

DENMARK TOWN BOARD MEETING MINUTES
October 1, 2012

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Joe Moore and Jim Keller

ABSENT: John Kummer

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

CALL TO ORDER: Meeting called to order @ 7:03 PM by Chair Higgins

AGENDA APPROVAL: Keller added tree trimming and motocross operation. **Motion Moore/2nd Kramer approval of agenda as amended. All In Favor. Motion Carried 4-0.**

CONSENT AGENDA APPROVAL: **Motion Moore/2nd Kramer approval of consent agenda items which include Minutes 09/04/2012 Board Meeting, Claims #9943-9956, EFT payments- PERA 224994, MN Revenue Tax 1307426304, Federal Tax 73361281, payroll ending 10/01/2012 and financial reports. All In Favor. Motion Carried 4-0.**

HEARING DECISIONS/ZONING ACTIONS: GLG Properties-7077 Manning Avenue South
GLG Properties is requesting to amend the conditional use permit for the operation of a plant nursery retail business at 7077 Manning Avenue S. Applicant is also requesting an amendment to the text of the zoning ordinance to allow for a yard waste facility with composting as an accessory use to a plant nursery in the agricultural zoning district. Subject property and business are currently owned by Buell's limited Partnership. Applicants Gino Patera (GLG Properties) and Tom Evenson (Gonyea Land Co.) present.

The proposed amendments to the current Buell's conditional use permit include updating the parcel identification numbers (07.027.20.22.0002- 07.027.20.23.0002- 07.027.20.23.0001) to include all 3 adjacent parcels totaling 79 acres with the correct legal descriptions to be included in the permit. Current CUP identifies only one 47 acre parcel (07.027.20.22.0002). To ensure that the existing 2 driveway accesses from Hwy 95 are allowed to be left in place. To allow for the composting and the sale of finished composting product as an accessory use to the Plant Nursery's in the agricultural zoning district.

Applicant proposes to continue the operation of a retail nursery garden center. No new buildings on the site are proposed.

Public Hearing September 17, 2012. Planning Commission recommended approval of the proposed ordinance amendment to the Development Code to allow composting as an accessory use to a plant nursery. Planning Commission also recommended conditional approval of an Amended Conditional Use Permit, based on the 09/11/12 Planners report and Findings of Fact.

Chair Higgins read into the record comments via email 10/01/2012 received from Cheryl Kohls (landowner to the west). Comments included concerns regarding size, ground and surface water impacts, noise, odor and bioaerosols.

Discussion regarding hours of operation for composting equipment. The hours allowed for the composting operation would be Monday through Saturday 7 AM-5 PM. Compost piles are turned by a front end loader only about 3 times in a six month process period. The tub grinder used for branches/trees would be used only about 10 days a year. It was noted that prevailing winds would typically blow particles to the east.

Planner-The Town Development Code prohibits yard waste facilities in the Township. It appears that the Development Code identifies a "yard waste facility" as a principal use, where there would be only composting on the site. Applicant has a plant nursery and would like to do some composting on a small portion of the site as an accessory use to the nursery rather than a principal use.

Planner contacted South Washington Watershed District regarding stormwater related issues. SWWD indicated that since there are no grading or site improvements that would facilitate the need for permitting process with the watershed district. SWWD will work with the applicant to provide a stormwater plan with the composting operation, which is a condition of the conditional use permit.

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Attorney reviewed draft ordinance amendment and draft conditional use permit with applicant and the Board.

Motion Keller/2nd Moore to adopt Ordinance 2012-03 An Ordinance Amending The Denmark Development Code To Allow Composting As An Accessory Use To A Plant Nursery. All In Favor. Motion Carried 4-0.

Motion Keller/2nd Moore approval of Resolution 2012-10 A Resolution Approving A Conditional Use Permit To Continue To Operate A Plant Nursery On Property Located At 7077 Manning Avenue South. All In Favor. Motion Carried 4-0.

Motion Moore/2nd Keller approval of Resolution 2012-11 A Resolution Revoking All Prior Conditional Use Permits For 7077 Manning Avenue South. All In Favor. Motion Carried 4-0.

Motion Keller/2nd Kramer to authorize Attorney to draft Resolution (Resolution 2012-12) Approving Summary Language for Publication of Ordinance 2012-03. All In Favor. Motion Carried 4-0.

