

DENMARK TOWN BOARD MEETING MINUTES  
May 7, 2012

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

**ABSENT:** None

**STAFF PRESENT:** Attorney Troy Gilchrist, Engineer Ryan Stempski

**CALL TO ORDER:** Meeting called to order @ 6:59 PM by Chair Higgins

**AGENDA APPROVAL:** Higgins added Certificates of Compliance. Kramer added Town Hall.

**Motion Moore/2<sup>nd</sup> Kramer approval of agenda as amended. All In Favor. Motion Carried 5-0.**

**CONSENT AGENDA APPROVAL:** Claims pulled. Kummer added Claim #9855 Dennis Thurmes 200 gophers \$500.00. **Motion Keller/2<sup>nd</sup> Moore approval of consent agenda items which include 04/02/2012 Board Meeting Minutes, Claims #9833-9855, EFT payments- PERA 209955, MN Revenue Tax 1639975424, Federal Tax 94585432, payroll ending 05/01/2012 and financial reports. All In Favor. Motion Carried 5-0.**

**HEARING DECISIONS/ZONING ACTIONS: 2012 Zoning Ordinance Amendments (2012-02)**

Attorney submitted draft ordinance and summarized amendments which include the addition of electrical inspection requirements, clarification re: accessory structure-foot print used to determine sq footage, typo referring to accessory structures being removed after 30 days, which should state temporary accessory structures being removed after 30 days. Temporary accessory structures for commercial purpose would require a building permit. As Built survey of homes constructed on Platted lots in major subdivisions, construction record drawings. Development Agreements required for all lotline adjustments unless Board determines not necessary under the facts related to a particular application. Language typo corrected in same article striking ~~will be~~. Minimum lot area being waived if determined that no resulting parcel will deviate by more than 5 %. Amendment includes an attached amended fee schedule.

Planning Commission recommended approval of the Ordinance.

**Motion Kummer/2<sup>nd</sup> Keller to adopt Ordinance 2012-02 An Ordinance Amending The Denmark Township Development Code Regarding Electric Permits And Other Matters, as amended.**

Discussion: Re: page 4, Article V1- add something to indicate As Built surveys be required for commercial buildings within a plat. Board consensus to add language "within a major subdivision or a commercial building within a plat." Board consensus to amend the motion to include this language.

**All In Favor. Motion Carried 5-0.**

**Motion Kummer/2<sup>nd</sup> Kramer to adopt Resolution 2012-06 Resolution Approving summary Language For Publication Of An Ordinance Amending Various Sections Of The Denmark Township Development Code. All In Favor. Motion Carried 5-0.**

**PUBLIC COMMENT:**

Several residents addressed the Board regarding information on the long term plan for paving, and specifically the paving of Neal Avenue 90-80th.

Kummer- Gravel roads by design are less expensive to maintain than asphalt. Decision making process is based on volume of traffic and where the Township would realize the most gain overlaying gravel with asphalt to make easier passage through the Township as well as for residents who live along the roads. More important for the Town to maintain the existing asphalt we have to passable standards before we place additional burden on finances by blacktopping additional roads. As new developments go into the Township, the standards have changed and we are building better roads that will hopefully last longer, which are paid for by the developer lightening the financial burden on the Town. The Board, roads contractor and engineer annually review the roads to evaluate which roads need attention and where improvements need to be made. The Board also considers a maintenance program proposal which includes sealcoating, crack seal overlay and major reconstruction (mill/overlay). To the best of its ability, the Board uses the limited financial resources they have to maintain the existing roads and if there's fair capacity, then considers additional overlay (e.i. Neal 100-110th).

