

DENMARK TOWN BOARD MEETING MINUTES  
January 7, 2013

**SUPERVISORS PRESENT:** Kathy Higgins, John Kummer, Joe Moore, Jim Keller, Karen Herman

**ABSENT:** None

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

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

**OATH OF OFFICE:** Oaths of Office were administered to Supervisor Karen Herman-Seat 1, Supervisor Jim Keller-Seat 3 and Supervisor John Kummer-Seat 5.

**AGENDA APPROVAL:** Motion Moore/2<sup>nd</sup> Keller approval of agenda. All In Favor. Motion Carried 5-0.

**CONSENT AGENDA APPROVAL:** Higgins pulled Claims. Motion Keller/2<sup>nd</sup> Moore approval of consent agenda items which include 12/03/2012 Board Meeting Minutes, EFT payments- PERA 235214, MN Revenue Tax 0123736320, Federal Tax 74862897, payroll ending 01/01/2013 and financial reports.

All In Favor. Motion Carried 5-0.

**Pulled Claims:** Clerk submitted claims from WSB in the amount of \$198.00 (claim #10023) and from Recorder's Office in the amount of \$92.00 (claim #10024). Both claims affect escrow accounts. Motion Moore/2<sup>nd</sup> Keller approval of Claims 10008-10024. All In Favor. Motion Carried 5-0.

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**WSB Additional Services:** WSB & Associates has joined with Brauer & Associates and has expanded their services to include landscape architecture. Planner Kelsey Johnson introduced landscape architect Amanda Prosser to the Board. Amanda gave presentation to Board on Services available.

**Vail Resorts-Afton Alps Liquor License- 6600 Peller Ave S:** VR US Holdings (Vail) is requesting Township approval of their liquor license application, as part of its business operations within Afton Alps Resort. Liquor License applications within the Township require Township consent be obtained as part of their application to the County. Attorney submitted draft resolution for Board review.

**Motion Kummer/2<sup>nd</sup> Moore to adopt Resolution 2012-01 Resolution Consenting To The Issuance Of An On-Sale Intoxication Liquor License To Afton Alps Resort.** All In Favor. Motion Carried 5-0.

**Pribnow 2<sup>nd</sup> Lot Line Adjustment :** Clarence and Karen Pribnow have applied for a lot line adjustment to adjust the line between their properties located at 6865 Oakgreen Ave S (PID 04.027.20.33.0008-small parcel, currently 1.25 acres) and 14084 70<sup>th</sup> St S (PID 04.027.20.33.0009-large parcel, currently 13.46 acres). The lot line adjustment would transfer 0.5 acres from the large parcel to the small parcel. Pribnow's will be required to enter into a Development Agreement with the Township. Attorney submitted draft resolution for Board review.

**Motion Moore/2<sup>nd</sup> Keller to adopt Resolution 2013-02 Approving A Second Lot Line Adjustment For Properties Located At 6865 Oakgreen Ave S and 14084 70<sup>th</sup> St S.** All In Favor. Motion Carried 5-0.

**MRB Properties Paving/Parking Plan:** MRB Properties submitted paving/parking plan.

Engineer-Proposed surface of 50x100 rear parking area will be asphalt and 6" curbing on the south and west sides of the parking area. The two front parking spaces to the north will need to meet a 10 ft setback from the north property line and all curbing will need to be 6" high.

Board consensus that because the south and west sides of the rear parking area are fenced between the parking area and the landscaped area, curbing would not be needed.

Engineer will contact MRB regarding additional requirements/revisions for the parking/paving plan and will update Board.

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**2013 Joint Services Project:** Attorney drafted joint services agreement between Denmark and Cottage Grove for street maintenance and repair. New agreement includes automatic renewal. Contract is made between Cottage Grove and the contractors. Township Engineer does oversee delivery of services and maintains contact with Cottage Grove and the contractors. Agreement will be forwarded to Cottage Grove for review. Board requested stockpiles of chips be delivered to the roads contractor property. Engineer will coordinate chip delivery.

Projected 2013 sealcoat/crack seal project are 87<sup>th</sup>, Penrose and Pleasant. Estimated sealcoat quantity 29,350 sq. yds. Estimated crack seal quantity-3300 LBS.

Proposed striping, hills on 122<sup>nd</sup> Street and hills on 80<sup>th</sup> Street near the gravel pit for safety purposes. Engineer and Roads Supervisor will look at areas to estimate linear footage needed.

