

Denmark Township Planning Commission Meeting
Rumpca Excavating Mining Interim Use Permit
Public Hearing
June 20, 2016

Planning Commission members present: Don Schneider, Roger Lang, Steve Radke, Charlie Grote
ex-officio Kathy Higgins

Absent: Bob Barr

Board Members Present: Karen Herman, Joe Moore, John Strohfus

Others Present: Attorney Troy Gilchrist, Planner Eric Zweber, Engineer Cara Geheren (Focus)

7:00 PM Vice-Chair Lang opened Public Hearing. Operator Rumpca Excavating, Site Owner Magone Farms
13985 80th St S- PID 17.027.20.13.0001 and 17.027.20.11.0001

Applicant's present- Brad Rumpca, Tim Rumpca, Kirsten Pauly (Engineer), Jack Clinton (Attorney).

Kirsten Pauly-registered civil engineer and geologist Sunde Engineering presented the following:

Rumpca Excavating is currently operation under a 5 year Interim Use Permit (IUP). Application considers continuation of the current mining operation consistent with the past with a few proposed changes.

Depth of Excavation-

Water Table- The original EAW estimated that the depth to the water table is 885 ft. W.Brown Land Surveying and Sunde Engineering drilled 4 boreholes and determined that the actual water table is between 846.88 and 845.85 ft. This current data is consistent with well logs on the neighboring properties which range from 790-831 ft.

Current permit limits the depth of excavation to an elevation to 900 ft. Excavation in a portion of the quarry is currently below the 900 ft, with the lowest point on the floor at an elevation of 860 ft. Applicant is proposing that the minimum elevation be at 860 ft. This 860 ft elevation is based on more recent borings that have been taken within the active phase which has identified the elevation of the water table, and keeps the floor of the quarry at least 10 ft above the water table. The County will be requiring the Applicant to take additional borings and verification of water table as the site progresses from Phase 1 into Phase 2.

There is a groundwater protection plan in place and there is no fuel storage on site. As a result of the past excavation going below the limited 900 ft elevation, the County will require the site to be surveyed by a Registered Surveyor on a monthly basis during the mining season to keep a closer monitor on the quarry floor, with a report to be submitted to both the County and Township on a monthly basis.

Tuck Traffic- operation is currently limited to 75 truck loads (150 trips) per day. Applicant is requesting the truck loads be increased to 150 loads (300 trips) per day. Site averages about 30 truck loads daily. Demand for additional material has occurred, usually when there are government projects, and Applicant is proposing that the number of days that the number of loads can exceed 75 loads would be limited to 20 days in the mining season. County has required that daily truck load counts be maintained and reports submitted to the County and Township on a monthly basis.

Rumpca stated that they have turned people away because they are limited on the number of loads they can fill. Also, they would like to be on an even playing field with the other gravel pit in Denmark which has no restrictions on the number of loads they sell.

Reclamation Bond- Past bond was \$225,000 which was based on a full reclamation over the entire life of the area. The County has adjusted the bond amount to cover the 10-12 acres which would be open at the end of a new 5 yr period, in the amount of \$36,000. The Township Engineer has reviewed the estimate and is recommending the bond be 125% of the \$36,000, which would require the bond to be \$45,000. Applicant is in agreement with recommendation.

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Discussion Planning Commission and Applicant.

Typical mining period April 15th-November 15th, weather dependant.

Grote- Indicated that at the County hearing, it was established that Rumpca was in violation of excavation below the 900 ft elevation limit and that the area was to be sealed up. Pauly recalled that they were not directed to fill it back up, that filling it was only one of the possible scenarios that was discussed, if the condition to lower the 900 ft elevation limit to 860 ft. was not approved. County did approve the 860 ft limit, which does not require Rumpca to fill up the excavated area. Since the County hearing, there has been one certified survey of the lowest point of the survey submitted to the County. The report has not been provided to the Township.

Well logs- The well logs are available at the Minnesota Well Index. Township Planner has the logs and will provide to the Township.

Grote- regarding the statement that the proposed project is not expected to have any significant impact on traffic or parking conditions. At the County hearing, there were many complaints on the traffic from the gravel pit, such as not using the designated haul route and safety of pedestrian use of the road.

Rumpca noted that there is a sign at the pit that Trucks Must Use Oakgreen.

Kirsten Pauly stated that this year Rumpca will be rebuilding Oakgreen and they have gotten a bid from McNamara and once approved, expects the project to start in about 4 weeks. Engineer Geheren noted that in the Township conditions, the Applicant would be required to complete the repairs by August 15, 2015. And, during the term of the permit, the Town Engineer, Town Supervisor and a Rumpca representative will meet each May to determine necessary annual maintenance/repairs to the haul route which would need to be completed by 08/15 of each year.

Location of other equipment- the equipment is not screened from the neighboring properties. Does not believe this is being done. Pauly questioned whether a berm on the south side would be beneficial. She indicated that the processing equipment is on the floor of the quarry so it is recessed. To the extent as reasonably possible, Rumpca is making efforts with the placement of the equipment at the floor of the quarry. Not sure if a berm would be beneficial. Brad Rumpca indicated that the south side was below the 900 ft to begin with, so a berm would have to be extremely high.

Grote inquired whether County sent notice to property owners for their Board Meeting. County sends notices to property owners for public hearings with the County Planning Commission. A County Board Meeting is not noticed to property owners.

PUBLIC COMMENT-

Tom Lavelle (Oakgreen Ave S) Concerns regarding trucks running early in the AM. Noise of trucks constantly running past home. Requested start time 9 AM. Identification of trucks not easy due to dirty license plates. Cited property rights for residents. Urged no increase in number of trucks running. Valuation of property decreased. Cannot safely ride bikes, ride horses or walk on the road with the trucks hauling. Deterioration of the road has caused damage to personal vehicle.

Rich Robinson (Oakgreen Ave S) Concerns regarding groundwater. Received the excavation reports from the last 5 years from the county. 2011- 884 ft. 2012-892 ft. 2014-875.97 2015-876 ft The reports indicate that the pit operator did not maintain the 900 ft excavation depth. Neither the County nor the Township caught the violations in the reports. Reports noted that the operator has indicated that an original site benchmark may

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have been incorrect, Rumpca thought that the elevation limit was 800 ft, demonstrates that the pit operation has serious management problems when it comes to the floor of the pit. Also demonstrated is failure by local government to read a report and act accordingly. Urged Board to set the elevation at 875 ft rather than 860, does not feel a 10 ft buffer between the water table and pit floor is adequate. Would like permit to specify who will perform the review for compliance. Should demonstrate that the monthly process of monitoring is working before setting the elevation at 860ft.

Pam Monno (80th St S) Many moved to Denmark for peace and quiet, now comes in the gravel pit. Asked that there be no increase in the number of trucks hauling. Trucks have left the pit and headed west on 80th to Neal. There is continual jake braking. There are many families that are retired and do not want the truck noise early in the morning. Concerns regarding the depth- needs monitoring. Heard well on 80th had cracked. When blasting occurs the entire house shakes. In belief this may decrease value of property. The entire operation of the noise of the trucks, jake braking and blastings is awful.

Tammie & Dave Haveman- sent letter expressing opposition to the renewal and/or any modifications of the permit. Concerns regarding 80th St. being used rather than the designated route. Also noted that trucks are frequently speeding. Concerns regarding safety of cyclists, walkers, joggers, children in the area with the trucks running. In belief that the increased truck traffic and mining noise will diminish property values, cause further damage to the roads, increase noise pollution, cause a safety hazard and disrupt quality of life.

Township Planner provided Commission with memorandum outlining proposed conditions and Findings of Fact.

8:12 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Meeting Opened.

Discussion re: Depth

Radke expressed frustration in that the 900 ft limit for depth excavation, which is currently at 860.7, was violated in blatant disregard to what was in place. Inquired if new depth excavation is set at 860, what happens if the excavation goes deeper? Attorney stated that consequence would be notice of the violation, possibility to come back into compliance and failure to comply would be to revoke the permit.

