

DENMARK TOWN BOARD MEETING MINUTES  
June 3, 2013

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

**ABSENT:** None

**STAFF PRESENT:** Attorney Sara Sonsalla (Kennedy-Graven), Engineer Ryan Stempski, Planner Kelsey Johnson

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

**AGENDA APPROVAL:** Keller added Ball Field Backstop Fence. Higgins added Performance Evaluation. Clerk correction of claim numbers on the agenda- claim #10088-10110 claims for approval. **Motion Moore/2<sup>nd</sup> Keller approval of agenda as amended.** All In Favor. Motion Carried 5-0.

**CONSENT AGENDA APPROVAL:** Kummer pulled Claims. **Motion Moore/2<sup>nd</sup> Keller approval of consent agenda items which include 05/06/2013 Board Meeting minutes, EFT payments- PERA 250304, MN Rev. Tax 1967616768, Federal Tax 53924712, payroll ending 06/01/2013 and financial reports.** All In Favor. Motion Carried 5-0.

**Pulled Claims:** Additional claims for approval added to Claims #10088-10110. Claim #10111-Dennis Thurmes, \$505.00 (202 gophers). Claim #10112-Tennis Sanitation, \$381.63 (05/09/13 ditch trash pick-up). Claim #10113-Mabry Companies, \$240.00 (Town Hall May mowing). Claim #10114, Kathi Pelnar (Animal Warden Services).

**Motion Moore/2<sup>nd</sup> K Herman approval of Claims #10088-10114.** All In Favor. Motion Carried 5-0.

**HEARING DECISIONS/ZONING ACTIONS:** Tiller Corporation-15672 87<sup>th</sup> St S-Interim Use Permit (5 yr Mining)

Mike Caron, Christina Morrison and Kirsten Pauley (construction engineer) present on behalf of Tiller.

Applicant is seeking renewal of their permit to continue the mining and processing of sand, gravel and limestone and the recycling of concrete and asphalt products, and the sales of the products.

Site has been in operation since 1939. Property consists of 143 acres of which 130 are permitted for mining and reclamation. Portable equipment is placed at the lower portion of the mine and mining activities are conducted a few months a year until enough material has been processed to meet market demand for that season.

Limestone is bedrock and needs to have blasting techniques to break up the material. Last few years no blasting was conducted as there had been enough material on site. Blasting will occur on the site this year and notification requirements will be met. Blasting vibrations will be monitored and recorded.

Applicant willing to address any complaints, and did not receive any complaints in the 2012 season.

Production has ranged from over 300,000 T to just over 100,000 T in the last 5 years, varying due to market demands.

Average 90 loads a day (180 trips). 2012 Data-top hauling days-162 loads.

Tiller continues to work in phase 1q of the limestone quarry, and in phase 1 and 2 of the gravel mine. Overburden materials will be set aside to create the perimeter berms as mining progresses. The berms will remain in place until they are used as the topsoil material in the final reclamation of the site. Recording of water levels in the observation wells and collection of water quality data from the monitoring well continues.

Applicant and Board reviewed Planner's 05/13/13 report of findings and recommended conditions.

Board review of draft resolution.

Condition #7- County is planning road maintenance on 90<sup>th</sup> St. In the past, Tiller has encouraged their trucks to avoid 90<sup>th</sup> St due to safety (site vision) issues. With the road being improved, Board consensus to not restrict the trucks on 90<sup>th</sup> St.

Majority of trucks go north and there is minimal use of 90<sup>th</sup> or 110<sup>th</sup>. Both 90<sup>th</sup> and 110<sup>th</sup> have intersections with safety/site vision issues. Resident concerns re: truck traffic has been noted on both streets. Board consensus to eliminate restriction from permit.

Condition #11-IUP requirement that reclamation shall occur within 1 year of the completion of each phase is not feasible.

Board consensus to eliminate requirement from permit.

No comments have been received from the South Washington Watershed District.

Planning Commission recommended conditional approval of the Interim Use Permit.

**Motion Kummer/2<sup>nd</sup> Moore to approve Resolution 2013-07 Granting An Interim Use Permit To The Property Located At 15672 87<sup>th</sup> Street South, as amended.** All In Favor. Motion Carried 5-0.

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**Motion Moore/2<sup>nd</sup> K Herman to approve Resolution 2013-08 Revoking All Conditional Use Permits For 15672 87<sup>th</sup> Street South. All In Favor. Motion Carried 5-0.**

**PUBLIC COMMENT:** Bob Voight representing the Denmark Township Historical Society updated the Board on their efforts to purchase and restore the Valley School Building. The DTHS has raised the funds to purchase the school and continue fundraising for the restoration.

**BUSINESS ITEMS:**

**2013 Financial Audit:** Auditor Dennis Oberloh presented the 2013 financial audit to the Board. No discrepancies or exceptions were found. Auditor stated that Township has excellent accounting practices.

**Afton Alps Grading Permit:** Dan Tilson (G-Cubed Engineering), Bill Kennedy (Vail representative) and Ken Speltz (Afton Alps representative) present. Afton Alps' PUD requires Board Approval for any major modification on the site. Vail resorts is requesting approval of a major grading permit application for a reservoir expansion project, which included a stormwater pollution prevention plan. No comments received from the SWWD as the size and type of the project requires no watershed review. Engineer reviewed project and is recommending conditional approval of the proposed major grading permit, as noted in his 05/29/13 memo. Regarding condition #7-Applicant stated that Molly Shodeen (DNR) has indicated that the DNR Appropriations Permit would not need to be updated. Board consensus to allow applicant to provide the Township with confirmation from the DNR that an updated Appropriations Permit would not be required for this project. Existing pond is 1.6 million gallons-proposed pond 6.6 million gallons. Current wells are feeding the water directly to the snow making equipment. Reservoir is used for some of the snowmaking and for irrigation of the golf course. The new snowmaking equipment would use more water at a higher pressure for a shorter period of time. With the expanded reservoir, the wells would fill the reservoir, and there would be cooler water coming out of the reservoir. The water would then be out on the slopes quicker. The end result would be using the same amount of water in a shorter period of time.

There are plans for an additional new well in the future, at which time an update in the Appropriation Permit would be needed. Over the years, the Alps has utilized the maximum amount of water that's permitted coming out of the existing wells, and the water stream has become entrained with sand, which erodes the nozzles and parts of the irrigation and snowmaking equipment. Future plan is to take out the existing 4 pumps, destage them and reduce their volume capacity and with the additional well, have a matched set of pumps at a reduced flow to provide for a better quality of water. Net use and net pumping capacity would stay the same.

Applicant is requesting approval of revised plans submitted on 5/29/13. Plans include projects and locations (parking lot and slope improvements) on the Afton Alps site that will utilize the excess fill from the reservoir expansion project. The size of these additional improvements requires a watershed district permit and additional modeling and engineering submittals. Board not willing to approve newly submitted plans without SWWD and County review/recommendation, as well as Township engineering review/approval

**Motion Kummer/2<sup>nd</sup> Moore approval of a Major Grading Permit for Afton Alps for the reservoir expansion project, as submitted on their 2 page plan set dated 05/15/2013, subject to the following conditions:**

- 1) **Silt fence to be required instead of "Eco-Snake". Please remove "Eco-Snake" from plans.**
- 2) **Identify the access route and rock construction entrance on the plans. Indicate restoration for this area once construction has been completed.**
- 3) **Provide a typical section of the reservoir liner and bedding material.**
- 4) **All proposed slopes that exceed 4:1 on the plan must include additional slope stabilization details including restoration and erosion control to ensure stabilization.**
- 5) **Please note that the reservoir is to remain private and all future maintenance is the responsibility of the property owner.**
- 6) **A copy of an approved MPCA NPDES Construction Permit must be provided to the Township.**
- 7) **Confirmation from the DNR that an approved updated DNR Appropriations Permit would not be required for this project must be provided to the Township.**

All In Favor. Motion Carried 5-0.

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Engineer will review all materials submitted as required in the conditions.

Cottage Grove Building Department would issue the actual grading permit upon receiving Board approval.

**MRB Parking/Paving Plan:** MRB submitted a revised parking/paving plan dated 05/14/13 which relocates 1 of the 3 proposed parking spaces from the Manning entrance, to the north property line. There will now be 2 Northwest parking spaces, 3 north parking spaces and 4 parking spaces (includes 1 handicap) near the south edge of the building. Minimum 10 ft. from the north property line and minimum curb height of 6" have been met. Proposed plans meet the parking/paving requirements. Cottage Grove Building Inspector will review site for CUP requirements.