80<sup>th</sup> ST- sees a fair amount of through traffic in the Township. It is in rough shape and getting worse. Once a paved road gets beyond a state of disrepair, it costs considerable more dollars to improve them. A complete

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reconstruction of 80<sup>th</sup> street from 95 to St Croix Trail is about 2 million dollars. Not a realistic expectation for the Townships roads budget. Failing portions of 80<sup>th</sup> will most likely be patched and hopefully the road will hold up and be somewhat improved. Several roads will be seal coated this summer and some of 80<sup>th</sup> may be patched. Traditionally, traffic counts have guided which roads would be overlaid. Neal, 90-80th is one of the higher traffic count roads.

Engineer- Town has a 5-7 year sealcoat program for each bituminous road. 80<sup>th</sup> is past its useful life, not sure how to address it yet. To go ahead and pave another road may set the Town up with another problem.

Neal Ave Residents- several years ago, the traffic counts did indicate that Neal, 90-80<sup>th</sup> had the higher traffic counts and the section was not done. Neal Ave residents expressed concern regarding speeding on Neal. Town will contact Washington County Sheriff's Department to request a speed trailer and visual patrol on Neal Ave. Residents requested timeline, to include budgeting for additional paving on Neal.

Discussion re: inquiry regarding assessing residents the cost of road improvements. A subordinate service district could be set up, which would be organized to provide for a particular project for that area. The residents who are included in that area would be responsible for the project cost-e.i. paving of a road. This would require a 50% or higher, signed petition from those who would be included in the service district.

Financially- State aid such as LGA, Market Value Credit, Homestead Credits have been cut. To budget large amounts to maintain and improve roads does increase the levy and add a heavier burden to taxpayers.

**BUSINESS ITEMS:**

**Historical Society:** Bob Voight updated Board regarding Historical Society purchase of Valley Schoolhouse. The Township Board is in support of the Historical Society's efforts. Board reviewed draft letter of support.

**Motion Keller/2<sup>nd</sup> Moore to approve letter of support for the Historical Society as drafted. All In Favor. Motion Carried 5-0.**

**Olson Ag Accessory Structure location:** 10570 Norwich Ave. S.- Julie Olson present. Olson's submitted an application for a certificate of compliance for an Ag accessory structure for storage/heated repair shop. Applicants would like to locate the structure between the house and the road. Proposed location on site plan was chosen because of its close proximity to utilities, minimal excavation and close access to the existing driveway. Front and side yard setbacks would be met. No grain bins are proposed. **Motion Kramer/2<sup>nd</sup> Moore to approve accessory structure location at 10570 Norwich Ave. S. in front of principal structure, as submitted in site plan. All In Favor. Motion Carried 5-0.**

**St Croix Tr Accessory Structure Location-Christner:** 7865 St Croix Tr. Lane S.- Chad/Tanya Christner present.

Proposed location on the site plan was chosen because of the topography of the property. Makes more sense to have it at the side of the lot to avoid digging into the hill on the property, removing several trees and possible erosion issues. **Motion Kramer/2<sup>nd</sup> Moore to approve accessory structure location at 7865 St Croix Tr. Lane S. in front of principal structure, as submitted in site plan. All In Favor. Motion Carried 5-0.**

**Road Repair 2012:** Engineer submitted 05/07/12 update on 2012 sealcoating bids. Also Ace Blacktop proposal (\$7535.00) to repair edges of road and to gravel shoulders prior to the sealcoat. As an alternative to cutting/patching, overlay a patch with hot mix, roll it and then sealcoat. Because the edge cracking on some portions of the road are severe, the Engineer stated that the cracking may come back quickly if not cut and repaired and did not recommend just hot mix patching.

Discussion: graveling shoulders on a regular basis to protect damage to the road edge. Board consensus to do some shoulder graveling to see how well it does. Engineer is able to get a GIS location of where the shoulder would be graveled.