Ordinance 2012-03 will become effective on 10/11/2012 upon publishing. Resolution 2012-12 will be ratified at November Board Meeting.

PUBLIC COMMENT:

Motocross Operation- Resident addressed Board with concerns of a commercial motocross operation on Quadrant Avenue. Township also received complaint from another resident via email. What was originally a family dirt bike track is now being publicly advertised as a motocross operation. It is now being used as a business for the public's use rather than for private recreational use. The advertising includes hours and fees for use of the track. Dust, noise, traffic, moving of dirt and environmental damage is of concern. County reviewed the track some time ago when it was operating on the conservation easement. It is now operating on the homeowner's private parcel. Ordinance does prohibit commercial racetracks within the Township. Disturbance of an acre or more of soil does require a permit.

Motion Kramer/2nd Keller to authorize Township Staff to look into the motocross activities matter and to issue a letter identifying possible violations. All In Favor. Motion Carried 4-0.

Eagles's Watch Road Repair- Resident Jeff Miles representing Eagle's Watch is requesting road repair within the Development. Submitted map identifying areas in need of repair. When the uplift was done about 4 years ago on the roads in the development, the shoulders were not brought up to the height of the road, drop of about 4 inches in some places. There is also some erosion (asphalt breaking out) on the edges of the road. Areas are adjacent to the common areas in the association. Board consensus to have Kummer contact Tri-County and authorize areas to be repaired. **Motion Kramer/2nd Keller to approve repair of the damaged areas, as identified by Eagle's watch. All In Favor. Motion Carried 4-0.**

BUSINESS ITEMS:

Accessory Structure Location Approval-Rucker 10520 Neal Avenue S.- Rucker's are requesting approval to locate a 30' x 50' accessory structure closer to the road than their primary residence. Rucker's submitted site plan for Board review. NSP 80 ft.easement requires a 30 ft.setback from it. Proposed placement would be over 300 ft from the road and would be accessible from the existing driveway. Behind the house is the well and landscaping. Septic system is located in front of the house. If the structure was placed behind the house, the current open view would be affected. Structure would be used for garage and storage area. After speaking with their neighbors, Rucker's submitted a signed statement from the neighbors of their support of the proposed location.

Motion Kramer/2nd Keller to approve accessory structure location at 10520 Neal Ave. S, per submitted plan. All In Favor. Motion Carried 4-0. All ordinance compliance/setbacks will need to be met.

Great Rivers Confluence Project: Jim Fitzpatrick (Carpenter's Nature Center) and Gene Groebner (Afton State Park) presented information to the Board regarding the Great Rivers Confluence Project. The Project is a

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combined effort which includes Cities, Counties, MN & WI DNR's. Its mission is to represent the communities, the tourism sights and the events in the areas of the confluence of the St Croix and Mississippi Rivers. Project has developed a website which includes a map detailing further information. A symposium will be held on 10/12/2012.

80th Street Pipe: Health Department notified the Township of a large pipe protruding from the ground on 80th Street. Department questioned whether it might be an abandoned well. Higgins spoke with the Health Department and the surveyor's office. Surveyor's office thought that it may have been part of a fence line at some time. Keller will check to see if the pipe is in the Right Of Way.

Road Repair Update: Engineer summarized 80th Street repair. In August Board approved expenditure in the amount of \$25,000.00 for road patching on 80th St. When the engineer brought the original repair plan to the Board, he confined spots to just where the potholing was coming out. Kummer requested that the engineer meet with Ben on the site to view additional potential problem areas. An additional 155 ft was added onto the originally identified patch areas of 260 ft. per discussion with Engineer, Kummer and Thurmes. Price increased from \$24,000 to \$38,000. Engineer observed that the 9" of subgrade that was dug out was clay, organic, black material, not a good subgrade to support the road. Old subgrade was replaced with 6" of gravel and 3" bituminous. Patches were extended because of the alligator cracking, distressed area which had not popped out yet, but most likely would after another winter cycle. Kramer stated that Kummer called him regarding the additional work. Moore noted that the patch areas should have been identified originally. Engineer submitted Ace's billing for payment.

Motion Kramer/2nd Keller to approve and ratify the 80th Street patching road repair work done on 09/20/12 and to authorize payment to Ace Blacktop in the amount of \$38,412.00 (Claim #9957). All In Favor. Motion Carried 4-0.

Discussion regarding the Board's authorization to allow the Roads Supervisor to expend additional funds in cases of time sensitive road issues. Issue will be added to November agenda.

2012-13 Winter Roads Maintenance Quotes:

Town sent out requests for quotes to four contractors for winter road maintenance. Two contractors responded that they would not be quoting the job this year. Had no reply from one contractor. Received one quote from Tri-County Services for \$95.00 per hour. Kummer recommended approval of the quote from Tri-County Services at \$95 per hour.

Motion Moore/2nd Keller approval of awarding 2012-13 winter maintenance contract to Tri-County Services at \$95 per hour, for a one year contract, subject to execution of contract. All In Favor. Motion Carried 4-0.

O'Connor Park-2012 WCD Grant Funds: Keller is recommending approving the submitted work plan to continue work at O'Connor Park. The unused balance of the 2012 Grant Funds is approximately \$10,524.00 of which Denmark would be responsible for 25%.

Motion Keller/2nd Kramer to approve additional work plan which would access the remaining 2012 Grant Funds. All In Favor. Motion Carried 4-0.

Motion Keller/2nd Kramer to approve entering into contract with Prairie Restorations as submitted. All In Favor. Motion Carried 4-0. Keller will contact Jyneen Thatcher, WCD to authorize work to be done.

Town Hall Deck/Ramp/Railing: Kramer requested prices on the open market for work to be done on the deck/ramp/railing. Best price received was from Coat of Many Colors in the amount of \$1750.00. Work to be done includes power wash deck and rail system including stair and ramp, and fascia around pavilion. Stain deck, prime all painted wood as necessary and paint white rails and fascia. **Motion Higgins/2nd Kramer to approve work plan and quote of \$1750.00 from Coat of Many Colors. All In Favor. Motion Carried 4-0.**

Tree Trimming: Moore reported that the trimming that needed to be done right away has been done. May not be such an issue if there aren't a lot of places that need trimming. If there is a lot of trimming needed in Denmark, it may make sense to develop a policy on how it will be handled.

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Attorney-Absent of on the spot review of the statutes, the Attorney offered the following: Statute authorizes submitting a vote to the electors on making residents responsible for ditch maintenance. This only includes removing rocks and trees up to a certain diameter, and keeping brush cut so it doesn't grow into trees. This doesn't include authority for trimming and removing larger trees. Cities do exercise disease control authority. Without going through a process, the Township has the authority to cut trees that are interfering with safety or maintenance. Not aware of any authority to transfer that obligation back to landowners. Discussion for possible tree trimming policy will be placed on November agenda.

Legal Updates:

Dog Ordinance: Attorney is updating the Dog/Animal Ordinance to address the potential Dangerous Dog Statute.

Homestead Estates Phase 2: Interest expressed in Phase 2 of Homestead Estates. Inquiry made in doing a partial development and in making changes in what was approved in the Development Agreement. County and Attorney do not recommend any modifications to the Development Agreement. Board consensus to not allow modifications to the Development Agreement.

Brede Lot Line Adjustment: Development Agreement approved by applicant's Attorney.

9:24 PM **Motion Moore/2nd Kramer to adjourn.** All In Favor. Motion Carried 4-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Ordinance 2012-03, Resolutions 2012-10 and 2012-11

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2012-03

AN ORDINANCE AMENDING THE DENMARK DEVELOPMENT CODE
TO ALLOW COMPOSTING AS AN ACCESSORY USE TO A PLANT NURSERY

The Board of Supervisors of the Town of Denmark ordains:

Article I. Chapter Two, Part 3, Section 2.32 of the Denmark Township Development Code is amended by adding the double underlined material as follows:

- 2.32. Plant Nursery. A building or premises used primarily for the growing and retail sales of trees, shrubs, flowers, other plants and accessory products.
- (1) Required Permits. Allowed in all Districts with a Conditional Use Permit.
 - (2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.
 - (3) Performance Standards. Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Development Code.
 - (A) The minimum lot area shall be ten (10) acres.
 - (B) The majority of product sold on the property shall be grown or raised on the property.
 - (C) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County or Township roadways and property lines.
 - (D) Except to the extent allowed by this paragraph, the composting of materials not generated on the same site as the plant nursery is prohibited. Composting of materials generated off of the site, and the sale of such composted materials, is permitted as an accessory use to a plant nursery in the AP District and the A2 District provided it meets the following standards and is expressly approved by the Conditional Use Permit issued for the plant nursery:
 1. The materials composted are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and similar vegetative materials.
 2. Composting, storage, transfer, loading and processing activities must be setback as follows:

a. Property lines	100'
b. Existing Residential uses not on the property	500'
c. DNR protected watercourse	200'
d. Wetland	75'
 3. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
 4. A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving site. The stormwater holding pond shall be located a minimum of 75' from the composting storage area. The runoff directed towards this pond shall be filtered through a 75' wide vegetated buffer.
 5. The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
 6. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. The yard waste must be decomposed through a process which encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.
 7. The operator shall provide information specifying the types and volume of materials brought onto the property for composting.
 8. The facility shall operate only between the hours of 7:00 am and 7:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the Conditional Use Permit.
 - (4) Commercial Plant Nurseries shall meet the requirements of the zoning district in which they are located.

Article II. Incorporation of Amendments. The Town Attorney and Town Clerk/Treasurer are hereby authorized and directed to do the following with respect to the Denmark Township Development Code upon the adoption of this ordinance:

1. Incorporate these amendments into the text of the Development Code, including renumbering sections and subsections as needed; and
2. The Clerk/Treasurer shall maintain an official copy of the updated Denmark Development Code in the office of the Clerk/Treasurer, which shall constitute the official copy of the Code, and post a copy of it on the Township's website.

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Article III. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.
Adopted on the 1st day of October, 2012. **BY THE TOWN BOARD**

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2012-10

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO CONTINUE TO OPERATE A PLANT NURSERY ON
PROPERTY LOCATED AT 7077 MANNING AVENUE SOUTH**

WHEREAS, GLG Properties ("Applicant") submitted an application to Denmark Township ("Town") to amend the conditional use permit issued by the Town on August 2, 2004, and recorded in the office of the County Recorder on October 20, 2005 as document number 3546689, ("Original CUP") to Buell's Limited Partnership ("Owners") to operate a plant nursery on their property located at 7077 Manning Avenue South (PID 0702720220002, 0702720230002, and 0702720230001) and legally described in Exhibit A, which is attached hereto and made part of this Resolution ("Property");

WHEREAS, the Applicant seeks to amend the Original CUP to ensure it encompasses all of the Property, it recognizes the three existing accesses to the Property, and is expanded to include composting as part of the allowed operations of the business;

WHEREAS, because composting is included in the definition of a yard waste facility under the Denmark Township Development Code ("Ordinance"), and the Ordinance prohibits such facilities within the Town, the Applicant also submitted an application to amend the Ordinance to allow composting as an accessory use of a plant nursery;

WHEREAS, the Denmark Township Planning Commission held a public hearing on the requested amendment to the Original CUP and on the proposed Ordinance amendment on September 17, 2012, heard from the Applicant and the public, and took action to recommend that the Town Board approve the requested Ordinance amendment and amendment to the Existing CUP with certain conditions; and

WHEREAS, the Town Board reviewed the Planning Commission's recommendation at its meeting on October 1, 2012, allowed for additional comments from the Applicant and the public, and hereby finds and determines as follows:

- a. The report submitted to the Town from the Town's Planner dated September 11, 2012, and which attached hereto as Exhibit B, is incorporated herein by reference including, but not limited to, the findings contained therein. The proposed permit conditions contained in the report were modified by the Town and are replaced with the conditions contained in this Resolution;
- b. The Property is located in the Town's Agricultural, A-2 Zoning District and a plant nursery is allowed in the district with the issuance of a conditional use permit;
- c. The Applicant's proposed amendment to the Ordinance imposes the same type of conditions and limitations as those imposed under the County's zoning ordinance. The Town Board determines the composting operations, as proposed and limited by this Resolution, are consistent with the requirements of the Ordinance as amended;
- d. At the hearing before the Planning Commission, a neighboring owner raised concern regarding the proposed composting operations including the potential expansion of the operation, impact on property values, and airborne particles generated from turning the compost piles. The Applicant explained the piles are turned only about three times in a six month period, the tub grinder used to reduce wood would be used only about 10 days a year, and the Applicant has a business interest in keeping smells to a minimum so as to not interfere with its retail operations. The Planning Commission also noted the prevailing winds would typically blow any particles away from the person's property. Additionally, the proposed location of the composting operations in the northeast corner of the Property is the best location in that there is an existing access to that corner of the Property and it creates the greatest separation between the composting operation and homes on neighboring properties;
- e. 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 an amendment and repeals all previous conditional use permits issued to the property. The Town Board determines it is in the best interests of the public to take the same approach in this case and the Town Board will act by separate resolution to revoke all previous conditional use permits issued to the Property; and
- f. The Town Board determines the application materials are sufficient and the proposed continuation of the plant nursery operation satisfies the criteria in the Ordinance for granting a CUP.

