

Denmark Township Planning Commission Meeting  
Rumpca Excavating Interim Use Permit  
Public Hearing December 20, 2011

**Planning Commission Members Present:** Don Schneider, Charlie Grote, Pat Lilligren and Steve Radke

**Absent:** Bob Barr

**Board Supervisors Present:** Kathy Higgins

**Others Present:** Attorney Troy Gilchrist-Kennedy Graven and Planner Kelsey Johnson-WSB

7:05 PM Public Hearing for Rumpca Excavating, Inc Interim Use Permit opened.

7:07 PM Charlie Grote stepped down from commission.

Rumpca Excavating owner Joe Rumpca, property owner Ron Magone and Applicants' attorney Jack Clinton in attendance.

Clinton- Applicant is requesting an Interim Use Permit to continue the gravel pit operations for an additional 5 year term. Business is located at 13985 80<sup>th</sup> St S. Applicant has reviewed 12/14/11 planner's report which includes proposed conditions. Attorney Clinton also noted that he submitted for commission review a 12/14/11 letter that included the County inspection reports on the mining operation for 2008, 2009, 2010 and the 10/26/11 County Conditional Use Permit.

Applicant concerns on the proposed conditions-

Condition #2 Term of Permit. *The term of the permit shall be for a period of five (5) years from February 1, 2012 to January 31, 2017. This permit shall terminate on January 31, 2017, or earlier upon the occurrence of either of the following two events: 1) the property is sold to anyone other than the Applicant; or 2) the Applicant sells, or otherwise transfers, its business to another.*

Condition #23 Binding Effect. *The permit and its conditions are binding on the parties and shall run with the Property if it is sold to the Applicant. Other transfers of the Property, or of the Applicant's business, shall cause this permit to terminate as provided herein.*

The property is owned by multiple members of the Magone family. The family members could in the future decide to buy out another family member's interest. Under the proposed language, this would terminate the permit. The mining operation is highly regulated. The Township and County have permits. All of the mining codes have to be followed. It wouldn't make a difference who is operating or who owns the gravel pit. The terms have to be met. As long as the conditions are met, why would the permit terminate if there is a sale or if Rumpca would sell their business to another owner. A sale is not anticipated and long term phasing shows expectations of the continuation of mining for a number of years. The noted provisions are problematic in going forward in terms of any transfers that may occur in the Magone family or if the Magone's would sell the property in the future.

Attorney Gilchrist- There is language in the ordinance that states that the Township shall be notified in writing within 10 days of the transfer of land which is subject to an Interim Use Permit. That language could be substituted in on condition #2 for the subject language. Condition #23, can rework the language to state that it runs with the land for the term of the permit. Applicant would be agreeable to the change. County treats the permit as a conditional use permit which runs with the land. Township ordinance classifies this use as an Interim Use Permit. An IUP has a certain length of time.

Planner summary- Applicant is proposing to continue mining operations under the existing plans with some minor modifications. The current permit is a conditional use permit. The ordinance has changed to require mining uses to be classified under an Interim Use Permit. Mining will occur in 3 phases going from east to west on an 80 acre parcel owned by the Magones. Operation is still in phase 1 which is anticipated for the next 5 year period. Applicant is requesting to stockpile excavated material on a Magone owned parcel just to the east of the current mining parcel. Washington County has approved this location subject to Township approval. This area is much lower in topographic elevation and would be less visible from adjoining properties than the existing stockpile is.

The 2007 CUP required improvements have been completed and include the stormwater pond and the paving of the access road to the site. As the applicant progresses in the development and excavation of the property, it is anticipated that the fencing will be moving along with the excavation. A number of the

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proposed conditions follow Washington County's conditions as well as updating for clarification based on issues/questions that have arisen . Number of allowed trips a day for commercial trucks using the designated route is 150 (75 round trips). Non commercial customers picking up products for personal use will not be restricted to using the designated haul route. Commercial hauling will be restricted to using the designated haul route. Applicant will need to notify Township of the location of the crusher each time it moves. Reclamation costs, based on numbers provided by the Applicant, indicate that a new bond or letter of credit in the amount of \$220,000 would be required.

Attorney Gilchrist- The proposed conditions are a combination of the current conditions of the CUP and clarifications were made which included blasting language and required insurance amount.

Applicant-wanted further clarification on the issue of Denmark residents hauling product for their own use . If they hire someone to haul their purchase are they non commercial and need not use the designated route?

Attorney Gilchrist- the purpose of the condition is to minimize commercial traffic on Township roads which may not be built to a level to accommodate a lot of truck traffic, such as commercial hauling. The permit separates a person hauling gravel for their personal use from commercial trucking.