At this point it is unknown if Tri County has the equipment to handle all areas needing patching or what the cost would be. **Motion Kummer/2<sup>nd</sup> Kramer to authorize Roads Supervisor Kummer to compare prices and determine whether to approve services from Ace Blacktop or Tri-county Service for repair/patching/shouldering of the 2012 sealcoat project roads (110<sup>th</sup>-St Croix Tr to East, 122<sup>nd</sup>-Neal to St Croix Tr, 131<sup>st</sup> St Circle-Maycrest to cul-de-sac). All In Favor. Motion Carried 5-0.**

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**Warrior Dash Large Special Events License:** Warrior Dash to be held June 30 and July 1, 2012. Board reviewed 05/07/12 draft of the Warrior Dash Large Special Event License. Changes to the draft include: Applicant proposes to use 70<sup>th</sup> St and Manning Ave as the designated route to the property. Applicant shall submit the additional plans being developed to the Town no later than 14 days before the start of the event.

Notification of the adjacent property owners 70<sup>th</sup> St (Afton Alps to County Road 19) and Manning Ave/70<sup>th</sup> intersection (1 mile to the east and 1 mile to the west).

Activities shall end each day by 9 PM.

After the event, all garbage shall be removed by no later than July 11, 2012.

All temp structures taken down no later than July 11, 2012.

**Motion Kummer/2<sup>nd</sup> Keller to adopt Resolution 2012-07 A Resolution Approving A Large Special Event License For The 2012 Warrior Dash Event, as amended. All In Favor. Motion Carried 5-0.**

Attorney will revise resolution as amended.

**PITS:** Playground In The Summer in Denmark Township will be on Mondays, June 18-August 6 from 9 AM to 3:30 PM. There will be no programming on July 2<sup>nd</sup>. Cost for the program is \$735 for participation.

**Motion Kramer/2<sup>nd</sup> Moore to approve 2012 PITS participation at the Denmark Townhall Park, chair to sign. All In Favor. Motion Carried 5-0.**

**SSTS Meeting Request:** Dept of Public Health would like an opportunity to come to a Board meeting to give residents an update on activities regarding subsurface sewage treatment systems. Board consensus to contact the department to request general information regarding septic systems to supply to the residents via website.

**Collections Resolution:**

*Discussion regarding Board process to deal with delinquent service charges-Attorney recommendation to set up a process which includes noticing and certification of service charges on property taxes. Process would include Town sending a letter of notice to the applicant requesting payment be made with a deadline date. If necessary, follow up letter from attorney with notification of certification of service charges on property taxes, followed by resolution made by Board for certification of charges on property taxes. Attorney will draft appropriate letter forms. Attorney submitted documents drafted for collections process.*

Ace Trailer has not combined the 2 parcels which was a requirement of the Conditional Use Permit. Board consensus to have Attorney draft and send Ace a letter reminding them of this requirement.

**Escrow Balances:** Clerk submitted cash balance to refund the following escrow balances.

Pribnow Lot Line Adjustment- \$389.00

Rumpca Excavating- \$148.69

Terry Herman Ag Certificate of Compliance- \$500.00

Fresh Earth Farms, Chris James Ag Certificate of Compliance- \$500.00

**Motion Moore/2<sup>nd</sup> Keller to refund escrow balances as submitted. All In Favor. Motion Carried 5-0.**

**Certificates of Compliance:** Attorney drafted Certificate of Compliance forms/process for future use.

**Town Hall:** Kramer believes some of wooden chairs at the Town Hall are a safety issue and should be replaced. He has also been looking at 6 office chairs to purchase for the Board table. Some board members do not believe the wooden chairs should be replaced. Board consensus to assess and repair the wooden chairs.

**Motion Keller/2<sup>nd</sup> Kramer to purchase 6 Chairs for behind the Board Podium, 1 office chair.**

**Voting Yes-Keller, Kramer, Moore and Higgins. Voting No-Kummer. Motion Carried 4-1.**

Discussion re: Kramer has repaired the top rail and will get prices for painting the railings and sealing the floor of the deck and will report to the Board.

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**Schedule Portfolio Workshop:** Board workshop scheduled for Tuesday, May 15, 2012 @ 4:30 PM.

