

DENMARK TOWN BOARD MEETING MINUTES  
July 6, 2015

**SUPERVISORS PRESENT:** Kathy Higgins, Joe Moore, Karen Herman and Jim Keller (7:04 PM)

**ABSENT:** John Kummer

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

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

**AGENDA APPROVAL:** K Higgins added Dual Jurisdiction and a Conditional Use Permit Application.

**Motion J Moore/2<sup>nd</sup> K Herman approval of agenda as amended.** Voting Yes- J Moore, K Herman and K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

**CONSENT AGENDA APPROVAL:** K Herman pulled Claims. **Motion J Moore/2<sup>nd</sup> K Herman approval of consent agenda items which include 05/04/15 Board Minutes, EFT payments- PERA 336054, MN Tax Deposit 1837116288, Federal Tax Deposit 10829977, payroll ending 07/01/2015 and financial reports.** Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

**HEARING DECISIONS/ZONING ACTIONS:** None

**PUBLIC COMMENT:** None

**BUSINESS ITEMS:**

**Warrior Dash 2015 Large Special Events License:** Warrior Dash representative Julie Krause and Afton Alps representative Nate Hakseth present.

Expected attendance for the event is 8500 runners, total of 10-12,000 participants and spectators. K Herman inquired if there was an alternative parking plan, should there be a large amount of rain, which could make parking in the planned hayfield problematic. Because of the large amount of rain that just fell, Warrior Dash Staff tested the parking area and believed it held up pretty well. Staff will closely monitor the parking area throughout the next 24 hrs to determine if alternate parking arrangements would need to be made.

Attorney submitted draft resolution for Warrior Dash License for Board review. Attorney noted that fireworks will be a part of this event and hasn't been a part of the event in the past. Also noted was that the license indicated approximately 50,000 participants and spectators. Based on current information from Warrior Dash, Board consensus is to change this amount to approximately 15,000 participants and spectators.

**Motion J Moore/2<sup>nd</sup> K Herman to adopt Resolution 2015-07 A Resolution Approving A Large Special Event License For The 2015 Warrior Dash Event, with revision of 15,000 participants and spectator as noted.** Voting Yes- J Moore, K Herman, J Keller, K Higgins. Voting No- None. Abstaining- none. Motion Carried 4-0-0.

Board expressed appreciation to Warrior Dash Staff for submitting a complete and timely application.

**2014 Financial Audit- Dennis Oberloh (Oberloh & Associates):** Dennis Oberloh presented 2014 Audit.

Board received copy of 2014 Financial Audit.

Auditor noted that the Town's audit is prepared on a cash basis. Other matters in the financial statement include a budget comparison, however, the budget information is not audited and no opinion is extended to it.

T receipts \$543,892 and T disbursements \$954,750. Expended \$410,858 more than received in, primarily due to the road work done in 2014, and the intentional spending out of reserves for it. Road/Bridge fund has a -\$296,739 balance. Being that the budget allowed for using \$325,000 from savings, auditor recommends transferring funds to the Road & Bridge Fund. Auditor also noted that the budget process is the plan, but the Board actually needs to transfer funds from the General Fund to the Road & Bridge Fund formally by motion.

Park & Rec Fund shows that there is a \$9423 cash balance. There is a separate restricted savings account for Park & Rec which has a savings balance of \$133,000. There is a \$123,000 negative balance on the cash balance sheet, due to expenditures for the Park/Rec Fund which have accumulated over the past 15 years. The cash balance sheet represents only receipts/disbursements which are coded to that fund and received or paid out of the general

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checking account. Auditor recommends clearing the account by transferring from the general to Park/Rec \$123,403.57 to zero out the negative balance in its entirety.

Knowing that no monies were budgeted/levied for in the 2015 Budget, Higgins asked if the same thing could be applied to monies (est. \$200,000 plus) that will be spent this year, out of savings. Auditor confirmed same thing would apply.

