

April 7, 2009

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chairman Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo, Peter Schwarz and City Planner Sherri Buss. Chairman Ness called the meeting to order at 7:35 p.m.

APPROVAL OF AGENDA, MINUTES

Schwarz, seconded by Rodsjo, moved to approve the agenda as presented. The motion passed unanimously.

Rodsjo, seconded by Schwarz, moved to approve the March 3, 2009 minutes as presented. The motion passed unanimously.

PUBLIC SCOPING MEETING, ENVIRONMENTAL IMPACT STUDY (EIS), TILLER CORPORATION'S ZAVORAL MINING AND RECLAMATION PROJECT

City Planner Sherri Buss presented an overview of the process of the Environmental Impact Study which is needed for Tiller's Zavoral Mining and Reclamation Project. The purpose of this public scoping meeting is to identify potentially significant issues relevant to the proposed mining project and identify alternatives that will be examined in depth in the EIS. A final scoping decision document must be issued within 15 days of the public scoping meeting, which is scheduled to be adopted at the April 21 Council meeting.

A draft Scoping Decision Document was reviewed with representatives of Tiller on March 30th. Tiller indicated revisions to the project, which were received in writing just prior to this evening's meeting. The asphalt and concrete recycling portion of the project will be removed, and the restoration phasing plan will be revised to begin reclamation at the start of the project.

City Planner Buss reviewed the draft scoping document, in which six alternatives were identified. These alternatives, which will be examined in depth in the EIS, include Tiller's preferred project, a no-build alternative, and four alternatives that propose a different scale or project magnitude. The EIS will examine all relevant issues not adequately addressed in the EAW, which were identified in the Findings of Fact and Record of Decision (March 3, 2009). Data gathering and analysis will focus on a number of topics, which Planner Buss summarized.

Commission Chair Ness questioned if the alternatives in the draft document will all be a part of the EIS. *Planner Buss*: No, changes may be made to this draft list and incorporated into the final scoping document which will be adopted on April 21.

Commissioner Schwarz asked for the distinction between restoration and reclamation. *Planner Buss*: The ordinance requires reclamation to return the land to a condition suitable for the allowed uses at this site (agriculture, residential, open space). Restoration, not required by the ordinance but can be designated in the EIS, requires that native plant communities be re-established.

Chairman Ness opened the meeting to public comments.

Dan Seemon, Ecologist with the U.S. Army Corps of Engineers: Mr. Seemon stated that a new wetland delineation needs to be done within the growing season and requires approval by the Corps' Technical Evaluation Panel.

Lisa Schlingerman, 20661 Quint Avenue: Ms. Schlingerman asked for definition of the no-build alternative. *Planner Buss:* This is a technical term used in the environmental review which will describe the potential impacts if the existing land uses (Agricultural and Rural Residential) on the Zavoral site were to continue. It is a requirement in the MEQB rules to include this alternative. Ms. Schlingerman asked if adjusting the processing activities to a seasonal schedule (early spring and late fall) will extend the life of the mining project. *Mike Caron, Tiller:* No, seasonal processing adjustments will not extend the 10-year time frame of the project.

Judy Herbert, 15125 220th Street: Ms. Herbert stated that a complete well inventory of surrounding properties needs to be done, and the potential impacts to these wells must be studied. *Planner Buss:* The scope includes a well inventory and study (Item 13, Water Use). Ms. Herbert asked if the public will have an opportunity to be involved in the request for proposals to identify consultants to complete the EIS. *Administrator Hurlburt:* The RFP process will be done through Council meetings, at which all documents will be available to the public to review and comment on.

Roger Harvieux, 20258 St. Croix Trail: Mr. Harvieux asked what costs the city takes on through this EIS process. *Administrator Hurlburt:* State rules allow the city to charge costs back to the applicant. These include both direct costs and indirect costs such as staff time.

Jim Shaver, Carnelian-Marine-St. Croix Watershed Administrator: Mr. Shaver inquired if involved agencies are able to have their costs reimbursed. *Administrator Hurlburt:* No, only costs to the Responsible Government Unit (RGU) are allowed.

Bill Clapp, 19955 Quinnell Avenue: Mr. Clapp identified two areas that need further definition. 1) Study of the economic effects of the proposed project need to be more detailed; 2) There are sections in the project alternatives which could be improved upon. The hours of operation need to be more defined and scoped so as to determine how quickly the mining project can be finished, perhaps in 5 years if possible. Perhaps there should be no reclamation in the riverway corridor, as this could do more damage than just leaving it as is.

Kristin Tuenge, 20595 Quinnell Avenue: Ms. Tuenge asked how alternatives can be eliminated. *Chairman Ness:* The proposer can revise the project, such as Tiller's offer to remove the concrete and asphalt recycling activity and by modifying the reclamation timetable. Ms. Tuenge asked how it is determined which permits are needed. *Administrator Hurlburt:* Permits are determined by the existing rules of the agencies.

Georgiana Anderson, 20453 Quinnell Avenue: Ms. Anderson asked how restoration can begin at the onset of the project. *Kirsten Pauley, Tiller:* There are four acres of previously disturbed land that lies within the Riverway District which will not be mined. Vegetation will be established and reclamation completed in this area at the onset of the project.

Sam Eberhart, 20455 Quinnell Avenue: Mr. Eberhart suggested that mining reports gathered from when the mine previously operated should be analyzed for potential impacts.

Lisa Schlingerman: Who decides how to restore the property? *Kirsten Pauley, Tiller:* The Minnesota DNR and National Parks Service will be involved in the restoration plan, which will ultimately be approved by the City.

Wayne Barstad, Minnesota DNR: The DNR will approximate the suitable vegetation for the site to fit in with the larger landscape and by determination of the most appropriate end-use of this site.

Judy Herbert: Ms. Herbert identified additional items for study: 1) Analysis of the maximum height of the stockpiles; 2) Identify the chemicals used in the washing process; 3) Mitigation plans of oil and gas from the equipment; 4) Will incoming topsoil be screened for contaminants? 5) How close to the groundwater will mining occur? 6) How deep will the production wells be? 7) What aquifer will be tapped for well use?

Bill Clapp: If a mining permit is allowed, then a certain end date to this mining project should be determined.

Ron Johnson, 2878 50th Avenue, Osceola, WI: Mr. Johnson questioned if the bluff areas across the river in Wisconsin will be included in the noise, dust, and viewshed analyses. *Planner Buss:* Yes, all adjacent areas, including Wisconsin, will be included in the studies.

Roger Harvieux: Who has the responsibility to monitor the operation to prevent a catastrophic event? *Administrator Hurlburt:* The conditions of the operation are outlined within the CUP and AOP issued by the City. On-going monitoring will include inspections during the mining season. Financial guarantees are also held by the City.

Judy Herbert: How will non-environment problems be addressed, such as impacts on property values? *Administrator Hurlburt:* Potential adverse impacts to surrounding properties are analyzed and negative visual impacts are taken into consideration as part of Item 9 (economic impacts).

Chairman Ness closed the public comment portion of the scoping meeting.

Commissioner Krinke inquired on how lighting from the trucks and those within the mine will be addressed. *Planner Buss:* This analysis will be included in the traffic and visual impact studies. Krinke suggested that in Alternative #1 (page 2), the words “current Comprehensive Plan” be replaced with “2020 Comprehensive Plan” which was in place when the application was made last November.

Commissioner Maefsky suggested that the economic impact in Item 9 be expanded to include the effects of the operation on the quality of life in Scandia.

Commissioner Rodsjo echoed this concern and thought study of the economic and social impacts should be more specific.

Commissioner Schwarz stated that although Tiller withdrew the recycling of concrete and asphalt, a more specific statement as to what material can be allowed into the site should be incorporated. There may be the potential for other hazardous materials being trucked into the site. *Administrator Hurlburt*: It can be clarified that no material be brought in to mix with the on-site product, known as add-rock.

Commissioner Rodsjo questioned if other site alternatives can be studied that are not in proximity to the river and water sources, as an exchange to mitigate this location. *Planner Buss*: No, mitigation cannot be applied to a resource on a different site. A separate application process would need to begin with any proposal to mine at an alternate location.

Commissioner Maefsky inquired how the items listed on page 6 were determined to be not relevant for inclusion in the EIS. *Planner Buss*: These items were adequately addressed in the EAW or found to be too minor to include in the EIS.

Commissioner Rodsjo asked for an estimate of the number of trees that will be removed in the mining operation, and how will this effect on the temperature of surface water be studied. *Kirsten Pauley, Tiller*: There will be eight acres of new mining on this site, and trees cover approximately three acres within this area. *Planner Buss*: The impact of tree removal will be studied in the surface water section by examining temperature as a pollutant.

Council member Lindell asked how it was determined that certain items be removed from review. *Planner Buss*: These items were adequately addressed in the EAW, but a statement to expand on this conclusion will be added to the scoping document. Lindell suggested a clarification that permits from other agencies will be necessary.

Council member Crum asked if past effects of mining can be studied as potential ecological impacts. *Planner Buss*: Historical information will be used to the extent that it can, but that information may not be reliable. Field inventories will be necessary to gauge current conditions.

Mayor Seefeldt brought up a situation which happened in 1966 when a “blow-out” into the river occurred under a previous mining operator. The EIS should further define costs to restore or reverse damage. *Planner Buss*: The issue of restoration or mitigation costs can be looked at. Letters of credit to cover costs of potential impacts would be a requirement of a Conditional Use Permit.

Commission Chair Ness felt that Alternative #3 can be eliminated, as the applicants have indicated that the asphalt and concrete recycling operation will be removed from the proposed project. Planner Buss stated that Alternative #6 may also be removed from the final scoping document, as Tiller intends to revise the reclamation schedule.

Administrator Hurlburt stated that written comments received by April 10 will be considered in the preparation of the final scoping decision document that must be approved by the Council on April 21.

STATUS OF NEW COMPREHENSIVE PLAN AND IMPLEMENTATION ACTIVITIES

Design Standards Committee

Commissioner Rodsjo presented a status report of the Design Standards Committee. The committee's goal is to publish a guidebook of architectural design standards with examples to guide façade improvements to existing and new commercial development within Scandia. Standards of similar historical communities are being studied. The committee has made great progress and consensus of all was to continue in this direction.

Transfer of Development Rights Committee

Commissioner Maefsky will lead the committee to study the use of Transfer of Development Rights for achieving agricultural preservation and natural resource protection. A notice requesting volunteers to serve on this committee will be posted on the city website. Plans are to begin meeting next month.

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk