Also noted that the Town should submit the bills already paid and also submit the estimate received to bring Neal back to its pre detour condition and note to them that we have not received any information regarding how/when Neal would be repaired and also to inquire what the MnDOT/Park Construction agreement is.

B Rucker believes estimate & costs already realized should be submitted to MnDOT prior to Town fixing of the road, so we have documentation that we reached out to MnDOT. If no response from MnDOT, then we fix the road.

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Discussion re: Any chance of temporarily adding gravel at this time and then at end of construction season complete fixing.

J Strohfus will contact MnDOT again to discuss.

Nyberg Ave Road Repair: J Strohfus reports that at the far end of Nyberg, the road has become progressively wider. The area needs to have the vegetation matter along the road edge removed so the water flow will go into the ditch rather than the water flow onto the road. Project would include hard grades on the road edge, pulling the material back into the roadway, placing top fill of black dirt into ditching/grass area once the road is narrowed back to normal. With the Holiday project going on, we are able to get black dirt estimate \$200/load-Ten loads would be needed estimate \$2000, reshaping ditch & seeding estimate \$500; grass seed \$275, Total Nyberg project estimate \$2775.00. Would recommend doing project when additional similar project is done e.g. filling in ditch along Neal Ave (south of 110th St). Will need to get information from Town Engineer regarding scope of project on Neal Ave. S Racine noted that we should seize the opportunity to get the black dirt when it is at a good price. Strohfus looking for direction regarding moving forward with projects.

B Rucker questioned whether there is contaminated soil coming from the Holiday site. Also noted that with the 2021 road projects, there should be a considerable amount of millings coming off the roads to also use to fill in Neal.

Motion B Rucker/2nd S Racine to authorize J Strohfus to use up to \$5000.00 for Nyberg repair (est \$2775.00) and Neal Ave (so of 110th St) repair grading. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Higgins requested paper/written estimates for future road repair proposals.

Covid-19 Meeting Policy: J Strohfus has spoken with residents re: difficulty with dialing in (electronic) for Board Meetings rather than face to face meetings. Believes that phone in meetings is disadvantaging the public in gaining access to the Board and is in favor of face to face at the Town Hall with the additional call in option to those who do not feel comfortable with face to face meetings. S Racine- any other communities face to face? Attorney noted that different communities are reacting differently regarding this and noted that the decision would be up to the Chair, who would need to revise the Chair's Statement. K Higgins noted that currently with the uptick in covid cases, it may not be worth the risk to meet face to face. Comes from a Public Health background and believes the risk of increasing infection/illness is significant. S Racine- like being in the room face to face, hard to do job remotely and does not feel remote meetings are effective/efficient. Discussion: using CARES ACT funding to accommodate hearing/teleconferencing issues. Attorney will check on funding use. R Simon would also be in favor of face to face with capacity limits. K Higgins- supports in person meetings with additional remote access for Board workshops. Would like to wait for public in house until further information is received regarding the current upsurge in covid cases. B Rucker- any larger facility available? Would like in person. S Racine will look into communication technology to aid meetings that would be blended face to face and phone in. Matter will be revisited at the September Board Meeting.

Schedule Budget Meeting: Budget Meeting scheduled for Monday, August 24, 2020 @ 4:00PM.

LEGAL UPDATES:

10:08 PM **Motion B Rucker/2nd K Higgins to adjourn August 2020 Board Meeting. Voting Yes- K Higgins, S Racine, B Rucker, R Simon, J Strohfus. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolution 2020-09

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Resolution No. 2020-09

RESOLUTION AGREEING TO ACCEPT AN ALLOCATION OF GRANT FUNDS FROM WASHINGTON COUNTY UNDER THE CARES ACT GRANT PROGRAM ADMINISTERED BY THE OFFICE OF THE SECRETARY OF STATE

WHEREAS, the COVID-19 Pandemic requires additional efforts to make the election process safe, sanitary and effective;

WHEREAS, the Office of the Minnesota Secretary of State (“OSS”) is currently soliciting grant applications from counties for grants pursuant to Laws 2020, Chapter 77, section 4 and the federal CARES Act;

WHEREAS, grants will be provided to each county pursuant to a formula set forth in the grant application provided by the OSS;

WHEREAS, the funds provided by the OSS are provided for the purpose of the uses set forth in the federal CARES Act and as further restricted by Laws 2020, chapter 77, section 4, subdivision 4;

WHEREAS, those purposes are primarily for the protection of persons involved with the election process including voters, as well as certain other purchases set forth in law;

WHEREAS, Washington County (“County”) is working with the municipalities within the County to determine a fair, equitable, and mutually agreeable allocation of the funds within the County and between municipalities for the funds to be distributed pursuant to the OSS identified default allocation formula as determined by the Secretary;

WHEREAS, Laws 2020, Chapter 77, section 4 requires a 20% match for the grant;

WHEREAS, the County administers the absentee voting process for all municipalities and incurs substantial costs associated with this commitment, and

WHEREAS, additional County costs for absentee balloting due to COVID-19 will be between \$330,000 and \$400,000 for the 2020 State Primary and General elections; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of Denmark Township (“Town”) as follow:

1. The Town agrees to the allocation of funds in the maximum amount of \$976.14 (“Grant Funds”) for use in accordance with the requirements of the grant program.
2. The Town hereby appropriates the required match amount of 20% of the Grant Funds, as set forth in the grant application, for the portion of Grant Funds actually used by the Town.
3. In the event all of the Grant Funds indicated above are not spent by the Town, the remaining portion of Grant Funds shall be made available to the County to claim for costs associated with the absentee ballot process.
4. The Town Clerk-Treasurer is hereby authorized to submit the required expenditure report to the County as a claim for reimbursement up to the maximum Grant Funds amount listed above and to take all such other actions as may be needed to secure the Grant Funds for the Town.

Adopted this 3rd day of August 2020. **BY THE TOWN BOARD**