Attorney Clinton- Believes the intention is the repeated loads going out of the gravel pit need to stay on Oakgreen, Applicant understands this.

Public Comment-

Eric Thraen 14485 80<sup>th</sup> St S.- re: allowing flexibility on trucks taking alternate routes. Having a very clear path for the trucks so there is no ambiguity or misuse of flexibility, it would be better to have a path and stick to it, so there is no misunderstanding.

Frank Femling 9225 St. Croix Tr. S.- In support of the gravel pit, they provide an important product at a reasonable cost. They are trying to comply with the Township requirements. Femling does haul gravel to his development in the Township which is at 80<sup>th</sup> and St Croix Trail. Was instructed by Rumpca to use the designated route. Makes no sense to drive all the way up Oakgreen to 70<sup>th</sup>, down St Croix Trail back to 80<sup>th</sup> with a load of gravel when the development is 3 blocks from 80<sup>th</sup> St.

Ed Barney 13230 80<sup>th</sup> St. Court- For purchase of gravel, let's go the shortest route. Doesn't want to pay \$500 to gravel pit to have it go 3 blocks and have to go miles out of the way, it's more cost.

Kim Thraen 14485 80<sup>th</sup> St S- Trucks come back and forth during the day, don't know if they are supposed to be an exception. They also speed. There are a lot of young school age kids that play back and forth and a dump truck is going to have a lot harder time stopping than a car. Doesn't believe 80<sup>th</sup> is built to handle the loads. Trucks on 80<sup>th</sup> not very safe.

Ed Barney 13230 80<sup>th</sup> St. Court- Keep the kids off the road.

Rich Robinson 8833 Oakgreen Ave S- Live 3/8ths of a mile from the SE corner of the gravel pit. Have 2 concerns. Groundwater- Requested a proactive monitoring approach as the pit floor gets closer to the ground water table. Stockpiling- multiple questions regarding the proposed stockpile location. Requested conditions of the use of the area be documented.

Charlie Grote- 8719 Oakgreen Ave S- Would like to know that the operation will be followed completely. Went to County PC meeting to express some concern and was told that he hadn't recorded or given them to anyone. Documented info re: dates, start times, end times, trespassing on neighbor's property with monitors, trees falling on fences. Attorney Clinton submitted letter responding to the complaint. Didn't appear that they really meant what they were saying. Questions whether applicants would abide by the requirements.

Ken Tibesar 8780 Oakgreen Ave- re: Saturday operations. There have been Saturdays when there were commercial vehicles operating on Saturdays. Requested clarification on how they get permission to operate on Saturdays and how would one know about it and how often does that occur.

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**7:43 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

**7:44 PM** Planning Commission meeting opened.

Radke-How does the county permit address the groundwater issues.

Attorney- depth of elevation is limited to an elevation of 900 ft. A registered surveyor must certify the mining depth annually and the information submitted with the annual report.

Lilligren- how are trucks going down 80th St. They are only to be on 80<sup>th</sup> to access Oakgreen.

Higgins- No verification of which trucks are using 80<sup>th</sup> St. Some Township businesses and farms are using 80<sup>th</sup> St and not necessarily coming from the Rumpca pit.

Radke- comfortable with the new language in permit, that commercial trucks use designated route and the flexibility for customers getting gravel for personal use to use other routes (probably a minute #).

Radke- Saturday hours of operation, pretty clear and shouldn't be any variances from that should there?

Joe Rumpca- Pit does not operate on Saturdays commercially. Did get permission twice, to operate for the flood and for work on 35E.

Attorney Gilchrist- permit condition does allow for permission to commercially operate on a Saturday by Town Board permission, and in the case of an emergency, by permission by a designee. Designee possibly being permission by the Roads Supervisor.

Schneider- Suspect that the proposed stockpile location is due to not enough room yet. Would think there is a need for it, to get the operation moving along.

Radke- was the proposed location in the original permit application?

Planner- proposed stockpile location was always Rumpca's request to have the location included as part of the application, but because it wasn't specifically stated in the original CUP, as an allowed area for the stockpiling, it hasn't been allowed. It has been expressed that they are running out of room to get to the bottom of the pit to put the stockpiling at the bottom of the pit. When the time comes that they would have the room to place the stockpile at the bottom, then the pile would be moved back.

Lilligren- Is there some way to monitor the stockpiling?

Planner- On an annual basis, Washington County does visit the site to assure stockpiling, screening, fencing and other conditions are being met.

Radke recommended forwarding with approval to the Board changing the language as agreed to by Attorneys Gilchrist and Clinton in Conditions #2 and #23. Regarding condition that addresses hauling route- comfortable with the commercial vehicles be required to use designated hauling route and customers purchasing for personal use have option of using other routes.

**Motion Radke/2<sup>nd</sup> Schneider to forward to Board with a recommendation of approval of an Interim Use Permit for Rumpca Excavating to continue mining operations at 13985 80<sup>th</sup> St. S., based on the 12/14/11 Planners findings of fact and subject to the following conditions:**

- 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"). Applicants shall excavate the mining area in three phases as shown on the application map as Phase 1, Phase 2 and Phase 3. The recycling of product (crushed blacktop and concrete) is allowed provided that the material is stored on the pit floor, or temporarily on the portion of the Magone property identified as a temporary stockpile area located immediately to the east of the Phase 1, as identified by the Applicant and approved by the Town. Said materials are to be screened, to the greatest extent reasonably possible, from the road and all property lines. Soil is allowed to be brought onto the site for restoration purposes and the Applicant shall notify the Town when the material is brought in and identify the source of the soils (community of origin). No contaminated soil is allowed on the site. A maximum of two (2) years supply of recycled material is allowed on site at any one time. Applicant shall submit a detailed estimate of the quantity and types of materials brought onto the site to the Town in the annual report.**

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All recycled materials must be removed once every three (3) years. All scrap from the process shall be hauled to an appropriate licensed scrap yard facility. No other imported materials, other than specified above, are allowed without first securing an amended interim use permit from the Town.

As overburden is removed all topsoil must be stockpiled. All topsoil must remain at the site and be seeded with temporary cover until the time it is reused on the site. Applicant shall berm the topsoil within the fifty foot setback along the property lines and perimeter of the Property to screen the mining area. Applicant shall maintain a 40 foot gate at the entrance of the Property and the haul road.

The depth of the excavation is hereby limited to an elevation of 900 feet. No excavation shall occur within the fifty (50) foot setback area. The Applicant is not allowed to excavate to the water table, which is currently estimated to be at 885 feet. The site is currently at approximately 960 feet. A registered surveyor must certify the mining depth annually and this information shall be included in the annual report to the Town as required by this permit.

2. Term of Permit. The term of the permit shall be for a period of five (5) years from February 1, 2012 to January 31, 2017. This permit shall terminate on January 31, 2017. The Applicant shall notify the Town in writing within ten (10) days of the transfer of the Property as required by the Ordinance. An amendment to the Denmark Development Code shall not be a terminating event. All uses of the Property allowed under this permit must cease upon the expiration, termination, or revocation of this permit. The Applicant may apply for a new permit before the expiration of this permit.
3. Erosion Control and Drainage. Applicant's grading and drainage plans must be approved by the Town Engineer and the Town Engineer will make any necessary recommendations to ensure that the site is in compliance with drainage standards. Erosion control barriers such as silt fences shall be placed down gradient of exposed soils or other materials. Drainage during the mining process must be contained on-site. All recommendations of the Washington Conservation District shall be followed. The Applicant shall be responsible for maintaining all erosion control measures and stormwater ponds on the site at its sole cost and expense. As the gravel vein is mined, modifications to the grading and drainage plans for the Property may be necessary in order to properly deal with erosion and drainage controls for the site.
4. Access, Truck Routes and Trips per day. The "access route" for the gravel mine for commercial trucking purposes will be from the access driveway, onto 80<sup>th</sup> Street, as described below, west to Oakgreen Avenue South, and continuing north on Oakgreen Avenue South, to 70<sup>th</sup> Street South. The Applicant shall make a reasonable effort to notify commercial truck drivers of the need to use the access route for hauling, regardless of whether the trucks are loaded or unloaded. The hauling of gravel by the Town or its contractors for use on the Town's roads shall not be considered commercial trucking purposes or commercial hauling for the purposes of this permit. Local drop-off or pick-up of materials by non-commercial truck traffic is not required to utilize the access route as listed above, but shall be required to use the established driveway entrance to the Property. Applicant agrees to maintain the access route, at its own expense, as a paved blacktopped road, 24 feet wide, with 2-foot gravel shoulders, sufficient to accommodate the anticipated traffic generated by the use. Applicant agrees to perform routine maintenance on the access route, including but not limited to, grading, crack sealing, pot hole filling, patching overlaying and other routine maintenance, as needed. The Town shall continue to provide snowplowing, sanding and salting, ditch mowing and seal coating, if any, as reasonably determined by the Town Board.  
Applicant, at its own expense, will maintain a driveway entrance from the Property onto 80<sup>th</sup> Street; the driveway entrance is approximately 60 feet to the east of the current driveway location that is east of the intersection of 80<sup>th</sup> Street and Oakgreen Avenue South. If, after mining ceases, the Property is developed, the Town, pursuant to the Denmark Development

