

DENMARK TOWN BOARD MEETING MINUTES
FEBRUARY 4, 2008

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Jim Keller and Gary Dixon

ABSENT: Joe Moore

ALSO PRESENT: Attorney Gilchrist and Engineer Geheren

CALL TO ORDER: Meeting called to order @ 7:03 PM by Chair Higgins

AGENDA APPROVAL: Kramer added November Elections. Higgins added Hastings Bridge Coalition and Fire Services Contract. **Motion Kramer/2nd Keller to approve agenda as amended. All in Favor. Motion Carried.**

CONSENT AGENDA APPROVAL:

Motion Keller/2nd Dixon to approve consent agenda which includes 01/07/2008 Board Meeting Minutes, claims #8784-8806, payroll ending 02/01/2008 and financial reports. All in Favor. Motion Carried.

HEARING DECISION/ZONING ACTIONS:

RASE AUTO-SUBURBAN (SUZANNE SNAZA) CONDITIONAL USE PERMIT

Planning Commission recommended approval of Rase Conditional Use Permit with conditions. Board received Conditional Use Permit drafted by attorney. Applicant Suzanne Snaza reviewed permit conditions with Board. Revisions and additions to draft CUP are as follows:

- 1) Engineer considers that millings would be a substitute for class 5 aggregate gravel base and not for a paved surface. Engineer recommends hot mix asphalt for a paved surface to control leaks.
- 2) Site plan must be modified to reflect no surfacing or parking on septic areas.
- 3) Semi's will be re-located to the Southwest corner for less visibility
- 6) Keller requested records of servicing on the flammable waste trap. Questioned integrity of tank. Inspections need to be done by 06/15 and then annual inspections sent to Township on annual basis. Holding tank connected to floor drain should be conditioned separately from individual sewage system. Applicant will contact an inspector and let the Township know so Town Inspector can be there also.
- 7) Township requested copy of annual report applicant submits to PCA, and County report from Nate Arthur (Washington County).

*Higgins added new condition-Painting any vehicles including personal vehicles, is prohibited until an up to code paint booth has been constructed on site. Wasmund will inspect.

- 11) Storage of large vehicles in the rear storage area not to exceed 13 including semi's.
- 14) Parking of tow trucks shall not be permitted in the front parking areas. (strike business vehicles and personal vehicles)
- 16) The building shall not exceed 3,024 sq ft in area and 14 ft in sidewall height.
- 17) Hrs of operation M-Sat 8am-6pm. Doors to remain closed after hours. Operations after those hours to be limited to the dropping off of impounded vehicles and tow truck repairs conducted within the building with the doors closed.

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25) change “reasonable times” to “hours of operation”.

26b) typo-change to “which has been held”

30) typo-strike reference to Tower

Motion Keller/2nd Dixon to approve Resolution 2008-01, Granting a Conditional Use Permit For Rase Automotive-Suburban (Suzanne Snaza), with the conditions set forth as amended. All in Favor. Motion Carried.

Attorney will draft Resolution with language revisions to the Board in March for verification.

TILLER CORPORATION CONDITIONAL USE PERMIT

Mile Caron and Kirsten Pauley (Sunde Engineering) presented to Board. Tiller is requesting a 5 year renewal of their Conditional Use Permit to operate a sand and gravel mining and limestone quarry operation on property located at 8487 Quant Avenue S in Denmark Township. Tiller has operated the site for 22 years. Site is situated near O’Connor’s Lake. Since mining activity is proposed to move north towards O’Connor’s Lake over the next five year permitting period a work plan for Hydrogeologic Investigation of O’Connor’s Lake was submitted in October 2005, field work conducted in 2006 and completion of the study continued through the spring of 2007. There is no change in mining operations being requested, just progressing through the phases.

Planning Commission recommended approval of Conditional Use Permit with conditions.

Kramer would like to see trucks exiting the gravel pit not use County Road 76 (90th St.).

Mike Caron stated that the trucks leaving the pit are asked to stay on County roads if possible, depending on where the jobs are. He will ask the truckers to avoid 90th Street if at all possible. Applicant willing to give Township phone number to contact him should any resident concerns arise. Keller noted that Tiller submittal was very well done and expressed appreciation for quality of application materials. Discussion re: positive responses/follow through received from Tiller in the past when Township identified problems/citizen concerns.

Board reviewed Resolution 2008-02 drafted by Attorney, and made the following revisions:

#9-Re: access route, owner will encourage trucks not to use County Road 76 (90th Street).

#24-add condition that Conditional Use Permit will run with the land.