**Paris Ave (110<sup>th</sup> south to Cul-de-sac) St Croix Ridge:**

Engineer obtained quote from Hardrives, Inc. in the amount of \$33,377.50 for paving of the bituminous wear course on Paris Ave., and recommends Township accept quote. Attorney advised the Township that 2 quotes should be obtained for contract amounts \$25,000-100,000. Board consensus to add this project to the Maycrest Reclaim/Overlay project to solicit bids.

**Maycrest Reclaim/Overlay (HWY 61 to 131<sup>st</sup>):**

MNDOT will be restructuring the access at the intersection of HWY 61 and Maycrest. Approximately 25 ft of the road will be removed.

Proposed project schedule for Maycrest reclaim/overlay- contract let for bids in June. Board would receive bids and consider awarding at the July 1 Board Meeting. Project completion approximately 4 weeks.

Detailed engineer estimate \$127,400, which is lower than original engineering estimate.

Engineer will proceed with bid process for both Maycrest reclaim/overlay project and Paris Ave (110<sup>th</sup> south to cul-de-sac St Croix Ridge) bituminous wear course.

Some Towns and Cities have experienced early deterioration of the roads and have raised concerns that sealcoating may be the cause. MNDOT has reviewed and believes that the original compaction of the pavement is the cause of early deterioration, not the sealcoat. Engineer sees no Denmark road issues or any reason not to continue the sealcoat practice on Denmark roads.

**Special Events License-Warrior Dash 2013:**

Attorney submitted draft resolution of large special events license for Warrior Dash 2013 for Board review. There are a number of outstanding items to be submitted by Warrior Dash before the deadline dates as noted in the permit. **Motion Keller/2<sup>nd</sup> Kummer approval of Resolution 2013-09 Approving A Large Special Event License For The 2013 Warrior Dash, subject to submission of all required items as required by the permit/ordinance.**

All In Favor. Motion Carried 5-0.

**Town Hall:**

Moore has contacted Fox Gutter to install gutter on the northeast roof line of the Town Hall.

Moore met with Building Inspector LaBrosse at the Town Hall. The area that had been covered on the northeast corner of the building to prevent freezing of the shallow pipes has not stopped rain from leaking into the foundation of the building and into the basement. Moore will be meeting with LaBrosse and a contractor to look at options to redirect the water flow that runs down the north side of the building which creates drainage into the basement.

Bollards also need to be placed on the west side of the building to protect the utility fixtures.

**Motion K Herman/2<sup>nd</sup> Keller to approve expenditure of up to \$5000. to install the bollards on the west side of the building and to make repairs needed to address the drainage issues. All In Favor. Motion Carried 5-0.**

**Escrow Balance Return-Heppner:** Heppner's deposited and escrow with the Township for the review of their proposed wedding venue at their property on Neal Ave S. At this time, Heppner's are not going forward with their proposal and have requested a refund of their escrow balance in the amount of \$736.93. Planning and Legal have confirmed that The Township has received all review charges from them. **Motion Moore/2<sup>nd</sup> K Herman to refund Heppner escrow balance in the amount of \$736.93. All In Favor. Motion Carried 5-0.**

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**Ball Field Backstop Fence:** Keller has spoken with L Cran of the Historical Society regarding issues with the location of the ball field fence and the ball being hit into the weeds. Keller and Cran met on site. Cran suggested that a fence be installed at the edge of the left field to stop balls. Board discussion regarding cost of another fence. Consensus of Board members that installation of a fence for a one-time annual use is not practical. Keller will continue to gather additional information.