**Legal Updates:** Large Special Events offside vendor/filming activities application permit forms have been drafted. Roads/Ditch contracts have been fully executed. Eisenmenger/Howe Lot Line Adjustment deadline for recording newly created parcels expired on 04/30/12. Attorney recommendation to notify Eisenmenger to keep Board informed of progress.

**Clerk/Treasurer Performance Evaluation:** Annual review date is April 1. Clerk/Treasurer has been serving the Township for 7 years. Current monthly salary is \$2552.34. **Motion Keller/2<sup>nd</sup> Kramer to approve a 6% raise (\$153.14 per mo.) for the Clerk/Treasurer's salary, effective 04/01/2012. All In Favor. Motion Carried 5-0.** Approved salary \$2705.48 per month.

10:45 PM **Motion Kramer/2nd Higgins to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Ordinance 2012-02 and Resolutions 2012-06, 2012-07

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Ordinance No. 2012-02

AN ORDINANCE AMENDING THE DENMARK  
TOWNSHIP DEVELOPMENT CODE REGARDING  
ELECTRIC PERMITS AND OTHER MATTERS

The Board of Supervisors of the Town of Denmark ordains:

**Article I. *Electrical Permits and Inspections.*** Chapter One, Section 13 of the Denmark Township Development Code is hereby amended by adding a new Section 13.2 as follows and renumbering the remaining sections accordingly:

13.2 Electrical Permits and Inspections.

- (1) No electrical equipment shall be installed within or on any building, structure, premises, or lot, nor shall any alteration or addition be made in any such existing electrical equipment, without first obtaining an electrical permit from the Township electrical inspector. Electrical installations and electrical work requiring issuance of an electrical permit from, and an electrical inspection by, the Township shall be to the same extent as required by Minn. Stat. § 326B.36 if the Commissioner of the Department of Labor and Industry was responsible for issuing electrical permits and conducting electrical inspections in the Township. Work exempt from having to obtain an electrical permit under Minn. Stat. § 326B.36, Minn. Stat. § 326B.38, or other applicable law is also exempt from having to obtain an electrical permit under this Ordinance.
- (2) An inspection by the Township electrical inspector shall be required of electrical equipment installed pursuant to an electrical permit. All such inspections shall be conducted in accordance with state law and shall be done to determine compliance with accepted standards of construction for safety to life and property.
- (3) The installation of electrical equipment shall be in accordance with the electrical code adopted by the State of Minnesota in Minn. R., part 1315.0200 and incorporated into the Minnesota State Building Code by reference, and only upon issuance of an electrical permit by the Township unless the work is exempt. The person making the installation shall notify the Township electrical inspector when the installation is complete and ready for inspection. The Township electrical inspector shall then, within a reasonable period of time, conduct an inspection of the installation. If the Township electrical inspector determines the installation is in conformance with the applicable standards, he or she shall issue a certificate of approval to the installer. If a certificate of approval authorizes the connection and use of a temporary installation, such certificate shall expire on the date and at the time indicated on the certificate and shall be revocable earlier by the Township electrical inspector for cause.
- (4) If the electrical equipment being installed is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Township electrical inspector and no portion of the electrical equipment shall be covered until inspected and approved by the Township electrical inspector. The Township electrical inspector may require the removal of any materials covering any portion of electrical equipment that was not inspected and found conforming before it was covered.
- (5) The Township electrical inspector shall be responsible for conducting electrical inspections and issuing certificates of approval, shall be a licensed master or journeyman electrician as required by state law, and shall not otherwise engage or be employed in the sale, installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat power, and other purposes and shall not have a financial interest in any concern engaged in any such business. The Township may obtain the services of a licensed electrical inspector by contract directly with the inspector or obtain inspection services by contract with another local unit of government that employs or contracts with a licensed electrical inspector.
- (6) The Township shall issue electrical permits. Such permits will be issued either directly by the Township or by another local unit of government pursuant to a contract on the Township's behalf.
- (7) The Township electrical inspector shall have a right during reasonable hours to enter any building or premises in the discharge of his or her official duties including, but not limited to, to inspect, re-inspect, or test electrical equipment or its installation. If the Township electrical inspector determines that any electrical equipment is dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Township electrical inspector to place such equipment in a safe condition. If such corrective work is not completed within 15 days of the notice, or any longer period specified by the Township electrical inspector in the notice, the Township electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to such electrical equipment. The Township electrical inspector shall have the authority to immediately disconnect any electrical equipment in cases of emergency, when necessary to protect the safety of persons or property, or when the electrical equipment interferes with the work of the fire department.
- (8) For the purposes of this section, the term "electrical equipment" shall mean electrical conductors, fittings, devices, and fixtures.