Motion Keller/2nd Kramer to approve Resolution 2008-02, Granting a Conditional Use Permit to Tiller Corporation, subject to review of attorney’s language on revisions.

Keller amended the motion as follows:

Motion Keller/2nd Kramer to approve Resolution 2008-02, Granting a Conditional Use Permit to Tiller Corporation: All in Favor. Motion Carried.

See addendum: Resolution 2008-02.

BUSINESS ITEMS:

2008 Township Election Judges: Clerk submitted the following list of potential Judges for the March 2008 Township Election. Marilyn Suchy, Jeannine Wagner, Bill Krueger, Jean Boyd, Lyla Davies, Anna Quinn, Tammy Johnson and Linda Stancer. **Motion Kramer/2nd Keller to approve 2008 Township Election Judge selection. All in Favor. Motion Carried.**

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Charitable Gambling Permit: Hastings Chapter Ducks Unlimited requested a gambling permit for charitable gambling on 03/13/08 at The Point. **Motion Keller/2nd Kramer to approve gambling permit for Hastings Chapter Ducks Unlimited.** All in Favor. Motion Carried.

Whitetail Crossing Road Acceptance: Mary Tichenor has requested that the Township take over the Whitetail Crossing roads. TKDA has conducted a site visit to verify that the improvements are acceptable and recommends that the Township accept the improvements. **Motion Dixon/2nd Keller to approve Township acceptance of Whitetail Crossing roads.** All in Favor. Motion Carried.

Inspectron Website: Inspectron is setting up a website and is making a request to use Denmark Township on their reference list. Inspectron would also like to link their website to Denmark's. Board consensus is that since Inspectron is Township permitting group, a reference and link would be appropriate.

FEMA Floodplain Update: Engineer reported that FEMA is in the process of updating the floodplain maps. Cara has not reviewed but has not noticed any changes. Higgins also did not notice any changes. Keller will review the maps with the engineer.

Electronic Funds Transfers-State: Clerk reported State has requested that all of their vendors now receive payments via electronic funds transfer. Vendors will be notified via email when they receive a payment from the state and will have the opportunity to view all transactions on line.

Planning Commission Interviews: There are two vacancies on the Planning Commission (Charlie Grote and John Moes). The positions have been advertised. Planning Commission interviews set for February 25, 2008 6:00 PM at the Town Hall.

November Elections: Kramer requested Board discussion on the possibility of changing the Township Election from March to November. Of the 6 Washington County Townships, 2 already have changed to November. Putting the Town seats on the November election ballot would be more cost effective. Denmark would pay only a small portion of the ballot and equipments costs, rather than the full amounts paid when having a separate election in March. A November election would eliminate the costs of publishing and judge's expenses. March elections see small turnouts averaging about 25%. Board directed attorney to draft the required documents/information needed to proceed.

Hastings Bridge Coalition: Hastings Bridge coalition in process of discussing by-laws, budgeting needs and goals. Higgins represents Township on coalition. Board consensus that township should remain actively involved in process.

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Fire Services Contract: Higgins submitted the Hastings Rural Fire Association contract with the City of Hastings for board information purposes. Denmark share for 2008 is approximately 27.829% of \$425,000 (\$118,273). Numbers may vary when 2008 taxable market values are released by Washington County. Kramer will check other options.

LEGAL:

St Croix Ridge- Attorney reported Mr. Reigel has been out of the country and will be in touch with attorney when he returns.

Legal rate increase- Attorney rates will increase and additional \$5 per hour.

Board Of Audit: Clerk submitted receipt and disbursement registers totaling \$520,028 in receipt and \$509,389 in disbursements for 2007. Summary financial information will be submitted for the annual meeting.

Board pulled the following claims at random for review:

Check #8859 Claim 8496 Approved 01/02/07 Claimant-MN Association Of Townships

Check #8889 Claim 8524 Approved 02/05/07 Claimant-Harlow Radke

Check #9000 Claim 8615 Approved 06/04/07 Claimant-Bryan Rock Products

Check #8872 Dec payroll Approved 01/02/07 Claimant-Becky Herman

Motion Keller/2nd Dixon to approve receipts/disbursements reports as submitted and claims audited during the Board Of Audit. All in Favor. Motion Carried.

Motion Dixon/2nd Kramer to adjourn. All in Favor. Motion Carried.

Meeting adjourned at 10:07 PM.