**Performance Evaluation-Clerk/Treasurer:** Clerk/Treasurer's annual performance evaluation. Clerk's current salary is \$2705.48. **Motion Moore/2<sup>nd</sup> Keller to increase the Clerk/Treasurer's monthly salary 6% (\$162.33), to \$2867.81 retroactive to 04/01/2013. All In Favor. Motion Carried 5-0.**

9:33 PM **Motion Moore/2<sup>nd</sup> Kummer to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman  
Denmark Township Clerk/Treasurer

Addendum Resolutions 2013-07, 2013-08, 2013-09

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DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. 2013-07

RESOLUTION GRANTING AN INTERIM USE PERMIT TO  
THE PROPERTY LOCATED AT 15672 87<sup>TH</sup> STREET SOUTH

**WHEREAS**, Tiller Corporation ("Applicant"), submitted an application for an interim use permit ("IUP") related to its proposal to continue to operate a sand and gravel mining and limestone quarry operation on property located at 15672 87<sup>th</sup> Street South, Hastings, Washington County, Minnesota (PID 15-027-20-41-0001, 15-027-20-14-0001, 15-027-20-13-0001, 15-027-20-42-0002, 15-027-20-42-0001) and legally described in the attached Exhibit A (the "Property");

**WHEREAS**, the Denmark Township Planning Commission held a public hearing on the requested IUP, considered the Town Planner's memorandum dated May 13, 2013 concerning the IUP application, and took action to forward the application to the Town Board with a recommendation that it be approved based on the findings, and with the conditions, contained in the planner's report; and

**WHEREAS**, the Town Board considered the application at its June 3, 2013 meeting and hereby finds and determines the following:

- a. The Planner's memorandum dated May 13, 2013 is incorporated herein by reference including, but not limited to, the findings contained therein, which are supplemented by the findings contained herein. The proposed permit conditions contained in the memorandum were modified/supplemented by the Town and are replaced with the conditions contained in this Resolution;
- b. The Property is currently zoned Rural Residential (RR);
- c. 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;
- d. Mining operations are allowed in the RR District with the issuance of an interim use permit;
- e. 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;
- f. 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;
- g. A licensed engineer created a report including site maps, phasing plans, and cross-sections for the proposed use;
- h. The Property satisfies the minimum lot size for the proposed use;
- i. 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;
- j. The proposed use would comply with all other required setback areas;
- k. The proposed use complies or is consistent with the factors set out in Section 10.3(1) of the Denmark Township Development Code ("Ordinance");
- l. 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;
- m. 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;
- n. Phase 3 of mining as shown in the site maps attached to the Applicant's IUP application documents is the area of the Property close to O'Conner's Lake, and mining in Phase 3 will not occur during the next five years;
- o. 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;
- p. The access route to the Property is 87<sup>th</sup> Street to Saint Croix Trail, routine maintenance of 87<sup>th</sup> Street is necessary due to the traffic to and from the Property, and the Applicant should share some portion of these routine maintenance costs;
- q. 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;
- r. 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;
- s. 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;
- t. 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;
- u. 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;

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- v. 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;
- w. Reclamation plans must meet Ordinance standards and the Applicant must cooperate with the South Washington Watershed District in any reclamation plans, and
- x. The period of the permit will continue to be five years.

**NOW THEREFORE BE IT RESOLVED**, that, based on the record of this matter, and the findings and determines contained herein, the Town Board of Denmark Township hereby approves and issues an interim use permit for the continued operation of a mine as described herein on the Property provided the Applicant complies with, and remains in compliance with, all of the following conditions and limitations:

1. Scope of Permit. This permit allows for the extraction and processing of sand, gravel, limestone and recycling of used concrete, aggregate and asphalt on the Property (collectively referred to herein as "mining"). Applicant shall excavate the mining area in three phases as shown on the application map Sheet C3: Phasing Plan as drawn by Sunde Engineering, PLLC dated March 21, 2013. The recycling of product (crushed blacktop and concrete) is allowed provided that the material is stored on the pit floor.
2. Term of Permit. The term of the permit shall be for a period of five (5) years following the date of approval by Washington County. All use of the property, except reclamation activities, shall cease upon the expiration or revocation of the permit.
3. Excavation Limits. The depth of the excavation is hereby limited to an elevation of ten (10) feet above the water table. No excavation shall occur within the fifty (50) foot setback area, which must be maintained with native vegetation.
4. Recycling. A maximum of two seasons worth of material to be recycled may be stockpiled on site.
5. Water Quality Monitoring. 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. A copy of the operations Surface Water Management Pollution Prevention (SWPP) must be provided to the Town.
6. Phase 3. No mining is permitted in Phase 3 until specific mining limits are determined and approved by the Town.
7. Access Route. The Applicant will share some portion of the cost of routine maintenance of 87<sup>th</sup> Street and inform haulers to not use jake braking, to use only county roads where possible.
8. Hours of Operation. Regular operating hours are 7:00 a.m. to 7:00 p.m., Monday through Friday. The Applicant 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.
9. Fencing, Screening and Landscaping. The perimeter fence must be maintained. Additional screening berms must be built as new areas to be mined are excavated.
10. Dust and Dirt. The Applicant must implement dust control measures described in the Mining Plan.
11. Restoration. Restoration of the Property must be undertaken and completed in accordance with the reclamation plan submitted as part of the application materials. Restoration of the entire mining site shall be required within one year of the Applicant permanently ceasing its mining activities on the Property or within one year of the expiration or termination of this permit if a new permit is not obtained within 90 days of such expiration or termination.
12. Blasting, Noise, and Vibration. Blasting may only occur between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. No blasting may occur on Holidays. At least 10 days prior to the date of planned blasting activities Applicant shall provide the Town a written notice of intent to blast. The Town understands that an exact date of blasting may not be known or may need to be changed because of weather conditions, provided the change does not lessen any required period of notice. Adjacent property owners must be given the option to receive notification prior to the blast. The operation must comply with all Federal, State, County, and Township noise and vibration standards. The annual report provided by the Applicant must include a record of blasting frequency, seismic and decibel data. The report must demonstrate that each blast follows Bureau of Mining recommendations.
13. Fuel Storage. All on-site fuel storage must meet Federal, State, County, and Town standards. Secondary containment of 110% of the tank's capacity must be provided. No other storage of hazardous chemicals at the site is allowed. Applicant shall ensure that an on-site emergency spill recovery system is present at all times the mine is in operation. All spills that are required to be reported shall be reported to the 24-hour Minnesota Statewide Emergency within 12 hours, and to the Washington County Department of Public Works and Denmark Town within 24 hours.
14. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this permit. Prior notice to inspect the Property is not required in the event of an emergency.
15. Annual Report. An annual report must be submitted to Denmark Township outlining activities and amounts of material 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 issuance and performance bond for restoration must be included.
16. Insurance. The Applicant shall carry bodily injury and property damage public liability insurance in the amount of at least One and One Half Million Dollars and NO/100 (\$1,500,000) naming Denmark Township as an 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 \$296,000.

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18. Amended Permit. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this permit, shall not be permitted unless an amended interim use permit is obtained from the Town.
19. Revocation. The violation of any term or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure the violation before a revocation of the permit may occur.
20. Binding Effect. The permit and its conditions are binding on the parties, their successors and assigns, and shall run with the Property until the permit is terminated or revoked as provided herein.
21. Legal Compliance. This permit is subject to the requirements of the Town's ordinances and the Applicant is required to comply with all applicable federal, state and local laws, rules and ordinances, and to obtain such other permits or permissions as may be required.
22. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town for the mining operation on this Property and all such previous permits are hereby repealed.
23. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.
24. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this permit 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.
25. Town Costs. The Applicant shall pay all application fees and pay, from the escrow or in addition to the escrow if it is not sufficient, the costs the Town incurred related to processing this application. The Applicant shall ensure that its escrow account is current before this permit becomes operational.

Adopted this 3<sup>rd</sup> day of June, 2013. **BY THE TOWN BOARD**

**EXHIBIT A**

Legal Description of the Property

The South Fifty (50) Rods of the Southwest Quarter of the Northeast Quarter (SW1/4 of the NE1/4) of Section Fifteen (15), in Township Twenty-seven (27) North, Range Twenty (20) West, according to the Government Survey thereof;

AND

The Southeast Quarter of the Northeast Quarter (SE1/4 of the NE1/4), Section Fifteen (15), in Township Twenty-seven (27) North, of Range Twenty (20) West, Washington County, Minnesota;

AND

The Northeast Quarter of the Southeast Quarter (NE1/4 of the SE1/4) of Section Fifteen (15), in Township Twenty-seven (27) North, of Range Twenty (20) West, Washington County, Minnesota;

AND

The Northwest Quarter of the Southeast Quarter (NW1/4 of the SE1/4) of Section Fifteen (15), in Township Twenty-seven (27) North, of Range Twenty (20) West, Washington County, Minnesota.

**DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. 2013-08  
RESOLUTION REVOKING ALL CONDITIONAL  
USE PERMITS FOR 15672 87<sup>th</sup> STREET SOUTH**

**WHEREAS**, the Town Board of Denmark Township ("Town") has previously issued conditional use permits for the operation of a sand and gravel mining and limestone quarry operation on the property located at 15672 87<sup>th</sup> Street South, Hastings, Washington County, Minnesota, (PID 15-027-20-41-0001, 15-027-20-14-0001, 15-027-20-13-0001, 15-027-20-42-0002, 15-027-20-42-0001) and which is legally described in Exhibit A attached hereto and which are made part of this Resolution (the "Property");

**WHEREAS**, the Town amended the Denmark Township Development Code to classify mining activities as requiring an interim use permit instead of a conditional use permit;

**WHEREAS**, Tiller Corporation ("Applicant") desires to continue its mining and quarrying operations on the Property and submitted an application to the Town for an interim use permit ("IUP") for that purpose;

**WHEREAS**, the Town Board approved an IUP for the Property at its meeting on June 3, 2013 with a five year term and the Town does not intend to record the IUP;

**WHEREAS**, in order to avoid the confusion that can result from multiple permits for the same business activities on the same property, the Town Board has adopted a practice of revoking all past conditional use permits issued to a property when it is asked to issue a new or amended permit for a property in favor of a single permit;

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**WHEREAS**, the owner of the Property is amenable to the revocation of the prior conditional use permits on the Property and such revocation was made a condition of the IUP approved for the Property; and

**WHEREAS**, this Resolution is intended to put future purchasers of the Property on notice that the conditional use permits the Town previously issued for the Property have no effect and that any mining, quarrying, and related activities occurring on the Property are pursuant to the most current interim use permit issued by the Town for the Property as well as any applicable County permits.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Denmark Township as follows:

1. All conditional use permits issued by the Town Board of Denmark Township for the Property located at 15672 87<sup>th</sup> Street South, Hastings, Washington County, Minnesota, and legally described in Exhibit A to this Resolution are hereby revoked. All such conditional use permits are no longer valid and may not be relied on.
2. The Town Clerk is hereby authorized and directed to record this Resolution against the Property in the office of the County Recorder.
3. The Town Board Chair, Town Board Members, and 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 Resolution.

Adopted this 3<sup>rd</sup> day of June, 2013.

**BY THE TOWN BOARD**

DENMARK TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA

Resolution No. 2013-09

A RESOLUTION APPROVING A LARGE SPECIAL  
EVENT LICENSE FOR THE 2013 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 June 29, 2013 and June 30, 2013 (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 GLG Properties (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 two warrior dash events at Afton Alps, which attracted approximately 50,000 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 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 not yet submitted building and electrical 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 other related documents;
- l. The Applicant is still processing, and is required to submit to the Town before the Event, a copy of all permits issued by the County and any other permitting authority;

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- m. The Applicant is required to submit to the Town before the Event a copy of the agreements it is to enter into with Hastings Fire Department, Cottage Grove Fire Department, Afton Alps Ski Patrol, and Dr. Frascone (collectively the "Agreements");
- n. Based on the plans submitted, the plans being 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
- o. 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 29, 2013 and June 30, 2013, provided all of the following conditions and requirements are complied with:

**1.0 PRIOR TO THE EVENT**

- 1.1 The Applicant shall submit building and electrical permit applications and 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.
- 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 obtain all required permits from the County related to the food and beverages to be served, as well as a liquor license.
- 1.4 The Applicant shall provide the Town a copy of all executed Agreements and the permits obtained for the Event at least 14 days before the start date of the Event.
- 1.5 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.

**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 site 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 8, 2013.
- 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 8, 2013.
- 3.3 The Applicant is required to indemnify the Town as provided in Section 6, Subdivision 3 of the Ordinance.

**4.0 GENERAL REQUIREMENTS AND PROHIBITIONS**

- 4.1 No camping or other overnight accommodations are allowed on the Event Property.
- 4.2 The Applicant indicated fireworks will not be part of the Warrior Dash Event and so the use of fireworks or the conducting of a fireworks display is prohibited.
- 4.3 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.
- 4.4 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.
- 4.5 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 3<sup>rd</sup> day of June, 2013. **BY THE TOWN BOARD**