Agreement requires Denmark have 2013 quantities to Cottage Grove by February 1<sup>st</sup>. Board consensus to submit the quantities to Cottage Grove as discussed, and if during the road tour different roads requiring maintenance are identified, the roads selected for sealcoating may change.

Tiller's Conditional Use Permit indicates that they would share some portion of the costs for maintenance of 87<sup>th</sup> St. No amount/formula was included in the CUP. Engineer to evaluate and provide reasonable wear costs associated with gravel pit use, based on estimated trips per day of loaded-unloaded gravel trucks/yards of gravel extracted from the pit/linear foot of road use.

**Motion Keller/2<sup>nd</sup> Moore to authorize staff to finalize 2013 Joint Services Agreement with Cottage Grove. Chair and Clerk to sign final form. All In Favor. Motion Carried 5-0.**

**Rate Schedules:** Focus Engineering has not increased its rate for 2013. WSB is proposing an overall rate increase of 2.6%. Planner's current rate is \$72.00 per hour.

**Motion Kummer/2<sup>nd</sup> Keller approval of rate increase as proposed. All In Favor. Motion Carried 5-0.**

**Fire Update:** Hastings Rural Fire Association negotiated a new 5 year contract with City of Hastings. There will be no cost increase for 2013 & 2014. A cap has been added to the contract, based on the amount the City levies for Fire and Ambulance Services and what the Association pays. The Fire Department will no longer charge a non-resident service fee. Rates charged to Association members will be the same as rates charged to Hastings residents.

**Cash Balance-Rase Auto (dba Suburban):** Fund #954 Rase/Suburban has had an amount of \$48,132.64 owed to the Township for a number of years. Court awarded Denmark \$38,283.55. Denmark assessed the property in 2011. The assessment was paid in July, 2012, with an additional \$7541.87 in penalty and interest. A total of \$45,825.42 was paid on the outstanding balance. The current balance owed on the account is \$2,307.22. The business no longer exists and the Township will need to transfer general funds to the account to write off the outstanding balance. **Motion Keller/2<sup>nd</sup> Moore to transfer from general funds to fund #954 Rase/Suburban to write off the outstanding balance of \$2307.22. Also, approval to refund Brede escrow balance in the amount of \$159.75 (claim 10025). All In Favor. Motion Carried 5-0.**

**11/13/12 Board Of Canvass Minutes-term date correction:** 11/13/12 Board of Canvass minutes were approved 12/03/12. Supervisor Seat 5 had incorrect term date of 4 years. Correct term date is 2 years.

**Motion Moore/2<sup>nd</sup> Kummer notation that in the 11/13/12 Board Of Canvass Minutes, the term date for Supervisor Seat 5 was incorrectly noted as a 4 year term and that the correct term date is 2 years. All In Favor. Motion Carried 5-0.**

**Washington Conservation District-** O'Connor Park Grant has been completed. **Motion Keller/2<sup>nd</sup> Moore to send letter of Thanks from the Board to Jyneen Thatcher for her enthusiasm and assistance with the O'Connor Park restoration. All In Favor. Motion Carried 5-0.**

**LEGAL REPORTS:**

Attorney plans on having the draft Dog Ordinance on the February agenda.

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Attorney is still working through the property legal descriptions with Afton Alps, so the Township can record the PUD.

Resident inquired whether any newsletters would be sent out. Notified the Board that residents on 122<sup>nd</sup> Street have been plowing their driveway snow across the road, leaving snow on the road and blocking the mailboxes across the road. Roads Supervisor will check.

8:54 PM **Motion Keller/2nd Moore to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman  
Denmark Township Clerk/Treasurer

Addendums Resolutions 2013-01 and 2013-02

DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2013-01

**RESOLUTION CONSENTING TO THE ISSUANCE OF AN ON-SALE  
INTOXICATING LIQUOR LICENSE TO AFTON ALPS RESORT**

**WHEREAS**, VR US Holdings, Inc. (dba Afton Alps Resort) ("Applicant") is applying to Washington County, Minnesota ("County") for an on-sale intoxicating liquor license ("Application") for its property located at 6600 Peller Avenue South, Hastings, Minnesota ("Property"), which is located within Denmark Township ("Town");

**WHEREAS**, the Applicant is requesting a liquor license as part of its business operations, including a restaurant, occurring on the Property, for which the Town issued a conditional use permit for an amended planned unit development on November 5, 2012 ("CUP"). The CUP authorizes the Applicant to operate a commercial recreational area and golf course on the Property together with a wide range of events including, but not limited to, weddings, company events, business retreats, meetings, reunions, and other social and business functions;

**WHEREAS**, the Application includes a request to sell liquor on Sundays, such sales having been approved in the Town by the voters at an election held on September 12, 1972; and

**WHEREAS**, the Application is for a retail license, as it involves the sale of liquor for consumption, and under Minnesota Statutes, section 340A.410, subdivision 1 a "county may not issue a retail license to sell any alcoholic beverage within an organized town unless the governing body of the town has consented to the issuance of the license."

