

DENMARK TOWN BOARD MEETING MINUTES
September 8, 2015

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

ABSENT: Jim Keller

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven), Engineer Ryan Stempki (Focus Engineering)

CALL TO ORDER: Meeting called to order @ 7:16 PM by Chair Higgins

AGENDA APPROVAL: J Moore added Town Hall, K Higgins added Roads.

Motion J Moore/2nd K Herman approval of agenda as amended. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

CONSENT AGENDA APPROVAL: Motion J Kummer/2nd J Moore, approval of Consent Agenda which includes 08/03/2015 Board Meeting Minutes, Claims # 10561-10576, EFT payments- PERA 343497, MN Rev. Tax 1901844352, Federal Tax 82799789, payroll ending 09/01/2015 and financial reports. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HEARING DECISIONS/ZONING ACTIONS:

JAGER MINOR SUBDIVISION:

Robert & Carol Jager Minor Subdivision 14212 110th St S- PID 28.027.20.33.0001 Applicant/Landowner Bob Jager present.

Applicant's request is to divide an existing 39.76 acre parcel into two lots- one 5 acre lot with the existing home, and the remaining 33.76 acre lot for a new home site. Property is zoned Agriculture A-2 which allows for a density of one lot per 20 acres.

Attorney reviewed the draft resolution with the Applicant and the Board.

Applicant will need to enter into a development agreement. A \$2000 park dedication fee for creation of the new lot will need to be paid to the Town. Driveway easement will need to be drafted and provided to the Town.

At its 08/17/15 meeting, the Planning Commission recommended conditional approval of the minor subdivision.

Motion J Kummer/2nd J Moore to adopt Resolution 2015-08 Approving A Minor Subdivision For The Jager Property Located In Section 28 Of The Town. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

HERMAN MINOR SUBDIVISION:

Steve & Becky Herman Minor Subdivision 87th St S/St Croix Tr S. PID 15.027.20.32.0001 Applicant/Landowner Becky Herman present.

Applicant's request is to split off a 5.018 acre lot for a new home site, in the southeastern corner of the existing 35.45 acre parcel. Property is zoned Rural Residential (RR) which allows for a density of 1 lot per 5 acres. The driveway access will be located directly across Penrose Avenue on 87th St S. The plat was revised to indicate that Lot 1 Block 1 includes the right of way. The remainder 30.441 acres would consist of Outlot A (29.272 acres which is on the east side of St Croix Trail and Outlot B (1.169 acres which is on the west side of St Croix Trail). Once the Plat is recorded, the County would like the 1.169 acre Outlot B to be combined with the adjacent 10 acre parcel (PID 16.027.20.41.0002) to its west, which would provide road frontage for that parcel.

Attorney reviewed the draft resolution with the Applicant and the Board. Attorney noted change in Outlot A acreage from 28.320 to 29.272. Applicant will need to enter into a development agreement. A \$2000 park dedication fee for creation of the new lot will need to be paid to the Town.

At its 08/17/15 meeting, the Planning Commission recommended conditional approval of the minor subdivision.

Motion J Moore/2nd K Herman to adopt Resolution 2015-09 Approving A Minor Subdivision For The Herman Property Located In Section 15 Of The Town, as amended. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.

PUBLIC COMMENT:

11810 Mendel Ave S:

A number of residents neighboring the subject property addressed the Board with the following comments:

The property has been rented out for a number of years. There have been reports of people squatting in the house and also of drug activities there. Water was left on and has caused much damage to the house. The interior of the house is filled with black mold. The 5 acre lot has filled with noxious weeds. Many of the neighbors have tried, without any success to contact the property owners to take care of these issues. Neighbors are requesting that the owners either address the issues or sell the property.

In 2014, the Building Code Inspection Officer condemned the property. In the past, the Township did go onto the property to mow the weeds and assessed this on the property tax roll.

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Board Supervisor K Herman reviewed the property and doesn't believe the property has been mowed all summer, presenting noxious weeds. Also noted was the mold that it is now coming around onto the garage doors. The house also appears to be losing its structural integrity.

