

**CASTLE ROCK TOWNSHIP
BOARD OF SUPERVISORS CLOSED MEETING
DECEMBER 6, 2004**

A closed meeting of the Board of Supervisors of Castle Rock Township and Township legal counsel was convened at the Town Hall on Monday, December 6, 2004. Present were Randy Becker Chair, Arlyn Lamb Vice Chair, Russ Zellmer, Jim Ozmun and Paul Irrthum Supervisors, and Maralee Rother Clerk. Also present was Paul Rogosheske, Attorney.

Chair Randy Becker called the meeting to order at 6:30 p.m.

The purpose of this hearing was to review the contract non-compliance of Patrick Parrott, Landfill Recovery Systems, 24355 Chippendale Avenue, Farmington, MN, 55024.

Arlyn Lamb explained to the Board his observations at his last visit to the location.

Paul Rogosheske read page 2, paragraph 3, of the Township's contract with Parrott, as follows:

“If the Defendants do not perform the abatement in a timely manner or accepts any wastes as defined above, the Plaintiff will deem the contract to have been breached and proceed under the enforcements of the Order at the Defendant's expense. In the event a dispute arises between the parties as to whether or not the Defendants have successfully abated the nuisance or complied with the abatement in a timely manner as contemplated herein the parties will first attempt mediation. There shall be a mediation committee composed of one person for the Township and one person for the Defendants and a third neutral party to be chosen by the parties. If either party is dissatisfied with the mediation, they may petition the Court for determination by the Court via evidentiary hearing. The Court will be guided by the evidentiary principle that the exclusive judgment of abatement remains in the purview of the Plaintiff but said judgment will not be unreasonable and will be fully discussed (with) the Defendants before any action is taken by the Plaintiff.”

Discussion was held about Paul Rogosheske sending a letter to Patrick Parrott regarding abatement of the nuisance and not receiving any new garbage or scrap. He will also address the Township's desire to mediate with Mr. Parrott about the clean-up at the location.

It was pointed out that it is stated in the contract that the Township has the authority to visit the premises to inspect the clean-up process.

Arlyn Lamb made a motion and Russ Zellmer seconded to have Paul Rogosheske send a letter to Patrick Parrott addressing the above issues. Motion carried 5 ayes.

Jim Ozmun made a motion and Paul Irrthum seconded that Arlyn Lamb be the designated as the Board's mediator with Parrott. Motion carried 4 ayes.

Jim Ozmun made a motion and Paul Irrthum seconded that Russ Zellmer be designated as back-up mediator with Parrott. Motion carried 4 ayes

Paul Irrthum made a motion and Russ Zellmer seconded to adjourn. Motion carried 5 ayes.

Meeting adjourned at 6:55 p.m.

Respectfully submitted,
Maralee Rother Clerk

Attest: _____
Randy Becker Chair