

Denmark Township Planning Commission Meeting
Tiller Corporation 15672 87th Street South
Interim Use Permit-Mining
May 20, 2013

Planning Commission members present: Charlie Grote, Don Schneider, Bob Barr, Steve Radke, Roger Lang

Absent: None

Supervisors Present: Kathy Higgins

Others Present: Attorney Troy Gilchrist (Kennedy Graven) and Planner Kelsey Johnson (WSB)

5:05 PM-6:50 PM Prior to the Planning Commission Meeting, members of the Planning Commission and the Town Board attended a training workshop conducted by Attorney Gilchrist.

7:00 PM Chair Barr called Planning Commission to order.

7:02 PM Chair Barr opened Public Hearing. Tiller Corporation-15672 87th Street South
Mike Carron, Christina Morrison and Kirsten Pauley (construction engineer) present on behalf of Tiller.

Tiller currently has a Conditional Use Permit (CUP) which was issued in 2008. Since the approval of the 2008 5 year permit, the Township Development Code has been amended to require an Interim Use Permit (IUP) rather than a Conditional Use Permit for mining. Tiller is requesting an Interim Use Permit to continue their operations of a sand and gravel mine and a limestone quarry.

Planner submitted 05/13/2013 report containing findings of fact and recommended conditions.

Applicant has reviewed report and noted that the conditions of the permit were consistent with conditions of the past permits.

In the past 5 years, explosives have been used only once, which is a reflection of the market with not a lot of limestone being sold. Most likely blasting will occur this season and next year.

Activity at the site is anticipated to be consistent with levels of activity the past 5-10 years.

Sand and Gravel Mining

Phase 1 (southeastern quadrant) is what has been mined to date for sand/gravel mining. Phase 1 will continue and portions of Phase 1 & 2 (northeastern quadrant) will begin to be mined, depending on demand.

Limestone Quarry

Phase 1Q has been mined for limestone quarry.

Phase 1Q & 2Q are planned to be mined in the next 5 year period.

Hours of operation 7AM-7PM, Mon-Fri. Extended hours arising from situations such as emergencies or accelerated work schedules would require approval from the Town Board Chair.

Access-87th Street, locked security gate on property.

During construction season, traffic is estimated at an average of 90 loads per day (180 truck trips). Maximum of 200 loads a day (400 truck trips). 2012 volume was approximately 100,000 T. (5000 loads year, operating in a 180 day year) approximately 28 loads (56 truck trips daily). Peak traffic would be 200 loads, which most likely does not occur. Dump truck load is approximately 15T.-semi trailer load is approximately 22-25 T.

Discussion re: use of 90th St. Tiller does encourage truck drivers not to use 90th St. Tiller is not able to prohibit customers from using 90th St. as it is a public County road. If a project is on or close to 90th street it wouldn't be feasible to use another road. Commissioner commented that the County would be improving 90th St in 2013 and believed that gravel trucks should be able to use 90th Street if improved and widened.

South Washington Watershed District has been sent the plans and staff report and no comments have been received to date.

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Engineer has reviewed regarding O'Connor's pond and site drainage and found everything to be consistent with the past CUP and no additional comments have been received.

Planning Staff is recommending conditional approval of a 5 year Interim Use Permit.

Tiller has received a water appropriation permit from the DNR to use water from O'Connor's Lake for dust control. Authorization can continue as long as the water in the Lake is maintained at a certain level.

Attorney- the staff recommended conditions do not reflect all of the administrative standard conditions, which will be added in the resolution for the permit.

Public Comment-resident requested copy of the phasing plan and information on the berming. At this time, the site is bermed on 87th from the access going east to the corner of Quadrant. When additional stripping occurs (anticipated to occur in July 2013), berming will be added and built in phases from the corner of Quadrant to the north. Berming is typically 6-8 ft high, depending on the amount of overburden moved, and amount of topsoil stockpiled for reclamation.

7:23 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

7:24 PM Planning commission resumed.

Motion Grote/2nd Schneider to forward Tiller Corporation request to the Board with a recommendation to approve a 5 year Interim Use Permit for Sand and Gravel Mining and Limestone Quarrying at 15672 87th Street S, based on the Planner's 05/13/2013 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"). 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 3/21/13. 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 10 feet above the water table. No excavation shall occur within the fifty (50) foot setback area.
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. No mining is permitted in Phase 3 until specific mining limits are determined and approved by the Town. A copy of the operations Surface Water Management Pollution Prevention (SWPP) must be provided to the Town.
6. Access Route. The Applicant will share some portion of the cost of routine maintenance of 87th Street and inform haulers to not use load jake braking, to use only county roads where possible, and to avoid using 90th Street (Co. Rd. 76).

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7. 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.
8. Fencing, Screening and Landscaping. The perimeter fence must be maintained. Additional screening berms must be built as new areas to be mined are excavated.
9. Dust and Dirt. The Applicant must implement dust control measures described in the Mining Plan.
10. 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.
11. 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.
12. Fuel Storage. All on-site fuel storage must meet Federal, State, County, and Township standards. Secondary containment of 110% of the tank's capacity must be provided. No other storage of hazardous chemicals at the site is allowed. 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.
13. 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.
14. 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.
15. 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 Washington County and Denmark Township as an additional insured.
16. 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.

All In Favor. Motion Carried 5-0.

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APPROVAL OF MINUTES-

Motion Grote/2nd Radke approval of Minutes 01/22/13 Planning Commission/Beskau-12260 Margo Ave S. Conditional Use Permit. All In Favor. Motion Carried 5-0.

Roger Lang is the newly appointed Planning Commission Member.

Election of Chair/Vice-Chair: Member discussion regarding keeping Chair/Vice-Chair as is.
Motion Radke/2nd Schneider to elect Bob Barr as Chair and Charlie Grote as Vice-Chair.
All In Favor. Motion Carried 5-0.

Recognition for Pat Lilligren: Commission would like to extend their gratitude for the many years Pat Lilligren has served Denmark Township on the Planning Commission.

7:39 PM **Motion Schneider/2nd Grote to adjourn.** All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer