



Staff Report

Date of Meeting: February 19, 2013

To: City Council

From: Kristina Handt, Administrator

Re: CUP Resolution for Zavoral Mine

Agenda Item #: 9.b)

The Resolution 02-19-13-04 included in your packet reflects the discussion from the February 12th work session. At the meeting on February 19th, the Council will need to make a decision about the pedestrian/bike trail along TH 95. Conditions related to that issue can be found on page 9, #60 and 61. Depending on the vote on the previous agenda item those conditions may need to be removed.

Additional changes are on page 2, the third Whereas was suggested by Attorney Miller. Attorney Miller also suggest the additional language specifying that the updated plans have to be approved by the City. This is consistent throughout the CUP. City staff is also suggesting the addition of Condition #80 in response to some of the comments about what would happen if the monitoring should show negative impacts due to the mining activities. This language is consistent with what the Council agreed to in Condition #3 for the ground water separation issue. This just applies those same options to all monitoring activities. Attorney Miller has suggested the language in Condition #85 be added.

Options:

- 1) Approve Resolution 02-19-13-04 as proposed
- 2) Amend and then Approve Resolution 02-19-13-04. Amendments could be made to the previously mentioned conditions related to the trail or any other part of the resolution.
- 3) Deny the Applicant's Request for a Conditional Use Permit for the Zavoral Mine and Reclamation Project. This will require the Council to develop a set of findings to support that motion.

*Note if the City does not take action on this at the February 19, 2013 Council meeting and the applicant does not grant an extension in writing, the application will be approved with no conditions as the time allowed under state statute for review expires on February 20, 2013.

Recommendation:

Option 1 or 2, depending on the Limited Use Permit decision.