

DENMARK TOWN BOARD MEETING MINUTES
February 4, 2013

SUPERVISORS PRESENT: Kathy Higgins, Jim Keller and Karen Herman

ABSENT: Joe Moore and John Kummer

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven), Planner Johnson (WSB) and Engineer Stempski (Focus)

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

AGENDA APPROVAL: Motion Keller/2nd Herman approval of agenda. All In Favor. Motion Carried 3-0.

CONSENT AGENDA APPROVAL: Motion Keller/2nd Herman approval of consent agenda items which include 01/07/2013 Board Meeting Minutes, Claims #10026-10043, EFT payments- PERA 238006, MN Revenue Tax 0045597952, Federal Tax 43651654, payroll ending 02/01/2013 and financial reports.
All In Favor. Motion Carried 3-0.

HEARING DECISIONS/ZONING ACTIONS: 12260 Margo Avenue South
Rio Gran Beskau Trucking Conditional Use Permit & Rio Gran Beskau Kennel Interim Use Permit
Applicants Richard and Karen Beskau, Attorney Colburn and Pat Lynch (construction mgr.) present.

Conditional Use Permit (CUP)- Trucking

Applicants are requesting a Conditional Use Permit for a commercial trucking operation including outdoor storage of trailers and maintenance of equipment and indoor boat storage and semi-tractor lease space.

Applicant proposes to utilize up to 15 semi tractors and 15 trailers in his business. Currently has contract with Oil Company so trailers may have fuel in them when parked at the site. Trailers will be parked outside on the gravel area. Typically, trucks would be leaving the site between 2-5 AM and returning between 2-5 PM. Service/maintenance activities would be for Applicant's personal trucks. Proposes to use part of the building for seasonal boat storage and lease of space for semi-tractors other than his own.

Applicant has spoken with Building Inspector regarding code requirements for both the shop/storage use and the dog activities use.

Planning Commission recommended conditional approval of the Conditional Use Permit at its 01/22/2013 meeting.

Attorney submitted 01/31/13 draft resolution for Applicant and Board review. Discussion and revisions to the draft were as follows:

Site plan was revised to identify 15 outside parking spaces for the trailers. There may be times when the semi tractors will be parked outside. Existing surface is gravel. A question was raised regarding the likelihood of risk of leakage from the fuel tankers parked on the gravel lot. Applicant indicated that the trailers are tested on an annual basis and every 5 years they are tested internally. Inspections are required in order to enter the terminals, and the terminals monitor the condition of the tankers that come in to them. Applicant intends to install a cement pad on the gravel lot to place the dollies on, including a pad for the dolly under the king pin. Tankers are designed with an inner well should leakage occur. In weather when the ground is soft, the tractor is left connected to the trailer for additional support. Board consensus that gravel surface would be permitted.

Applicant is proposing to repair only his trucks and only inside the building.

Applicant is not proposing any loading/unloading activities as there is no existing dock on the site. Applicant is not proposing outdoor storage of tires/materials/abandoned vehicles.

Engineer stated that the 100 year flood elevation would not need to be shown on the site plan as the revised proposed fencing will not be inside the stormwater boundary and the 100 year flood elevation.

Applicant is requesting to replace the split rail fence around the septic area with a 6 foot chain link fence. Board is okay with the request.

Board revisions to draft conditions:

Condition #1- semi-tractors usually, but not always are parked inside the building. Outside gravel parking surface is sufficient.

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Condition #2- total number of semi-tractors and semi-trailers includes those owned by Applicant and others leasing space shall not exceed 15 semi-tractors and 15 semi-trailers.

Condition #7- delete loading/unloading condition.

Condition #8- the 100 year flood elevation would not need to be shown on the site plan.

Condition #9- delete abandoned vehicles condition.

Condition #14- delete non-vehicle exterior storage condition.

Condition #24- No change in outdoor lighting may be made without prior approval of the Building Inspector.

