

DENMARK TOWN BOARD MEETING MINUTES  
June 4, 2012

**SUPERVISORS PRESENT:** Kathy Higgins, Steve Kramer, Jim Keller and Joe Moore

**ABSENT:** John Kummer

**STAFF PRESENT:** Attorney Troy Gilchrist

**CALL TO ORDER:** Meeting called to order @ 7:17 PM by Chair Higgins

**AGENDA APPROVAL:** Higgins added Blasting Notice and Dustcoat Contract.

**Motion Moore/2<sup>nd</sup> Keller approval of agenda as amended. All In Favor. Motion Carried 4-0.**

**CONSENT AGENDA APPROVAL:** Kramer added Claim #9876 Office Max \$479.94 (6chairs). **Motion Moore/2<sup>nd</sup> Keller approval of consent agenda items which include Minutes 05/07/2012 Board Meeting, 04/17 & 05/03/2012 LBOAE, 05/15/2012 Board Workshop, Claims #9860-9876, EFT payments- PERA 212682, MN Revenue Tax 1440508416, Federal Tax 75537454, payroll ending 06/01/2012 and financial reports. All In Favor. Motion Carried 4-0.**

**PUBLIC COMMENT:**

**Historical Society:** Bob Voight updated Board regarding Historical Society purchase of Valley Schoolhouse. Society has received additional grants from various foundations.

**BUSINESS ITEMS:**

**Afton Apple Liquor License:** Afton Apple is requesting a liquor license as part of its business operations on the property located at 14421 90<sup>th</sup> Street S. Minnesota statute requires Township consent to the issuance of the license before the County is allowed to issue a retail license to sell alcohol beverages within an organized Town. **Motion Kramer/2<sup>nd</sup> Moore to approve Resolution 2012-08 Resolution Consenting To The Issuance Of An On-Sale intoxicating Liquor License To Afton Apple Orchard. All In Favor. Motion Carried 4-0.**

**Ace Trailer Lot Combination Request:** Ace Trailer Amended Conditional Use Permit requires parcels 26.026.20.22.0005 and 06.026.20.22.0006 to be combined. County requires all taxes for the year be paid when combining parcels. Ace has filed the application and the parcels will be combined when the second half taxes are due in October.

**Roads Update:** John Kummer submitted information resulting from his meeting with Engineers Stempski and Geheren. Recommendation is to prepare a comprehensive plan to address short term, intermediate and long term road maintenance in the Township. Plan would provide an inventory of current roads, their current condition and recommended maintenance, as well as establishing budgets for maintenance/improvements and the consideration of additional paving.

An inventory of Township roads current conditions/projected conditions/costs has been in place for some time. Board consensus that there needs to flexibility due to possible outside variables, and that roads evaluation for maintenance/improvements and budgeting amounts for roads should be done on a year to year basis. Attorney noted that when a plan is set as a policy, some communities use it as a tool to identify maintenance activities. Policy can also identify for the public how the Township addresses the determination/costs associated with paving. A Capital Improvement plan for the roads would also be beneficial to the Township. Consensus to have Engineer update roads inventory spreadsheet and discuss further at July Board Meeting.

**Blasting Notice:** June 1, 2012 Rumpca Excavating sent a 10 day notice to the Township for their intent to blast on June 12<sup>th</sup> at the 80<sup>th</sup> Street gravel pit. They have asked if it would be possible for them to blast June 7<sup>th</sup>, earlier than the time period that the 10 day notice had provided for. Attorney noted that there is no provision in the permit to vary from the notice requirements. Board consensus to deny request to blast earlier than the 10 day notice provision. Clerk will notify Rumpca.

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**Dustcoat Contract:** Township has entered into an agreement with Envirotech-Dustcoating, Inc. Envirotech has informed the Township that they would not be able to dustcoat the Township roads before the July 1 completion date as set in the agreement. Board consensus to terminate the agreement as contractor is not able to comply per the provisions of the contract. **Motion Kramer/2<sup>nd</sup> Moore to immediately terminate the 04/06/2012 dustcoat agreement with Envirotech as the contractor has informed the Township that it is not able to perform the dustcoat services within the contract terms by July 1, 2012. Clerk directed to provide notice to Envirotech. All In Favor. Motion Carried 4-0.**

Quote received in April from Luhman's Construction Company for \$.78 /gal.

**Motion Kramer/2<sup>nd</sup> Moore to authorize Roads Supervisor Kummer to enter into a contract with Luhman's Construction Co. at a rate of \$.78/gal, contract timeframe date as set by Roads Supervisor, for Dustcoating services. All In Favor. Motion Carried 4-0.**

**Legal Updates:**

**Afton Alps Amended PUD:** Afton Alps sent an initial application for an Amended Planned Unit Development some months ago. Planning reviewed the application and sent applicant a letter indicating incomplete items. Higgins to contact Afton Alps re: status of application.

**Warrior Dash:** Special Events License has been issued for Warrior Dash event at Afton Alps June 30-July 1, 2012. Town has received copies of building and fireworks permit. Have not received contract with City of Hastings for onsite ambulance.

**Verizon Pt. Douglas Tower:** Verizon has sent a \$5000 bond which is required by their Conditional Use Permit, for removal/restoration of tower located at Hwy. 61/ Pt. Douglas Drive. Attorney reviewed bond and found that the bond language referred specifically to Verizon and its lessor, landowner John Kummer. Bond needs to reflect that the bond is based on the conditional use permit issued by the Township. Attorney has requested Verizon revise and send a new bond.

8:27 PM **Motion Moore/2<sup>nd</sup> Keller to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolution 2012-08

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2012-08

**RESOLUTION CONSENTING TO THE ISSUANCE OF AN ON-SALE  
INTOXICATING LIQUOR LICENSE TO AFTON APPLE ORCHARD**

**WHEREAS**, Cenco Farms, Inc. (dba Afton Apple Orchard) ("Applicant") is applying to Washington County, Minnesota ("County") for an on-sale intoxicating liquor license ("Application") for its property located at 14421 90<sup>th</sup> Street, Hastings, Minnesota ("Property"), which is located within Denmark Township ("Town");

**WHEREAS**, the Applicant is requesting a liquor license as part of its business operations occurring on the Property, for which the Town issued an amended conditional use permit on June 6, 2005 ("CUP"). The CUP authorizes the Applicant to seasonally conduct business activities consisting of events, weddings, company events, picnics, meetings, reunions, catering, and a bakery on the Property in conjunction with the Applicant's pick your own apple and orchard business;

**WHEREAS**, the Application includes a request to sell liquor on Sundays. Sunday sales of liquor were 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 18 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 4<sup>th</sup> day of June, 2012. **BY THE TOWN BOARD**