

**SAN FRANCISCO TOWNSHIP
CARVER COUNTY, MINNESOTA
Resolution No. 21-01**

**RESOLUTION APPROVING A TEMPORARY, NON-EMERGENT EXCEPTION
TO THE HOURS OF OPERATION FOR THE HANSON MINE**

WHEREAS, Chard Grading and Excavation, LLC submitted a request to the Board of Supervisors (“Town Board”) of San Francisco Township (“Town”) for a temporary, non-emergent exception to the hours of operation of the Hanson Mine (“Mining Operation”), specifically to allow for Saturday operation of the Mining Operation;

WHEREAS, the Town issued an interim use permit for mineral extraction at the Mining Operation in February 2015 and issued an amended interim use permit for the Mining Operation in August 2020 (“Amended IUP”);

WHEREAS, Section 1 (A)(2) of the Town’s Mineral Extraction Ordinance, Ordinance No. 8 (“Ordinance”) provides as follows with regard to the hours of operation for mineral extraction facilities: “Town Board approval is required for any temporary, non-emergency, exceptions to the hours of operation, such as Saturday operation, government agency contracts and other evening work, and may only be granted upon a showing of a sufficient need for extended hours that is not based solely on economic considerations.”;

WHEREAS, the Amended IUP provides as follows with regard to the hours of operation for the Mining Operation: “The hours of operation for the Mining Operation are limited to 6:00 a.m. to 6:00 p.m., Monday through Friday. These hours of operation are subject to restriction within the Operations Agreement. The Mining Operation may be opened one hour before the start of the hours of operation for staging. Staging activities does not include the loading of trucks. . . . Any request for a non-emergency exception to the hours of operation must be presented to the Town Board for a review and decision in accordance with the Ordinance.”;

WHEREAS, the Town and Chard Grading and Excavation, LLC have also entered into an Operations Agreement (“Agreement”), which reiterates that the Mining Operation has the authority to request an emergency or short-term extension of the hours of operation and provides hours of operation limited to 7:00 a.m. to 6:00 p.m. Monday through Thursday and 7:00 a.m. to 5:00 p.m. on Friday;

WHEREAS, the Town Board reviewed the Mining Operation’s request and received input from the public with regard to the request at its meeting on January 11, 2021;

WHEREAS, the primary grounds cited by the Mining Operation for Saturday operations are the need to increase production to assist in the planned road construction on County Road 11/Jonathan Carvery Parkway in the City of Carver (“Project”), which construction will begin after the end of the school year for Carver Elementary School on June 8, 2021 and will be complete prior to the beginning of the 2021/2022 school year on in the fall of 2021;

WHEREAS, the Project will create additional stress on local and secondary roads, including Towns roads, and if the Project is not complete by the fall of 2021, it will result in

school buses being rerouted to local and secondary roads, including residential streets, creating potential safety and timeliness concerns, and therefore, the assistance of the Mining Operation in completing the Project on time is significant;

WHEREAS, the Mining Operation will incur additional personnel and payroll expenditures, primarily arising out of overtime payroll expenditures, with Saturday operations;

WHEREAS, the Mining Operation acknowledges and understands that the Town Board's approval of the temporary, non-emergent exception to the hours of operation is contingent upon it being awarded a contract with regard to providing materials to the Project;

WHEREAS, the Mining Operation also acknowledges and understands that in the event it is allowed to operate on Saturdays, any and all mining operations shall be solely in pursuit of the Project contract; and

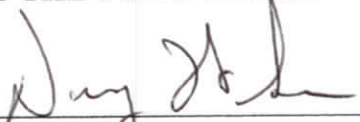
WHEREAS, the Town Board finds that the Mining Operation made a sufficient showing of a need for an exception to the established hours of operation that is not based solely on economic considerations, and therefore, the Town Board is authorized to grant a temporary, non-emergent exception to the established hours of operation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, based on the findings contained herein, as follows:

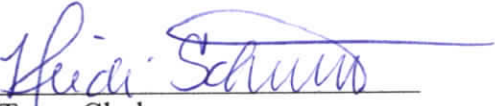
1. The Mining Operation's request for a temporary, non-emergent exception to the hours of operation is approved.
2. The Mining Operation shall provide the Town a copy of its contract or agreement to provide materials to the Project on or before June 1, 2021. In the event the Mining Operation fails to provide a copy of its contract or agreement to provide materials to the Project prior to June 1, 2021, this resolution and the approval of the exception to the hours of operation shall be immediately revoked without further action by the Town Board.
3. Beginning June 12, 2021 and ending on September 4, 2021, the hours of operation for the Mining Operation shall include Saturday from 7:00 a.m. to 5:00 p.m. Any and all work performed on Saturdays during this period shall be solely in pursuit of the Mining Operation's Project contract.
4. This Resolution shall not be interpreted to amend any other provisions, terms or conditions of the Ordinance, the Amended IUP or the Agreement.

Adopted this 8th day of February, 2021.

BY THE TOWN BOARD



Town Chairperson

Attest: 

Town Clerk