Interim Use Permit (IUP)- Kennel

Applicants are requesting an Interim Use Permit for kenneling of owner's dogs, a grooming school and grooming services. Applicants are requesting an IUP for short term indoor kenneling of the owner's personal show dogs, a grooming school and grooming services to the public.

Only the owner's personal show dogs (typically 8, max 15) would occasionally (1-2 times a month) be kenneled overnight. Request is not for a public kennel. Grooming school provides pet care/grooming training and is licensed with the State of MN. Planning Commission recommended conditional approval of the Interim Use Permit at its 01/22/2013 meeting.

Attorney submitted 01/30/13 draft resolution for Applicant and Board review. Discussion and revisions to the draft were as follows:

Applicant has been in contact with Chris Leclair (County) regarding appropriateness of existing septic system. Applicant indicated that the existing septic is large enough to accommodate the proposed use and since the dogs involved are the applicant's personal dogs, there would be no need for an additional sewage treatment system. County will issue report. Applicant has revised the site plan so that the fence for the south dog exercising area would be outside of the stormwater pond boundary and the 100 year flood elevation. Proposed fence will run along and outside of the northwesterly edge of the drainage easement area so that the entire drainage easement area and some additional area south of the building and customer parking area would be included in the exercise area. Applicant will promptly take care of all dog waste in this area. There would be no retail sales other than products sold to the dog grooming students. Engineer is recommending that a 20 foot access gate be part of the dog exercise area fence, should access to the stormwater pond area be necessary.

There would be no retail sales other than products sold to the dog grooming students.

Board revisions to draft conditions:

Condition #4- the 100 year flood elevation would not need to be shown on the site plan.

Condition #8- gate must be placed in fence surrounding the stormwater pond with a sufficient width to allow entry by equipment as may be needed to maintain the pond in the future. 6 foot chain link fence around septic area is permitted.

Condition #16- No change in outdoor lighting may be made without prior approval of the Building Inspector.

Motion Keller/2nd Herman to adopt Resolution 2013-03 Approving An Interim Use Permit To Conduct Certain Commercial Kennel Related Businesses On The Property Located At 12260 Margo Avenue South. All In Favor. Motion Carried 3-0.

Motion Keller/2nd Herman to adopt Resolution 2013-04 Approving A Conditional Use Permit To Conduct Certain Business Operations On The Property Located At 12260 Margo Avenue South. All In Favor. Motion Carried 3-0.

Motion Keller/2nd Herman to adopt Resolution 2013-05 Revoking All Prior Conditional Use Permits For 12260 Margo Avenue South. All In Favor. Motion Carried 3-0.

PUBLIC COMMENT: None

BUSINESS ITEMS:2013 Roads Maintenance Update: 2013 road projects include sealcoat/crack seal on 87th Street S. (St. Croix Tr. To Quant Ave S.), Penrose Avenue S. and Pleasant Avenue S. Striping the areas on 80th St. S. and 122nd St. S.

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which were identified by the Engineer and Roads Supervisor, to improve safety. Cost of proposed striping is expected to be approximately \$1000.00. Engineer will keep Board updated.

Oakgreen Ave S from 70th to 80th appears to be in need of repair/maintenance. Rumpca Excavating is responsible for the maintenance of the road. Board will review during the road tour.

2012 Financial Audit-Oberloh & Associates: Oberloh & Associates has submitted their proposed cost of \$4300.00 for 2013 audit services. Cost remains same as it was for 2013. **Motion Keller/2nd Herman approval for Oberloh & Associates to perform 2012 financial Audit as proposed.** All In Favor. Motion Carried 3-0.

Planning Commission Interviews: Pat Lilligren's Commission seat term will expire 04/01/2013. Vacancy will be published February 7th and 14th with a 02/21/13 deadline to apply. Clerk will coordinate date for interviews if necessary.

Board Of Audit: Year ending 12/31/2012.

Supervisors Present- Higgins, Keller, Herman. Absent- Moore and Kummer.

2012 Statement Of Finances

Year end account balances submitted as follows: checking account-\$295,043.22, general savings account-\$737,957.85, Cable Restricted account-\$10,584.87, and Park/Recreation Restricted account-\$130,780.94. Total cash balance \$1,174,366.88.