Attorney noted that there are some options. The property can be mowed by the Town, after noticing process has been done. The structure was condemned deeming it inhabitable. The Town's authority is limited in that the Town would have to show that the structure constitutes a public hazard to take further action. An inspection and report by the Building Inspector, determining that the house is a public hazard as defined by the statutory definition, would need to be done. The Town then could take court action. Costs included with this include Building Inspection fees, Legal fees, Court fees, contractor fees associated with tear down and disposal of the structure. Town could seek a court order to certify these costs to the property's taxes.

Neighbor preference would be to remove the home from the property

Board consensus is to proceed with the noxious weed noticing procedure and to contact the property owners to discuss resolution of the property issues. K Herman will proceed with weed notice. Town will make contact with property owners.

13110 80th St Ct S Winery:

Neighbor of Winery on 80th St C S was under the belief that winery operation would be small. After noticing that the parking area was enlarged, he inquired if they were installing a new driveway. The owner indicated that they may consider it. Resident would like tree line put in to block his view if changes are made. Resident is asking the Board to review the property and the permit. J Kummer will review.

Rumpca: Resident is requesting a count for the number of trucks that ran on a particular day. Many of the trucks are running at the same time. Resident noted that the road is in bad condition and that his vehicle may have sustained damage hitting a pothole in Oakgreen.

Re: property valuation. Does not believe that his taxes reflect a deduction for 2015. Resident advised to contact the County Assessor's Office.

BUSINESS ITEMS:

ROADS:

Engineer update- Paris/Panama reclaim project is nearly complete and appears to be coming in under (est.\$168K) original contract price (\$212k). Needed to add 3" aggregate to base and reclaim it in. Paris had sufficient base but needed 3" aggregate added in cul-de-sac. Original estimate for aggregate material was 2400 T, only use 950 T. Final completion date is 10/09/15.

2016 Budget Adoption/Pay 2016 Proposed Tax Levy Certification:

The following 2016 Budget and Levy were approved by the electors at the 09/08/2015 Reconvened Annual Meeting:

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	DEDICATED FUNDS	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	75,941	1,060	72,649			2,232		
SALARIES	77,482					77,482		
ROAD & BRIDGE	461,520		25,000		250,000	186,520		
FIRE	134,400		400			134,000		
DITCH & TRASH	14,500					14,500		
PARK & REC	0			4,700		0		
2015 TOTALS	763,843	1,060	98,049	4,700	250,000	414,734	48.2%	-3.2%

Motion J Kummer/2nd J Moore to adopt the 2016 Budget in the amount of \$763,843 as presented. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0. The 2016 Budget reflects an increase of 48.2%.

Motion J Moore/2nd K Herman to certify the Payable 2016 Proposed Property Tax Levy in the amount of \$414,734 as approved by the Electors. Voting Yes- J Moore, K Herman, J Kummer, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0. The 2016 Proposed Levy reflects a 3.2% Levy decrease.

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RED ROCK CORRIDOR: There are no current plans for a transit stop in Denmark. Based on route and insufficient parking to support it, Board consensus is that at this time there is no need for Denmark representation on the Red Rock Corridor. J Kummer will notify RRC.

TRANSFER FUND BALANCE: Moved to future agenda for full Board participation.

TAX FORFEIT PROPERTY: Washington County has notified the Town that PID09.026.20.24.0005 is tax forfeited and would like the Town to either approve the parcel for public auction or private sale bid to adjacent owners or request a conveyance to the Town for an authorized public use or public purpose. Board consensus no interest in conveyance to the Town. **Motion J Moore/2nd J Kummer to indicate that the Town has no interest in obtaining PID09.026.20.24.0005. Voting Yes- J Moore, J Kummer, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

STROHFUS: John Strohfus is having an issue with the County requiring additional Right of Way on his property. The County requested 60' and has reduced that to 45'. John would like to see the Right of Way at the 33' mark where it was before his property was platted. Higgins and Attorney met with County representatives to clarify the Minor Subdivision platting process. Attorney discussed County process- In order to approve a plat that is adjacent to a county highway, if it's not a recorded right of way, or if it is not a recorded at a width that the County feels it will need in the future based on its transportation plan, then they require as a condition of platting, that the landowner dedicate the amount that the county deems necessary. Dedication is allowed under the law. New County Comprehensive Plan to be developed in 2018. County will invite Town to provide comments on proposed transportation plan. Attorney indicated that the County has addressed the Strohfus issue by reducing the Right of Way from 60' to 45'. Higgins will update Strohfus on outcome of meeting with County. Higgins noted that when the County came to the Town requesting that the Town adopt Minor Subdivision Platting, they indicated that the cost for residents would be kept down. The Town approved and adopted this ordinance. Board finds the complexity/cost out of line, compared to when a minor lot split was not required to be platted. Board consensus to authorize Higgins and Attorney to review/prepare language to address Minor Subdivision Platting issues.

