



**Staff Report**

**Date of Meeting:** February 12, 2013

**To:** City Council

**From:** Kristina Handt, Administrator

**Re:** CUP Resolutions for Zavoral Mine

**Agenda Item #: 4.a)**

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The Council will first review the Planning Commission recommendation, beginning on page 5, Section B. A copy of PC Resolution 01-07-13-01D is included in your packet. Since the Council has already taken a recorded vote on the Comp Plan issue staff is recommending beginning the review on page 5. There were four requirements in the City's Code related to Conditional Use Permits that the Planning Commission found the proposed Project did not satisfy. These were criteria 2, 3, 5 and 6 of Chapter 1, Section 8.4.

At the January 15th City Council meeting, staff was directed to prepare a resolution to approve the Conditional Use Permit for the Zavoral Mine and Reclamation Project as discussed at that meeting. A copy of that resolution is included in your packet and labeled 02-19-13-XX A.

Following the January 15th meeting, staff and Tiller Corp representatives discussed additional changes to the approval resolution. Those changes are tracked in the resolution in your packet labeled 02-19-13-XX B. I am recommending the Council take a look at the language related to groundwater and mining depth separation in condition #3 (page 4), consider deleting condition #35 (page 7) related to speed studies at Lofton and TH 97, and further discuss condition #33 (page 7) relating to trucks on local roads. The other changes, which are on 02-19-13-XX B but not in 02-19-13-XX A, are at the applicant's request. At the meeting, the Council will go through each of the approval resolutions side by side and the Council can direct staff as to which language to include in the resolution for the Feb. 19<sup>th</sup> meeting.

Since the January 15<sup>th</sup> meeting, staff has also obtained additional information from MNDOT in relation to condition #54 (page 10). In order for the trail to be reconstructed MNDOT would require the City to enter into Limited Use Permit agreement with MNDOT for the maintenance and operation of the trail. A sample resolution is provided in your packet. There are no specific maintenance requirements from MNDOT. The City would decide the level maintenance but would need to address any complaints that came from trail users such as removing vegetation or plowing in the winter.