Becky Herman
Denmark Township Clerk/Treasurer

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Addendum: Resolution 2008-02

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2008-02

**RESOLUTION GRANTING A CONDITIONAL
USE PERMIT TO THE PROPERTY LOCATED AT 8487 QUANT AVENUE SOUTH**

WHEREAS, Michael Caron, Director of Land Use Affairs, submitted a conditional use permit (“CUP”) application on behalf of Tiller Corporation (“Applicant”) related to its proposal to operate a sand and gravel mining and limestone quarry operation on property located at 8487 Quant Avenue South, Hastings, Washington County, Minnesota and legally described in Exhibit A which is attached and made part of this Resolution (the “Property”);

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested CUP, considered the Town Planner’s memorandum concerning the CUP application, and on January 22, 2008 took action to recommend that the Town Board grant the CUP with certain conditions;

WHEREAS, the Town Board hereby finds and determines the following:

- (1) The Property is currently zoned Rural Residential (RR);
- (2) Portions of the Property are within the Shoreland Management District due to the Property’s proximity to O’Conner’s Lake, which is classified as a Natural Environment Lake;
- (3) Mining operations are conditionally allowed in the Rural Residential zone, and require a conditional use permit;
- (4) The Applicant has used the Property for sand and gravel mining and limestone quarry operation pursuant to a permit, and requests to continue that use;

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- (5) The Applicant proposes to use the property for mining and processing of sand, gravel and limestone, recycling of concrete and asphalt products, and sales of the operation's products;
- (6) A licensed engineer created a report including site maps, phasing plans and cross-sections for the proposed use;
- (7) The Property satisfies the minimum lot size for the proposed use;
- (8) The proposed mining is distanced 40 feet from the delineated edge of O'Conner's Lake on the northern edge of the Property, and a 50 foot buffer of native vegetation should be maintained at O'Conner's Lake;
- (9) The proposed use would comply with all other required setback areas;
- (10) The proposed use complies or is consistent with the factors set out in Section 10.3(1) of the Denmark Township Development Code;
- (11) The maximum depth of excavation must be at least 10 feet above the water table, and excavation of 780 to 695 feet is consistent with the limits as applied to the existing water table elevation at 770 to 685 feet;
- (12) Monitoring wells were placed along O'Conner's Lake for hydrogeologic investigation and will continue to be used. The 2007 hydrogeologic study plan states monitoring wells and the lake level will be monitored on a monthly basis during the active mining season;
- (13) Phase 3 of mining as shown in the site maps attached to the Applicant's CUP application documents is the area of the Property closed to O'Conner's Lake, and mining in Phase 3 will not occur during the next five years;
- (14) If mining ever occurs in Phase 3, additional field work will first need to be performed based upon the 2007 hydrogeologic study in order to evaluate the potential for seepage from the lake through the soil, and mining in Phase 3 shall not occur until these tests are performed, the results considered, and the Town approves Phase 3 mining;
- (15) The access route to the Property is 87th Street to Saint Croix Trail, routine maintenance of 87th Street is necessary due to the traffic to and from the Property, and the Applicant should share some portion of these routine maintenance costs;

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- (16) The 1,000 gallon above-ground fuel storage tank regularly located on the Property and the 1,000 gallon portable fuel storage tank that is brought to the Property during processing periods must have secondary containment designed to hold 110% of the storage tanks' capacity and must meet all other state, county and local requirements;
- (17) The existing screening berm at the southwestern Property line, coniferous trees along the northern Property line and wire mesh fence at the Property's perimeter shall remain as screening and be repaired by the Applicant as needed, with additional screening berms built as mining activity progresses closer to the roadways;
- (18) The Applicant may want to operate outside of the hours set forth herein, and shall request permission from the Town Board Chairperson to extend those hours of operation prior to any extension, and no hauling, processing or blasting shall occur on Saturdays, Sundays or Holidays;
- (19) Past blasting activity has not exceeded five blasts per season and the amount of blasting is not expected to change in the next five years, but the Applicant must still record blasting frequency, seismic and decibel data and submit all such records to the Town and otherwise demonstrate that each blast follows Bureau of Mines recommendations;
- (20) The Applicant has a permit from the DNR to use water from O'Conner's Lake for dust control purposes, and if that permit is suspended the mining plan states that chemical dust suppressants shall be used;
- (21) No development plans are proposed for the Property as of the date of this Resolution, but a reclamation plan is in place to grade, seed and mulch the Property with slopes not to exceed 4:1 leading down approximately 100 feet to what was the floor of the mine, with the old mine floor gradually sloping downward to the southeast, consistent with the slope of the water table, except the Property would have steep limestone slopes on the southwest corner;
- (22) Reclamation plans must meet ordinance standards and the Applicant must cooperate with the Watershed Management Organization in any reclamation plans, and
- (23) The conditional use permit would be in effect for the next five years.