Attorney- Questioned whether the Park/Rec balance on the cash sheet was the same as the Park/Rec Fund that deals with park dedication fees. The Park Dedication Fee Fund has a restricted savings of \$133,000. The Park fund within the cash balance sheet is a separate account, holding a positive \$9423 cash balance, with the operations of it showing a \$123,000 negative balance.

Attorney would recommend that a formal resolution for the transfers be brought before the Board at the August Board Meeting. Auditor noted that all three transfers could be done with one resolution.

(From General to Park/Rec \$123,403.57. From General to Roads approximately \$325,000 for 2014 and approximately \$200,000 for 2015).

**Motion J Moore/2<sup>nd</sup> J Keller to accept the 2014 Financial Audit performed by Dennis Oberloh (Oberloh & Associates). Voting Yes- J Moore, J Keller, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**2015 Street Improvements- Bid Award:**

Excerpt for 05/04/15 Minutes

[Reclaim Paris Ave (110<sup>th</sup> to north cul-de-sac) and Panama Ave (110<sup>th</sup> to south cul-de-sac)

Total estimated project cost \$198,000. Before price can be confirmed, Engineer and Roads contractor will need to auger roads to determine existing thickness of aggregate base under pavement. If additional gravel needed, may need to add up to \$27,000 (using the avg. market price/likely lower with Denmark's quoted gravel prices) to project. Kummer noted that 10% contingency in estimate may be high.

**Motion J Kummer/2<sup>nd</sup> J Moore to add Paris Ave (110<sup>th</sup> to north cul-de-sac) and Panama Ave (110<sup>th</sup> to south cul-de-sac) to the 2015 Street Improvements for reclamation, Engineering Estimate of \$198,000, with an allowance of possibly an additional \$27,000.00 for additional base gravel, and to authorize Engineer to proceed with 04/29/15 project schedule. All In Favor. Motion Carried 5-0-0.]**

Bids for the 2015 Street Improvements Project were received on June 29, 2015, at 2:00 PM with the following results:

McNamara Contracting	\$212,068.25
Valley Paving	\$212,294.15
Midwest Asphalt Corporation	\$227,515.00
Hardrives	\$233,854.40
Bituminous Roadways	\$248,145.05
Park Construction Company	\$287,854.25
Engineer's Estimate	\$200,183.15

The bids include both the base and alternate bids. The alternate amount is a quantity based estimate which was obtained in case it is determined that additional gravel (up to 4") is needed for the aggregate base under the pavement. If the base aggregate needs less than 4" added to it, the alternate amount paid out will be less. Engineer indicated that based on the aggregate exposed in the potholes, additional gravel may not be needed, but this could only be determined once testing of several areas is done.

Specific line items on the bid sheets were discussed due to their varied cost estimates. Engineer noted that each contractor has their own means & methods-internal operations/sub contractors and estimate processes which will vary the line items. Ultimately we evaluate what their total project cost is, and they are held to that.

Engineer checked with engineering colleagues, Washington County and a number of references submitted by McNamara Contracting, with positive referrals and references.

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Engineer recommendation to award the contract to the lowest responsible bidder, McNamara Contracting, Inc. for their total combined base bid and add alternate no. 1 of \$212,068.25.

Attorney noted that unless the Board found a specific reason that determined the lowest bidder was not responsible, the contract would need to be awarded to the lowest bidder. By Statute, any contractor bidding on a government construction project valued over \$50,000 is required to submit a statement saying that they are a responsible bidder, based on certain criteria, and their subcontractors are required to do the same.

Engineer will send letters to the affected homeowners on Panama and Paris.

