

# WATERFORD TOWNSHIP



*"where the path from the past and the future meet"*

## NOTICE OF WORK SESSION

No Teleconferencing  
Amended 04/27/24 & 04/28/2024

**NOTICE IS HEREBY GIVEN, a Work Session will be held at the Town Hall (30038 Alta Ave., Northfield, Mn 55057) on Friday June 13, 2025 at 3:15 P.M.**

**Work Session Purpose:** Work Session is held for the purposes of engaging in deliberations, discussions, considerations, reviews and evaluations of issues of interest to the entire Town Board (Supervisors, Clerk, Treasurer). A final action, meaning the collective decision of the Town Board or an actual vote by the Supervisors on a motion, proposal, order or ordinance, shall not take place in a work session. The public is welcome to attend, but no public input will be accepted at work sessions. Items not on the Work Session agenda brought up by a Town Board member will be scheduled for subsequent work sessions and/or meetings so that the required public notice can be posted.

### **Work Session Agenda Items:**

- Attorney Scott Riggs (Kennedy & Graven) & Planner Madison Richard (Bolton & Menk)
- Ordinance 2025-01
- Midwest Machinery
- Discussion Regarding Dakota County Addresses – Northfield Blvd vs County Rd 47

Tom Davis, Clerk

### **Notifications:**

- 1) **SCIOTA Town Hall:** Posted on May 28, 2025
- 2) **Website:** Upload to Township Website at [waterfordtownshipmn.org](http://waterfordtownshipmn.org) on May 28, 2025

WATERFORD TOWNSHIP  
DAKOTA COUNTY STATE OF MINNESOTA

ORDINANCE NO. **2025-01**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WATERFORD TOWNSHIP  
RELATED TO MINING

THE TOWNSHIP BOARD OF WATERFORD TOWNSHIP, DAKOTA COUNTY, MINNESOTA,  
DOES ORDAIN AS FOLLOWS:

**SECTION 1. RESCIND AND REPLACE ZONING MAP.** The existing Zoning Map is rescinded, and the Zoning Map attached hereto as Exhibit A is hereby adopted as the Official Zoning Map of Waterford Township.

**SECTION 2. REPLACE SECTION 6.04 F.6.** Section 6.04 F.6 is hereby added as follows:  
Adding “Seasonal mineral extraction” to the allowed Interim Uses in the Agricultural Preservation District.

**SECTION 3. Definitions:** Amendment to Waterford Township Ordinance Section 3 by adding the following definitions:

**BERM:** A shelf or raised barrier separating two (2) areas.

**BOARD:** The Waterford Township Board of Supervisors.

**CLEAN FILL:** As defined in Dakota County Ordinance 110 Sec.2.13 (as of the date of this Ordinance amendment).

**CONCRETE:** A mixture of paste and aggregates (sand and rock). The paste, composed of Portland cement and water, coats the surface of the fine (sand) and coarse aggregates (rocks) and binds them together into a cured solid, rocklike mass known as concrete.

**CONSTRUCTION AGGREGATES OR AGGREGATE:** A broad category of coarse particulate material used in construction, including sand, gravel, and crushed stone. It may include slag, crushed, recycled Portland cement concrete, and crushed recycled asphaltic concrete.

**CONVEYING (CONVEYOR):** A common piece of mechanical handling equipment that moves materials from one location to another.

**CRUSHING/CRUSHING PLANT:** A machine or plant designed to reduce large rocks into smaller rocks or gravel.

**DEWATERING:** The removal of surface or groundwater to dry and/or solidify a construction site to enable or facilitate activities such as, but not limited to, construction or mineral extraction. This can involve the collection of surface water traveling through a defined area and drawdown

of groundwater (lowering the groundwater table at a given location generally achieved by various methods of pumping via wells or open sump pumping). The collected water may be transferred to another location by first submitting a detailed plan to the Township. The Township shall review the plan, make changes, if any, to comply with other ordinances, rules, and building codes, and either approve or reject the final plan.

DRY MINING: Mining and excavation that takes place above the groundwater table.

DUST: Airborne mineral particulate matter.

DWSMA: Drinking Water Supply Management Area. A surface and subsurface area surrounding a public water supply well, including the wellhead protection area, which must be managed by the entity identified in a wellhead protection plan.

EAW: An Environmental Assessment Worksheet is a state form required by the Minnesota Environmental Policy Act (MEPA) per Minnesota Rules Chapter 4410. The form is designed to briefly assess the environmental effects and summarize the basic facts of a proposed project for public notification, permit applications, and to determine whether the project requires an Environmental Impact Statement (EIS)

EIS: An Environmental Impact Statement provides detailed information about the extent of potentially significant environmental impacts of a proposed project, presents alternatives to the proposed project, and identifies methods for reducing adverse environmental effects. The required form and content of an EIS are described in Minnesota Rules 4410.

EXCAVATION: The movement or removal of soil and/or mineral.

FLOATING DREDGE (DREDGING): An activity of mining that is carried out underwater with a machine equipped to excavate material from underwater and bring it to shore where it can be processed into construction grade aggregates.

FUELING, MAINTENANCE, and STORAGE AREA: A location at the mine site underlain by an impervious surface that allows for containment of storage tanks, fueling operations, maintenance, and containment of spills, leaks, and changing of fluids containing hydrocarbons.

HAUL ROAD: An internal private road used to transport material.

HAUL ROUTE: An external public road used to transport material.

LICENSED PROFESSIONAL: An architect, professional engineer, land surveyor, landscape architect, or professional geoscientist licensed in the State of Minnesota, in good standing with appropriate training and expertise needed to direct referenced investigations, provide recommendations, prepare reports, plans and specifications and other work as designated and/or required by Minnesota Statutes Section 326.02.

MINERAL EXTRACTION: Extraction of inorganic materials such as ore, gravel, limestone, or sand.

MINING BUFFER/SETBACK: The distance a structure or activity must be from the edge of a project boundary line or other feature.

OPERATOR: Any person or persons, partnerships or corporations or assignees, including public or governmental agencies, engaging in business.

PERMITTEE: For purposes of this ordinance, Permittee shall mean the applicant, owner, and/or the operator.

PORTABLE PROCESSING EQUIPMENT: Equipment designed on a skid or axle assembly that can move from point to point allowing for shorter travel times and reduced emissions.

PROCESSING: Any activity which may include the crushing, washing, stockpiling, compounding, mixing or treatment of sand, gravels, rocks or similar mineral products into consumable products.

PROJECT/PROJECT BOUNDARY: The area of the mining operation being considered for permitting. The project boundary of the project area as defined by the project proposer in the permit application and the required reports, drawings, plans, and graphics included in the application package.

RECLAMATION/REHABILITATION: The process of creating useful landscapes that meet a variety of goals. It includes all aspects of this work, including material placement, stabilizing, capping, regrading, and placing cover soils, revegetation, and maintenance.

RECYCLED ASPHALT AND/OR AGGREGATE PRODUCTS (RAP): Left over or demolished concrete or asphalt products. These products are recycled (reprocessed) and reused in production of new construction material products or road base products used on construction sites.

SCREENING/SCREENING PLANT: A machine that takes granulated material and separates it into multiple grades by particle size.

SEASONAL MINERAL EXTRACTION: Any cavity made by the removal of the natural surface of the earth, whether sod, dirt, soil sand, gravel, stone or other matter, creating a depression or depressions shall be considered temporary or seasonal extraction, also known as temporary borrow pits.

SENSITIVITY AREAS: Areas within the mineral extraction area that have been assigned a sensitivity rating, and whose natural geologic factors create a significant risk of groundwater degradation through the migration of waterborne contaminants (MN Rules 103H.101).

STAGING: Setting up of equipment or a truck fleet in preparation for a day's activity.

STOCKPILE: A pile or storage location for bulk materials, forming part of the bulk material handling process.

STRIPPING: Removing topsoil (black dirt), clay, timber, brush, and waste aggregate products from the top of the mining deposit to expose the quality sand, gravel, and/or rock needed in the production of high-quality construction aggregates.

TON OF MATERIAL: A U.S. short ton (2,000 pounds) of material.

TOPSOIL: The upper outermost layer of soil, usually in the top four (4) to twelve inches (12"). It has the highest concentration of organic matter and is where most of the earth's biological soil activity occurs.

TRUCK SCALE: A platform device that a truck will drive onto for weighing to ensure that the truck is of legal weight and/or dimension.

VULNERABLE AREAS: Mapped areas located in DWSMAs assigned a vulnerability designation ranging from very low to very high for the likelihood that activities at the land surface may degrade drinking water quality in public water supply wells.

WASHING/WASH PLANT: A machine into which aggregate is conveyed, separated by size, washed, dewatered, and then sent to stockpiles for load out.

SECTION 4. REPLACE SECTION 6.06. The following Section 6.06 shall be added to the Waterford Township Zoning Ordinance. This provision was originally struck with the adoption of Ordinance 2019-3 on July 8, 2019.

#### 6.06 ME Mineral Extraction District

A. The ME Mineral Extraction District is intended to regulate areas in the Township that may be appropriate for mineral extraction, for terms longer than seasonal mineral extraction. ME Districts shall not be established in areas of the Township other than those identified as Mineral Extraction in the Waterford Township Comprehensive Plan. B. Permitted Uses:

1. Commercial Agriculture, except animal feedlots and poultry operations
2. Farm buildings and accessory structures.
3. Farm drainage and irrigation systems.

#### C. Conditional Uses

None

#### D. Interim Uses

1. Mineral Extraction, subject to the requirements of Section 7.23.

**SECTION 5. RESCIND AND REPLACE SECTION 7.23.** Section 7.23 of the Waterford Township Zoning Ordinance is hereby rescinded, and a new Section 7.23 is added as follows:

7.23 MINERAL EXTRACTION     A.

Purpose:

In addition to the purposes stated in Section 2 and Section 7.01 of the Zoning Ordinance, it is intended that the provisions in this Section 7.23, protect the public health, safety and welfare through the following objectives:

1. Ensure compatibility of mineral extraction activities with the Waterford Township Comprehensive Plan.
2. Establish regulations to minimize conflicts with other land uses.
3. Protect and preserve the agricultural economy and social characteristics of the agricultural community.
4. Protect agricultural land from premature conversions to non-farm uses.
5. Protect residents from potential negative impacts associated with mineral extraction.
6. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
7. Protect the natural environment and landforms from unnecessary, irreversible impacts, and incompatible alterations from mineral extraction activities.
8. Restrict mineral extraction activities that create permanent depressions in the natural landscape, which are not conducive to agricultural uses because of poor drainage, permanent ponding problems or unworkable slopes.
9. Establish regulations and standards that restore or enhance extracted areas to suitable farmland conditions.
10. Protect Township roads from unsafe conditions, overuse and potential damage from mineral extraction activities.
11. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Waterford Township Comprehensive Plan.

B. Interim Use Permit Required: It shall be unlawful for any person, firm or corporation to remove, store or excavate rock, sand, gravel, clay, silt or other like material in the Township, or to fill or raise the existing surface grades, in the mineral extraction district established in this section without receiving an Interim Use Permit for mineral extraction (“IUP”). Such permits may only be issued for a property located within the mineral extraction district.

No permit will be required for any of the following:

1. Excavation for a foundation, cellar, or basement of a building if a building permit has been issued.
2. Excavation by state, county, or Township authorities as part of approved plans for construction or maintenance of roads, highways, or utilities. This exemption does not apply to borrow areas located outside of the limits of construction as shown on a set of construction plans.
3. Curb cuts, utility hookups or street opening for which the Township has issued another permit.
4. Excavation less than one hundred (100) square feet in area or one foot (1') in depth.
5. Excavation or grading associated with preparing for, or restoring from, natural disasters.
6. Excavation or grading exclusively performed for on-site domestic or agricultural purposes.

C. Application Process:

1. An Interim Use Permit for mineral extraction is required and may only be issued for properties in the Mineral Extraction District. The Interim Use Permit process requirements as provided in Section 5.06 apply to this process.
2. The permittee shall appear before the Planning Commission to make a preliminary presentation on the mining project before the formal application submittal.
3. Criteria For Mineral Extraction Interim Use Permit Approval: The following factors will be evaluated when determining whether to approve an Interim Use Permit for a mineral extraction operation in addition to those factors in Section 5.06. The approval or denial of the Interim Use Permit shall include, but not be limited to, findings on the following factors:
  - a. Consistency With Zoning Ordinance and Comprehensive Plan: The proposed mineral extraction permit is consistent with the comprehensive plan and the location is suitable in that the excavation, mining, processing, stockpiling, or hauling of

aggregate deposits can meet the requirements of the ordinance and mitigation as determined to be needed to mitigate impacts of the operation.

- b. Environmental Impacts: If an Environmental Assessment Worksheet (EAW) and/or an Environmental Impact Statement (EIS) is required to be completed by the Township Board, both as defined by Minnesota Rules Chapter 4410 as amended from time to time, are to be prepared for a proposed project then the application for an Interim Use Permit may not be acted upon in accordance with Minnesota Rules 4410.3100. The proposed project shall be so designed and operated as to minimize adverse impacts identified in the EAW and the EIS. The EAW or EIS shall be considered by the Board prior to any action on a mineral extraction Interim Use Permit application.
  - c. Mineral Extraction District: The boundaries of the proposed mineral extraction operation shall be completely within the mineral extraction district. Notwithstanding this paragraph, mitigation of impacts may be required outside of the Mineral Extraction District off-site of the boundary of the property subject to the Interim Use Permit.
4. The approved Interim Use Permit shall be issued with a maximum duration of three (3) 5 years. ~~Nothing shall prevent an applicant from applying for a new interim use permit pursuant to ordinance provisions in effect at the time of the application.~~
  5. As referenced in Section 5.06.C, the Interim Use Permit shall expire upon the sale of the property, when the use ceases, or if the owner or operator changes or is acquired by another company without prior Township Board approval.
  6. Any application which is inconsistent with the Comprehensive Plan will be denied. The Permittee has the right to submit an application to the Township to amend the Comprehensive Plan, according to the procedures established by the Township.
  7. Any application denied by the Township Board or withdrawn by the applicant may not be resubmitted, whether the same or a modified application, for a period of twelve (12) months from the date of denial or withdrawal. Furthermore, there will be a one- (1) year moratorium on the proposed location.
  - 4.8. The applicant, owner, operator, and/or user has no entitlement to future re-approval of the Interim Use Permit.
- D. Application Submittal Requirements: The application for a mineral extraction Interim Use Permit shall include the following:
1. The correct legal description of the land upon which excavation is proposed.
  2. The name, address and contact information of the permittee, the owner of the land and the person or corporation conducting the actual removal operation.

3. The names and addresses of all adjacent landowners within one mile of the proposed project boundary.
4. The purpose of the proposed excavation and the type of extraction.
5. The estimated time required to complete the proposed excavation and rehabilitation.
- ~~5.6.~~ The names of the highways, streets, or other public roadways within the Township upon which the material shall be transported. The application shall provide a map of the haul route, the dimensions of the road, the load rating of the road, road ownership, and any other appropriate information regarding the road construction, location, and maintenance.
- ~~6.7.~~ A map of the project boundary to a scale of one-inch equals one hundred feet (1" = 100') ~~at an appropriate scale~~ showing the presently excavated area, the area proposed to be excavated during the permit period, and the minimum and maximum elevations of the area, and showing a minimum of ~~three-five~~ two-five hundred feet (~~300'500'~~) of the adjacent land on all sides of the proposed excavation area.
- ~~7.8.~~ A rehabilitation, reclamation, and restoration plan prepared by a licensed professional providing for the orderly and continuing rehabilitation of all excavated land. Such plan shall illustrate, using appropriate photographs, maps and survey to a scale of one-inch equals one hundred feet (1" = 100') ~~at an appropriate scale~~ and with a two foot (2') contour interval satisfactory to the Township engineer, including the following:
  - a. Reclamation/Rehabilitation: The removal of planned contours of the land when the mineral removal operations are completed.
  - b. Timetable: The estimated period of time that the pit will be operated and a schedule setting forth the timetable for excavation and rehabilitation of land lying within the active, inactive and reclamation/rehabilitation areas.
  - c. Soil Stockpile: Those areas of the site used for storage of topsoil and overburden.
  - d. ~~Depth, Slope, Revegetation: The depth of all water bodies, the grade of all slopes after reclamation and a description of the type and quantity of plantings where revegetation is to be established~~ Slope and; Revegetation: All slopes following rehabilitation shall meet the approved plans, including a description of the type and quantity of plantings where revegetation is to be established.-
  - e. Contour Extension: The ~~five~~two-foot (~~5'2'~~) contours shall extend at least ~~two-five~~ hundred feet (~~200'500'~~) beyond the project boundary of the operation or beyond the adjoining right of way, whichever is more inclusive.
  - f. Accessory Uses: Accessory use rehabilitation, reclamation, and restoration.

- g. Maximum Slope: The maximum slope of the reclamation area that is developable shall be at no steeper than ~~five-eight~~ feet (~~5'8'~~) horizontal to one foot (1') vertical. The maximum slope of the reclamation area that is undevelopable, such as the area between a water body and a right of way line shall be no steeper than two feet (2') horizontal to one foot (1') vertical. Any slope greater than three feet (3') horizontal to one foot (1') vertical shall be designed by a licensed engineer and approved by the Township engineer.
9. Providing a grading and erosion control plan prepared by a licensed professional that assures the mining operations will not adversely affect the quality of surface or subsurface waters is required.

10. Viewshed Analysis per Section G.5.b

11. Landscape and Screening plan.

12. Dust Control Plan, including description of mitigation measures to be taken and actions to occur in the event of complaints.

13. Noise Control Plan, including description of mitigation measures to be taken and actions to occur in the event of complaints.

~~Dewatering for mineral access will not be allowed. No excavations or extraction shall occur less than ten (10) feet above the historical high groundwater elevation on the site. When If mining is proposed, as part of a rezoning request and/or mining permit application, below the water table or within twenty (20) vertical feet of a historic groundwater table elevation, then a hydrogeological study shall be submitted. The study shall be prepared under the direction of a licensed professional and will include geotechnical borings and report, a study of sinkholes formed within five (5) miles of the proposed property boundary, up to a level two environmental assessment and report, testings of soils and groundwater and report to determine the presence of contaminants, if any, on the site that will, or could be, released to the groundwater or the environment by mining or related activities. All contaminants of concern identified in the project boundary, as identified by the licensed professional, and any other contaminants identified by the Board will be studied unless the permittee demonstrates to the satisfaction of the Board that such study is not warranted. The hydrogeological study shall include the following:~~

- a. ~~Description of each groundwater excavation (size, shape and location) and proposed reclamation condition.~~
- b. ~~Inventory and description of the location and construction information of all wells within one thousand feet (1000') (1) mile of the project boundary.~~

- c. ~~Description of the proposed fill activity (grain size distribution, quantity, and placement procedures), if any.~~
  - d. ~~Description of the aquifer characteristics in the area of each groundwater excavation to be affected by proposed fill activity (aquifer thickness and general geological setting).~~
  - e. ~~Description of the impacts of the proposed fill activity on groundwater flow regimes.~~
  - f. ~~Description of a groundwater monitoring plan including evidence, to the Board's satisfaction, that the proposed monitoring will provide timely and effective notice of changes to the hydrology, the presence of contaminants of concern that were not previously identified, or the release, movement, or the threatened release of contaminants.~~
  - g. ~~Identify and describe all measures that will be taken to avoid potential impacts on the groundwater from mining or related activities including, but not limited to, testing, monitoring, containment, and mitigation. The groundwater plan must specifically address:~~
    - i. ~~Fueling, Maintenance, and Storage Areas~~
    - ii. ~~Potential impacts to private wells and wetlands, and monitoring/mitigation recommended from the EAW/EIS (if applicable).~~
    - iii. ~~Describe how baseline well assessments will be conducted if applicable, and what actions will be performed if it is determined that wells are affected by the mining activities.~~
    - iv. ~~Potential impacts and mitigation from dewatering activities.~~
  - h. ~~Such other information as the Township may from time to time require.~~
14. Location of any and all known existing wells, including shallow disposal systems, on the mining application site, within moderate to highly vulnerable areas within DWSMA or sensitivity areas, or wells within one (1) mile of the entire mining application site, and the size and depth thereof. Prior to the start of mining operations, all water supply wells located within the proposed area to be mined shall be reviewed by a licensed well driller to determine if the well(s) require repair or sealing in accordance with MN Rules Chapter 4725 Wells and Borings.
15. Permittee shall provide a map showing direction of groundwater flow within the deposit, and the location and construction of wells (including dewatering/washing), and any surface water bodies at appropriate scale.
16. Permittee shall provide a surface water study and protection plan including a contingency response plan and employee training to facilitate immediate and remedial response should any accident, release of contaminant, or other spill occur.

17. Such other information as the Township Board may require -from time to time. E.

Performance Standards:

1. Project Boundary: Extraction operations shall be conducted within the confines of the excavation site described in the permit.
2. Access: Extraction operations shall only be allowed on sites that have direct access to a state or county-designated principal arterial, or major or minor arterial, ~~or collector street~~ as designated in the Township's Comprehensive Plan. A paved local street constructed to a 10-ton per axle standard may be used if approved by the Board. However, such approval will be based upon minimizing the length of indirect access to the roadways described above; minimizing potential impact on properties adjacent to the indirect access; roadway improvements; or financial assurances for adequate maintenance of and improvements to the indirect access, and authorization by the government entity with jurisdiction over the indirect access.
3. Setbacks: Setback boundaries from any mining activity to the following land uses shall be as follows.
  - a. Property line: ~~seventy five feet (75')~~ One hundred feet (100') generally, and ~~100- two hundred feet (200')~~ 200' from property line shared with lots used for residential purposes that are five (5) acres or less in size.
  - b. Residential and Agricultural Structures: ~~Five hundred feet (500')~~ One thousand feet (1000').
  - c. Right of Way: ~~Seventy five feet (75')~~ feet and in the case of a utility or railroad, one hundred fifty feet (150').
  - d. Delineated wetland: ~~30 feet~~ One hundred feet (100').
  - e. Mineral Extraction activities are not permitted in the Shoreland Overlay District or the Floodplain Overlay District.
4. Height:
  - a. The height of all equipment, stockpiles, and all other operations, except those described in subsections F4b and F4c of this section, within the permitted mineral Extraction operation shall not exceed ~~sixty feet (60')~~ forty feet (40'). This standard does not apply to the potential ancillary facilities covered by a separate Interim Use Permit.
  - b. The Board may approve a limited number of conveyors to a height no taller than ~~sixty~~ forty-five feet (~~64~~ 5') provided that all practical means of screening and setbacks are employed into the conveyor's construction and installation.

- c. If use of a floating dredge or dragline is allowed as part of an IUP, it shall not exceed ~~seventy~~fifty-five feet (~~75~~5′) in height.

5. Depth to Groundwater: No excavations or extraction shall occur less than ten (10) feet above the historical high groundwater elevation at the site.

5.6. Appearance, Screening, and Berming: The mining shall be screened from any public right-of-way through a combination of existing stands of trees, berming and installed landscaping designed by an experienced Minnesota-licensed landscape architect. Landscape plans, together with a certified specification project manual, shall be submitted to, reviewed, and approved by the Township Planning Commission and Board of Supervisors.

- a. Existing Tree Stands: The preferred method of screening the mining operation is by maintaining existing stands of trees that would provide a level of at least eighty percent (80%) to ninety percent (90%) opacity. If the stand of trees does not provide eighty percent (80%) to ninety percent (90%) opacity, then additional landscaping or berming shall be installed to provide eighty percent (80%) to ninety percent (90%) opacity. An annual opacity audit of the tree stands may be conducted, and dead vegetation shall be removed and additional landscaping or berming shall be installed to maintain the required opacity. The methodology for the opacity measure shall be taken during full leaf growth from the shoulder of any public road or residential property to determine opacity in a band ~~five feet (5′)~~four feet (4′) to ~~seven feet (7′)~~twelve feet (12′) off the ground.
- b. Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be required between the mining site and off-site residential properties. A screening barrier shall also be required between the mining site and any public road located within five hundred (500) feet of any mining, stockpiling or processing activities. A viewshed analysis shall be submitted with the application including the development of a model of site-specific conditions such as topography, vegetation, equipment, stockpiles and proposed site structures. Key view areas shall be represented through drawings, photos, crosssections, or other imaging methods. The screening barrier shall consist of berms of heights documented through the viewshed analysis to be sufficient to provide screening. In addition, vegetative screening may also be used to supplement the screening barriers, which if used shall be planted with a varied species of fastgrowing trees. The Township Board must approve the tree species.

6.7. Slopes:

- a. Mining: During the entire period of operations, all excavations other than the working face shall be sloped on all sides no steeper than ~~one foot (1′)~~two foot (2′) horizontal to one foot (1′) vertical, unless a steeper slope is approved by the Township Board as part of an IUP.

- b. Berming: The public view or right-of-way face of the perimeter berms shall be sloped no steeper than four feet (4') horizontal to one foot (1') vertical. The Extraction side of the perimeter berm shall be sloped no steeper than three feet (3') horizontal to one foot (1') vertical.
- c. Where excavations are adjacent to a public roadway or other right of way, the excavation shall have a maximum slope of four feet (4') horizontal to one foot (1') vertical.

~~7.8.~~ Access Road: All Access roads from a mineral Extraction operation shall have direct access to a paved public 10-ton County road. The location of the intersection of haul roads within any public roads shall be selected such that traffic on the haul roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the County and/or Township Engineer. The intersection of access roads and public rights-of-way shall at all times remain free of mining/extractive debris, dust, sand, gravel, etc. The access road, designed by a licensed professional, shall be paved with asphaltic ~~or~~ concrete or Portland cement concrete from the intersection with the public road to a location at least one hundred fifty feet (150') past the property line (not including the public easement) and wide enough to accommodate appropriate turning radii and at least two semi-trucks and tractor trailers to pass one another in opposite directions of travel, to minimize dust conditions. All access and haul roads shall be designed by an experienced licensed professional. Road plans, together with a certified specification project manual, shall be submitted to, reviewed, and approved by the Township Planning Commission and Board of Supervisors. During the annual permit review, the Board may require additional access road paving length if dust and mud tracking are identified as a problem by the Township. All unpaved roads within the mining operation shall be treated with a dust suppressant as needed consistent with the specification manual standards, including environmental.

~~8.9.~~ Fencing and Security: If fencing is required by the Township Board, the fencing shall be erected as per the layout and elevation plans as shown provided in the approved plans. The site requires an appropriately sized gate/ and fencing at the entrance/exit to prevent unauthorized ~~access~~ ingress and egress. If maintaining security access to the site is required by the Township Board, the operator shall require all vehicles entering and exiting the site to be outfitted with an active RFID tag to maintain an accurate accounting for all vehicles entering and exiting the site.

~~9.10.~~ Lighting: Any lighting installed on site shall be shielded down so that no light is emitted above 90 degrees to prevent lights from being directed at traffic on a public road or other properties in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. The level of lighting shall not exceed 1.0 lumen at the project boundary. At no time, except in response to life- threatening emergencies, shall any residence be illuminated within one (1) mile of the site.

~~10.~~11. Landscaping: The permittee must maintain buildings and plants in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of landscaped areas. Landscaping shall be designed by an experienced Minnesota-licensed landscape architect. Landscape plans, together with a certified specification project manual, shall be submitted to, reviewed, and approved by the Township Planning Commission and Board of Supervisors.

- a. Existing tree and ground cover shall be preserved to the maximum extent feasible, maintained or supplemented by selective cutting, transplanting, and replanting of trees, shrubs and other ground cover along all setback areas.
- b. The public view and right-of-way side of berms that are planned to exist longer than fifteen (15) years shall be landscaped with a density of one tree per six hundred twenty-five (625) square feet. A minimum of sixty-six percent (66%) of the trees shall be conifer trees.
- c. The Board may consider staggering the timing of the installation of the landscaping if more berming is constructed than is required to screen the phase of mining permitted.
- d. Berms that are planned to exist less than fifteen (15) years shall be landscaped with a standard MN Department of Transportation right-of-way mix.
- e. All areas reclaimed shall be seeded with a Township approved seed mix within fourteen (14) days of the final grade being established. Additional seeding shall be applied as needed until the vegetation has been established.
- f. The Township may require cover over areas that have remained undisturbed for more than twelve (12) months if it is determined that these areas generate airborne dust particles.

~~11.~~12. Phasing:

- a. A phasing plan shall be prepared.
- b. No interim use Mineral Extraction permit shall authorize extraction to be conducted on more than ~~fifteen (15)~~ten (10) acres at one time for extraction, processing, staging, and stockpiling ~~for mines 80 acres and under~~, unless a different phasing plan is submitted as part of the application for an Interim Use Permit and if that phasing plan is approved as part of the IUP. Areas where extraction is completed shall be rehabilitated pursuant to the reclamation plan required by Paragraph J. of this ordinance.

~~12.~~13. Haul Back Materials and Operations: The Board may permit the depositing of clean and compactable inorganic fill that is able to support the anticipated reclamation use as defined by the reclamation plan to achieve the reclamation grades. The permittee shall submit a haul-back management plan that includes the types of fill that shall be deposited

and, where the fill comes from. Material testing of the fill shall be specified to the permittee by the Township Engineer or Board. The testing result for the material proposed to be used as fill shall be submitted to and approved by the Township Engineer before the fill material is transferred within the project boundary. Minimally contaminated Only clean fill is ~~not~~ allowed ~~within ten (10) vertical feet of groundwater to be used~~ per Dakota County ordinance 110 Section ~~32.1213.B.~~ The completed fill must restore the land to its pre-excavation conditions and be sufficient to support future agricultural operations on the property.

13.14. Compliance With Other Governmental Regulations: The mineral Extraction operation shall comply with all applicable federal, state, county, and Township laws and ordinances, regulations applicable to the operation of the mineral Extraction facility, including, but not limited, to floodplain management regulations, and shoreland management regulations including, but not limited to Dakota County ordinances 110 and 111.

14.15. Other Requirements As Determined By the Board: The Township Board may impose additional regulations and requirements to the mineral extraction permit as the Township shall deem proper and necessary for the protection of its citizens' health, safety, quality of life, and the general welfare, including livestock, and the environment. F. Operational Regulations:

1. Hours Of Operations:

- a. Mining: The hours of operation shall be limited to seven o'clock (7:00) A.M. to ~~six~~ four o'clock (~~6~~4:00) P.M. Monday through Friday. The Township Board may appoint a Supervisor to approve additional operation hours if approved as part of the IUP.
- b. Crushing and Washing: The hours of operation shall be limited to seven o'clock (7:00) A.M. to ~~six~~ four o'clock (~~6~~4:00) P.M. Monday through Friday. The Township Board may appoint a Supervisor to approve additional operation hours if approved as part of the IUP.
- c. Truck Hauling: The hours of operation shall be limited to ~~seven~~ eight o'clock (~~8~~7:00) A.M. to ~~six~~ four o'clock (~~4~~6:00) P.M. Monday through Friday. The Township Board may appoint a Supervisor to approve additional operation hours if approved as part of the IUP.
- d. Staging Activities: Staging activities will be permitted one-half (1/2) hour before normal operating hours and one-half (1/2) hour after normal operating hours. Staging activities include lining up and loading of trucks, equipment inspections, fueling, and other similar related actions. Trucks may enter the site within one-half (1/2) hour before the normal operating hours; however, no aggregate trucks may leave the site until normal hours of operation. Site cleanup and equipment maintenance operations

may start during one-half (1/2) hour before the AM normal hours of operation and continue to After the P.M. normal hours of operation and within one-half (1/2) hour past the P.M. normal hours of operation, site cleanup and equipment maintenance is permitted as well.

2. Equipment: Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility. All equipment used for mining and Extraction operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as is practicable, noises, dust and vibrations adversely affecting the surrounding property.
3. Maintenance Of Mining Vehicles:
  - a. All machinery shall be kept operational and any inoperable machinery shall be promptly removed from the property.
  - b. Refueling with or storage and processing of oil, fuel, hydraulic fluid or other automobile fluids shall not occur within the sensitivity areas unless conducted on an impervious pad with secondary containment.
  - c. Above ground storage tanks (AST) with approved containment meeting the MPCA rules are permitted within the mining area. All other storage tanks are prohibited. The permittee will prepare an Emergency Spill Response Plan.
  - d. All on-site storage of fuel must meet federal, state, and local standards. Fuel storage facilities or any equipment must be drained or removed during the off-season, or long periods (60 days) of inactivity.
  - e. No spraying of truck boxes with oil.
  - f. All machinery shall be periodically inspected, repaired, and painted as needed to prevent rusting or other deterioration of the machinery. All necessary compliance requirements shall be followed to prevent contamination of the site.
4. Haul Routes: The permittee shall submit to the Township a detailed map of the streets on which the material removed shall be transported (haul routes). Haul route shall be on 10 ton paved public roads. The Township shall inspect the haul routes proposed to be used by the permittee or owner and shall recommend any necessary upgrades or repairs that may be needed to accommodate use as haul routes for the excavation activity. The Board shall designate the haul routes and the permittee shall notify any persons or entities hauling from or to the mining operation of the location of and requirement to use approved haul routes. The use of the haul routes shall be subject to any road and weight restrictions and other conditions imposed by the Township or other jurisdictional authority.

5. Fuel Storage: All fuel storage shall be managed in a designated area with no less than 10 feet separation between the fuel storage and the bedrock and/or water table and must meet applicable federal, state, and local rules. Fuel storage facilities or any equipment must be drained or removed during the off-season, or long periods (60 days) of inactivity. All tanks, regardless of size, shall meet MPCA rules and that apply to tanks with capacity greater than 1,100 gallons. The Permittee shall prepare an emergency spill response plan. Only above ground storage tanks shall be allowed with approved containment per MN Pollution Control Agency regulations.
6. Dust Control: Permittees shall use all practical means to reduce the amount of fugitive dust generated by excavation operations. In any event, the amount of dust or other particulate matter generated by the excavation shall not exceed air pollution standards established by the Minnesota Pollution Control Agency. A Dust Control Plan shall be with the application for an Interim Use Permit. On days with wind advisory, as defined by the National Oceanic and Atmospheric Administration's National Weather Service, the Zoning Administrator may require during the time of wind advisory that any dry mining operation cease operations to eliminate additional dust generation.
7. Use of Explosives/Blasting: ~~The use of explosives is prohibited unless the property is located within the IMEOA and unless specifically authorized in the Interim Use Permit. If explosives are proposed to be used in the IMEOA, a blast monitoring plan shall be submitted with the Interim Use Permit application. The use of explosives is only permitted with an approved blast monitoring plan included as part of the IUP. Blasting shall only take place between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday, excluding federal holidays. The Blast Monitoring Plan shall include the anticipated blast process and shall establish a monitoring program that will provide the framework for documentation of the existing condition of nearby structures. Methods of collecting and monitoring the ground vibration and air blast data and a plan for contingency actions to be followed in the event the blasting standards are not achieved or damage to infrastructure or structures occurs shall also be included in the plan. Pre-blast surveys shall be conducted in accordance with the approved Blast Monitoring Plan. A pre-blast notification by preferred method (text, phone call or email) provided at least (1) hour prior to any blast shall be provided to the Township. The permittee Permittee will provide notification at least thirty-six (36) hours prior to the use of explosives to all Township Board members and to those property owners within one (1) mile of the Mining Operation who request notification.~~
8. Noise and Vibration Requirements: Maximum noise level at the perimeter of the project boundary shall comply with the limits or standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. Trucks may not idle before approved operational hours commence except for the ½ hour staging allowance. White noise backup and reverse warning alarms shall be used on all equipment owned or operated by the permittee that is used on-site.

a. Noise and Vibration Screening

- i. The Permittee shall carry out screening to determine if there may be significant impacts on offsite human noise receptors from the mining project's noise and/or vibration. Screening is required at all new mines, and also at existing mines if there is a proposed change to the mine plan that is likely to result in a new source of noise or vibration or an increase in existing noise or vibration levels. Maximum noise levels at the mining site will be consistent with the following parameters below and/or standards established by the Minnesota Pollution Control Agency, whichever are more stringent.
- ii. If screening identifies potential human receptors of noise from mining-related activities, then the Permittee shall document baseline ambient noise levels at both the nearest and relevant offsite noise receptors.

b. Management and Mitigation of Impacts on Human Receptors

- i. ~~i.~~ If screening or other credible information indicates that there are residential and other critical noise receptors that could be affected by noise from mining-related activities, then the Permittee shall demonstrate that mining-related noise does not exceed a maximum one-hour LAeq (dBA) of 55dBA during operating hours and 25 dBA at other times at the nearest offsite noise receptor. If baseline ambient noise levels exceed 55 dBA (day) and/or 25 dBA (night), then noise levels shall not exceed 3 dB above baseline as measured at relevant offsite noise receptors.
- ii. ~~ii.~~ If a credible, supported complaint is made to the Permittee that noise or vibration is adversely impacting human noise receptors, then the operating company shall consult with the Township to develop mitigation strategies or other proposed actions to resolve the complaint. Where complaints are not resolved then other options, including noise monitoring and the implementation of additional mitigation measures, shall be considered. Violations of the parameters may lead to the Township revoking the operator's permit.
- iii. ~~iii.~~ All noise and vibration related complaints and their outcomes shall be documented.

8.

9. Vibration: Permittees must use all practical methods to minimize impacts of equipment vibration on adjacent proper es and address methods to mi gate for impacts if they occur.

~~10.~~9. Security: Mining areas should be secured to reduce risk of use as a public disposal site.

The property owner or permittee is responsible for any clean up on the site.

G. Environmental Standards:

1. Dewatering for mineral access will not be allowed.
2. No excavations or extraction shall occur less than ten (10) feet above the historical high groundwater elevation on the site. If a variance is requested, where mining is proposed below the water table or within twenty (20) vertical feet of a historic groundwater table elevation, then a hydrogeological study shall be submitted. The study shall be prepared under the direction of a licensed professional and will include geotechnical borings and report, a study of sinkholes formed within five (5) miles of the proposed property boundary, up to a level two environmental assessment and report, testing of soils and groundwater and report to determine the presence of contaminants, if any, on the site that will, or could be, released to the groundwater or the environment by mining or related activities. All contaminants of concern identified in the project boundary, as identified by the licensed professional, and any other contaminants identified by the Board will be studied unless the permittee demonstrates to the satisfaction of the Board that such study is not warranted. The hydrogeological study shall include the following:
  - a. Description of each groundwater excavation (size, shape and location) and proposed reclamation condition.
  - b. Inventory and description of the location and construction information of all wells within one (1) mile of the project boundary.
  - c. Description of the proposed fill activity (grain size distribution, quantity, and placement procedures), if any.
  - d. Description of the aquifer characteristics in the area of each groundwater excavation to be affected by proposed fill activity (aquifer thickness and general geological setting).
  - e. Description of the impacts of the proposed fill activity on groundwater flow regimes.
  - f. Description of a groundwater monitoring plan including evidence, to the Board's satisfaction, that the proposed monitoring will provide timely and effective notice of changes to the hydrology, the presence of contaminants of concern that were not previously identified, or the release, movement, or the threatened release of contaminants.
  - g. Identify and describe all measures that will be taken to avoid potential impacts on the groundwater from mining or related activities including, but not limited to, testing, monitoring, containment, and mitigation. The groundwater plan must specifically address:
    - i. Fueling, Maintenance, and Storage Areas.
    - ii. Potential impacts to private wells and wetlands, and monitoring/mitigation recommended from the EAW/EIS (if applicable).

iii. Describe how baseline well assessments will be conducted if applicable, and what actions will be performed if it is determined that wells are affected by the mining activities.

iv. Potential impacts and mitigation from dewatering activities.

h. Such other information as the Township may require.

1. 3. Minimize Impact to Surface Water:

- a. Surface drainage from adjacent properties shall be diverted away from the mining areas so no surface drainage will infiltrate into the ground or into areas with aggregate or minerals exposed, or the water table if exposed in a former pit.
- b. No hazardous material shall be stored on site, except as may be permitted within the Interim Use Permit and Paragraphs G 3. and 5. of this ordinance
- c. Stockpiling of materials must be stored in such a manner that erosion of materials does not negatively affect surface water which may include vegetating stockpiled soils or fencing sand material.

2. 4. Surface Water Pollution: The permittee shall prepare a surface water protection plan to ensure that surface water quality is not impacted by the mining operation, accidents, or spills within the mining area. The mining plans shall comply with the Township's Surface Water Management Plan component of the Comprehensive Plan. The approved surface water protection plan shall be included as part of the IUP. The Permittee shall also comply with all applicable Minnesota Pollution Control Agency and Department of Natural Resources regulations and all applicable United States Environmental Protection Agency regulations for the protection of water quality. No waste products or processed residue, including untreated wash water, shall be deposited in any public waters of the State of Minnesota.

3. 5. Minimize Impact to Groundwater:

- a. A plan for groundwater quality protection shall be submitted with the mining application. The groundwater plan shall include a minimum of 3 borings showing depth to groundwater with additional borings required at the determination of the Township Engineer depending on the size and characteristics of the property. ~~If groundwater is not encountered at a depth of 10 feet~~ twenty five feet (25') below the bottom of the pit floor, the permittee need not extend the boring any further. The final plan and associated reports included in the permit application shall be prepared under the direction of and certified by a licensed professional. The approved groundwater quality protection plan shall be included as part of the IUP.
- b. No spraying of truck boxes with oil is allowed.

- c. All wells within the proposed mining areas shall be accurately located and constructed according to MN Rules 4725 Wells and Borings.
  - d. All potential contaminant sources shall meet state required isolation distances from all wells.
  - e. The Permittee shall provide a map showing direction of groundwater flow in deposit, location and construction of wells (including dewatering/washing), and any surface water bodies at appropriate scale. Construction of Class V wells are prohibited within moderate to highly vulnerable areas within DWSMA or sensitivity areas.
  - f. Mining activities, ~~including blasting and excavation~~ will not occur any closer than ten feet (10') above the historical high groundwater elevation at the site table, ~~or as otherwise determined by a hydrogeological study and as may approved in the IUP.~~
  - g. A separation between the bottom of sand and gravel mine excavation and the top of the bedrock surface is required to be fifteen feet (15'), or as otherwise determined by a hydrogeological study ~~and as may be approved in the IUP.~~
4. ~~6.~~ 6. Groundwater: The Permittee shall prepare a groundwater monitoring plan to ensure that groundwater flow, level, or quality is not impacted. The groundwater monitoring plan shall comply with Township, MN Department of Natural Resources, MN Pollution Control Agency, and MN Department of Health regulations. The groundwater monitoring plan may include the surface water monitoring of any created water body that is fed by groundwater including the monitoring of any water bodies or channelized waterways tributary to the created water body. The groundwater monitoring plan shall be included as part of the IUP.
5. ~~7.~~ 7. Well Interference: Potential well interference shall be addressed as prescribed in Minnesota Rules 6115.0730. The Permittee shall prepare a well interference plan that shall detail the methodology for identifying and monitoring private wells that have the potential to be impacted by mining activities. The plan shall also address contingency actions to be followed by the Permittee in the event that there are allegations of well interference received from neighboring property owners and well impacts are verified and caused by the Permittee. This plan shall be submitted with the IUP application and shall be included as part of the IUP.
6. ~~8.~~ 8. Maintenance of Topsoil: All topsoil located within the project boundary before the mineral Extraction operation begins shall remain within boundaries of the operation. All topsoil shall be retained at the mining site until the completion of Rehabilitation/reclamation work in accordance with the Rehabilitation/reclamation plan. Additional topsoil may be retained or imported to ensure that a minimum of six inches (6") of topsoil is placed on all areas reclaimed and restored as dry ground.
7. ~~9.~~ 9. Water and Air Quality: All activities on the subject property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.

8. ~~10.~~ Dewatering/Washing of Aggregate:

~~a. Dewatering for the purpose of eliminating water from the floor of the mine is prohibited unless the property is located within the IMEOAPMEOA and impact mitigation measures are specifically addressed in the IUP.~~

~~b.a.~~ Prior to locating a well that may be used for wash water ~~or dewatering the site~~, the permittee or owner shall address impacts that groundwater pumping may have on altering the DWSMA boundary or sensitivity of the public water supply wells or how they affect local private wells. The impacts of ~~groundwater pumping/dewatering~~ shall be studied and included in the groundwater monitoring plan and the surface water protection plan, including mitigation measures for any potential impacts identified in the EAW or EIS. A process for investigating reported impacts that occur during operation shall also be included in the IUP and may be addressed during annual permit review if necessary.

~~e.b.~~ A groundwater appropriation permit is required from the MN Department of Natural Resources prior to any use of a high capacity well associated with a mining operation. The permittee shall provide a map at scale showing well(s) location, proposed pumping point, volume and discharge location. Any changes to pumping volumes (or increases) requires an updated model to evaluate potential impacts to alter the DWSMA boundary or sensitivity of the public waters supply wells or private wells.

~~d.c.~~ Prior to approval for ~~dewatering or~~ washing of aggregate the ~~P~~ permittee or owner shall consider and document methods to conserve water through implementation of water reuse measures.

~~e.d.~~ A hydrologic study shall be prepared under the direction of a licensed professional regarding potential for ~~dewatering~~ impacts to private wells, receiving waters (e.g., due to flooding), trout streams, and potential impacts to other surface water and wetlands.

