

DENMARK TOWN BOARD MEETING MINUTES  
November 5, 2018

**SUPERVISORS PRESENT:** Kathy Higgins, Bob Rucker, John Strohfus, Karen Herman

**ABSENT:** Joe Moore

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

**CALL TO ORDER:** Meeting called to order @ 7:03 PM by Chair Higgins

**AGENDA APPROVAL:**

**Motion B Rucker/2<sup>nd</sup> J Strohfus approval of agenda as drafted.** Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**CONSENT AGENDA APPROVAL:** Claims pulled.

**Motion J Strohfus/2<sup>nd</sup> K Herman approval of Consent Agenda items which include 10/01/2018 Board Meeting Minutes, EFT payments- PERA 485218, MN Tax 2096292288 , Federal Tax 45974373, payroll ending 11/01/2018, Financial Reports.** Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Pulled Claims- Added Claim #11237 Forum Communications Company \$220.80.

**Motion B Rucker/2<sup>nd</sup> J Strohfus approval of Claims #11219-11237.** Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**HEARING DECISIONS/ZONING ACTIONS:** None

**Public Comment-** None

**BUSINESS ITEMS:**

**Law's Valley Estates Letter of Credit Reduction:** Engineer Geheren is recommending reducing Point Douglas Properties (Law's Valley View Estates) Letter of Credit No. 114782 in the amount of \$368,000.00 to \$136,000.00 which includes retaining security for the wear course installation plus the minimum required security amount.

**Motion J Strohfus/2<sup>nd</sup> K Herman to approve reducing Law's Valley Estates Letter of Credit to \$136,000.00.** Voting Yes- J Strohfus, K Herman, B Rucker, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Basswood Grove Letter of Credit:** Basswood Grove Letter of Credit No. 76012546-02 will expire on 12/01/18. Letter of Credit would need to be renewed to cover the 2 years road security warranty period. **Motion B Rucker/2<sup>nd</sup> J Strohfus to approve extension/renewal of Basswood Grove Letter of Credit in the amount of \$31,250.00 through the 2 year road warranty period (May 2020).** Voting Yes- B Rucker, J Strohfus, K Higgins. Voting No- None. Abstaining- K Herman. Motion Carried 3-0-1.

**O'Connor Park Work Estimates:**

**Phase 2-** Parking Lot- Received estimate from Tri-County (\$11,187.30) and estimate from Eagan Excavating (\$14,170.00) for construction of the parking lot. **Motion B Rucker/2<sup>nd</sup> J Strohfus to accept Tri-County estimate in the amount of \$11,187.30 to construct a 6000 sq foot parking lot at O'Connor's Park.** Voting Yes- B Rucker, J Strohfus, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Schedule Board of Canvass:** Board of Canvass scheduled for November 14, 2018 @ 5PM @ the Town Hall.

**ATV Ordinance:** Discussion regarding use of ATV use on Denmark roads/right-of ways. County has an ATV Ordinance prohibiting ATV use on County roads/right of way, but does not appear to be enforcing it. Currently both county and Town roads are being used by ATV's for recreational and Agricultural work purposes. Denmark does not have an ordinance addressing ATV use on its roads. J Strohfus would like Denmark to pass an ordinance allowing the use of ATV's on Denmark roads. Would rather see an ordinance permitting the use rather than have no ordinance addressing it.

Attorney- Sheriff Department should not be issuing a ticket for the use of ATV's on Town roads without citing a Town Ordinance prohibiting the use. Adopting an ordinance to say the Town is not regulating something may be counter intuitive, because now it is already allowed.

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**2019 Road Projects- Approval to Bid:** 2019 Reclaim/Overlay of Oakgreen Ave S (70-60<sup>th</sup>). Engineer would like authorization to prepare the plans/specs to be ready to let the bid out in early 2019. **Motion B Rucker/2<sup>nd</sup> K Herman to authorize Focus Engineering to prepare the plans/specs and to let the bid out in early 2019 for the reclaim/overlay of Oakgreen Ave S (60-70<sup>th</sup>).** Voting Yes- B Rucker, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

**Afton/Denmark 60<sup>th</sup> St Project:** Engineer provided the Town's gravel road standard to Afton. Regarding the 60<sup>th</sup> St S/Oakgreen Ave S "T" intersection, Denmark's request is to have Afton design the intersection, and the Town would review the design. Afton response was that their Engineer could design the intersection, with the cost of the design being paid by Denmark. Town Engineer's estimated cost of designing the intersection is approximately \$5,000-10,000. Board discussion regarding the reasoning behind the "T" intersection. Because of the proposed Afton housing development access onto 60<sup>th</sup> St S, the donut shaped intersection should be redesigned to be safer to accommodate the additional traffic that will likely occur.

**Motion J Strohfus/2<sup>nd</sup> B Rucker to authorize a one-time lump sum payment of \$5,000.00 to City of Afton towards the design cost for their Engineer to design a "T" intersection for a safety improvement to the 60<sup>th</sup> St S/Oakgreen Ave S intersection, payment to be issued upon project completion.** Voting Yes- J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0. Town Attorney will draft agreement for Denmark/Afton regarding the project. J Strohfus will respond to Afton regarding Denmark's position.

Regarding the portion of Oakgreen Ave S that is currently damaged and may need patching. Engineer will look at the damage to see if something should be done with it now.

**Newsletter:** Board discussion regarding the possibility of sending out a quarterly/semi-annual newsletter to keep residents informed on information and current projects within the Township. Board will revisit in the future.

**Legal Updates:**

**Complaint Procedure:** Town complaint procedure was adopted in 2001 and updated in 2009. At the time, the Town did not have official code enforcement officers and the procedure is outdated. **Motion J Strohfus/2<sup>nd</sup> B Rucker to repeal the outdated 12/03/2001 Complaint Procedure and to authorize the Town Attorney to draft an updated procedure/policy of the Town's current practices for Board review.** Voting Yes- J Strohfus, B Rucker, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Board received resident complaint regarding CUP compliance in Business District. K Higgins will address. Town has received notice from an Applicant's Legal Counsel challenging a Town Board zoning decision. Town Attorney will address.

9:00 PM **Motion B Rucker/2<sup>nd</sup> K Herman to adjourn November Board Meeting.** Voting Yes- B Rucker, K Herman, J Strohfus, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

Becky Herman

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Denmark Township Clerk/Treasurer

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Denmark Township Chair