

DENMARK TOWN BOARD MEETING MINUTES
December 3, 2012

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

ABSENT: Jim Keller

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven) and Planner Johnson (WSB)
Clerk Absent-Minutes transcribed from audio.

CALL TO ORDER: Meeting called to order @ 7:02 PM by Chair Higgins

AGENDA APPROVAL: Motion Moore/2nd Kummer approval of agenda. All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: Motion Kummer/2nd Moore approval of consent agenda items which include Minutes 11/05/2012 Board Meeting and 11/13/2012 Board Of Canvass, Claims 9978-10007, EFT payments- PERA 231317, MN Revenue Tax 1743057152, Federal Tax 85715699, payroll ending 12/01/2012 and financial reports. All In Favor. Motion Carried 4-0.

HEARING DECISIONS/ZONING ACTIONS: MRB Properties-11747 Manning Ave S- Conditional Use Permit

Applicant Mike Banaszewski present.

Applicant is seeking a Conditional Use Permit (CUP) to operate a towing/impound lot, well drilling and auto repair services at 11747 Manning Ave S. Planning Commission recommended conditional approval of the permit.

An inspection of the buildings and site was done on 10/22/12 (11/05/12 report) which resulted in a number of items which were identified and will need to be addressed by the Applicant before the business is issued a Certificate of Occupancy. Applicant submitted additional reports which included an electrical inspection, heating inspection, flammable waste trap inspection, SSTS compliance inspection and waste disposal and storage plan.

Attorney-submitted draft Resolution for Board review.

Reviewed conditions relating to improvements identified by the Building Inspector that would need to be done by 06/30/13. Building Inspector will reinspect for full compliance before Certificate Of Occupancy can be issued. Impounded vehicles may be stored only within the rear fenced area, with a 45 day limit, records kept. Applicant impounds for Town Home Businesses and apartment complexes. Fence will need to be repaired and extra vegetation will need to be removed.

Added condition to require additional escrow of \$5000 paid within 10 days of County approval, with a minimum balance of \$1000 thereafter, which would be used should any inspections/enforcements, legal, planning and engineering costs be incurred after the 06/30/13 deadline through 06/30/14.

Applicant requested that he not be required to pave the entire back lot, indicating that it was 2 acres in size and that he would not be using the entire back area for parking impounded or other vehicles. Applicant requested to use a new type of surfacing rather than asphalt. Cost for that surfacing is significantly less than asphalt. Board consensus that Applicant should be required to only pave or cover with a reasonable substitute (impervious surface), the area where vehicles will be parked, and not the entire rear gravel area, where vehicles will not be parked. Surfacing material used is subject to engineering approval. The pervious areas which would not have vehicles parked on would need to be maintained for weeds.

Applicant will work with the Planner and Engineer to prepare and present a paving plan (approved by the Engineer and Planner) to the Town by the 01/07/12 board Meeting.

Building Inspector's 11/05/12 Report and Planner's 10/10/12 and 11/13/12 Reports will be made part of the Conditional Use Permit.

Motion Moore/2nd Kramer to adopt Resolution 2012-16 Resolution approving A Conditional Use Permit To Conduct Certain Business Operations On Property Located At 11747 Manning Avenue South. Conditions of Permit to include requirement of additional escrow of \$5000, to be paid within 10 days of County approval, with a minimum balance of \$1000 thereafter, which would be used should any inspections/enforcements, legal, planning and engineering costs be incurred after the 06/30/13 deadline through 06/30/14 and that Applicant will work with the Planner and Engineer to prepare a paving plan for the property behind the fence (approved by the Engineer and Planner) and present the plan to the Town at the 01/07/12 board Meeting. All In Favor. Motion Carried 4-0.

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Motion Moore/2nd Kramer to adopt Resolution 2012-17 Resolution Revoking All Prior Conditional Use Permits For 11747 Manning Avenue South. All In Favor. Motion Carried 4-0.

PUBLIC COMMENT:

Resident inquired whether Board had authority to change allowed uses in the Township. Allowed uses for all Zoning Districts are listed in the Development Code. Any amendment/change of Allowed Uses would need to go through the Public Hearing process with the Planning Commission before being approved/rejected/modified by the Board.

BUSINESS ITEMS:

Motocross Complaint: Code Enforcement Officer and Cottage Grove Assistant Engineer met with landowner regarding the current motocross activities on his property. The landowner indicated that the larger track would no longer be used but he intended on using the smaller track for smaller children and smaller bikes. An estimated 500-600 yards of material had been moved, scraped or piled to construct the moguls and jumps on the property. The Township Ordinance does not regulate or prohibit those living on a property from riding dirt bikes on one's own property. The property is being advertised and used by the general public for a fee, which constitutes a commercial use. The Board has determined that the use as a commercial track constitutes the operation of a racetrack which is prohibited in the Township. Board consensus to have Attorney draft letter to landowner requesting he discontinue the public racetrack and advertising of it, to apply for an after-the-fact grading permit for the grading that has occurred, and to not encroach upon the conservation easement area. **Motion Kramer/2nd Moore to authorize staff to compile letter to landowner regarding ceasing the racetrack activities as discussed. All In Favor. Motion Carried 4-0.**

Washington County Historical Society: WCHS has asked Denmark Township for a \$1000 commitment for their purchase of a building to be used as the County Heritage Center. According to statute, a Township can donate to a County Historical Society which has been approved by the State; however, a Township cannot donate to a local Historical society. Discussion re: other funding requests Town has received from local groups (Denmark Township Historical Society, 4-H clubs), and other budgetary constraints. Board consensus that no donation will be made.

Roads- Joint Services Agreement with Cottage Grove: Joint Services Agreement expires in 04/2013. Board consensus to continue Joint Services Agreement, and to renew annually unless either party provides notice of its desire to terminate the agreement, if Cottage Grove is in agreement with these terms. **Motion Kummer/2nd Kramer to authorize an ongoing relationship with Cottage Grove that renews annually, unless either party provides notice of its desire to terminate the agreement, for sealcoating, crack sealing and striping services. All In Favor. Motion Carried 4-0.** Attorney will draft agreement.

Roads- Supervisor discretion for additional Road Expenditures:

Kummer-regarding additional expenditure on past patching of 80th Street. Upon further review of the road by the Roads Contractor, Supervisor and Engineer, it was decided to extend the previously identified damaged areas to cover repair that should have been identified in the initial assessment of the areas that needed repair. This took the initial expenditure approval of \$25,000 to an actual cost of \$38,412. Board approved and ratified additional expenditure on 10/01/12.

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Regarding board authorization to allow Roads Supervisor to expend additional funds in cases of time sensitive/safety road issues, when roads decisions need to be made before the Board could meet, Board consensus to authorize Attorney to draft policy for Board review.

Tree Trimming Policy: Board consensus to inspect tree lines in Right Of Way during road tour, and to handle trimming/removal on a case by case basis.

Development Review/Meeting Dates 2013-14: Motion Kummer/2nd Kramer approval of 2013 Development Review/Meeting Dates. All In Favor. Motion Carried 4-0.

Denmark Township Development Review Schedule - Year 2013

APPLICATION SUBMISSION DEADLINE	NEWSPAPER PUBLICATION DEADLINE	PUBLICATION DATES	PLANNING COMMISSION MEETING (3rd Monday)	TOWN BOARD MEETING (1st Monday)	
10/17/11	11/07/11	11/08/12 & 11/15/12	11/19/12	12/03/12	
11/19/12	12/03/12	12/06/12 & 12/13/12	12/17/12	01/07/13	
12/17/12	01/07/13	01/10/13 & 01/17/13	01/22/13	02/04/13	01/21/13 Martin Luther King Day
01/22/13 *	02/04/13 *	02/07/13 & 02/14/13 *	02/19/13 *	03/04/13	02/18/13 President's Day
				03/12/13	2013 Annual Meeting
02/19/13	03/04/13	03/07/13 & 03/14/13	03/18/13	04/01/13	
03/18/13	04/01/13	04/04/13 & 04/11/13	04/15/13	05/06/13	
04/15/13	05/06/13	05/09/13 & 05/16/13	05/20/13	06/03/13	
05/20/13	06/03/13	06/06/13 & 06/13/13	06/17/13	07/01/13	
06/17/13	07/01/12	07/04/13 & 07/11/13	07/15/13	08/05/13	
07/15/13 *	08/05/13 *	08/18/13 & 08/15/13 *	08/19/13 *	09/03/13	09/02/13 Labor Day
				09/03/13	Annual Reconvening & regular meeting
08/19/13	08/30/13	09/05/13 & 09/12/13	09/16/13	10/07/13	
09/16/13	10/07/13	10/10/13 & 10/17/13	10/21/13	11/04/13	
10/21/13	11/04/13	11/07/13 & 11/14/13	11/18/13	12/02/13	
11/18/13	12/02/13	12/05/13 & 12/12/13	12/16/13	01/06/14	
12/16/13	01/06/14	01/09/14 & 01/16/14	01/21/14	02/03/14	01/20/14 Martin Luther King Day
01/21/14 *	02/03/14 *	02/06/14 & 02/13/14 *	02/18/14 *	03/03/14	02/17/14 President's Day
				03/11/14	2014 Annual Meeting

indicates revised date due to holiday conflict

any meeting falling on a holiday is set for the next day

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Payable 2013 Final Property Tax Levy Certification:

Motion Moore/2nd Kramer to Certify Payable 2013 Final property Tax Levy in the amount of \$431,522.00. All In Favor. Motion carried 4-0.

2013	Total Budget	Other Revenue	From Savings	Certified Levy
GENERAL	74,765	47,570		27,195
SALARIES	70,677			70,677
ROAD & BRIDGE	388,350	20,000	200,000	168,350
FIRE	150,400	400		150,000
DITCH & TRASH	15,300	0		15,300
PARK & REC	10,990	3,000	7,990	0
2013 TOTALS	710,482	0	207,990	431,522

Legal Updates:

Draft Dog Ordinance: Attorney working on draft Dog Ordinance for Board Review.

Washington County Land & Water Legacy Program: For all interested, a Land & Water Legacy Program will be presented by the County on 12/04/2012. Two Denmark Projects may be included in the Program, Carpenter's Nature Center and the property located on St. Croix Trail/110th Street.

9:40 PM **Motion Kummer/2nd Kramer to adjourn.** All In Favor. Motion Carried 4-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolutions 2012-16 and 2012-17

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2012-16

RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO CONDUCT CERTAIN BUSINESS OPERATIONS ON THE
PROPERTY LOCATED AT 11747 MANNING AVENUE SOUTH

WHEREAS, Michael Banaszewski, on behalf of MRB Properties, LLC, ("Applicant") submitted an application to Denmark Township ("Town") for a conditional use permit to operate a well drilling, towing and recovery, impound lot, and auto repair business on the property located at 11747 Manning Avenue South (PID 3102720320002) and legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Applicant seeks a conditional use permit to operate multiple businesses on the Property;

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested conditional use permit on October 15, 2012, during which it heard from the Applicant and the public regarding the application. The Planning Commission continued the hearing to November 19, 2012 to allow sufficient time to allow additional inspections of the Property and to gather additional information. The Town provided the Applicant written notice of its extension of the 60 day rule. On November 19, 2012 the Planning Commission reconvened its hearing, reviewed the additional information provided, heard from the Applicant and the public, and took action to recommend that the Town Board approve the requested conditional use permit with certain conditions; and

WHEREAS, the Town Board reviewed the Planning Commission's recommendation at its meeting on December 3, 2012, allowed for additional comments from the Applicant and the public, and hereby finds and determines as follows:

- a. The report submitted to the Town from the Town's Planner dated October 10, 2012 and supplemented on November 13, 2012, and which attached hereto as Exhibit B, is incorporated herein by reference including, but not limited to, the findings contained therein. The proposed permit conditions contained in the report are replaced with the conditions contained in this Resolution;
- b. The Property is located in the Town's Rural Commercial/Industrial (Rural CI) Zoning District and the proposed well drilling, towing and recovery, impound lot, and auto repair businesses (collectively the "Proposed Businesses") are allowed in the district with the issuance of a conditional use permit;
- c. The Applicant acquired a business that was previously operated from the Property and regarding which the Town devoted significant resources responding to multiple violations of the previous permit issued for the Property. Because of the previous owner's failure to comply with the requirements of the permit the Town eventually acted to revoke the permit. The Town incurred significant costs to pursue those enforcement actions, a large portion of which were not reimbursed by the previous owner;
- d. Information was presented at the hearing regarding the action by the City of Hastings to deny an application submitted for conditional use permit for property the Applicant owns in the City to operate a business similar to the Proposed Businesses. The City, citing multiple zoning violations and repeated failures to bring the property into compliance, acted on April 16, 2012 to deny the application;
- e. Given the Town's history with the towing business the Applicant acquired and which was operated on the Property, and the experiences of the City of Hastings with respect to the Applicant's business operations in the City, the Planning Commission expressed serious concerns over Applicant's willingness to comply with the applicable regulations and the conditions imposed on the conditional use permit if issued. The Applicant acknowledged the concerns, agreed to the proposed conditions (with a minor modification reflected herein), and went further by expressly agreeing to reimburse the Town its inspection and enforcement costs it may incur if it becomes necessary to take any enforcement action regarding a violation of this conditional use permit;
- f. The Applicant indicated that paving the entire area would be extremely expensive and is unnecessary given the limits on what may be parked behind the building. The Town Board determines it is not necessary, and would create an undue hardship, to require the Applicant to pave the entire fenced in portion of the Property. However, it is necessary for the Applicant to place a durable and dustless hard surface on the portion of that area on which vehicles or equipment will be parked and such hard surfaced area must be large enough to accommodate all of the vehicles and equipment that may be parked outside within the fenced in area;
- g. The conditional use permit previously issued for the Property was revoked, but in order to avoid the confusion that can result from multiple permits issued for the same property at different times, the Town Board typically issues a single conditional use permit for a property seeking a new or amended permit and repeals all previous conditional use permits issued to a property. The Town Board determines it is in the best interests of the public to take the same approach in this case and the Town Board will act by separate resolution to revoke all previous conditional use permits issued to the Property; and
- h. The Town Board determines the application materials are sufficient and the Proposed Businesses satisfy the criteria in the Ordinance for granting a conditional use permit.

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NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter and the findings and determinations contained herein, the Town Board of Denmark Township hereby approves and issues a conditional use permit to operate well drilling, towing and recovery, impound lot, and auto repair businesses 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 operation of an office with storage of well drilling equipment and vehicles, motor vehicle repair, towing and impound, and outdoor storage associated with the approved uses on the Property. All such approved uses are subject to, and must be operated in compliance with, the conditions imposed on this permit and all applicable federal, state, and local laws, rules, regulations, and ordinances.
2. Site Improvements.
 - A. The Applicant shall prepare and present a paving plan to the Town by January 7, 2013 that identifies the portion of the fenced in gravel area to the rear of the building that will be used for parking. Such parking area must be located in the southwest portion of the fenced area and be large enough to encompass the parking of all equipment and vehicles the Applicant intends to park, and that are allowed by this permit to be parked, in the fenced in area of the Property. The proposed parking area and paving plan must be approved by the Town Planner and Town Engineer, the parking area shall be paved in asphalt or concrete, or reasonable substitute if approved by the Town Engineer, and the paving of the parking area must be completed by June 30, 2013. The Applicant shall maintain the paved parking area in good condition. No outdoor parking or storage of equipment or vehicles shall occur on the Property off of a paved parking area. Applicant shall control the growth of vegetation and weeds on the non-paved portion of the fenced area and on the Property generally.
 - B. Asphalt or concrete curbs 6" in height must be provided between all driving / parking surfaces and landscaped areas, and shall be constructed by June 30, 2013, to separate the parking area from the landscaped area as required and approved by the Town Engineer. "Landscaped areas" are all areas of the Property not devoted to parking or building areas.
 - C. Nine (9) parking spaces shall be provided, adequately striped and handicapped parking identified. No portion of the parking may occur on any portion of the septic system (including the drain field). All parking shall be setback ten (10) feet from any street right-of-way or property line. The Applicant shall provide a parking plan to the Town, and all parking and paint markings shall be installed by June 30, 2013.
 - D. Failure to complete the site improvements by June 30, 2013 as required herein shall constitute a violation of these conditions and may result in the revocation of this permit.
3. Individual Sewage Treatment System. The individual sewage treatment system must meet all Washington County Department of Public Health and Environment code requirements. Any parking surfaces created and/or paved must not cover any portion of the septic system.
4. Well. The well must be properly hooked up to provide water service to the buildings, and maintained and inspected as may be necessary from time to time, and shall comply with the Minnesota Department of Health rules and regulations relating to wells. All water hook-ups shall be inspected by the Town prior to occupancy of the building.
5. For – Sale Vehicles. There shall be no "for-sale" vehicles displayed on site.
6. Motor Vehicle Repair. Motor vehicle repair of any kind must be conducted entirely inside the building. Any parts needed for the motor vehicle repair business may only be kept on site if located wholly within the building.
7. Impounded and Reposed Vehicles. All parking of impounded or repossessed vehicles shall be done entirely inside the building. Such vehicles may only be parked outside if they are within the fenced in portion of the Property and are located along the southern edge of the Property on the paved parking lot. No more than 20 cars may be parked outside at one time, and cannot be parked outside for longer than 45 days. The Applicant shall be required to keep and maintain records indicating how long each vehicle has been on the Property.
8. Towing and Well Drilling Vehicles and Equipment. Towing and well drilling vehicles and associated equipment shall be located along the southern and southeastern portions of the property. No parking of tow trucks, well drilling trucks or equipment, tractors, trailers, and the like, shall be parked in the front parking area at any time for duration of longer than two (2) hours at a time, except that up to a total of two (2) tow trucks may be parked in the parking area in the front of the building during the hours the business is open to the public. No towing or well drilling vehicles may be parked in the front parking area when the business is closed to the public.
9. Business Hours Open to the Public. Business hours open to the public shall be 8:00AM to 6:00PM, Monday through Saturday. Operations after those hours are limited to the dropping off of impounded vehicles and movement of well drilling equipment and associated materials. Tow truck repairs, repairs of automobiles, and the like must be conducted within the building with the doors closed. Flashing lights associated with tow trucks and well drilling trucks and equipment shall not be used once located on the Property. Sounding alarms associated with backing up movements shall be kept to a minimum outside the hours the business is open to the public.
10. Abandoned Vehicles. The Applicant shall not keep, park, or abandon any motor vehicle on site that is not in operating condition, that is partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state.

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11. Oil Water Separator. The Applicant must provide proof of plans and a report of compliance for an oil water separator for the proposed garage repair that is in compliance with the Minnesota State Plumbing Code to be reviewed and held on file at Town Hall;
12. Holding Tank and Waste Trap. The holding tank connected to the floor drain must meet all Washington County Department of Health and Environment code requirements.
13. Hazardous Waste. Storage and disposal of hazardous waste must conform to Minnesota Pollution Control requirements. The Applicant will annually provide the Town a copy of the hazardous waste disposal report it submits to the Minnesota Pollution Control Agency.
14. Building Code Requirements. The facility shall meet all building code requirements, including those specific to conducting motor vehicle repair and auto body repair. In addition, the applicant shall comply with all identified needed improvements in the letter from the Town's Building Official dated November 5, 2012, attached as Exhibit C. A Certificate of Occupancy shall not be issued to operate any of the businesses from the Property until the following improvements or corrections are completed as determined by the Town's Building Official:
 - (a) The main entrance to the building must be handicapped accessible;
 - (b) The parking space reserved for physically disabled persons must be identified with required sign and an accessible aisle provided;
 - (c) A handicapped accessible uni-sex bathroom must be provided in the building;
 - (d) The building must have a handicapped accessible service counter with a maximum height of 36";
 - (e) The required inspection reports must be provided to the Town's Building Official and all items of noncompliance noted in the reports must be corrected;
 - (f) The fencing must be repaired;
 - (g) Existing excessive vegetation must be removed; and
 - (h) Such other items the Town's Building Official may identify upon further inspection that need to be corrected before a Certificate of Occupancy may be issued.
15. Painting of Vehicles. Painting of vehicles, including personal vehicles, may only occur on the Property if it is within a paint booth that complies with all applicable federal, state, and local rules and regulations and then only after the Town's inspector has inspected the booth.
16. Non-Vehicle Exterior Storage. No outdoor storage of tires, equipment, tools, automotive parts, scrap, or waste materials is permitted. Exterior storage of well drilling equipment and materials is permitted only if located behind the fenced-in area of the property and on a hard surface.
17. Maintain Property. All areas of the property not devoted to building or parking areas must be maintained in landscaping, and the trees must be maintained and replaced as needed.
18. Fencing. The fence and gate must be maintained in good condition at all times to provide screening and security. Any missing, torn, or damaged portions of the fence as of the date of this Permit shall be installed and / or corrected by June 30, 2013.
19. Septic Tank and Holding Tank. Bollards or curbing must be placed around that area above the septic tank and above the holding tank locations to protect the area from being driven on. Such bollards or curbing must be in place by June 30, 2013.
20. Easements. The easement area at the southern property line must remain clear of vehicles, landscaping, equipment, tools, and other materials that become a barrier to access. Such barrier shall be removed by the Applicant or at the Applicant's expense.
21. Trash Disposal. All trash disposal must be contained within the building. No exterior trash dumpster shall be located on the site unless screened, landscaped, and approved by the Town Board.
22. Applicable Provisions. 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, regulations, and ordinances, and to obtain such other permits and permissions as may be required.
23. 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.
24. Grading, Drainage and Erosion Control. Any proposed minor modification or change to the existing grade, drainage, or erosion control structures or devices on the Property, as shown in the plans prepared by Folz, Freeman, Erickson, Inc. dated 9-17-12, must be submitted to the Town Engineer for review and may be approved administratively by the Town Engineer. Major modifications or changes to grade, drainage, or erosion control on the Property as designated by the Town Engineer shall require review and approval by the Town Board.

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25. Landscaping / Screening Plan. Any proposed minor modification or change to the existing landscaping / screening plan on the Property, as shown in the plans prepared by Folz, Freeman, Erickson, Inc. dated 9-17-12, must be submitted to the Town Planner for review and may be approved administratively by the Town Planner. Major modifications or changes to the landscaping / screening plan on the Property as designated by the Town Planner shall require review and approval by the Town Board. The Property and all landscaped areas must be maintained as required in the Denmark Township Development Code at all times.
26. Signage. Design, locations and specifications of signs shall conform to the Washington County Zoning Ordinance and Denmark Township Development Code and are subject to the approval of the Zoning Administrator. All signs shall require a sign permit to be issued by the Town.
27. Lighting. The Applicant shall conform to the lighting regulations of the Ordinance. No change in outdoor lighting may be made without prior approval of the Town Board.
28. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this permit application. In the event any fees incurred exceed the amount of the Applicant's original escrow, the Applicant shall pay such additional amounts within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate automatically upon recording of a Notice of Nonpayment by the Town. In order to maintain sufficient escrowed funds to pay the costs of inspections related to the issuance of the Certificate of Occupancy, the inspections to ensure compliance with the June 30, 2013 deadline for completing certain improvements, and for on-going compliance inspections and enforcement actions, if necessary, for the start up period of the businesses, the Applicant shall be required place \$5,000 in escrow ("Additional Escrow") with the Town within 10 days of the Applicant receiving approval from the County to operate the businesses on the Property. The Additional Escrow is in addition to the original escrow and any amounts the Town may bill the Applicant to reimburse the Town for the costs incurred for processing and issuing this permit. The Town shall use the Additional Escrow to pay all costs it incurs (including all planning, engineering and legal fees and costs) for all inspections and work performed, and any enforcement actions taken, through June 30, 2014 related to this permit or the Property. The Applicant is required to maintain an Additional Escrow balance of at least \$1,000 through June 30, 2014 and shall, upon notice from the Town, escrow such additional amounts as the Town determines necessary to maintain at least the minimum balance. If the Applicant is in full compliance on June 30, 2014, the Town shall return any remaining portion of the Additional Escrow to the Applicant, or to the then current owner of the Property. If the Applicant is not in compliance on that date, the Town may use any remaining Additional Escrow funds for the purposes of further inspections and enforcement actions as those costs are the Applicant's responsibility as provided herein.
29. 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.
30. Revocation. The violation of any terms 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 Applicant shall be given written notice of any violation and reasonable time to cure the violation before a revocation of the permit may occur. Adherence to the terms of this permit shall be monitored on a complaint basis.
31. Binding Effect. The permit and its conditions are binding on the parties, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
32. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town, and all such previous permits shall be repealed by the Town Board by separate action.
33. 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.
34. 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 conditional use permit is obtained from the Town.
35. Inspection and Enforcement Costs. Applicant expressly agrees to reimburse the Town's inspection and enforcement costs if the Applicant undertakes any business activities on the Property prior to obtaining a Certificate of Occupancy from the Town, fails to complete the improvements and corrections as required herein by June 30, 2013, or otherwise fails to comply with the terms and conditions of this permit. From the date of the Town's written notice of violation the Applicant shall be responsible for fully reimbursing the Town for all inspection and enforcement costs it incurs related to the violation. The Applicant agrees the reimbursable costs include, but are not limited to, all professional costs (legal, engineering, planning, inspection), administrative costs, and court costs the Town incurs to seek the correction of a violation or to otherwise enforce this permit, including the revocation of this permit if the Town Board determines appropriate. The Town shall bill the Applicant for its costs, which the Applicant shall be required to pay in full within thirty (30) days from the date of such bill. If the Applicant fails to fully reimburse the Town, such failure constitutes a violation of this permit and the Applicant agrees that such unreimbursed amounts constitute a service charge recoverable by the Town on the taxes of the Property pursuant to Minnesota Statutes, section 366.012 or through any other method available to the Town under law including, but not limited to, the imposition of an assessment under Minnesota Statutes, Chapter 429.

Adopted this 3rd day of December, 2012 **BY THE TOWN BOARD**

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2012-17

RESOLUTION REVOKING ALL PRIOR CONDITIONAL
USE PERMITS FOR 11747 MANNING AVENUE SOUTH

WHEREAS, the Town Board of Denmark Township ("Town") has previously issued conditional use permits for the property located at 11747 Manning Avenue South, Hastings, Washington County, Minnesota, (PID 3102720320002) and which is legally described in Exhibit A attached hereto and which is made part of this Resolution (the "Property");

WHEREAS, Michael Banaszewski, on behalf of MRB Properties, LLC, ("Applicant") submitted an application to the Town for a conditional use permit to operate a well drilling, towing and recovery, impound lot, and auto repair business on the Property ("Current CUP");

WHEREAS, the Property has been subject to various enforcement actions, including actions to revoke permits previously issued for the Property, prior to Applicant's acquisition of the Property;

WHEREAS, in order to avoid the confusion that can result from multiple conditional use 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 conditional use permit for a property in favor of a single conditional use permit that encompasses the existing and proposed business activities on a property;

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 Current CUP approved for the Property; and

WHEREAS, this Resolution is intended to put future purchasers of the Property on notice that as of the date of this Resolution the only conditional use permit that exists for the Property is the Current CUP issued by the Town Board at its meeting on December 3, 2012, which authorizes the conducting of a well drilling, towing and recovery, impound lot, and auto repair business on the Property.

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

1. All conditional use permits approved by the Town Board of Denmark Township prior to December 3, 2012 for the Property located at 11747 Manning Avenue South, Hastings, Washington County, Minnesota, and legally described in Exhibit A to this Resolution, that have not already been revoked are hereby revoked. All such prior 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 3rd day of December, 2012.

BY THE TOWN BOARD