**Article II. *Square Footage of Accessory Structures.*** Chapter One, Section 2 of the Denmark Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

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Accessory Structure: A single one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes. The footprint of the building shall be used to measure the total square footage of an accessory structure. The footprint of an accessory structure, for the purposes of determining total square footage, includes the area under any attached lean-to or similar structure containing a roof.

**Article III. *Temporary Accessory Structures.*** Chapter Two, Part 3, Section 1.2(1) and Section 1.2(2)(C) of the Denmark Development Code are hereby amended by adding the double underlined material and deleting the stricken material as follows:

- (1) Required Permits. A building permit is required for all accessory structures except agricultural buildings on a farm. A building permit is required for all temporary accessory structures used for commercial purposes that are held open to, or intended for, occupancy by the public. A Certificate of Compliance is required for all agricultural buildings over 1,000 square feet in size. The Town Board may direct the Building Inspector to issue Certificates of Compliance for agricultural buildings.
- (C) A detached temporary accessory structure, portable unit, or pod will be allowed for a period of no longer than 30 days. An extension of said time will require approval of the Town Board.

**Article IV. *Note Regarding Accessory Structures.*** Chapter Two, Part 3, Section 1.2(3)(B) of the Denmark Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- \* The footprint of the building, including any attached lean-tos, is used to determine total square footage

**Article V. *Additional Requirements for permit for Homes Constructed on Platted Lots.*** Chapter One, Section 13.1 of the Denmark Township Development Code is hereby amended by adding paragraph (5) as follows:

- (5) An applicant for a building permit to place a dwelling on a platted lot within a major subdivision must submit a Certificate of Survey for the lot prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; (d) proposed grading and drainage patterns; and (e) proposed erosion control measures.

**Article VI. *As Built Survey of Homes Constructed on Platted Lots.*** Chapter One, Section 13.1 of the Denmark Township Development Code is hereby amended by adding paragraph (6) as follows:

- (6) A person issued a building permit to construct a dwelling on a platted lot within a major subdivision, or a commercial building within a plat, must submit to the Township an "as built" survey prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; and (d) final drainage patterns.

**Article VII. *Construction Record Drawings.*** Chapter Three, Section 11 of the Denmark Township Development Code is hereby amended by adding Section 11.9 as follows:

- 11.9. Upon completion of the improvements, the subdivider shall submit construction record drawings signed by a professional engineer registered in the State of Minnesota and/or a licensed surveyor in the State of Minnesota for review and approval by the Township Engineer. The record drawings shall indicate any changes in final construction from the approved construction plans. At a minimum, plans shall provide final finished grades for ponds, swales, ditches, road elevations, storm sewer and culverts.

**Article VIII. *Lot Line Adjustment.*** Chapter Three, Section 4.1 of the Denmark Township Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- (1) The Town Board must approve a Lot Line Adjustment. An applicant shall submit to the Town Clerk an application for the Lot Line Adjustment along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township, which are necessary to process, the request. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement, ~~if necessary~~, for the Board to review. A Development Agreement shall be required for all lot line adjustments, unless the Board determines that an agreement is not necessary under the facts related to a particular application. Once approved, necessary documents must be submitted to Washington County for approval and recording. The applicant ~~will be~~ is responsible for all fees charged by Washington County.