2012 revenues received by Denmark Township total \$581,006.23. 2012 expenditures made by Denmark Township total \$475,277. Receipt and Disbursement Registers, Statement of Receipts, Disbursements and Balances (Schedule 1) for all Township accounts and account balances for the year ending 12/31/2012 were entered into the record.

Check range for all checks disbursed 01/01/2012 through 12/31/2012, #10424 through #10713.

Board selected the following claims at random for review:

Check #10428 Claim 9774 Approved 01/09/12 Claimant- Minnesota Association Of Townships

Check #10435 Claim 9781 Approved 01/09/12 Claimant- Rivertown Newspaper Group

Check #10528 Claim 9856 Approved 05/07/12 Claimant- Clarence and Karen Pribnow

Check #10676 Claim 9979 Approved 12/03/12 Claimant- XCEL Energy

Check #10689 Claim 9992 Approved 12/03/12 Claimant- Tammy Johnson

Check #10707 Dec payroll Approved 12/03/12 Claimant- Becky Herman

Motion Herman/2nd Keller to approve claims as randomly audited during the Board Of Audit,

2012 revenue/expenditure reports (\$581,006.23 in revenues and \$475,277.11 in expenditures) and 2012 year end account balances totaling \$1,174,366.88 as submitted. All In Favor. Motion Carried 3-0. Clerk's statement of finances will be submitted for the annual meeting.

LEGAL REPORTS:

Attorney will revise and resend Dog Ordinance draft for Board review.

8:50 PM **Motion Herman/2nd Keller to adjourn.** All In Favor. Motion Carried 3-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendums Resolutions 2013-03, 2013-04, 2013-05

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2013-03
RESOLUTION APPROVING AN INTERIM USE PERMIT TO
CONDUCT CERTAIN COMMERCIAL KENNEL RELATED BUSINESSES
ON THE PROPERTY LOCATED AT 12260 MARGO AVENUE SOUTH

WHEREAS, Richard and Karen Beskau, on behalf of Rio Gran Enterprises, Inc., ("Applicant") submitted an application to Denmark Township ("Town") for an interim use permit to operate a dog grooming school, provide dog grooming services, and to kennel the Applicant's own dogs on the property located at 12260 Margo Avenue South (PID 06.026.20.23.0004) and legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested interim use permit on January 22, 2013, during which it heard from the Applicant and the public regarding the application. The Planning Commission considered the application and took action to forward the application to the Town Board with a recommendation that the application be approved with certain conditions;

WHEREAS, the Town Board reviewed the Planning Commission's recommendation at its meeting on February 4, 2013, 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 January 16, 2013 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 Commercial/Industrial (CI) Zoning District and the proposed dog grooming school and grooming services businesses, and the kenneling of the Applicant's own dogs, (collectively the "Proposed Businesses") are allowed in the district as a commercial kennel use with the issuance of an interim use permit;
- c. The Property was previously fully developed and used for other businesses. The Property contains a large building that will be converted for the Proposed Businesses along with the addition of fenced areas to serve as dog exercise areas;
- d. The Applicant indicated that because the Property will not be used for the long-term keeping of dogs, its experience is that collecting and disposing of dog wastes and hair has been sufficient without the need for a separate individual sewage treatment system for that purpose. Because the County regulates individual sewage treatment systems and the Town is not certain whether those regulations would require a separate system in this situation, the Town will require a separate system only if the County determines a separate system is required;
- e. Because of the way the Property has already been developed, the area available for an outdoor exercise area will require a fence to be constructed within one hundred (100) feet of the northern property line. The Town Board determines the proposed fencing is permissible under the Development Code as the area will be used primarily to exercise the Applicant's own dogs during the limited periods in which the dogs will be on the Property;
- f. The Applicant also submitted an application for a conditional use permit to operate a semi-truck trucking business, seasonal boat storage business, and semi-truck parking business on the Property. Those activities are subject to the terms and conditions of the conditional use permit issued by the Town; and
- g. The Town Board determines the application materials are sufficient and the Proposed Businesses satisfy the criteria in the Development Code for granting an interim use permit.