With the current depth already at 860.7, Radke and Schneider proposed to set depth of excavation at 860 ft. Grote not inclined to approve as excavation depth is already in violation with the current IUP.

Discussion re: Trucks running-Truck Loads/Trips:

Jake Braking (engine braking) signs have been posted. Engine Braking can be mandated by ordinance. Attorney noted that there did not appear to be any State Statute related to engine braking. Sheriff Deputy noted that a directed patrol could be put in the area to monitor.

Applicant request to modify the 75 load (150 trips), to not exceed an **average** of 75 loads (150 trips) per day during the primary mining season and no more than 150 loads (300 trips) on any one day, and proposes a limit to the number of days that exceed 75 loads to no more than 20 days per mining season. Grote noted that Applicant indicated that there is a minimal use of the pit at this time so why would there be a need to increase. Radke asked Applicant what they really needed for load increases. Applicant's Planner stated that increase is needed during certain projects and sees the possibly need in the next permit period. Pit has had to shut off trucks during busy project days. Tim Rumpca noted that if it rains for a couple days, they likely would see only a

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few trucks. To finish a project the truck loads on the following days will increase to finish a project. The loads would average over these days.

Attorney noted that the other gravel pit in the Township had no load/trip limit. Higgins believed that for an organization doing business, it is a reasonable request. Radke noted that he believes being consistent with the County permit is important and also would not want to shut the doors on someone's business.

Reclamation Bond- Existing bond \$225,000- County set at \$36,000. Higgins noted that the initial Bond was for all the mining phases. Now we are dealing with one phase. Engineer Geheren indicated that requesting a bond set at 125% of the estimated reclamation cost would be consistent with what other developers are required to have.

Grote inquired about the trucks using 80th St. Higgins stated that the Town does not know if the Commercial trucks are using 80th St. Any other trucks such as farm trucks, gravel purchased for Town roads or purchased for any resident's properties within the Township are not required to use the designated route.

Planner is recommending that the Planning Commission recommend conditional approval of 5 year IUP.

Motion S Radke/2nd D Schneider to forward the Rumpca 5 year Mining Interim Use Permit Application to the Town Board with a recommendation to approve, based on the Planner's Finding of Facts 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. Any stockpile located on the Eastern Parcel shall be removed and the Eastern Parcel restored before any mining of Phase 2 may begin. Thereafter, all stockpiling shall occur only within the mining area on the Property (not on the Eastern Parcel). 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) year's 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. 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.

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The depth of the excavation is hereby limited to an elevation of 860 feet. No excavation shall occur within the fifty (50) foot setback area. The Applicant is not allowed to excavate to within 10 feet of the water table, which is currently estimated to be at 845 feet. The site is currently at approximately 860.7 feet. A registered surveyor must certify the mining depth monthly and this information shall be submitted to the town on a monthly basis and included in the annual report to the Town as required by this permit.

A minimum separation of 10 feet must be maintained between the quarry floor and the water table. Prior to moving into phase 2 further verification of water table elevation must be determined. Prior to moving into phase 2 at least three additional borings must be drilled along the western edge of phase 1 to verify water table conditions.

2. Term of Permit. The term of the permit shall be for a period of five (5) years from July 6, 2016 to January 31, 2022. This permit shall terminate on January 31, 2022. 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 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. The Applicant shall comply with all requirements of the site-specific stormwater pollution prevention plan developed by the applicant as required by the MPCA including monitoring effectiveness of the pond and other best management practices. A diversion berm shall be installed on the west side of the mining operation.
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 80th Street, as described below, west to Oakgreen Avenue South, and continuing north on Oakgreen Avenue South, to 70th Street South. The Applicant shall 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 purpose or commercial hauling for the purposes of this permit. Local drop-off or pick-up of materials by non-commercial truck traffic, and commercial hauling for delivery only within the Town, are 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.