**Motion J Moore/2<sup>nd</sup> J Keller to award the 2015 Street Improvement Project to McNamara Contracting in the amount of \$212,068.25. Voting Yes- J Moore, J Keller, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**Chuck Yang Driveway Access Agreement Escrow Release:** Driveway access to 13350 122<sup>nd</sup> St S, installed in 2014 required modification to provide proper cover and drainage. Landowner Chuck Yang entered into a Compliance Escrow Agreement and deposited \$3000 with the Town to assure the modifications would be made. Building Official Bob LaBrosse reviewed and approved the project for proper completion and is recommending that the escrow be released. **Motion J Keller/2<sup>nd</sup> J Moore to release Chuck Yang's escrow of \$3000.00 (claim #10544) as recommended by Building Official. Voting Yes- J Keller, J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**ISD200 November 3, 2015 Election:** ISD 200 uses the Denmark Town Hall for its polling location for Denmark ISD 200 voters for odd year school elections. ISD 833 and ISD 834 Denmark voters go elsewhere for school district elections. Denmark Judges were trained on new Washington County election equipment in 2014 for even year political elections. This year Dakota County purchased new election equipment which will be used by ISD 200. The Dakota County equipment is not the same equipment that Washington County purchased last year. If ISD 200 uses Denmark Judges, which they are not obligated to do, Denmark Judges would need to go thru training/operating 2 different sets of election equipment every year. Historically, the school did use Denmark Judges for their elections. If Denmark Judges chose not to train on the Dakota County equipment, there is a question of office security at the Town Hall. Election equipment/ballots, etc. do need to be secured from the public which would mean allowing access of the office to school election staff/judges. The Denmark Clerk administers Denmark's General even year elections, and is on site during these elections, but is not part of the school Board odd year elections.

Earlier this year, ISD 200 changed the polling locations for the 5 outlying municipalities south of Hastings, and combined them into a polling place in the city.

To eliminate need for Denmark Election Judges to train on two different sets of election equipment and to address security issues at the Town Hall, Board consensus that it would be appropriate that the school district election polling place for Denmark ISD200 voters be changed from the Denmark Town Hall to a polling location within the city of Hastings.

**Motion J Moore/2<sup>nd</sup> J Keller to recommend and support ISD 200 to change the polling location for Denmark ISD 200 voters from the Denmark Town Hall to a location of the School District's choosing. Voting Yes- J Moore, J Keller, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Clerk directed to convey the Board's discussion and action to ISD 200.

**Conditional Use Permit Application:** Afton Apple submitted an application for consideration for a special meeting in June. The application was withdrawn. The application has been resubmitted. The application was deemed incomplete by the Planner. Because there were time constraints for publishing, the hearing notice has been published in case the additional requested submitted submittals are received by the new deadline date. If the materials are not received by the new deadline, the hearing will be canceled.

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**Dual Jurisdiction:** Washington County has finished compiling the information they have received from Townships regarding dual jurisdiction. They have made recommendations and a plan to address portions of the zoning code that they will continue being a part of and portions that they would like to see the Townships handle. County will provide the Town Board with their report in advance of the October Board Meeting. County to present report for discussion and will ask for a resolution indicating town approval.

**Pulled Claims:** Claim #10539-road repair. K Herman had questions regarding 80<sup>th</sup> street patching and 100<sup>th</sup>/Manning apron. Ben (Tri-County) was going to do the patching and apron. The projects were done by someone else. Questioned if he had the ability, as Roads Contractor, to obtain a sub-contractor to do the work. Was under the impression that if someone other than the Town's Road Contractor did the work, that the Board would have to agree to that. Questioned if the Roads Contractor or Roads Supervisor had a certain dollar amount or leeway?

The patching and apron were agreed upon by the Board during the road tour and were also a part of the Engineer's road tour summary report discussed at and agreed to at a prior Board Meeting. Attorney stated that the Roads Maintenance Agreement that Tri-County has with the Town does have a provision that allows Tri-County to enlist subcontractors.

**Motion J Moore/2<sup>nd</sup> J Keller to approve Claims #10528-10544. Voting Yes- J Moore, J Keller, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

**LEGAL UPDATES:**

Attorney continues working on dog ordinance. Will bring draft for Board review in August. Aurora Geronimo solar project has received approval from Public Utilities Commission. Attorney will send letter to remind Aurora that they will need to comply with Town's building and electrical codes.