NOW THEREFORE, BE IT RESOLVED, that, based on the record of this matter, and the findings and determination contained herein, the Town Board of Denmark Township hereby approves and issues an interim use permit for the operation of a dog grooming school, a dog grooming services business, and the short-term kenneling of the Applicant's dogs 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 a dog grooming school and dog grooming services business, as well as the boarding of the owner's personal show dogs. 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. Duration of Permit. This permit shall remain in effect for up to fifteen (15) years. During the term of this permit Town Board retains the right to place additional or amended conditions on the permit as it determines are necessary to reduce odor, noise, and visual impacts of the permitted uses based on a finding, after the businesses are operational, that the present conditions do not adequately address those impacts. Before making any modifications to the IUP conditions, the Town Board will notify the Applicant of the proposed amendments and allow the Applicant to be heard regarding them. A change in ownership of the parcel, except for the completion of the purchase of the Property by the Applicant, or of the permitted uses shall cause this permit to terminate and require a new permit. This permit shall terminate fifteen (15) years from the date of this Resolution, unless terminated earlier as a result of a change in ownership of the Property or of the grooming business. If this permit is terminated, or if the Town Board revokes it for a violation of any of the conditions, all uses allowed by this permit must cease and shall not be resumed unless a new permit is issued
3. Hours of Dogs Outside. The hours in which dogs will be allowed outside of the building in the fenced areas shall be Monday through Sunday between 7:00 a.m. and 8:00 p.m. The owner shall place "no-bark" collars on the dogs it owns when they are outside on the Property.
4. Stormwater Pond. The Applicant shall clear and keep clear, vegetation currently existing within the stormwater pond located on the Property that may interfere with the structural integrity or functioning of the pond and shall continue to keep the pond clear of such vegetation.
5. Individual Sewage Treatment System. An individual sewage treatment system shall be installed with the capacity to handle waste and hosing from the kennel and kennel runs if required by the County. 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. If

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an individual sewage treatment system is not required by the County, the Applicant shall regularly collect and properly dispose in closed waste receptacles of all wastes and hair generated from the uses.

6. Keeping of Dogs Overnight. No dogs or other animals, other than the owner's personal show dogs, shall be allowed to remain on the premises overnight.
7. Landscaping. 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.
8. Fencing. Fences as indicated on the revised site plan (2/4/13) may be erected and must be maintained in good condition at all times. The Applicant may replace the existing split rail fence with a chain link fence, provided all new fencing comply with this permit and the Ordinance. A gate must be placed in fence surrounding the stormwater pond with a sufficient width to allow entry by equipment as may be needed to maintain the pond in the future. All dog waste occurring while exercising the Applicant's dogs in the fenced areas must be promptly cleaned up and properly disposed of in the trash.
9. Easements. All easement areas must remain clear of vehicles, landscaping, equipment, tools, and other materials. Such items shall be removed by the Applicant or at the Applicant's expense. Access to the easements cannot be blocked at any time.
10. Trash Disposal. All trash disposal receptacles must be contained within the existing trash enclosure or wholly within the existing building. Exterior trash dumpsters shall be screened and landscaped as shown on the approved plans.
11. 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.
12. 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.
13. 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 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.
14. 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 The Nature Group dated 3-12-09, 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.
15. Signage. Design, locations and specifications of signs shall conform to the Denmark Township Development Code. All signs shall require a sign permit to be issued by the Town.
16. 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 Building Inspector.
17. Proof of Purchase. The Applicant shall provide evidence to the Town that it purchased the Property within 60 days of the County's issuance of a conditional use permit for this use. A copy of the recorded deed conveying the Property to the Applicant shall be sufficient proof.
18. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, 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.
19. Fees. The Applicant shall pay all planning, engineering, and legal fees and costs incurred by the Towns for processing this permit application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate, and all uses allowed by this permit shall cease, upon the Town providing a Notice of Nonpayment to the Applicant.
20. 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.
21. 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.
22. 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.
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. 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.