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 CUP for the continued operation of a plant nursery (retail nursery/garden center), with the addition of composting operations for materials generated off of the site, as described herein (collectively "Plant Nursery") on the Property provided the Applicant complies with, and remains in compliance with, all of the following conditions and limitations:

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1. Scope of Permit. The operation of the Plant Nursery on parcels totaling approximately 79.79 acres as legally described herein shall be maintained in a manner which is consistent with the architectural and site plans dated July 16, 2004, and civil engineering plans dated June 21, 2004. All outdoor storage and display of goods shall occur on the areas designated on the approved plans. The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County and Town roadways and property lines. No retail storage or display is allowed within the front parking setback area, right-of-way or parking lot. There shall be no other retail sales or other non-agricultural business use not related to plants and related accessory products, and composted materials. In the event that the Plant Nursery ceases to exist or operate the Plant Nursery on the Property for one year or longer this permit shall terminate and the use may no longer occur on the Property without the issuance of a new CUP.
2. Composting Operations. Composting of materials generated off of the Property is expressly authorized by this permit as an accessory use to the Plant Nursery use. The intent of the composting operations is to provide a place for residents and landscapers to deposit yard wastes, brush, and trees where the materials can be composted and turned into a product that can then be sold for use in the community. There are three aspects of the composting operation: 1) receipt of materials; 2) composting activities including, but not limited to, operation of a tub grinder to reduce woody materials, placing materials in windrows, and periodically turning the piles using machinery; and 3) the retail sale of composted materials. The composting operation must comply with all of the requirements and limitations:
 - A. Location and Size of Operation. All aspects of the composting operation, except retail sales of composted materials, shall be limited to the northeast corner of the Property and shall not exceed a total area of 6 acres.
 - B. Limited Materials. Only the following items may be accepted for composting: soft yard waste consisting of grass clippings, leaves, old sod tear outs, plants, and similar vegetative materials; woody brush; tree limbs; trees; and yard soils from landscaping projects. The business shall not accept manure, food wastes of any type, or any other materials not specifically identified herein as being acceptable for composting;
 - C. Controlled Access. Access to the composting operation shall be limited to the existing access to the Property on 70th Street. The access shall be gated, and such other reasonable steps taken as needed, to prevent unauthorized dumping of materials during non-business hours.
 - D. Hours. The business may receive materials for composting only during the hours its retail business is open to customers. Actual composting activities (use of the tub grinder, operating machinery to turn the piles, and other potential noise generating activities associated with composting) may only occur Monday through Saturday from 7:00 a.m. to 5:00 p.m. Other than the limitations imposed in this paragraph on the hours for the composting operation, the Town is not otherwise limiting the hours of operation for the business.
3. Storm Water. The Applicant shall prepare a stormwater management plan for the composting area and submit it for review by the Town Engineer and the South Washington Watershed District. The Applicant shall also comply with all requirements imposed by the County for the collection, retention, and drainage of storm water for the Property.
4. 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.
5. Landscaping / Screening Plan. Landscaping within the five-foot parking lot setback and within the parking lot islands shall remain in place per the approved site plan. Minor modifications or changes to the landscaping plan may be reviewed and approved administratively by the Town Planner. Major modifications or changes as designated by the Town Planner to the landscaping plan will require review and approval by the Town Board.
6. Parking. Adequate parking for 91 cars which consists of a parking lot and space for 33 cars and overflow parking for 58 cars will need to remain in place as approved as part of the Original CUP.
7. Signage. Signage is limited to the existing ground-mounted sign at 70th/TH 95 and a free-standing sign as shown on the plans dated July 16, 2004. The free-standing sign shall not exceed ninety (90) square feet and must be set back ten (10) feet from all property lines. 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 Ordinance.
8. Driveway Access. The facility will be allowed the two (2) existing driveway accesses from Trunk Highway 95 as approved by the Minnesota Department of Transportation, and one (1) existing driveway access from 70th Street as approved by the County.
9. Waste Receptacles. The waste receptacle for the facility shall be located inside a structure or enclosed with an opaque fence.
10. 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.