9. 11. Wastewater:

a. The permittee or owner may install an on-site sewage treatment system so long as they are not located within the one-year time of travel area from DWSMA or sensitivity areas.

b. The permittee or owner shall also verify proximity to private wells. A portable system that is cleaned out is required if no public sanitary sewer system is available and private wells are within the isolation distances as defined by MN Rules Chapter 4725. On-site sewage treatment systems shall conform with Dakota County ordinance 113, and all applicable state and federal regulations. H. Site Uses:

~~a.~~ 1. Accessory Uses: Within a mineral extraction operation, the following uses are customarily incidental to its operation and do not require a separate permit or approval.

These accessory uses must meet the same performance standards as the mineral extraction operation.

- a. Aggregate crushing.
- b. Aggregate washing.
- c. Vehicle and mining equipment maintenance and repair of equipment used on-site; ~~which may include a small maintenance building~~. Maintenance and repair activities shall be limited to equipment used on-site.
- d. Offices associated with the mining operation.
- e. Stockpiling.
- f. Loading and hauling.
- g. Storage of machinery used in the extraction area.

~~a.h. Truck washing.~~

2. Ancillary Uses Prohibited: Any uses of the site that are not mineral extraction or one of the accessory uses listed in paragraph I.1. above are expressly prohibited including but not limited to:

- a. Storage and/or processing of recycled asphalt and/or aggregate products
- b. Asphalt or concrete production.
- c. Casting yard.
- d. Retail sales of products to the public.
- e. Backhauling

~~d.f. Unauthorized storage of vehicles, equipment or materials not associated with~~

~~the mineral extraction~~ operation. I. Reclamation:

1. Rehabilitation, Reclamation, and Restoration Plan: Providing for the orderly and continuing rehabilitation of all excavated land shall be required. Such plan shall illustrate, using appropriate photographs, maps, and surveys drawn ~~an appropriate scale to~~ a scale of one inch equals one hundred feet (1" = 100') and with a ~~five foot~~ two foot (5/2') contour interval satisfactory to the engineer, the following:
2. Reclamation/Rehabilitation : The planned contours of the land when the mineral removal operations are completed.

3. Timetable: The estimated period of time that the mineral extraction facility will be operated and a schedule setting forth the timetable for excavation and rehabilitation of land lying within the active, inactive and reclamation/rehabilitation areas.
4. Soil Stockpiles: Those areas of the site used for storage of topsoil and overburden.
5. ~~Depth;~~ Slope; Revegetation: ~~The depth of all water bodies, the slopes of A~~all slopes after following rehabilitation ~~and shall meet the approved plans, including~~ a description of the type and quantity of plantings where revegetation is to be established.
6. Contour Extension: The ~~five~~two-foot (~~5~~2') contours shall extend at least ~~two~~five hundred feet (~~200~~500') beyond the boundary of the operation or beyond the adjoining right of way, whichever is more inclusive.
7. Accessory Uses: Accessory use rehabilitation, reclamation, and restoration plan.
8. Maximum Slope: The maximum slope of the reclamation area that is developable shall be at no steeper than ~~five~~eight feet (~~5~~8') horizontal to one foot (1') vertical. The maximum slope of the reclamation area that is undevelopable, such as the area between a water body and a right of way line shall be no steeper than two feet (2') horizontal to one foot (1') vertical. Any slope greater than three feet (3') horizontal to one foot (1') vertical shall be designed by a licensed civil engineer licensed in the State of Minnesota and approved by the Township.
9. Development: The reclamation and rehabilitation plan shall provide for reasonable development consistent with the adopted Comprehensive Plan. Grades provided on the plans must provide for installation of utilities and roadway systems consistent with the regulations of the Township and the engineering standards for road and utility installation.
10. Landscaping and final grading:
  - a. The excavation area shall be graded to blend in with the un-excavated area, without changing or impacting the natural course of drainage.
  - ~~a.~~b. Topsoil shall be replaced and the disturbed area re-seeded prior to permit expiration.
  - ~~11.~~c. All water areas resulting from excavation shall be eliminated upon rehabilitation of

the site, unless previously approved by the Township. J. End Use Grading Plan:

For mining operations that are expected to require more than twenty (20) years to complete, the Board may approve an interim end use grading plan for the area that is expected to be completed within twenty (20) years.

K. Removal of Buildings, Structures, and Vehicles:

Within eighteen (18) months of the reclamation of each phase, all buildings, structures and plants incidental to that phase of operation shall be dismantled and removed by and at the

expense of the permittee last operating the building, structure or plant, or the owner of the property, unless the structure or use is compatible with future phases of the mining operation or the anticipated ultimate use of the property or unless otherwise negotiated in the IUP. All buildings, structures or plants not removed as required by this section may be removed by the Township with the costs for the removal charged to the permittee or the owner of the property.

L. Separation, Fill, and Topsoil:

1. Where the final mine floor is within 15 feet of the bedrock surface, a 15-foot separation buffer is required over the bedrock surface to protect groundwater and allow for future development.
2. A topsoil layer shall be placed above the buffer layer where the buffer layer extends above the water table. ~~For pit lakes where the buffer layer is greater than 15 feet below the water table, no topsoil layer is required above the buffer layer. For pit lakes where the buffer layer leaves less than 10 feet of water depth (on average), a reclamation design approved by a licensed professional shall be submitted that addresses the potential surface water quality related to consistency with development plans and the potential for excess nutrient accumulation in a shallow pit lake.~~ Lake and pond end uses are not allowable. Land should be remediated back to farmable land in accordance with the comprehensive plan's stated goal of preserving agricultural land to prevent premature, permanent conversion to non-agricultural uses.
3. Buffer layer material and topsoil should consist of clean, native fill material derived from the Project site. If imported off-site materials are necessary, a testing plan certified by a licensed professional shall be provided to ensure that the soils placed below the water table do not cause contamination ~~in the pit lake~~. Topsoil material shall consist of suitable plant growth material, organic matter content, and thickness to support adequate plant growth. Vegetation selection should be based on rapid stabilization of the soil, avoidance of invasive species, and be sustainable with respect to long term weed management.
4. Vegetation used shall be native species or similar that do not require regular or seasonal application of nutrients or pesticides. M. Annual Operating Review:

1. Annual Certificate of Permit Compliance: ~~As a condition of any mining Interim Use Permit, the property owner and/or permittee shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved Interim Use Permit, progress on reclamation plans, and related conditions. Said compliance information shall be submitted by January 31<sup>st</sup> of each year or such other date that the Township Board may include in an IUP. Representative(s) appointed by the Township Board shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved Interim Use Permit and the financial surety are adequate to complete the restoration. Failure to submit~~

the annual compliance information or violations of the Interim Use Permit may be grounds for revocation of the Interim Use Permit.

2. Annual Operating Review: A mineral extraction operation may extend for years to complete. The purpose of the annual operating review is to provide an opportunity for the Board- to review the operation of the mine and have a discussion with the Permittee regarding the progress of the mine, any noteworthy items and updates, provide updated contact information and to provide feedback on improvements that the Permittee is requested to make to mitigate for any unforeseen impacts of the mine and its operations on the community. The review shall be held at the March monthly meeting or at a date otherwise set by the Board, but may be held earlier in the calendar year provided that the Permittee has previously submitted the Annual Certificate of Permit Compliance for Township review.
3. Annual Review Fee and Reimbursement of Township Expenses: The fee for annual review, if any, shall be as established from time to time by resolution of the Board. If the Township has its consultants review the Annual Certificate of Permit Compliance or complete inspections related to the Interim Use Permit, those direct costs shall be reimbursed to the Township by the Permittee.
4. Inspections: The Township may inspect all mineral extraction sites where a mineral extraction permit has been issued. The Permittee or owner of any mineral extraction operation found in violation of the requirements of this ordinance, or its extraction permit, shall remedy such violations within the time specified by written notice from the Township.

N. Financial Surety:

~~The Board shall require the permittee or owner of the premises on which the excavation operation is located to post a cash escrow or letter of credit in a form acceptable to the~~

~~Township Attorney, ("security") in an amount determined by the Board, in favor of the Township, conditioned to pay the Township for the cost and expense of assuring compliance with the conditions and requirements of the IUP and any associated Development Agreement including,~~

The operator must provide and maintain a performance bond, cash escrow or a letter of credit in a form acceptable to the Township, to guarantee compliance with this chapter and the terms and conditions of the development agreement. Costs include, but are not limited to, repairing any streets where such repair work is made necessary by the special burden resulting from hauling and travel, and removing material from any pit or excavation, conducting any required rehabilitation of the mining site pursuant to the Reclamation Plan, and to pay any expense the Township may incur by reason of doing anything required to be done by any permittee to

whom an IUP is issued. The Township shall have the right to use the financial guaranty to remove stockpiles, complete site reclamation, and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the obligations under this chapter. The amount of financial guaranty shall not exceed \$10,000 per acre of the mining operation used for extraction, stockpiling, and processing activities. This amount may be increased by the Township Board with reference to the increase in the Consumer Price Index (CPI) for the Minneapolis - St. Paul Area. The financial guaranty shall remain in full force and effect for a minimum period of nine months or after reclamation or cleanup of the site is complete, whichever is longer. but not limited to, repairing any streets where such repair work is made necessary by the special burden resulting from hauling and travel, and removing material from any pit or excavation, conducting any required rehabilitation of the mining site pursuant to the

Reclamation Plan, and to pay any expense the Township may incur by reason of doing anything required to be done by any permittee to whom an IUP is issued. The security shall remain in full force and effect until such time as all obligations to the Township have been satisfied.

O. Insurance and Indemnification:

1. Liability Insurance:

The operator shall at all times procure and maintain at the operator's expense general public liability insurance, automobile liability insurance and workers' compensation insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of its duties under the development agreement and under this chapter. Such insurance shall afford protection to a limit of not less than \$1,0500,000 in respect to injuries or death to a single person, to a limit of not less than \$5,000,000 in respect to any one accident or occurrence, and to a limit of not less than \$500,000 in respect to property damage. The Township shall be listed as a noncontributory additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing coverage before the commencement date of the term of the mineral extraction permit.

The certificate shall provide that the Township must be given 30 days' written notice of the cancellation of insurance.

2. Indemnification:

The operator shall hold the Township harmless against all claims by third parties for damage or costs arising out of, resulting from or related to mineral extraction, processing and reclamation on the subject property or incurred in the development of the subject property. The operator

shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorneys' fees.

~~Permittee shall maintain general liability insurance and automobile liability insurance in order to cover claims for injuries, wrongful death, and property damage relating to mining operations in an amount determined by the Board. The Township shall be listed as a noncontributory additional insured on all insurance policies required by this section.~~ P. Reimbursement of Township Costs:

The permittee shall reimburse the Township for all out-of-pocket expenses incurred during the review of the application, public hearings, preparation of documents, inspections and enforcement of the ordinance and Interim Use Permit. The permittee shall pay for the thirdparty review of application items and for submittal requirements like groundwater monitoring. The cost of periodic inspections and annual review for the purpose of determining that the provisions of the Interim Use Permit and this Chapter are being followed shall be reimbursed by the Permittee who shall maintain an escrow with the Township that shall be replenished as requested in writing by the Township. The Township may retain consultants at the permittee's expense to evaluate the application requirements, monitoring and testing results, and compliance with the ordinances and ~~interim use permit~~ Interim Use Permit.

Q. Termination:

~~The mineral extraction permit Township shall have the authority to shall be terminated the mineral extraction permit and/or the annual operation permit on the happening of any of the following events:~~

1. Occurrence of the date of termination specified in the Interim Use Permit.
2. Upon a violation of any applicable laws, rules, or Township Ordinances, or of a condition under which the permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), describing with particularity the specific violation(s) and the steps- necessary to cure the violation(s) and to be in compliance with the permit.

The notice of violation shall inform the operator that failure to correct the violation as directed in the notice may result in the revocation of the Interim Use Permit and the time period in which the violation must be corrected. Excepting threats to public health, safety, and welfare or violations with simple remedy, the operator shall have a period not exceeding sixty (60) consecutive days to cure the specific violation(s). If the 60-day remedy period overlaps with or occurs within a period of seasonal shutdown, and the violation(s) are not easily remedied or do not pose an imminent threat to public health, safety and welfare, the 60-day period may be extended to include the seasonal shutdown period. Upon notice of the violation(s) which may threaten the public health, safety and

welfare or are easily remedied, the operation shall respond promptly and cure the violation(s) in the shortest reasonable time frame period provided in the notice of violation.

3. If the operator fails to correct the violation as described in a notice of violation within the identified correction period, the Township may undertake a process to consider and act on the revocation of the Interim Use Permit issued for the operation. The Township shall provide the operator and landowner (if different from the operator) at least 10 days written notice of a public hearing before the Township to consider the revocation of the Interim Use Permit. The notice shall identify the violation or violations resulting in the proposed revocation. The operator and any other interested party will have an opportunity to be heard during the hearing. The Township may revoke the Interim Use Permit if it determines a violation occurred and the operator failed to correct it as directed in the notice of violation. As an alternative to immediate revocation, the Township may, in its sole discretion, allow the operator to enter into a correction agreement with the Township to allow the operation to continue provided it complies with the terms and conditions of the agreement. The correction agreement shall identify any corrective actions the operator must take, may require the posting of a bond or other security related to the performance of the required corrective actions, and may set out such other terms, conditions, and requirements as the Township determines are reasonable to ensure the operator corrects any existing violations and remains in compliance with the permit and all applicable laws, rules, regulations, and ordinances.
4. ~~3-~~Upon a change in the Township's zoning regulations which renders the use nonconforming.

5. ~~4-~~Upon a determination that the facility/mine operation has been inactive. R. Seasonal

#### Mineral Extraction:

1. Purpose: The purpose of this section is to establish provisions for mineral extraction on a smaller scale and shorter-term basis than allowed in the Mineral Extraction District.
2. Eligibility: A seasonal extraction permit may be issued in areas of the township zoned AG Agricultural Preservation District when excavations are used exclusively for public infrastructure construction projects under the administration of a public entity where the contract requires erosion control, sediment containment and site restoration provisions at least as strict as those in the Minnesota Pollution Control Agency's NPDES General Storm Water Permit when the proposed site is located outside of the limits of the construction site.
3. Seasonal mineral extraction excavations require an Interim Use Permit approved by the Town Board according to the provisions and procedures in the Waterford Township Zoning Ordinance.
4. The maximum site area that may be included in a seasonal mineral extraction permit is five (5) acres square; may not occur less than ten (10) feet above the historical high

groundwater elevation at the site. Dewatering is not allowed. The use of explosives is prohibited.

5. Excavations must be closed and restored at the end of each season. Operations are limited from April 15 to October 15. The following rehabilitation standards shall apply to the site:
  - a. Topsoil shall be removed from the excavation area(s) and stockpiled for rehabilitation.
  - b. Rehabilitation shall be continuous, occurring as quickly as possible after the extraction operation has moved into another part of the extraction site.
  - c. The excavation area shall be graded to blend in with the un-excavated area, without changing or impacting the natural course of drainage.
  - d. Topsoil shall be replaced and the disturbed area re-seeded prior to permit expiration.
  - e. All water areas resulting from excavation shall be eliminated upon rehabilitation of the site, unless previously approved by the Township.
  - f. The slope of the restored site shall not exceed a 5:1 ratio.
6. Inactivity. In the event less than five thousand (5000) cubic yards of material are removed from the facility in any calendar year, the Town Board may declare the facility inactive, terminate the Interim Use Permit and require site rehabilitation.

#### S. Enforcement:

1. The operator grants the Township's officers and representatives access to the facility during normal operation hours or by special appointment to inspect the mineral extraction facility and enforce the provisions of this ordinance.
2. The operator shall be responsible for the repair and maintenance of public and private property in the Township which is determined by the Township to be damaged by the operator, his or her agents or employees in conducting business or any other activity associated with the mineral extraction facility.
3. A development agreement will be required for all mineral extraction permits.
4. The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

#### **SECTION 6. EFFECTIVE DATE.**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

**SECTION 7. REPEALER.**

All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

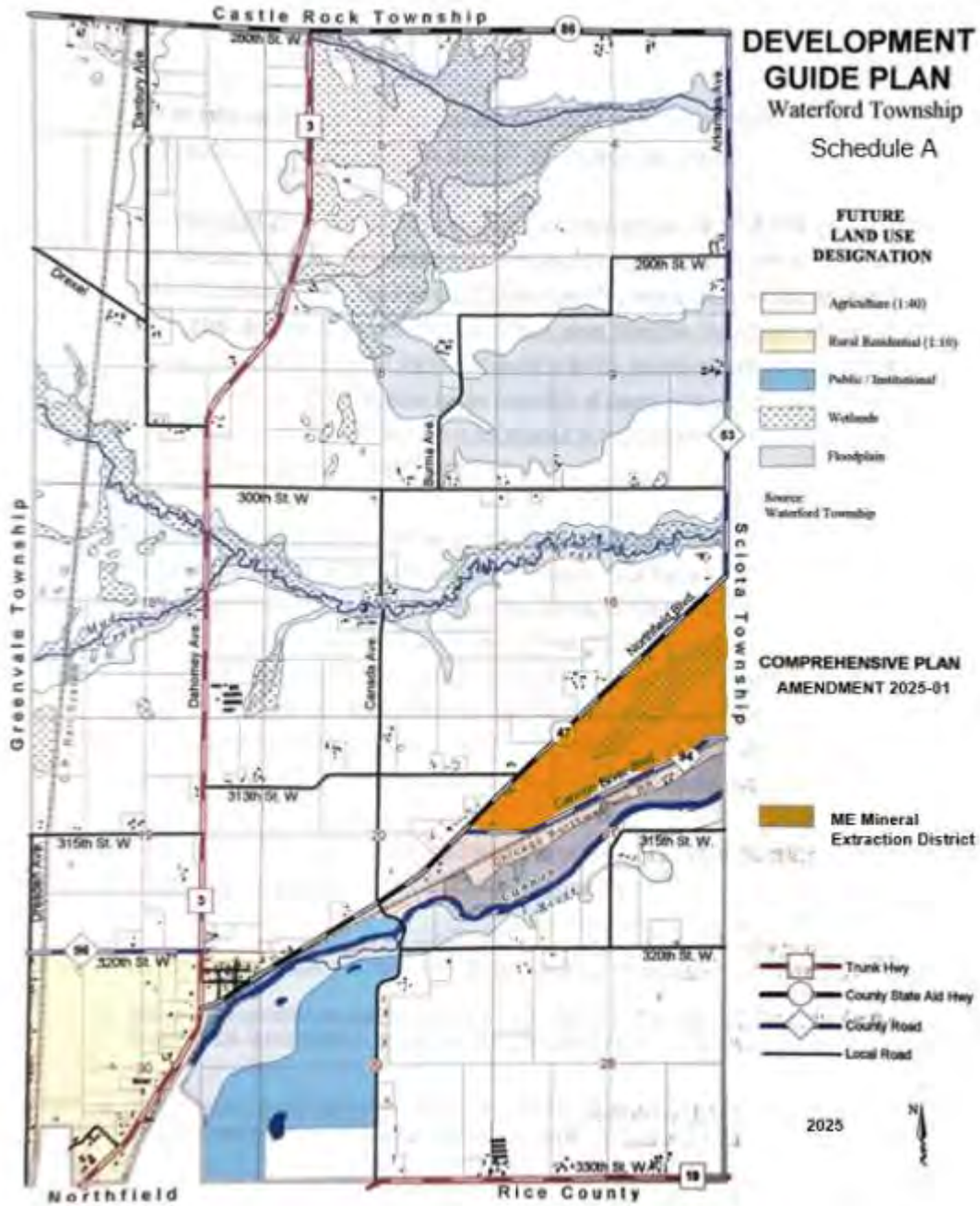
Passed by the Board of Supervisors of Waterford Township on this (number) day of (Month), 2025.

\_\_\_\_\_  
Charlene Klemenhagen, Chairperson

ATTEST:

\_\_\_\_\_  
Elizabeth Wheeler, Clerk

# EXHIBIT A



# WATERFORD TOWNSHIP



*"where the path from the past and the future meet"*

P.O. Box 531  
 Northfield, MN 55057  
 Phone: 651.346.8467  
 www.waterfordtownshipmn.org

## For Office Use Only

|                |         |
|----------------|---------|
| Case Number:   |         |
| Fee Paid:      |         |
| Received by:   |         |
| Date Filed:    |         |
| Date Complete: |         |
| Base Fee:      | Escrow: |

## DEVELOPMENT APPLICATION

| TYPE OF APPLICATION  |  |  |
|--|--|--|
| <input type="checkbox"/> Appeal  | <input type="checkbox"/> Site Plan & Building Plan         | <input type="checkbox"/> Simple Land Division      |
| <input type="checkbox"/> Comprehensive Plan Amendment  | <input type="checkbox"/> Sketch Plan                       | <input type="checkbox"/> Subdivision Sketch Plan   |
| <input type="checkbox"/> Ordinance Amendment (Text or Map)   | <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Plat          |
| <input type="checkbox"/> Interim Use Permit  | <input type="checkbox"/> Variance                          | <input type="checkbox"/> Final Plat                |
| <input type="checkbox"/> Planned Unit Development (Concept/Gen)  | <input type="checkbox"/> Vacation                          | <input checked="" type="checkbox"/> Other rezoning |
| PROPERTY INFORMATION   |  |  |
| Street Address:  |  |  |
| Property Identification Number (PIN#): 410190007010  |  |  |
| Legal Description (Attach if necessary):   |  |  |
| The South 32 acres of the Southeast Quarter of the Northeast Quarter of Section 19, Township 112 Range 19                  |  |  |
| APPLICANT INFORMATION  |  |  |
| Name: Terry Mikulecky  |  | Business Name: Minnesota Ag-Power Real Estate LLC  |
| Address: 4561 Highway 212 West   |  |  |
| City: Glencoe  | State: MN  | Zip Code: 55336                                    |
| Telephone: 507-649-0320  | Email: tmikulecky@mmcj.com                                 |  |
| Contact: Terry Mikulecky   | Title: Manager   |  |
| OWNER INFORMATION (if different from applicant)  |  |  |
| Name: Edward C and Carol Terry; David Terry  |  | Business Name:                                     |
| Address: 1957 330th Street West  |  |  |
| City: Northfield   | State: MN  | Zip Code: 55057                                    |
| Telephone: 507-279-4609  | E-mail: echestert@gmail.com                                |  |
| Contact: Ed Terry  | Title: Owner   |  |
| DESCRIPTION OF REQUEST (attach additional information if needed)   |  |  |
| Existing Use of Property:  |  |  |
| Farm land  |  |  |
| Nature of Proposed Use:  |  |  |
| commercial   |  |  |
| Reason(s) to Approve Request:  |  |  |
| moving John Deere dealership in Waferford township to a new location   |  |  |
| PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE   |  |  |
| Project Name: none   |  | Date of Application: 5-15-2025                     |
| Nature of Request:   |  |  |
|  |  |  |
|  |  |  |
| <b>NOTE:</b> Applications only accepted with ALL required support documents.<br>See Application Instructions and Town Code |  |  |

---

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted Town policy and ordinance requirements and are complete to the best of my knowledge. I certify that I am familiar with all application fees and other associated costs, and also with the procedural requirements of Waterford Township ordinances and other applicable regulations.

I understand that all Town incurred professional fees and expenses associated with the processing of this request are the responsibility of the property owner and/or applicant and will be promptly paid. If payment is not received from the applicant, the property owner acknowledges and agrees to be responsible for unpaid fee balance either by direct payment or a special assessment against the subject property.

I understand that this application will be processed in accordance with established Town review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the Town will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the Town may be cause for denying this application.

I hereby authorize Town staff and consultants to enter upon the property subject to this application to gather information pertinent to this request.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Owner: Edward Jerry \_\_\_\_\_ Date: 5/15/2025

**NOTE:** Applications only accepted with ALL required support documents.  
See Application Checklist and Ordinances



# WATERFORD TOWNSHIP

## FEE AND ESCROW ACCOUNT AGREEMENT

*"where the path from the past and the future meet"*

Property Address: 41019000710  
 Property Owner Name: Ed Terry  
 Property Owner Email: \_\_\_\_\_  
 Applicant Name: Midwest Machine Mones  
 Applicant Email: tmikyleky@mmcjd.com

PID: 41019000710  
 Phone: 507-649-0320  
 Phone: 507-649-0320

Prior to review of requests/projects, Waterford Township requires property owners pay any applicable fees as well as establish an escrow account for the expenses associated with individual projects requiring Town engineering, legal, planning and/or other direct expenses. These expenses may include, but are not limited to, any time, mileage, possible publishing costs, and consulting fees incurred by your project. The Town determines the escrow amount to be requested, as well as the minimal allowable balance, based upon the scope of the request/project.

**APPLICATION FEE(S):** We, the undersigned property owner(s) understand and agree that in addition to the escrow there may be additional nonrefundable application and/or permit fee(s) associated with this request/project.

**APPLICATION EXPENSES:** We, the undersigned property owner(s) agree to provide to the Town, by check, for deposit in an escrow fund, the amount of \$5,000, as financial security for all estimated future Town administrative, planning, legal and engineering fees and other costs incurred in processing this request. The Town will periodically provide a statement of reimbursable expenses owed which shall be reimbursed by the applicant and/or property owner(s) within 10 days of such request. In addition, if the escrow amount is depleted or the scope of the project is changed such that it is determined additional escrow is required, we agree to furnish additional monies as requested by the Town within 10 days of such request. We understand and agree that if a balance remains in the escrow account at the conclusion of the request/project, after all related expenses have been billed to the Town and have been paid, it will be refunded, without interest, at the next applicable claims date upon written request from the applicant and/or property owner(s) and verification that all consultant invoices related to the request/project have been received by the Town and all such invoices have been paid to the Town's satisfaction. Claims are paid at the monthly Town Board and usually mailed within one week. We further understand that all fees and expenses are due whether the review/project is ultimately approved or denied.

We understand and agree that all Town incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement are our responsibility as the property owner(s) and will be promptly paid by us upon billing by the Town. We further understand and agree that as the property owner(s) we must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the Town shall accrue interest at the rate of 6% per year. Further, if we fail to pay said amounts when due, then the Town may certify such costs against any property owned by us within the Town limits for collection with the real estate taxes and/or take necessary legal action to recover such costs, and we agree that the Town shall be entitled to attorneys fees and other costs incurred by the Town as a result of such legal action. We knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Checks should be made payable to: Waterford Township, and mailed to P.O. Box 531, Northfield, MN 55057. Return this signed agreement with your check.

PLEASE NOTE THAT THIS AGREEMENT MUST BE SIGNED BY 100% OF THE PROPERTY OWNERS OF THE PROPERTY SUBJECT TO THE AGREEMENT. Add additional signature sheets as necessary.

Signature(s) of Applicant: [Signature]

Date: 5-15-2025

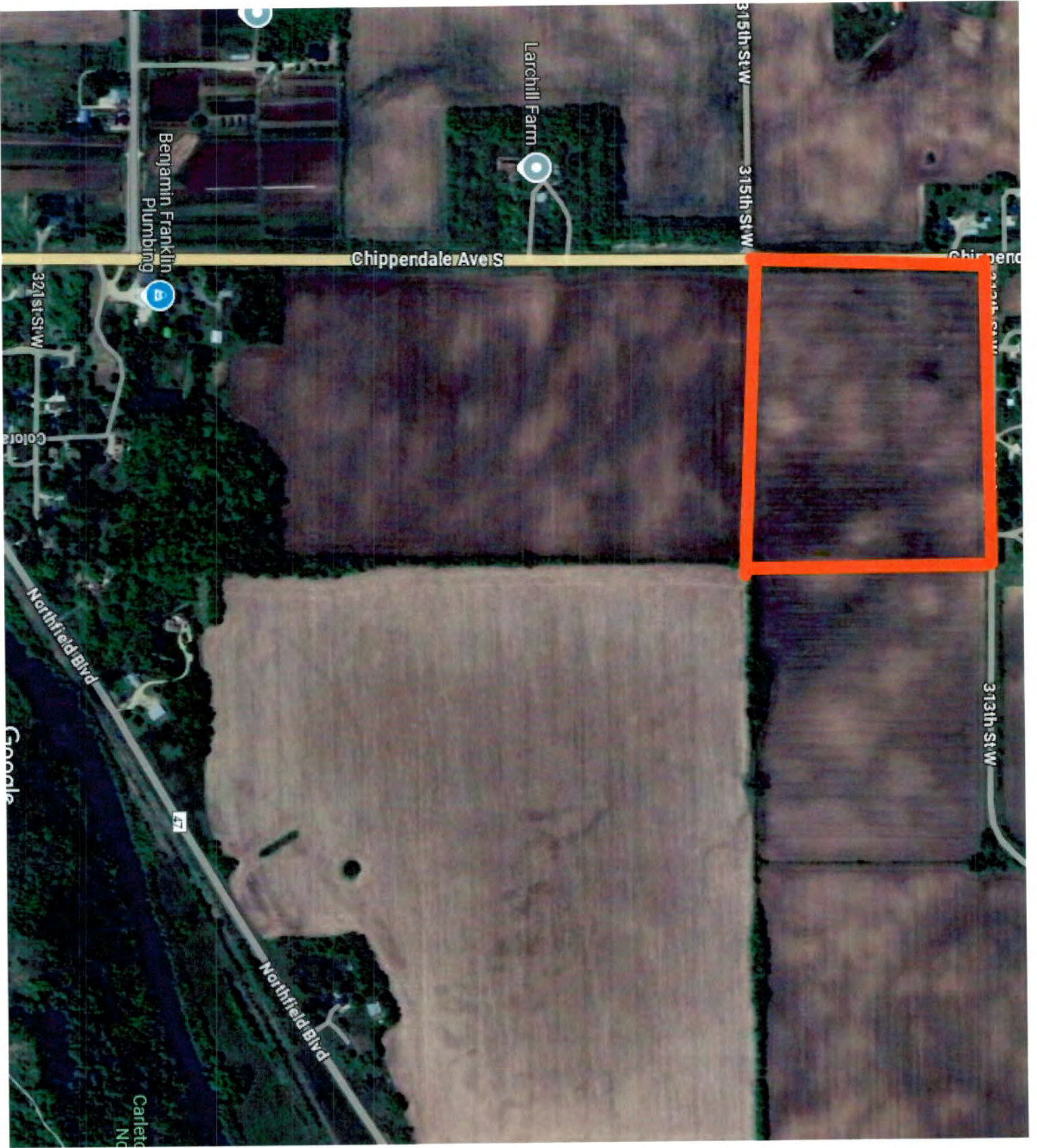
Signature(s) of All Owner(s): \_\_\_\_\_

Date: \_\_\_\_\_

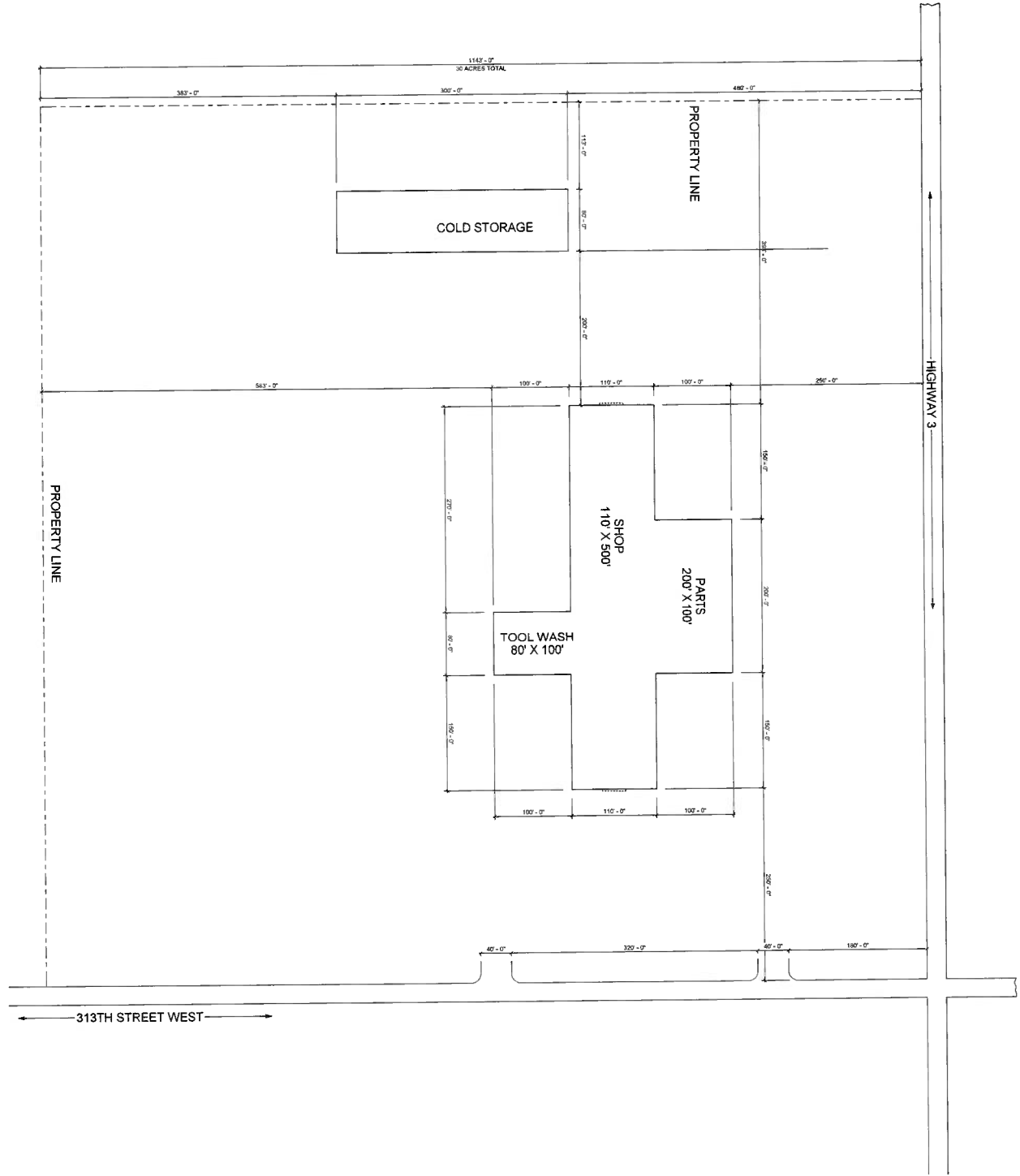
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

~~Date: \_\_\_\_\_~~


~~Date: \_\_\_\_\_~~



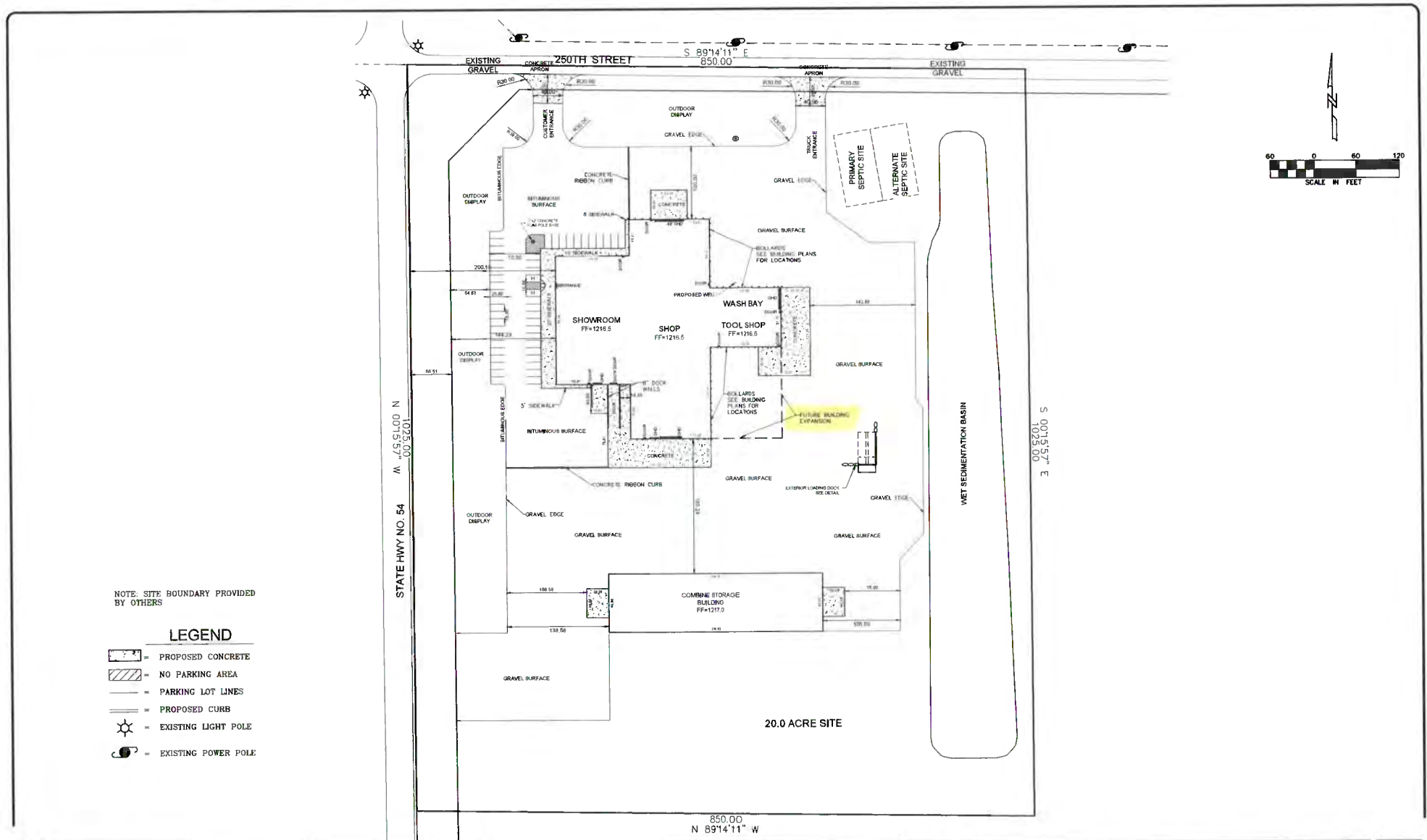
1 SITE LAYOUT  
1" = 80'-0"



N  
→

|  |  |                                  |   |   |   |
|--|--|----------------------------------|---|---|---|
| <p><b>A1.0</b></p> <p>Project/Sheet Number<br/>Date: 12.02.24<br/>Scale: 1" = 80'-0"</p> | <p>MIDWEST MACHINERY<br/>NORTHFIELD, MN.<br/>SITE LAYOUT</p> | <p><b>PRELIMINARY DESIGN</b></p> | <p>BY: AN RESIGNS<br/>PROFESSIONAL ENGINEER LICENSE</p> | <p>KLIEHM CONSTRUCTION INC.<br/>1412 2ND STREET WEST<br/>NORTHFIELD, MN 55054<br/>PHONE: (507) 248-8800<br/>FAX: (507) 248-8200<br/>WWW.KCINC.COM</p> |  <p><b>KCI</b><br/>Klehm<br/>Construction Inc.</p> |
|--|--|----------------------------------|---|---|---|

# Elbow Lake



NOTE: SITE BOUNDARY PROVIDED BY OTHERS

### LEGEND

- PROPOSED CONCRETE
- NO PARKING AREA
- PARKING LOT LINES
- PROPOSED CURB
- EXISTING LIGHT POLE
- EXISTING POWER POLE

**PROBE ENGINEERING COMPANY, INC.**  
 CONSULTING ENGINEERS,  
 PLANNERS and LAND SURVEYORS

1000 EAST 146th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*[Signature]*

DATE: 12/28/2022, REV: 01, 01/03/2023

PREPARED FOR:  
**KIEHM CONSTRUCTION INC**  
 8415 220TH ST WEST  
 LAKEVILLE, MN 55044

|          |             |
|----------|-------------|
| DESIGNED | CHECKED     |
| DRAWN    | DATE        |
| SCALE    | 1/2"=20'-0" |
| AS SHOWN |             |
| JOB NO.  |             |
| 181151   |             |

**SITE PLAN**  
**JOHN DEERE SITE**

SHEET  
**2.0**  
 REV  
**4**

MINNESOTA

ELBOW LAKE

# WATERFORD TOWNSHIP



*"where the path from the past and the future meets"*

## NOTICE OF AN INCOMPLETE APPLICATION OF THE MIDWEST MACHINERY REQUEST

May 28, 2025

Terry Mikulecky  
Minnesota Ag-Power Real Estate, LLC.  
4561 Highway 212 W  
Glencoe, MN 55336

RE: Midwest Machinery

Dear Mr. Mikulecky:

Waterford Township received the information for your application for a Conditional Use Permit and Rezoning for the property at PID: 410190007010 on May 15, 2025. Pursuant to Minnesota Statutes § 15.99, the Township has completed a review of your application materials. In order for your Site Plan Review application to be considered complete, we ask that you please submit the following information, required by Section 4.11 of the Waterford Township Zoning Ordinance:

1. Legal description and ownership of the property.
2. A narrative description of the proposed property uses.
3. Scaled drawings of the property including property dimensions, locations of all existing and proposed utilities and easements, and the location of all buildings, structures, driveways, sidewalks, trails, parking stalls and curbing.
4. Scaled drawings of the proposed uses, easements, and buildings including all setback dimensions from property lines.
5. Information on the proposed building(s), including scaled floor plans for each level of any proposed structures and scaled building elevations and descriptions of exterior building materials and color schemes.
6. Scaled site grading plans, including erosion and sedimentation control mechanisms and procedures.
7. Identification of any floodplain or wetland encroachments and detailed mitigation plans, if applicable.
8. Detailed landscape plans, illustrating size, type and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping and any irrigation systems.
9. Detailed descriptions of any site fencing, including type, location, and height.

While the above documents are the required documents for the Site Plan Review, the Township will require additional entitlements, based on the scope of the proposed project. The Township has the following options to process the application:

1. **Rezoning and Comprehensive Plan Amendment.** This would require an additional application for a Comprehensive Plan Amendment to align the community's zoning map and 2040 Comprehensive Plan. This process would include a Public Hearing, review by adjacent or impacted jurisdictions, as well as review and approval of the application by the Planning

Commission and Town Board. Additional review and approval from the Metropolitan Council is required. The building/site layout would be reviewed under a Site Plan Review.

2. **Zoning Ordinance (Text) Amendment – Use allowed by CUP.** Instead of amending the Zoning Map, this process would amend the zoning ordinance to add “Implement sales and service businesses” as a Conditional Use Permit (CUP) in the Agricultural zoning district. This process would require a Public Hearing, as well as review and approval of the application by the Planning Commission and Town Board.
3. **Zoning Ordinance (Text) Amendment – Use allowed by IUP.** Instead of amending the Zoning Map, this process would amend the zoning ordinance to add “Implement sales and service businesses” as an Interim Use Permit (IUP) in the Agricultural zoning district. This would require a Public Hearing, as well as review and approval of the application by the Planning Commission and Town Board. The main difference between this option and Option #2 is this option allows for a temporary use of the land for a limited period or time or until a specific event occurs (the IUP can be extended as it nears the expiration date).

Waterford Township’s Town Board will be meeting at a Work Session on June 13, 2025 to discuss this application and which process the Board would recommend. Staff strongly recommend waiting to resubmit until feedback is received from the Town Board on its preferred path forward, as additional information may be required.

Minnesota Statutes Section 15.99 requires the Township to act on complete applications within sixty (60) days of their receipt. The sixty (60) days begin on the day the Township is in receipt of what has been determined to be a complete application. **Because your application is incomplete, this timeline has not begun.**

If you have any questions please don’t hesitate to contact me at (612) 541-6594 or [madison.richard@bolton-menk.com](mailto:madison.richard@bolton-menk.com) or the Township clerk at (651) 346-8467 or [waterfordtownship@gmail.com](mailto:waterfordtownship@gmail.com).

Sincerely,

*Madison Richard*

Madison Richard  
Waterford Township Consultant Planner

CC: Tom Davis, Waterford Township Clerk  
Elizabeth Wheeler, Waterford Township Deputy Clerk & Zoning Administrator



GIS  
to GIS, me, Amy

May 16, 2025, 4:07 PM (13 days ago)

Hi Elizabeth –

I've looked over your documentation, and it appears the two array sites will not only be sharing a driveway with each other, but also with the two existing residential properties currently fronting Northfield Boulevard on the southeast side of the array parcel. As a result, I'm going to suggest we give the two array sites addresses that are close to the ones of the two residences, so, 31857 Northfield Boulevard for the easternmost array, which I believe is the Lashbrook Park one, and 31861 Northfield Boulevard for the array on the west side, the Mazaska Garden one. Let me know if those work for you and I'll send along the formal map documentation.

Just as an aside, I noticed in the interim use permit documents that you sent along that the parcel where the arrays are being built is referred to as having an address of 13901 County Road 47. That is not an address that we have on record for that parcel. In fact, it has no address assigned to it at all, as far as I can tell. Would you like me to create that address point for the parcel itself at the same time as we do the ones for the arrays?

Thanks Scott

**Scott Laursen**  
GIS Specialist