Adopted this 4th day of February, 2013.

BY THE TOWN BOARD

DENMARK TOWN BOARD MEETING MINUTES
February 4, 2013

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2013-04

RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO CONDUCT CERTAIN BUSINESS OPERATIONS ON THE
PROPERTY LOCATED AT 12260 MARGO AVENUE SOUTH

WHEREAS, Richard and Karen Beskau, on behalf of Rio Gran Enterprises, Inc., ("Applicant") submitted an application to Denmark Township ("Town") for a conditional use permit to operate a trucking business and a seasonal boat storage business on the property located at 12260 Margo Avenue South (PID 06.026.20.23.0004) and legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested conditional use permit on January 22, 2013, during which it heard from the Applicant and the public regarding the application. During the hearing the Applicant requested the proposed use of the Property be expanded to include authorization to lease space for semi-truck parking. The Planning Commission considered the application and took action to forward the application to the Town Board with a recommendation that the application, including the requested semi-truck parking use if allowed under the Denmark Township Development Code ("Development Code"), be approved with certain conditions;

WHEREAS, the Town Board reviewed the Planning Commission's recommendation at its meeting on February 4, 2013, 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 January 16, 2013 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 Commercial/Industrial (CI) Zoning District and the proposed trucking, seasonal boat storage, and semi-truck parking businesses (collectively the "Proposed Businesses") are allowed in the district with the issuance of a conditional use permit;
- c. The Property was previously fully developed and used for other businesses. The Property contains a large building that will be converted for the Proposed Businesses;
- d. 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;
- e. The Applicant also submitted an application for an interim use permit to operate a dog grooming school, provide dog grooming services, and to have a personal dog kennel in the building on the Property. Those activities are subject to the terms and conditions of the interim use permit issued by the Town; and
- f. The Town Board determines the application materials are sufficient and the Proposed Businesses satisfy the criteria in the Development Code for granting a conditional use permit.

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 a semi-truck trucking business, semi-truck parking business, and a seasonal boat storage business on the Property, provided the Applicant complies with, and remains in compliance with, all of the following conditions and limitations:

1. Scope of Semi-Truck Trucking Business. This permit allows the Applicant to operate its freight trucking business from the Property with no more than 15 semi-tractors and 15 semi-trailers. The semi-tractors will typically be parked inside the building when not in use, except for short periods and some overnight parking when it is not reasonable to disconnect the semi-trailer from the semi-tractor. The semi-trailers may be parked outside on the gravel parking surface as shown on the site plan (2/4/13). This permit allows the Applicant to conduct repairs on its semi-tractors inside the building, but does not allow the operation of a repair business that offers truck or automobile repair services to the public.
2. Scope of Semi-Tractor Parking Business. This permit allows the Applicant to lease space within the building for others to park their semi-tractors. Those leasing space may park their personal vehicle in their space when their semi-tractor is in use. The total number of semi-tractors and semi-trailers on the Property, including those owned or operated by those leasing space, shall not exceed 15 each.
3. Scope of Seasonal Boat Storage Business. This permit allows the Applicant to operate a seasonal boat storage business on the Property. The boats are to be stored in the building and no repairs or other work is to be conducted on the boats. This permit does not allow the use of the Property for the storage of any other items, except that the Applicant may store its show trailer in the building.
4. Individual Sewage Treatment System. The individual sewage treatment system must meet all Washington County Department of Public Health and Environment code requirements.
5. For - Sale Vehicles. There shall be no "for-sale" automobiles, trucks, trailers, tractors, boat, or other recreational vehicles displayed on site.
6. Semi-Tractor Repair. Semi-tractor repair of only the Applicant's trucks is permitted, and must be conducted entirely inside the building. Any parts needed for the semi-tractor repair activities may only be kept on site if located wholly within the building.
7. Stormwater Pond. The Applicant shall clear and keep clear, vegetation currently existing within the stormwater pond located on the Property that may interfere with the structural integrity or functioning of the pond and shall continue to keep the pond clear of such vegetation.
8. Oil Water Separator. The Applicant must provide proof of plans and a report of compliance for an oil water separator for the proposed semi-tractor repair that is in compliance with the Minnesota State Plumbing Code to be reviewed and held on file at Town Hall.

