

December 23, 2003

On the above date New Scandia Town Board held a special meeting to review the Conditional Use Permit for Haven Chemical Health Systems, L.L.C.

New Scandia Town Board Chairman Dennis Seefeldt called the special meeting to order. The following Board Members were in attendance: Chairman Dennis Seefeldt, Vice Chairman Michael Hinz, Lisa Crum, Blair Joselyn and Nancy Madden.

Haven Chemical Health Systems, L.L.C. Attorney Peter Beck submitted a letter to address the legal issues raised at the December 16, 2003 Town Board Meeting and a draft of a complaint to United States District Court, District of Minnesota, Fifth Division.

Supervisor's Crum and Madden both expressed that a 6 bed is allowed under the Township Development Code and that Dr. Boston had stated a 6 bed facility is not financially feasible. It was also stated is this a community residence or is it a medical facility. Michael Hinz stated if New Scandia Township would deny the conditional use permit he felt this would not be discriminating.

Peter Beck Attorney for Haven Health Systems, L.L.C. stated this is not a variance so therefore a hardship does not exist. He stated the town's ordinance is not applicable in this request. The state statute says if you allow any multi-family uses in the agriculture zone it must be done by conditional use permit.

Blair Joselyn made a motion for approval of a 10 bed facility for Haven Chemical Health Systems, L.L.C. at 21077 Penrose Avenue, Scandia, MN 55073. Lot 3, Block 2 Waldon Meadows. Geo Code: 13-032-20-34-0006. To include Planning Commission conditions of October 6, 2003 and pending further discussion on conditions to operate the facility. Nancy Madden seconded the motion. The motion carried with Blair Joselyn, Nancy Madden and Dennis Seefeldt voting yes and Lisa Crum and Michael Hinz voted no.

Nancy Madden made a motion to approve the following conditions to be added to the conditions with the Planning Commission conditions of October 6, 2003.

- * (1) Re-model driveway with a revised site plan showing adequate parking and adequate driveway entrance.**
- (2) Provide a plan describing a method by which persons desiring to leave have adequate transportation.**
- (3) Traffic impact of the neighborhood should be assessed in 6 months. Depending on the amount of traffic Haven Chemical Systems, L.L.C. maybe required to bituminous surface Penrose Avenue.**
- (4) Deliveries shall be during business hours of 8:00 a.m. to 5:00 p.m.**
- (5) Haven Chemical Health Systems, L.L.C. shall host a meeting after 6 months with the Township and review any issues of the facility.**
- (6) Haven Chemical Health Systems, L.L. C. shall provide a plan for power outage.**
- (7) Haven Chemical Health Systems, L.L. C. provide all State Licensing to the Township and meet all conditions.**

Blair Joselyn seconded the motion and motion adopted unanimously.

3.2 Percent Malt Liquor License

Nancy Madden made a motion to approve and sign the 3.2 Percent Malt Liquor License for the Firemen's Ball on February 28, 2004. Lisa Crum seconded the motion and motion adopted unanimously.

Dolores Peterson



New Scandia Township Clerk

Correction on Item Number One (1) for Conditional Use Permit

- ✱ (1) The applicants shall, no later than May 1, 2004, construct a parking pad to accommodate 12 parking spaces on the property. On or before May 1, 2004, the applicants shall construct a driveway turnaround sufficient to accommodate delivery vehicles and emergency vehicles and emergency vehicles without the necessity of backing onto or from the public street.