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

1. The Town Board hereby consents to the County issuing the requested on-sale intoxicating liquor license to the Applicant for the Property, including Sunday sales.
2. Pursuant to condition number 2 of the CUP, a violation of any of the conditions or requirements of the liquor license, or of any permit issued for the Property, shall constitute a violation of the CUP and may result in its revocation.

Adopted this 7<sup>th</sup> day of January, 2013. **BY THE TOWN BOARD**

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2013-02

RESOLUTION APPROVING A SECOND LOT LINE  
ADJUSTMENT FOR PROPERTIES LOCATED AT 6865  
OAKGREEN AVENUE SOUTH AND 14084 70<sup>TH</sup> STREET SOUTH

**WHEREAS**, Clarence A. Pribnow and Karen L. Pribnow, husband and wife, (the "Applicants") have applied to Denmark Township ("Town") for a lot line adjustment to adjust the lot line between their property located at 6865 Oakgreen Avenue South, Hastings, MN 55033 (PID 04.027.20.33.0008) (the "Small Parcel"), and their property located at 14084 70<sup>th</sup> Street South, Hastings, MN 55033 (PID 04.027.20.33.0009) (the "Large Parcel");

**WHEREAS**, both the Small Parcel and the Large Parcel are located in the Rural Residential (RR) Zoning District as designated by the Denmark Township Development Code ("Ordinance") and the density allowed for properties in this District is one home per 5 acres;

**WHEREAS**, the proposed lot line adjustment would transfer approximately 0.5 acres of property from the Large Parcel (which currently contains approximately 13.46 acres) to the Small Parcel (which currently contains approximately 1.25 acres);

**WHEREAS**, the Town Board previously approved, by Resolution No. 2011-13 adopted on October 3, 2011, a lot line adjustment between the same two parcels that resulted in approximately 0.25 acres being transferred from the Large Parcel (which previously contained approximately 13.71 acres) to the Small Parcel (which previously contained approximately 1.0 acres). The current application proposes to once again adjust the lot line to transfer an additional 0.5 acres from the Large Parcel to the Small Parcel;

**WHEREAS**, lot line adjustments are allowed under Chapter Three, Section 4.1 of the Ordinance provided the Applicants provide the required submittals, enter into a development agreement with the Town, and pay all of the costs the Town incurs related to processing and acting on the application; and

**WHEREAS**, the Town Board determines the proposed lot line adjustment is consistent with its Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves the proposed lot line adjustment conditioned on Applicants' compliance with all of the following:

1. No later than 60 days from the date of this Resolution, the Applicants must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants, their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
2. The Applicants shall be responsible for providing all legal descriptions and other information the Town Attorney may request to assist in preparing the development agreement;
3. The Applicants shall be responsible for reimbursing the Town for all costs incurred related to processing their application including, but not limited to, professional costs;
4. The Applicants shall be responsible for developing, executing and recording such transfer documents and deeds as may be required to properly transfer the property subject to the lot line adjustment. The Town will record the development agreement at the Applicants' expense; and
5. After the lot line adjustment, the expanded Small Parcel shall have a total of one density unit (which is already used) and the reduced Large Property parcel shall have a total of one density unit (which is already used).

**BE IT FURTHER RESOLVED**, this approval of the requested lot line adjustment shall be rendered null and void, and no transfer of property between the parcels shall be allowed, if the Applicants fail to provide the requested legal descriptions, fail to enter into a development agreement in a form acceptable to the Town, fail to comply with the provisions of the development agreement, or fail to comply with the other terms and conditions of this Resolution; and

**BE IT FINALLY RESOLVED**, the Town Board Chairperson and the Town Clerk-Treasurer are hereby authorized to enter into the development agreement for this lot line adjustment on behalf of the Town once it is in a form acceptable to the Town Attorney.

Adopted this 7<sup>th</sup> day of January, 2013. **BY THE TOWN BOARD**