

CASCADE
--- TOWNSHIP ---

2025 75TH ST. NE
Rochester, MN 55906
www.cascadetownship.us

CASCADE TOWN BOARD MINUTES: SPECIAL MEETING WITH TOWNSHIP ATTORNEY

November 12, 2014

Call to order at 2:00 PM at the Cascade Town Hall Board Room.

Members present: Supervisors Heathman, Atkinson, and Laures, Clerk/Treasurer Michael Brown

Attendees present: Roger Ihrke of TCPA, Mr. Peter Tiede (Township Attorney)

1. Majestic Meadows Final Plat

The board, staff and township attorney discussed the state of the final plat for Majestic Meadows and the unresolved issues of the connecting road to River Highlands and the trail construction to access the Majestic Meadows outlot. Mr. Tiede advised it would be possible to assess each property benefitting from a connecting road for the cost of construction with the likelihood of challenge being minimal. Mr. Tiede stated it would be aggressive to withhold approval of the final plat for issues related to the connecting road. The board and attorney concluded the final plat as presented, with survey issues and title concerns, is not recordable and the changes to the final plat are consequential. The trail way access to the outlot remains unresolved.

2. Mathy/Milestone Rezone Request

The board, staff and the township attorney reviewed the pending application for a rezone of the Wilmar Investments owned property in section 11 of Cascade Township. The applicant asserts continuity of operations. Data to support the assertion is lacking.

Mr. Tiede noted the case is complicated by issues of fact as well as issues of law. Mr. Tiede suggested several ways a judge may rule is that Mathy would be allowed to continue at the intensity of the current operation (i.e. if there is no blasting today there cannot be blasting tomorrow) or a judge may rule it is a mine so leave them alone. Mr. Tiede does not believe a judge would rule the mine can continue without

controls but it could happen in which case we cannot apply conditions. Odds are 50-50 on the question of expansion. Odds are less than 50% chance the mine will get carte blanche.

Concerns about establishing sufficient findings of fact for denial were noted.

Mr. Tiede accepted the action item to investigate the requirements for an EIS as the totality of operations exceeds the 160 acre threshold for a mandatory EIS.

Mr. Atkinson asked about estimates for lawsuit costs. Mr. Tiede feels our case could be more difficult due to questions of fact and law and would not follow a typical course of summary judgment. Mr. Tiede feels there will be more work to establish facts and a typical cost through district court could be \$50K. If it is appealed, which is likely, it could be a six figure case. Mr. Brown noted that the township has insurance and if the township is sued we would pay less than 20% on a \$100K case. If the township sues to enforce a denial the cost would be 100% from the township.

Motion by Mr. Heathman to adjourn. Second by Mr. Atkinson.

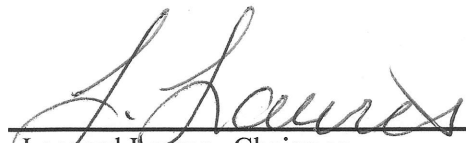
AYE: Atkinson, Heathman, Laures

NAY: None

Motion Approved. Meeting adjourned at 3:30 PM

Submitted: Michael Brown, Clerk/Treasurer


Michael Brown, Clerk/Treasurer


Leonard Laures, Chairman