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- Code, may designate a different access point onto 80<sup>th</sup> Street from the Property than is referred to above.
- Any stop signs or other road signage to be installed, near or at the intersection, of 80<sup>th</sup> Street and Oakgreen Avenue South will be the responsibility of the Town.
- The driveway entrance from the gravel pit to 80<sup>th</sup> Street shall be crushed black top or paved with asphalt in order to reduce the dust and provide an adequate hauling surface.
- Approximately 6 employees would be on site during peak use of the Property.
- Applicant shall provide the Town with telephone numbers of local contact personnel who can handle complaint calls regarding the traffic, dust, and noise.
- Applicant shall not haul more than 150 trips per day (75 round-trips).
5. Hours of Operation. Applicant shall be allowed to conduct business year round. Operation of equipment for excavating, stockpiling, processing and hauling shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Retail sale of product is also allowed on Saturdays between the hours of 8:00 a.m. and 5:00 p.m. For purposes of this permit, "retail sales" shall mean sale of product to individuals for personal use and shall exclude commercial hauling. Except as provided herein, no operations shall be allowed on weekends or on holidays.
- The Town, by a vote of the Town Board, may allow temporary deviations from the established hours or days of operation upon written request of the Applicant without having to amend this permit. In the event of an emergency (such as floods) requiring immediate response or extended work schedules the Town Board, or its designee, may allow a modification of the hours or days of operation to enable the Applicant to adequately address the need for materials to respond to the emergency or the preparation for a reasonably anticipated emergency.
6. Fencing, Screening and Landscape Plan. The overall mining area must remain fenced with a minimum of three strands of high tensile fencing. Warning signs must be placed at reasonable intervals along the fence to warn the public of the mining area. The fencing and warning signs must be maintained in good working order at all times, including the prompt repair of any damage. Applicant shall construct and maintain berms along the setback of the Property to screen the operations. Applicant shall implement the plans for the Property related to fencing, screening, and/or landscaping.
7. Dust and Dirt. The operation shall construct, maintain, and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the applicable requirements of the Minnesota Pollution Control Agency. Dust control material must be applied by the operator to travel routes and other areas subject to disturbance within the Property. The tracking of materials onto public roads shall be minimized. Applicant shall be responsible for removing any materials that accumulate on the public road at or near the driveway entrance to the Property.
- Equipment shall be maintained in safe condition in accordance with accepted industrial practices.
8. Signage. Before putting up any additional signage, the Applicant must obtain a permit from the Town and the sign must conform to the requirements of the Denmark Development Code.
9. Restoration. Restoration of the Property must be undertaken and completed in accordance with the reclamation plan submitted as part of the application materials. The reclamation shall occur within one year of the completion of each phase of a vein. 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. The slopes after restoration shall not have greater than a 4 to 1 slope and the Applicant shall place at least 4 inches of topsoil over the area along with seeded mulch. Permanent vegetation must be established for the site as recommended by the Washington County Conservation

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- District. Applicant shall report on its restoration work as part of its annual report to the Town.
10. Weeds. The Applicant shall take appropriate and necessary action to control and remove weeds and noxious weeds from the Property.
  11. Noise. The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances regarding noise in the operation of the business on the Property.
  12. Blasting. Blasting may occur only between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. 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. The Applicant shall also provide a notice of intent to blast to residents within one-half (1/2) mile of the Property at least twenty-four (24) hours in advance of any blasting. The notice to residents may be by phone, including a recorded message, and/or by mail provided the notice is received at least 24 hours before blasting occurs. Mailing the notice at least five days before the day on which blasting is planned to occur shall be deemed sufficient notice. Furthermore, the Town understands that blasting may occur over a period of days and that it is not practical to provide separate notices for each blast occurring over the period of days. As such, one notice shall be sufficient for a period of up to five (5) consecutive business days (excluding weekends and holidays) of blasting. The notice shall describe the proposed number of blasts over the entire period. The Applicant shall also telephone the Town at least 24 hours before any blasting. No blasting is allowed on holidays or weekends. Each blast must be conducted in accordance with the Bureau of Mines recommended standards for vibration and air blast. For each blast, seismic and decibel information must be recorded by an independent contractor and that information provided the Town as part of the Applicant's annual report. The testing devices may be placed in town road right-of-ways, provided such placement does not interfere with the safe use or maintenance of the road. No testing equipment may be placed on the private property of others without the owner's consent. The storage of explosives on the site is prohibited.
  13. 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. The Applicant shall annually provide, as part of its report, a certificate of insurance showing at least the required amount of insurance coverage and that the Town is named as an additional insured.
  14. Bond. Applicant shall provide a surety bond in the amount of \$220,000 until all mining operations and final restorations are completed for Phase I. The bond shall ensure the Property is fully restored as required herein upon the completion of Phase I, upon the termination of this permit without obtaining a new permit, or the permanent cessation of mining activities as provided herein. At the commencement of the next phase a new estimate will be submitted and the Applicant will provide a bond for each phase of the mine before mining of the new phase begins. The bond for each phase shall continue for an additional eighteen month period after the phase is completed to assure compliance with all of the terms and conditions of this permit and full restoration of the Property. Such bonds shall be made by an insurance company or other financial institution acceptable to the Town and shall be in a form to be approved by the Town attorney. Said bonds shall be in such terms as may be required to assure full, prompt, and faithful performance of all its closure obligations for the Property under this permit and the payment of losses, damage and expense incurred or suffered, including attorney's fees, as a result of any failure, refusal or inability of Applicant to perform its closure obligations or to recover under said bond. The bond shall provide that no waiver or delay or neglect of enforcement of any obligation of Applicant shall affect the right of the Town to recover under said bond, and that no claim or

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- demand for payment on the bond shall be made unless written notice of default and reasonable opportunity (not less than 30 days) to cure said alleged default shall have first been given to Applicant. This permit shall not be effective until the bond is in full force and effect. This permit shall terminate upon any lapse in the bond.
15. Annual Report Required. An annual report shall be submitted to the Town on or before the 1<sup>st</sup> day of February of each year. Said plan shall outline the activities and amounts of materials removed during the year and plans for the next year. The report shall include all of the information required by this permit including, but not limited to, evidence that the insurance and restoration bond are effective and in place. In addition, Applicant shall keep a record of all complaints made about the operation of the mine and the measures taken to deal with the complaint.
  16. Fuel Storage. There shall be no on-site storage of fuel, except that the fuel for the generators shall be stored in the crushing trailers. Applicant shall ensure that the fuel is properly stored according to state and federal guidelines. 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.
  17. Location of Equipment. Applicant shall notify the Town of the location of the crusher and each time the Applicant proposes to move the crusher. Applicant shall only place the crushing equipment in a location that satisfies the following conditions:
    - A. The location must be screened from the neighboring homes to the extent reasonably possible;
    - B. The location must be in or near the bottom of the mining area to reduce noise and visible impacts to neighboring properties; and
    - C. The location must otherwise minimize the impact of the use of the equipment upon the surrounding neighbors.
  18. Other Equipment. Vehicles (dump trucks, loaders, etc.) used for the mining operation shall be stored in accordance with the above conditions at the end of each day of operation and other equipment that is to be stored for a period of at least 60 days shall also be moved to and stored in accordance with the above conditions.
  19. Chemicals. No hazardous chemicals are allowed to be stored on the property other than fuel storage as outlined in this permit. Applicant shall notify the Hastings Fire Department about the existence and location of the storage of any chemicals on the site. Applicant shall comply with any and all recommendations of the fire chief regarding storage of said chemicals on the site.
  20. 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.
  21. 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.
  22. 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.
  23. 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.

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24. **Host Fees.** In the event that the Minnesota Legislature approves host fees, Applicant shall pay to the Town the fees which are allowed by the legislation.
25. **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.
26. **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.
27. **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.
28. **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.
29. **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.

**Voting Yes-Radke, Schneider and Lilligren. Voting No-none. Motion Carried 3-0.**

Application request forwarded to Board for January 9, 2012 review.

**7:58 PM** Recess to wait until Board room was cleared of those leaving.

**8:02 PM** Planning Commission Meeting Resumed. Grote resumed Planning Commission position.

Resident requested response on questions submitted to Commission. Commission authorized Planner to review resident questions and prepare summary to inform the Board.

Commissioner Lilligren informed the Planning Commission members that she may not finish her term to 2013.

**APPROVAL OF MINUTES:**

**Motion Grote/2<sup>nd</sup> Radke approval of 10/17/11 Planning Commission/ Modern Automotive Conditional Use Permit Minutes.**

**Voting Yes-Grote, Schneider, Radke. Voting No-None. Abstained-Lilligren. Motion Carried 3-0.**

**8:15 PM Motion Schneider/2nd Grote to adjourn. All In Favor. Motion Carried 4-0**

Becky Herman  
Denmark Township Clerk/Treasurer