8:26 PM **Motion J Moore/2<sup>nd</sup> K Herman to adjourn. Voting Yes- J Moore, K Herman, J Keller, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman  
Denmark Township Clerk/Treasurer

Denmark Township Chair

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**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2015-07**

**A RESOLUTION APPROVING A LARGE SPECIAL  
EVENT LICENSE FOR THE 2015 WARRIOR DASH EVENT**

**WHEREAS**, the Town Board of Denmark Township (the “Town Board”) adopted Ordinance Number 2012-01 regulating large special events on March 5, 2012 (the “Ordinance”);

**WHEREAS**, the Ordinance requires a person proposing to sponsor or conduct a large special event to submit an application for a large special event license to the Town (“License Application”) that describes the event’s features and the applicant’s plans for parking, pedestrian safety, traffic, trash, emergencies, public health and related matters;

**WHEREAS**, the Town Board received a License Application from Red Frog Events, LLC (the “Applicant”) to conduct Warrior Dash Minnesota, a five kilometer adventure race event, on July 11, 2015 (the “Warrior Dash Event” or “Event”) at Afton Alps, 6600 Peller Avenue South, Hastings, Minnesota 55033 with parking for the Event to be located on property at the intersection of 90<sup>th</sup> Street and St. Croix Trail, Hastings, Minnesota (PID #21.027.20.11.0001) (collectively the “Event Property”);

**WHEREAS**, the Warrior Dash Event is proposed to include various vendors to be located on the Event Property selling merchandise, food, beverages, and beer. Temporary structures to be constructed or placed on the Event Property include: those associated with the on-site vendors; accommodations for those participating in the event such as changing rooms, gear check, and communications; safety facilities such as a medical tent; course obstacles; a performance stage; portable toilets; and others; and

**WHEREAS**, the Town Board hereby finds and determines the following with respect to the proposed Warrior Dash Event:

- a. The Applicant previously conducted four warrior dash events at Afton Alps, which attracted approximately 15,000 participants and spectators to the area over each weekend. As a result, the Town has some experience with the event and the impacts it can have on the community. The occurrence of the event is what led to the discussion that eventually resulted in the adoption of the Ordinance to help ensure the neighboring owners, public infrastructure, and the general public are adequately protected from the potential impacts of such events;
- b. The Applicant has demonstrated its ability to conduct the Warrior Dash Event in such a way as to adequately address the health, safety, and welfare concerns and related issues associated with an event of this size;
- c. The Applicant has submitted the required application fee, escrow, and signed an escrow agreement with the Town agreeing to pay the Town’s actual costs associated with the Warrior Dash Event;
- d. The Applicant submitted a certificate of insurance showing at least \$1,000,000 of general liability coverage, liquor liability coverage, and showing that the Town as an additional insured on the policies;
- e. Building and electrical permit applications have been received for the structures to be constructed or placed on the Event Property for the Event and the Town’s building inspector has issued those permits
- f. The Applicant has provided the Town a copy of the liquor license for the Event;
- g. The Applicant did not submit any requests for waiver from the requirements of Ordinance associated with its Event;
- h. The Event is compatible with the character of the proposed area as Afton Alps is a recreational area designed to handle large numbers of people and the property is sufficiently remote and screened to reduce the potential impacts on neighboring owners;
- i. Concerns expressed in the past regarding interfering with those attempting to access other area businesses and with vehicle turn around areas has been addressed by the Applicant by establishing a different access route to the Event;
- j. The Applicant proposes to use 110<sup>th</sup> Street South, St. Croix Trail South, and 90<sup>th</sup> Street South, County Roads, and Manning Avenue South, a MnDOT Highway, as the designated access routes to the Event Property;
- k. The Event Property can reasonably accommodate the Event;
- l. The Applicant has, to date, submitted the application, escrow amount, escrow agreement, site plan, parking plan, and other related documents;
- m. The Applicant has presented the Town with copies of the food permits and liquor licenses issued for the Event;

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- n. The Applicant is required to submit to the Town before the Event a copy of all permits issued by the County and any other permitting authority;
- o. The Applicant has submitted to the Town copies of the agreements it is to enter into with Hastings Fire Department, Cottage Grove Fire Department, Regions/EMS and related agreements (collectively the “Agreements”);
- p. The Town has not received an application for an offsite vendor license;
- q. Based on the plans and the Town’s experience with this Applicant and this Event, the Town Board determines the Applicant can adequately address the potential impacts on public health, safety, and welfare of those living and owning property in the proposed area, as well as the impacts on public infrastructure and public services; and
- r. The Town Board determines the Warrior Dash Event as proposed satisfies the review factors established in Section 5, Subdivision 2 of the Ordinance and that the Applicant is eligible for a large special events license, provided the Applicant complies with all applicable laws and the terms and conditions of this license.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board that a large special events license is hereby issued, pursuant to the Ordinance, to the Applicant to conduct the Warrior Dash Event on the event site identified within the Event Property on July 11, 2015, provided all of the following conditions and requirements are complied with:

**1.0 PRIOR TO THE EVENT**

- 1.1 The Applicant shall ensure all plans for the Event are in a form acceptable to the Town.
- 1.2 The Applicant shall obtain all required permits from Washington County (“County”) related to any part of the Warrior Dash Event that requires closing or restricting traffic on any County roadways and any additional or altered driveways or field accesses on County roadways.
- 1.3 The Applicant shall provide the Town a copy of all executed Agreements and the permits obtained for the Event.
- 1.4 The Applicant shall post information on the Warrior Dash Event website that indicates the access routes, parking, and bus routes that will be used for the Event.
- 1.5 The Applicant shall provide the Town a copy of the permit issued for the fireworks to be used as part of the Event.

**2.0 DURING THE EVENT**

- 2.1 The Applicant shall conduct the event in accordance with the approved plans including, but not limited to, those related to the presence of law enforcement and security, medical, and emergency medical personnel and equipment, as well as traffic and pedestrian management plans. Travel to and from the Event Property shall be limited to the designated routes.
- 2.2 All activities associated with the Event including, but not limited to, all outdoor stage performances, amplified sounds, food and beverage service, shall end each day by 9:00 p.m.
- 2.3 The Applicant shall ensure adequate water stations are established on the Event Property for both participants and spectators.
- 2.4 The Applicant shall utilize a sufficient number of buses to ensure those waiting to get to or from the Event Site are not subject to extended delays.
- 2.5 Garbage receptacles shall be regularly emptied and the Event Property kept clear of debris.

**3.0 AFTER THE EVENT**

- 3.1 All garbage shall be removed from the Event Property and properly disposed of by no later than July 21, 2015.
- 3.2 All temporary structures placed on the Event Property specifically for the Warrior Dash Event shall be taken down by no later than July 21, 2015.

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- 3.3 The Applicant is required to indemnify the Town as provided in Section 6, Subdivision 3 of the Ordinance.
- 3.4 If requested by the Town Board, a representative of the Applicant and of Afton Alps shall attend a Town Board meeting after the Event to discuss events leading up to and during the Event, any complaints received, and the Town's expectations if the Applicant proposes to conduct the Event in the Town in the future.

**4.0 GENERAL REQUIREMENTS AND PROHIBITIONS**

- 4.1 No camping or other overnight accommodations are allowed on the Event Property.
- 4.2 The Applicant shall fully reimburse the Town for all of the professional, inspection, and enforcement costs the Town incurs related to the Warrior Dash Event including, but not limited to, processing and issuing this license as well as enforcing its provisions. The Town will deduct its costs from the escrow submitted by the Applicant, but if the escrow is not sufficient the Applicant shall be required to provide additional funds as required by the Ordinance.
- 4.3 The Applicant and all onsite vendors shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances related to the Warrior Dash Event.
- 4.4 If the Town issues any offsite vendor licenses related to the Event the Applicant shall work in good faith with the offsite vendor to incorporate its operations into the Applicant's traffic, pedestrian, and other plans affected by the offsite vendor's activities if the Town issues the requested license.

**BE IT FINALLY RESOLVED**, Town staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this license including working with law enforcement to correct any violations.

Adopted this 6<sup>th</sup> day of July, 2015.