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11. 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.
12. Lighting. The Applicant shall conform to the lighting regulations of the Ordinance.
13. 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 automatically upon recording of a Notice of Nonpayment by the Town.
14. 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.
15. 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.
16. 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.
17. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town for the Plant Nursery use on this Property and all such previous permits have been repealed by the Town Board by separate action.
18. 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.
19. 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 1st day of October, 2012

BY THE TOWN BOARD

EXHIBIT A

Legal Description of the Property

Parcel 07-027-20-22-0002

The Northwest Quarter of the Northwest Quarter of Section 7, Township 27N, Range 20W, except that part of said Northwest Quarter of the Northwest Quarter which lies Westerly of a line running parallel with and distant 100 feet Easterly of the following described line: Beginning at the Northwest corner of said Section 7; thence running Southerly at angle of 89 degrees 53 minutes 27 seconds from the North line of said Section 7, 1427.9 feet and there terminating, Washington County, Minnesota.

Parcel 07-027-20-23-0002

The Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 7, Township 27N, Range 20W, except that part of said Northwest Quarter of the Southwest Quarter of the Northwest Quarter which lies Westerly of a line running parallel with and distant 100 feet Easterly of the following described line: Beginning at the Northwest corner of said Section 7; thence running Southerly at angle of 89 degrees 53 minutes 27 seconds from the North line of said Section 7, 1427.9 feet and there terminating, Washington County, Minnesota

Parcel 07-027-20-23-0001

The Southwest Quarter of the Southwest Quarter of the Northwest Quarter and the East half of the Southwest Quarter of the Northwest Quarter all in Section 7, Township 27N, Range 20W, Washington County, Minnesota.

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2012-11

RESOLUTION REVOKING ALL PRIOR CONDITIONAL
USE PERMITS FOR 7077 MANNING AVENUE SOUTH

WHEREAS, the Town Board of Denmark Township ("Town") has issued at least one conditional use permit for the property located at 7077 Manning Avenue South, Hastings, Washington County, Minnesota, which is currently comprised of three lots (PID 0702720220002, 0702720230002, and 0702720230001) and which is legally described in Exhibit A attached hereto and which is made part of this Resolution (the "Property");

WHEREAS, in 2004 the Town Board issued a conditional use permit to Buell's Limited Partnership (doing business as Buell's Landscape and Design) to operate a plant nursery on the Property, said permit having been recorded in the office of the Washington County Recorder on October 20, 2005 as Document Number 3546689 ("2004 CUP"). This business is still in operation;

WHEREAS, GLG Properties ("Applicant") submitted an application to the Town for an amended conditional use permit to ensure it encompasses all of the Property, it recognizes the three existing accesses to the Property, and is expanded to include composting as part of the allowed operations of the business ("Current CUP");

WHEREAS, in order to avoid the confusion that can result from multiple conditional use permits for the same business activities on the same property, the Town Board has adopted a practice of revoking all past conditional use permits issued to a property when it is asked to issue a new or amended conditional use permit for a property in favor of a single conditional use permit that encompasses the existing and proposed business activities on a property;

WHEREAS, the owner of the Property is amenable to the revocation of the prior conditional use permits on the Property, and such revocation was made a condition of the Current CUP approved for the Property; and

WHEREAS, this Resolution is intended to put future purchasers of the Property on notice that as of the date of this Resolution the only conditional use permit that exists for the Property is the Current CUP issued by the Town Board at its meeting on October 1, 2012, which authorizes the continued existence of the current plan nursery with composting operations.

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 October 1, 2012 for the Property located at 7077 Manning Avenue South, Hastings, Washington County, Minnesota, and legally described in Exhibit A to this Resolution, including, but not limited to, the 2004 CUP, are hereby revoked. Such prior conditional use permits are no longer valid and may not be relied on.
2. The Town Clerk is hereby authorized and directed to record this Resolution against the Property in the office of the County Recorder.
3. The Town Board Chair, Town Board Members, and Town staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Adopted this 1st day of October, 2012.

BY THE TOWN BOARD