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9. Hazardous Waste. Storage and disposal of hazardous wastes shall comply with the Minnesota Pollution Control Agency and Washington County requirements. The business operator shall provide the Town with a copy of its hazardous waste generators license from the Washington County Department of Public Health and Environment.
10. 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.
11. Building Code Requirements. The facility shall meet all building code requirements.
12. Setbacks. All structures and outside storage of vehicles/trailers shall meet required setbacks.
13. Landscaping. 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.
14. Fencing. Fences as indicated on the revised site plan (2/4/13) may be erected and must be maintained in good condition at all times.
15. Easements. All easement areas must remain clear of vehicles, landscaping, equipment, tools, and other materials. Such items shall be removed by the Applicant or at the Applicant's expense. Access to the easements cannot be blocked at any time.
16. Trash Disposal. All trash disposal receptacles must be contained within the existing trash enclosure or wholly within the existing building. Exterior trash dumpsters shall be screened and landscaped as shown on the approved plans.
17. 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.
18. 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, or in any way, limit the Town's authority to enforce, such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
19. 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 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.
20. Signage. Design, locations and specifications of signs shall conform to the Development Code. All signs require a sign permit from the Town.
21. Lighting. The Applicant shall conform to the lighting regulations of the Development Code. No change in outdoor lighting may be made without prior approval of the Building Inspector.
22. Proof of Purchase. The Applicant shall provide evidence to the Town that it purchased the Property within 60 days of the County's issuance of a conditional use permit for this use. A copy of the recorded deed conveying the Property to the Applicant shall be sufficient proof.
23. Fees. The Applicant shall pay all planning, engineering, and legal fees and costs incurred by the Towns for processing this permit application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate, and all uses allowed by this permit shall cease, upon the recording of a Notice of Nonpayment by the Town.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

Adopted this 4th day of February, 2013. **BY THE TOWN BOARD**

DENMARK TOWN BOARD MEETING MINUTES
February 4, 2013

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2013-05

RESOLUTION REVOKING ALL PRIOR CONDITIONAL
USE PERMITS FOR 12260 MARGO AVENUE SOUTH

WHEREAS, Richard and Karen Beskau, on behalf of Rio Gran Enterprises, Inc., ("Applicant") submitted an application to Denmark Township ("Town") for a conditional use permit to operate certain businesses on the property located at 12260 Margo Avenue South (PID 06.026.20.23.0004) and legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Town has previously issued conditional use permits for the Property, including to JJJJ Holdings, LC as owner, and Crashed Toys, LLC as lessee, (collectively the "Prior CUPs") and on February 4, 2013 issued a new conditional use permit (Resolution Number 2013-04) to the Applicant to operate a trucking business, a seasonal boat storage business, and a semi-tractor parking business on the Property ("Current CUP");

WHEREAS, in order to avoid the confusion that can result from multiple conditional use permits for the same or similar business activities, or potentially conflicting 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 for the proposed business activities on a property;

WHEREAS, the Applicant and owner of the Property are amenable to the revocation of the Prior CUPs 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 February 4, 2013, which authorizes the conducting of a trucking business, seasonal boat storage business, and a semi-tractor leasing 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 February 4, 2013 for the Property located at 12260 Margo Avenue South, Hastings, Washington County, Minnesota, and legally described in Exhibit A to this Resolution are hereby revoked. All such Prior CUPs are no longer valid and may not be relied on. This revocation does not affect the interim use permit issued for the Property by the Town on February 4, 2013.
2. The Town Clerk-Treasurer 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 Clerk-Treasurer, 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 4th day of February, 2013. **BY THE TOWN BOARD**