**Article IX. *Lot Area Minimums.*** Chapter Three of the Denmark Township Development Code is hereby amended by adding Section 3.14 as follows:

- 3.14. Lot Area Minimums. For the purposes of determining compliance with the minimum lot area required by this Ordinance regarding a proposed division of property, the Town Board may grant a waiver to the minimum lot area requirement if it determines no resulting parcel will deviate from the required minimum lot area by more than five percent and all resulting parcels will otherwise fully comply with this Ordinance. The purpose of this waiver is to recognize and allow for minor errors, corrections, or other deviations in parcel sizes that may have occurred through no fault of the owner and which resulted in a parcel containing slightly less acreage than required by this Ordinance to allow it to be divided. If the Town Board grants a waiver, such reduced lot size shall be, to the greatest extent possible, limited to a single resulting parcel so that the other

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resulting parcel or parcels contain the minimum lot area. The resulting undersized parcel allowed by Town Board waiver shall be treated for the purposes of this Ordinance as a conforming parcel with respect to minimum lot area. This process is not intended, and a waiver shall not be granted, to allow the division of property into one or more undersized parcels when compliance with the minimum lot area could have otherwise been reasonably achieved.

**Article X. *Fee Schedule.*** The amended fee schedule attached hereto and incorporated into this ordinance is hereby adopted for the Town and replaces the Town’s previous fee schedule. The amended fee schedule shall go into effect on the same date and time as this ordinance.

**Article XI. *Incorporate Amendments.*** The Town Clerk/Treasurer and Town Attorney are hereby authorized and directed to incorporate the amendments made herein to the Denmark Township Development Code to produce an updated version of the Development Code that will serve as the official copy of the Denmark Township Development Code. The Town Clerk/Treasurer shall maintain a copy of the updated Development Code in the office of the Clerk/Treasurer and shall post a copy on the Township’s website.

**Article XI. *Effective Date.*** This ordinance shall be effective at 12:01 a.m. on May 18, 2012.

Adopted on the 7th day of May, 2012. **BY THE TOWN BOARD**

DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. 2012-06

RESOLUTION APPROVING SUMMARY LANGUAGE FOR  
PUBLICATION OF AN ORDINANCE AMENDING VARIOUS  
SECTIONS OF THE DENMARK TOWNSHIP DEVELOPMENT CODE

**WHEREAS**, on May 7, 2012 the Town Board of Denmark Township (“Town”) adopted “AN ORDINANCE AMENDING THE DENMARK TOWNSHIP DEVELOPMENT CODE REGARDING ELECTRIC PERMITS AND OTHER MATTERS,” ordinance number 2012-02, (“Ordinance”);

**WHEREAS**, the Ordinance amends various sections of the Development Code, most notably the addition of provisions related to local issuance of electrical permits and local electrical inspections, clarifications regarding accessory structures, requiring surveys related to the construction of dwellings within major subdivisions, construction drawings regarding improvements within plats, and adopting a revised fee schedule;

**WHEREAS**, Minnesota statute, section 368.01, subdivision 21 allows the publication of a summary of an ordinance instead of publishing the entire ordinance; and

**WHEREAS**, the Town Board determines that publishing the full text of the Ordinance is not reasonably feasible and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby determines to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

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DENMARK TOWNSHIP  
WASHINGTON COUTY, MINNESOTA

AN ORDINANCE AMENDING VARIOUS SECTIONS  
OF THE DENMARK TOWNSHIP DEVELOPMENT CODE

The Town Board of Denmark Township adopted Ordinance No. 2012-02 amending various sections of its Development Code and inserting new provisions. The sections amended include those related to accessory structures and certain corrective changes to other sections. The new provisions include the adoption, and local administration, of electrical permits, requiring as-built surveys of new dwellings constructed in major subdivisions, requiring developers to provide construction record drawings of improvements in plats, providing for some flexibility in lot area minimums, and adopting a revised fee schedule. A copy of the full ordinance is available on the Town’s website, the Washington County Law Library, the Dakota County Hastings Branch Library, and can be obtained by contacting the Town Clerk-Treasurer.

Becky Herman  
Clerk-Treasurer

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**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby authorized and directed to:

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- Publish the above summary of the Ordinance in the Town's official newspapers;
- Maintain a copy of the full Ordinance at the Town Hall;
- Place a copy of the full Ordinance at the Dakota County Hastings Branch Public Library;
- Place a copy of the full Ordinance at the Washington County Law Library;
- Record a copy of the Ordinance with the County Recorder's office; and
- Place the Ordinance in the Town Ordinance Book within 20 days together with a copy of the affidavit of having published the approved summary language.

Adopted this 7<sup>th</sup> day of May, 2012. **BY THE TOWN BOARD**

DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
Resolution No. 2012-07

A RESOLUTION APPROVING A LARGE SPECIAL  
EVENT LICENSE FOR THE 2012 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 the Warrior Dash, a five kilometer adventure race event, on June 30, 2012 and July 1, 2012 (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 owned by Buell's Nursery (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 fire tent and medical tent; course obstacles; a performance stage; 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 a warrior dash event at Afton Alps, which attracted approximately 50,000 participants and spectators to the area. 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 lead 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 submitted the required application fee, escrow, and signed a 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. The Applicant has submitted building permit applications to the Town's building inspector for the structures to be constructed or placed on the Event Property for the Event;
- f. The Applicant did not submit any requests for waiver from the requirements of Ordinance associated with its Event;
- g. 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;
- h. 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;
- i. The Applicant proposes to use 70<sup>th</sup> Street, a County Road, and Manning Avenue, a MnDOT Highway, as the designated access routes to the Event Property;
- j. The Event Property can reasonably accommodate the Event;
- k. The Applicant has, to date, submitted the application, escrow amount, escrow agreement, site plan, parking plan, and building permit application;
- l. The Applicant is still developing, and is required to submit to the Town before the Event, a copy of the permit from the Fire Department related to the flaming ring proposed to be used as part of its course as well as all permits to be issue by the County and any other permitting authority;
- m. Based on the plans submitted, the plans begin prepared, 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

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- n. 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 June 30, 2012 and July 1, 2012, provided all of the following conditions and requirements are complied with:

**PRIOR TO THE EVENT**

1. The Applicant shall submit the additional plans being developed, including an evacuation plan if one is to be developed, to the Town at least 14 days before the start date of the Event. The plans must be in a form acceptable to the Town.
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;
3. The Applicant shall obtain all required permits from the County related to the food and beverages to be served, as well as a liquor license.
4. The Applicant shall obtain a fireworks permit from the County for its proposed fireworks display.
5. The Applicant shall provide the Town a copy of all permits obtained for the Event at least 14 days before the start date of the Event.
6. At least 14 days before the Event the Applicant shall mail notice of the Event that includes the days and hours of operation, identifies the access routes, and names a contact person and provides contact information for the Event to those owning property adjacent to the portion of 70<sup>th</sup> Street from Afton Alps west to County Road 19 and those owning property adjacent to the portion of Manning Avenue located one mile north and one mile south from the intersection of Manning Avenue and 70<sup>th</sup> Street.

**DURING THE EVENT**

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 fire 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. 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.
3. Garbage receptacles shall be regularly emptied and the event site kept clear of debris.

**AFTER THE EVENT**

1. All garbage shall be removed from the Event Property and properly disposed of by no later than July 11, 2012.
2. All temporary structures placed on the Event Property specifically for the Warrior Dash Event shall be taken down by no later than July 11, 2012.
3. The Applicant is required to indemnify the Town as provided in Section 6, Subdivision 3 of the Ordinance.

**GENERAL REQUIREMENTS AND PROHIBITIONS**

1. No camping or other overnight accommodations are allowed on the Event Property.
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.
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. 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 7th day of May, 2012. **BY THE TOWN BOARD**