At the time of renewal of this permit, Oakgreen Avenue requires immediate repairs which must be completed by August 15, 2016. These repairs include full depth patching of the failing areas of pavement. The extents/limits of these repairs shall be as determined in the field by the Township Engineer, the Town Road Supervisor and a representative from Rumpca Excavating.

During the term of this permit, the Township Engineer, the Town Road Supervisor and a representative from Rumpca Excavating shall meet each May to determine necessary annual maintenance and repairs to the haul route. This maintenance and/or repairs shall be completed by August 15th of each year.

Applicant, at its own expense, will maintain a driveway entrance from the Property onto 80th Street; the driveway entrance is approximately 60 feet to the east of the current driveway location that is

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east of the intersection of 80th Street and Oakgreen Avenue South. If, after mining ceases, the Property is developed, the Town, pursuant to the Denmark Development Code, may designate a different access point onto 80th Street from the Property than is referred to above.

The driveway entrance from the gravel pit to 80th 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.

The number of truck trips entering and exiting the mining site is not to exceed an average of 150 trips per day (75 round-trips) during the primary mining season and no more than 300 truck trips per day (150 round-trips) on any one day. The number of days that exceeds 150 truck trips (75 round-trips) is limited to no more than 20 days per mining season. Rumpca Excavating shall provide a monthly report of daily truck trips to the Denmark Township Clerk by the 10th of following month of operation.

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, or upon a request of a public road authority requiring the delivery of materials after hours or on weekends, 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, the preparation for a reasonably anticipated emergency, or to satisfy the request of the public road authority.
6. Fencing, Screening and Landscape Plan. The overall mining area must remain fenced with a minimum of three strands of high tensile fencing. The fencing shall be moved or expanded as needed to also fence the temporary stockpile to be located on the Eastern Parcel. The fencing around the temporary stockpile shall remain during the entire time materials are stockpiled on the Eastern Parcel. 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 such additional berms along the setback of the Property as needed to screen the operations as mining progresses on the Property.
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.

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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 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. The use of jake-brakes by trucks hauling to, from and within the mine shall be prohibited. Rumpca Excavating shall install "No Jake-Braking" signs.
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 to confirm that the blast did not exceed the Bureau of Mines standards. That information provided the Town within 15 days of the blast and all blast reports from the previous year shall be submitted 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.

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14. Bond. Applicant shall provide a surety bond in the amount of \$45,000 (125% of the operator's reclamation estimate of \$36,000) until all mining operations and final restorations are completed. The bond shall ensure the Property is fully restored as required herein upon the completion of mining activities on all of the phases, upon the termination of this permit without obtaining a new permit, or upon the permanent cessation of mining activities as provided herein. The bond shall continue for an additional eighteen months after the work is completed to assure compliance with all of the terms and conditions of this permit and full restoration of the Property. Such bond 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 bond 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 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 1st 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. The report shall include the monthly depth measurement conducted by a register surveyor. 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 Crushing Equipment. The crushing equipment must be located in the bottom of the pit and meet all required setbacks.
18. Location of Other Equipment. Vehicles (dump trucks, loaders, etc.) used for the mining operation shall be stored so that they are:
 - a. Screened from the neighboring homes to the extent reasonably possible;
 - b. In or near the bottom of the mining area to reduce noise and visible impacts to neighboring properties; and
 - c. Otherwise minimize the impact of the use of the equipment upon the surrounding neighbors.
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

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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.
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- S Radke, D Schneider, R Lang. Voting No- C Grote. Abstaining- None. Motion Carried 3-1-0.

OTHER BUSINESS:

APPROVAL OF MINUTES-

Motion D Schneider/2nd R Lang approval of Minutes 03/21/2016 Planning Commission/ DeBaere Variance 12170 Morgan Ave S. With all present voting yes, Motion Carried 4-0-0.

8:42 PM Motion R Lang/2nd S Radke to adjourn. With all present voting yes, Motion Carried 4-0-0.

Becky Herman
Denmark Township Clerk/Treasurer