

Meeting Minutes

Emergency Meeting

Purpose: To deal with Non-Permitted Mining at 26790 Chippendale Avenue.

Date: September 13, 2008

Attendees:

Gary Piphio
Mike Kiefer
Arlyn Lamb
Ron Wasmund
Collin Garvey (arrived and left during meeting)

The meeting was called to order at 8:05 AM

A brief discussion was held to bring all board members up to speed on preceding events:

- At about 8:30 PM on September 12, 2008 Gary saw a track loader and bulldozer on the aforementioned property. The bulldozer appeared to be plowing paths in the property. Gary talked to the dozer driver who stated that they were going to start hauling out sand at 7 AM the following morning. When asked how much the driver stated that at least a days hauling. When notified that without the proper permits mining was not allowed the individual said he was not the one to be talking to.
- Gary called Mike Kiefer (Board Vice Chair) and it was decided to contact the building inspector. On the phone Gary discussed possible actions with Ron. Ron agreed to come to the property around 8 AM the following morning to determine if illegal activities were actually taking place.
- At about 7:30 AM on September 13th Gary saw and video taped several trucks loaded with sand leaving the property. A few minutes later Ron showed up and both Gary and Ron went onto the property to make contact. Mike arrived.
- Ron W. served a stop work order to Justin Blattner who was apparently the foreman at the site for Nadeau Excavating. Justin agreed to stop working and to contact Collin Garvey immediately. In the initial conversation Justin stated that he knew there may be an issue at this site and had another site he was prepared to route his trucks to.
- Ron posted the stop work order on the property.

The loader parked at about 8:20 AM after finishing loading a final truck. Several other trucks then left the property empty.

8:35 AM Collin Garvey called Ron and told him he would be on-site in a few minutes.

When Collin Garvey arrived he was visibly upset, was using profanity, and was very loud and argumentative. He claimed that he had followed all the ordinances and had permission from a previous BOS and PC. He stated that Arlyn was on the Planning Commission at the time he claims to have received permission and that he was told no permits were necessary. Arlyn remembered being at the meeting but did not recall the

results. Collin then made comments that the minutes were not properly recorded and that they did not have the information in them.

Collin stated that no permits were issued at the meeting and that none were needed.

Note: Since Arlyn has been on the BOS for 5 ½ years and on the PC prior to that, the meeting Collin is claiming to have been given permission at must have been at least 5 ½ years ago.

Ron served Collin with the stop work order and a cease and desist letter.

Collin again claimed to have received permission to level the site for agricultural purposes. When told that more material was removed from the parcel than allowed by ordinance he again became upset stating that the material had to be removed to level the land.

Ron stated that a permit would be needed even for grading the land and that a plan with 2 foot contours would need to be submitted. Collin stated that the grading plan was on file at the township.

Collin requested copies of permits for a range of other things that happened in the past and he was asked to bring those requests to the clerk.

It was suggested that Collin attend the Planning Commission and/or BOS meeting to discuss further and he agreed. He then left the property asking us to do the same since our business was finished and he considered us trespassing on his property.

We immediately left the property.

Mike mentioned that trucks should not be hauling on the state road without a MN DOT permit and proper signage on the road to warn drivers. Safety concerns were not addressed properly – especially on a blind curve/hill.

Mike made a motion that the chair contact the attorney and inform him of the matter and Arlyn seconded it. Motion carried.

At 9:05AM Arlyn made a motion to adjourn and Mike seconded. Motion carried.