NOW THEREFORE BE IT RESOLVED, that the Town Board of Denmark Township hereby grants the Applicant a conditional use permit to operate a mining and

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quarry business as described herein on the Property subject to, and the Applicant shall comply with, all of the following conditions:

- (1) The operation must conform to Tiller's "Application for Permit Reissuance: Sand and Gravel Mining Limestone Quarrying Facility" dated December 2007, herein referenced as the Mining Plan.
- (2) The operation must conform to the Mining Regulations, Shoreland Management District regulations, the Denmark Township Development Code, all applicable federal, state and local laws, rules and ordinances, and obtain such other permits as may be required.
- (3) Term of the Permit: This permit is for a five (5) year period. An amended conditional use permit must be applied for and issued by the Town every five (5) years to continue mining on the property. This permit in no way guarantees or implies that an amended conditional use permit will be issued at the end of the five (5) year period. This permit expires five (5) years from the date of its issuance.
- (4) Setbacks: All setbacks must conform to those required by the Mining Regulations. A buffer of native vegetation, 50 feet in width, must be maintained at the shore of O'Conner's Lake.
- (5) Processing: All equipment must be screened from view from the property lines and roads. Processing equipment must be located at the mine floor.
- (6) Recycling: A maximum of two seasons worth of material to be recycled may be stockpiled on site.
- (7) Depth of Excavation: The maximum depth of excavation allowed is 10 feet above the water table.
- (8) Water Quality Monitoring and Protection: Water quality monitoring must be reported in the annual report to the Town. The monitoring program described in the 2007 hydrogeologic study must be implemented. Mining within Phase 3 is not permitted until specific mining limits are determined and approved by the Town. A copy of the operation's Surface Water Management Pollution Prevention (SWPP) must be provided to the Town.
- (9) Access Route: The Applicant will share some portion of the cost of routine maintenance of 87th Street and inform haulers to: not use loud jake braking; to use only county roads; and to avoid using 90th Street (Co. Rd. 76).

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- (10) Fuel Storage: All on-site fuel storage must meet Federal, State, County, and Township standards. Secondary containment of 110% of the tank's capacity must be provided. No other storage of hazardous chemicals at the site is allowed.
- (11) Fencing and Screening: The perimeter fence must be maintained. Additional screening berms must be built as mining activity progresses closer to the road.
- (12) Hours of Operation: Regular operating hours are 7:00 AM to 7:00 PM, Monday through Friday. The Operator may request permission from the Town Board Chair to extend hours of operation in the event of an emergency or accelerated work schedule. No hauling, processing, or blasting may occur on Saturdays, Sundays, or Holidays without receiving prior permission from the Town Board Chair.
- (13) Dust Control: The Operator must implement dust control measures described in the Mining Plan.
- (14) Blasting, Noise and Vibration: The operation must comply with all Federal, State, County, and Township noise and vibration standards. The annual report provided by the Operator must include a record of blasting frequency, seismic and decibel data. The report must demonstrate that each blast follows Bureau of Mines recommendations. Adjacent property owners must be given the option to receive notification prior to the blast.
- (15) Annual Report: An annual report must be submitted to Denmark Township outlining activities and amounts of materials removed during the year and planned for next year. Depth of excavation, water quality monitoring records, and record of blasting activity must be included. Evidence of insurance and performance bond for restoration must be included.
- (16) Insurance: The Operator must carry bodily injury and property damage public liability insurance in the amount of \$1,500,000, naming Denmark Township and Washington County as additional insured.
- (17) Bond: A bond must be issued to Washington County and Denmark Township for an amount sufficient to cover the full cost of reclamation. The amount estimated in the Mining Plan is \$221,200.
- (18) Inspection: The Town may inspect the property at all reasonable times for purposes of insuring compliance with the conditions of this CUP.

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- (19) Applicant shall correct all defects in the Property which violate any of these conditions immediately, but in no case more than thirty days of receipt of written notice from the Town.
- (20) A waiver by the Town or a failure by the Town to take action with respect to any violation of any condition, covenant or term of the CUP shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.
- (21) Applicant shall pay all planning, engineering, administrative, and legal fees and costs incurred by the Town for processing its CUP application and recording this CUP. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town.
- (22) Pursuant to the Code, periodic review of this CUP is imposed as a condition of its grant. Adherence to the terms of this CUP will be reviewed annually at the Annual Town Meeting. If any complaints are received which require Town review the Town Clerk shall notify the permit holder of the date of the review at least ten (10) days prior to the review hearing.
- (23) All fees must be paid.
- (24) The rights and conditions of this permit are not affected by the subsequent sale, lease, or other change from the current ownership of the Property and all references to the Applicant and the operator herein shall include all heirs and assigns.