MOUNTAIN & COMPANY: Mountain & Company has notified the Town of future plans for land application of solid waste in the Town. They are licensed by the County and MPCA for Solid Waste Land Applications. County Ordinance requires them to notify/get approval from towns for local land applications of solid waste. Applications include wood ash, tanning waste, oat hull ash, and industrial by products, etc. No toxic wastes will be applied. License is overseen by both County and State agencies. **Motion J Kummer/2nd J Moore to indicate to Mountain and Company that they have a blanket approval to conduct their operations knowing that the MPCA and County are providing the appropriate oversight. Voting Yes- J Moore, J Kummer, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

VAIL RESORTS DONATION/TOWN HALL: Vail Resorts will be conducting a community volunteer Day on September 19, 2015 at the Town Hall/Park. Vail Resorts is providing both volunteer labor and a monetary donation toward supplies to improve a number of things at the Town Hall/Park. Items will include staining the deck, reroofing the picnic shelter and well house, landscaping the well area, cleaning the windows inside & out, cleaning light fixtures, reinforcing the floor near the Board Room entry, pulling weeds from both drainage areas and from the playground, redoing the picnic tables (paint & lumber). Attorney provided draft resolution for Board review. **Motion J Kummer/2nd J Moore to adopt Resolution 2015-10 Accepting A Donation Of Funds And Town Hall Facility Maintenance And Improvements. Voting Yes- J Moore, J Kummer, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.** Board noted that press should be contacted regarding coverage of the event (K Higgins). Notice Afton Apple to update status of CUP application for October Board Meeting (K Higgins).

Miscellaneous discussions- Township share of Building Permit revenues is 72%. Cottage Grove share is 28%. Large Special Events License is required for 500 attendees. 7500 attendees if the property holds a Conditional Use Permit to allow gatherings.

LEGAL UPDATES:

Multiple zoning issues, Erin Glen public hearing continuing 09/21/15

9:35 PM **Motion J Kummer/2nd J Moore to adjourn. Voting Yes- J Moore, J Kummer, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 4-0-0.**

Becky Herman

Denmark Township Clerk/Treasurer

Addendum- Resolutions 2015-08, 2015-09, 2015-10

Denmark Township Chair

DENMARK TOWN BOARD MEETING MINUTES
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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-08

RESOLUTION APPROVING A MINOR SUBDIVISION FOR THE JAGER PROPERTY LOCATED IN SECTION 28 OF THE TOWN

WHEREAS, Robert Jager and Carol Jager ("Applicants") have applied for a minor subdivision for property they own in Section 28 of the Town, which is assigned Parcel Number 28.027.20.33.0001 and is legally described in Exhibit A attached hereto ("the Property");

WHEREAS, the proposed minor subdivision is to be named JAGER ACRES and proposes to divide the approximately 40-acre Property into two lots containing one lot of approximately five acres in Lot 1, Block 1 ("Lot 1") and one lot of approximately thirty five acres identified as Lot 2, Block 2 ("Lot 2"), which are labeled as Lot 1 and Lot 2 on the survey attached hereto as Exhibit B and described in Exhibit C;

WHEREAS, the Town Board hereby finds and determines as follows with respect to the proposed minor subdivision:

- a. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code ("Development Code"), Chapter Three, Section 6;
- b. The Applicants submitted a complete application and related submittals to seek approval for a minor subdivision;
- c. The proposed subdivision of the Property qualifies as a minor subdivision under Section 6.1 of the Development Code;
- d. The Property is located within the A-2, Agricultural zoning district;
- e. The Applicants intend to build a single family dwelling unit on the newly established Lot 2 and leave the existing single family dwelling on Lot 1;
- f. No new streets or roads are proposed to be created by the minor subdivision. No drainage easements or road right-of-way needs to be dedicated;
- g. The Property is located within the A-2 Zoning District, which carries a maximum density of one (1) lot per twenty (20) acres, and so there are a total of two (2) density units for the Property. One of the density units is used by the existing single family dwelling on what will be Lot 1 and the other density unit will be used when a single family dwelling is constructed on what will be Lot 2.
- h. Using the Lot Averaging Design, the minimum lot size is two (2) acres and the minimum public road frontage is 160 feet. As proposed, Lot 1, Block 1 Jager Acres will be five (5) acres in size and will have 523.89 feet of frontage along 110th Street South. Lot 2 Block 1 Jager Acres will be 33.76 acres in size and will have 796.99 feet of frontage along 110th Street South. Both proposed lots meet the minimum lot area and frontage requirements of the A-2 Agriculture zoning district;
- i. Because one additional buildable lot is being created by this minor subdivision, the Applicants are required to pay the Town a park dedication fee on the newly created lot;
- j. The Planners Report (WSB Project No. 02048-270) dated August 6, 2015 developed for the requested minor subdivision is attached hereto as Exhibit D and is incorporated herein by reference. The recommended conditions in the Planners Report are superseded by the conditions contained in this Resolution;
- k. The Applicants are required to enter into a development agreement with the Town as required by Chapter 3, Section 6.2 of the Development Code;
- l. The Planning Commission held a public hearing after due notice having been provided, on August 17, 2015 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions.

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NOW, THEREFORE, BE IT RESOLVED, based on the record of this proceeding, including the findings contained herein and in the Planners Report, the Town Board hereby approves the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

1. Development Agreement. The Applicants shall, within 60 days of the date of this Resolution, enter into a development agreement in a form acceptable to the Town and approved by the Town Attorney.
2. Plat. The Applicants shall be responsible for making any other corrections or changes to the plat as may be needed to comply with Washington County's requirements and to put it in recordable form.
3. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
4. Park Dedication Fees. The Applicants shall pay to the Town a park dedication fee in the amount of \$2,000 for the newly created Lot 2.
5. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.
6. Density. Both Lot 1 and Lot 2 shall each have a total of one (1) density unit. The density units are not transferrable to any other property.
7. Septic. The Applicants shall obtain final approval of the proposed septic system from Washington County prior to the issuance of any building permits on the newly created Lot 2.
8. Driveway. The Applicants shall obtain all necessary access permits for the newly created Lot 2. Access to Lot 2 shall be provided as shown in the attached Exhibit D. The Applicants shall execute and record an access easement between Lot 1 and Lot 2 allowing the owners of Lot 2 to access the property through the existing driveway on Lot 1.
9. Compliance. The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.

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

Adopted this 8th day of September, 2015. BY THE TOWN BOARD

DENMARK TOWN BOARD MEETING MINUTES
September 8, 2015

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-09

RESOLUTION APPROVING A MINOR SUBDIVISION FOR THE HERMAN PROPERTY LOCATED IN SECTION 15 OF THE TOWN

WHEREAS, Steven Herman and Becky Herman ("Applicants") have applied for a minor subdivision for property they own in Section 15 of the Town, which is assigned Parcel Number 15.027.20.32.0001 and is legally described in Exhibit A attached hereto ("Property");

WHEREAS, the proposed minor subdivision is to be named HERMAN FARMS and proposes to divide an approximately 35.45-acre Property into three lots containing one lot of approximately 5.018 acres in Lot 1, Block 1("Lot 1"), one outlot of approximately 29.272 acres identified as Outlot A ("Outlot A"), and one outlot of approximately 1.169 acres identified as Outlot B ("Outlot B"), which are labeled as Lot 1, Outlot A, and Outlot B on the survey attached hereto as Exhibit B and described in Exhibit C;

WHEREAS, the Town Board hereby finds and determines as follows with respect to the proposed minor subdivision:

- a. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code ("Development Code"), Chapter Three, Section 6;
- b. The Applicants submitted a complete application and related submittals to seek approval for a minor subdivision;
- c. The proposed subdivision of the Property qualifies as a minor subdivision under Section 6.1 of the Development Code;
- d. The Property is located within the RR, Rural Residential zoning district;
- e. The maximum density in the RR district is one dwelling unit per five acres; therefore, the maximum number of allowed dwelling units on the Property is seven;
- f. The Applicants intend to build a single family dwelling unit on the newly established Lot 1. Outlot A and Outlot B are used for agricultural purposes and there is no present plan to build on either lot. The Applicants, based on a recommendation from the County, plan to combine Outlot B with adjacent property the Applicants own;
- g. No new streets or roads are proposed to be created by the minor subdivision. No drainage easements are being dedicated. The Applicants are dedicating right-of-way along the southern boundary of their Property to support 87th Street South, an existing Town road;
- h. The property is located within the RR Zoning District, which carries a maximum density of one (1) lot per five (5) acres. Using the Lot Averaging Design, the minimum lot size is two (2) acres and the minimum public road frontage is 160 feet. As proposed, Lot 1, Block 1 HERMAN FARMS will be five (5) acres in size and will have 610 feet of frontage along South 87th Street, which is more than the minimum required by the Development Code;
- i. Because the minor subdivision results in a new lot, a park dedication fee by the Development Code must be paid;
- j. The Planners Report (WSB Project No. 02048-280) dated August 6, 2015 developed for the requested minor subdivision is attached hereto as Exhibit D and is incorporated herein by reference. The recommended conditions in the Planners Report are superseded by the conditions contained in this Resolution;
- k. The Applicants are required to enter into a development agreement with the Town as required by Chapter 3, Section 6.2 of the Development Code;
- l. The Planning Commission held a public hearing after due notice having been provided, on August 17, 2015 and acted to forward the application to the Town Board with a recommendation that it be approved with certain conditions.

DENMARK TOWN BOARD MEETING MINUTES
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NOW, THEREFORE, BE IT RESOLVED, based on the record of this proceeding, including the findings contained herein and in the Planners Report, the Town Board hereby approves the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

1. Development Agreement. The Applicants shall, within 60 days of the date of this Resolution, enter into a development agreement in a form acceptable to the Town and approved by the Town Attorney.
2. Plat. The Applicants shall be responsible for making any other corrections or changes to the plat as may be needed to comply with Washington County's requirements and to put it in recordable form.
3. Fees. The Applicants shall pay all planning, engineering and legal fees and costs incurred by the Town for processing and acting on its application. In the event the escrow provided with the application is not sufficient to fully reimburse the Town, the Applicants shall be required to pay such additional amount within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
4. Park Dedication Fees. The Applicants shall pay a park dedication fee in the amount of \$2,000 for the newly created Lot 1 to the Town.
5. Septic System. The Applicants shall obtain final approval for any septic system from Washington County prior to the issuance of any building permits on the newly created lot.
6. Driveway Access. The Applicants shall obtain all necessary access permits for the newly created Lot 1 prior to constructing any driveway or other access to the property.
7. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicants, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.
8. Density. Lot 1 shall have a total of one (1) density unit. Outlot A shall have six (6) density units. Outlot B shall have no density units. Outlot B shall be combined with the Owner's adjacent property to the west, PID 16.027.20.41.0002.
9. Compliance. The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.

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

Adopted this 8th day of September, 2015. BY THE TOWN BOARD

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-10

**RESOLUTION ACCEPTING A DONATION OF FUNDS AND
TOWN HALL FACILITY MAINTENANCE AND IMPROVEMENTS**

WHEREAS, Denmark Township ("Town") is authorized to accept and maintain donations of real and personal property pursuant to Minnesota Statutes, section 465.03 for the benefit of its citizens;

WHEREAS, the Town owns and operates a town hall facility within the Town;

WHEREAS, as part of its Epic Promise Day, Vail Resorts has agreed to donate funds in the amount of \$1,737, as well as labor and materials for certain maintenance and improvement projects to the town hall facility (collectively the "Donation");

WHEREAS, the Donation has been contributed to the Town for the benefit of its citizens, as allowed by law, and

WHEREAS, the Town Board finds that it is appropriate to accept the Donation offered.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby as follows:

1. The Town accepts the Donation from Vail Resorts in order to fund improvements to the Town's town hall facility as part of Vail Resorts' Epic Promise Day.
2. The Town Clerk-Treasurer is authorized and directed to acknowledge to the donor the Town's acceptance of the donation.
3. The Town Board appreciates the Donation and thanks Vail Resorts for its efforts to improve the Town Hall for the benefit of the community.

Adopted on this 8th of September, 2015.

BY THE TOWN BOARD