

March 3, 2009

A regular meeting of the Scandia City Council was held on the above date. Mayor Seefeldt called the meeting to order at 7:01 p.m. The following council members were present: Council members Connie Amos, Pete Crum, John Lindell, Dolores Peterson and Mayor Dennis Seefeldt. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, Building/Code Enforcement Official Steve Thorp, Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA

Peterson, seconded by Amos, moved to approve the agenda as presented. The motion passed unanimously.

WASHINGTON COUNTY HISTORICAL SOCIETY – TEMPORARY LIQUOR LICENSE

The Washington County Historical Society has applied for a temporary on-sale liquor license in connection with a fundraising event on June 27, 2009. The event will be held at the Hay Lake School Museum. **Crum, seconded by Peterson, moved to approve a Temporary On-Sale Liquor License for the Washington County Historical Society. The motion passed unanimously.**

CERTIFICATE OF COMPLIANCE AT 12130 LAKAMAGA TRAIL – RESOLUTION 03-03-09-01

Gary Kaufhold, on behalf of property owners Richard and Aina Burgman at 12130 Lakamaga Trail, has applied for a certificate of compliance to allow for the removal of four trees within the Shoreland Overlay District. Two of the trees are diseased and two trees are causing structural damage to the residential foundation. The property owners intend to replace the trees with native shade trees in more appropriate locations on the property. **Peterson, seconded by Amos, moved to approve Resolution 03-03-09-01, Certificate of Compliance for Tree Removal at 12130 Lakamaga Trail. The motion passed unanimously.**

The Planning Commission meeting was called to order at 7:31 p.m. The following were present: Commission Chair Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo, Peter Schwarz and City Planner Sherri Buss.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW), TILLER CORPORATION'S ZAVORAL MINING AND RECLAMATION PROJECT

City Planner Sherri Buss presented an overview of the process for Tiller Corporation's application to operate a gravel mine and processing operation on a dormant site located east of the Highway 95/97 intersection. The City received 49 comments at the end of the 30-day comment period on the EAW, which ended February 11. After reviewing the comments, the proposer, city staff and consultants concluded that the City does not have sufficient information to address a number of issues identified in the comments, including noise, rare and endangered species, groundwater, surface water, future reclamation and visual impacts. Planner Buss identified two options for proceeding given the need for additional information: either make a positive declaration for an Environmental Impact Study (EIS); or postpone a decision on the

need for an EIS and allow Tiller to perform the additional studies before making a decision sometime later this year.

Commissioners discussed the details of evaluating and proceeding with the information as presented so far. By choosing Option A, to make a positive declaration of the need for an EIS, the City determines the scope of the EIS. A public scoping meeting would be held to determine which appropriate studies should be addressed to obtain the lacking information. Planner Buss explained that this process puts the City in charge of addressing the studies and allows for the City to choose the consultants to conduct the studies. Tiller Corporation would be asked to pay a scoping fee upfront to cover the anticipated costs of this process. The EIS process is likely to last one year or longer. The City's decision to order an EIS can be appealed by the applicant in the county district court within 30 days.

Option B, to postpone a decision on the need for an EIS, would allow Tiller additional time to provide the lacking information. Tiller has agreed to a date of November 30, 2009 as the deadline to determine the need for an EIS. Planner Buss explained that if at that time, the City still finds that the information is not adequate to make a reasoned decision about the potential for possible environmental impacts, additional analyses may be requested or an EIS ordered.

Kirsten Pauley, Sunde Engineering representing Tiller Corporation, explained that Tiller is at an early step in the EAW process. Ms. Pauley identified the lacking information as "data gaps" that will be filled in as a part of the continuation of the EAW. This was expected once the responses to the initial EAW were received. In-depth studies on the issues raised during the comment period will be conducted during the growing season. This allows time for the reports to be analyzed and reported on by November 2009. Ms. Pauley stated that a more efficient EIS study may be chosen, if necessary, once all the additional analyses are presented.

Schwarz made a motion to recommend to the City Council to pursue Option B, delaying a decision to proceed with an EIS (draft Resolution 03-03-09-02). This motion received a second from Chairman Ness for the purpose of discussion.

Commissioner Schwarz felt that there was not enough information in Tiller's EAW to make an informed decision. Chairman Ness stated his disagreement with this recommendation, as the location of the gravel pit lies within a very sensitive part of the City. It appears likely that an EIS will be ordered at some point and the City can have more control over the evaluations by beginning this process now. Commissioners Krinke, Maefsky and Rodsjo all validated the reasons to call for an EIS due to the control that the City has in guiding the impact studies.

Voting in favor of the above motion: Schwarz. Voting opposed: Rodsjo, Maefsky, Krinke, and Ness. Motion failed.

Krinke, seconded by Maefsky, moved to recommend to the City Council to approve draft Resolution 03-03-09-02 Option A, Declaring a Positive Need for an Environmental Impact Statement for the Zavoral Mining and Reclamation Project. Mayor Seefeldt stated that the draft Resolution should be amended to include the issue of asphalt and concrete recycling

as a received written comment addressing potential environmental impacts (Section 8). The amended motion passed unanimously.

Mayor Seefeldt, seconded by Council member Crum, moved to accept the recommendation of the Planning Commission.

The issue was discussed among the Council. Lindell asked for clarification of the language in the state law which requires payment of the scoping fee within five days of the RGU's decision. Planner Buss explained that the EQB is evaluating a change in the language of the EIS process to adjust any discrepancies. Buss stated that the EQB has offered to issue a waiver of this requirement. Lindell had concerns that in doing so may jeopardize the City's decision. Staff will contact the EQB to seek a clarification of the rules.

Council member Peterson stated her view that Option B, delaying a decision for an EIS, should be adopted. Peterson felt that Tiller could challenge the City's position in court. The City still has the option of ordering an EIS at the end of the EAW process.

Council member Lindell felt that the studies could be swayed when authorized by the applicant. An EIS gives the City more control in gathering the lacking information.

Council member Crum questioned if the public would accept Tiller's analyses as valid. The ordering of an EIS would most likely be done down the road and doing so now would streamline the process.

Council member Amos stated that Option A, extending the EAW process, would be her choice as an EIS could then be done if the results are not satisfactory.

A roll call vote was taken on the above motion to adopt Resolution 03-03-09-02, Option A, Declaring a Positive Need for an Environmental Impact Statement for the Zavoral Mining and Reclamation Project as recommended by the Planning Commission.

Amos - no; Lindell - yes; Peterson - yes; Crum – yes; Seefeldt – yes. The motion passed four to one.

Peterson, seconded by Crum, moved to adjourn.

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk