

December 27, 2012

The Scandia Planning Commission held their special meeting on the above date for the purpose of reviewing the Conditional Use Permit for Zavoral Mine and Reclamation Project. Chair Christine Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Commissioners Jan Hogle, Tom Krinke, Steve Philippi, Peter Schwarz and Commission Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, Planner Sherri Buss (TKDA), City Attorney Vince Stevens, and Treasurer Colleen Firkus.

### **APPROVAL OF AGENDA**

Chair Maefsky asked to add item 4.b. to discuss the site visit for Crane variance application, and Commissioner Krinke asked for clarification as to when the Commission would discuss the No-build option. **Schwarz, seconded by Krinke, moved to approve the agenda as amended. The motion carried 5-0.**

### **CUP for ZAVORAL MINE AND RECLAMATION PROJECT**

**Chair Maefsky moved to propose the Commission start the process by reviewing the conditions, as prepared by Planner Buss for discussion purposes, followed by a discussion of findings for a No-build option, or denial of the CUP, so that if the City Council approves the CUP, the Commission has some input into the conditions. Motion was seconded by Jan and carried 5-0.** Administrator Handt reiterated the need for the Commission to provide staff with the necessary information to prepare findings, or other required documents, before their next meeting.

### **Specialized Consultants Reports**

Planner Buss initiated discussion of the conditions by referring to the December 4 staff report and introducing the specialized consultants that were utilized as part of the City's permitting process.

**Groundwater** - David S. Hume, P.G., Leggette, Brashears & Graham, Inc. professional groundwater and environmental engineering services, reviewed his November 15, 2012, letter for the protection of the groundwater and the recommended Conditions three through fifteen related to groundwater (p. 9, Dec. 4 staff report). Mr. Hume also responded to new insights raised during the public comment period, specifically by University of Minnesota Research Scientist and Environmental Health Specialist Scott Alexander. An overhead projection showed the proposed location of three monitoring wells, one in the center of the site to measure water quality, and two others to measure water table levels. Mr. Hume believes the water table is relatively flat in the mine area. Monitoring wells will allow data to be collected on variations of the water table over the course of time. There was no further Commission input on conditions three through fifteen. Final discussion with Mr. Hume was related to the alleged "blowout" that occurred at the site in the past. Mr. Hume's conclusion was that after looking at the pattern of erosion and the sedimentary fan upstream of the "blowout," it appears that a meeting of tributaries over time caused the erosion, not a single catastrophic event. Chair Maefsky asked what water table fluctuations would be in one year if there were extremely wet conditions. Mr. Hume responded that there is not enough data on the area to answer that question or make a prediction. Commissioner Philippi speculated that there may be localized veins of unstable sand that could

cause localized blowouts if, for example, a 100-year rainfall occurred in a mined hole. Mr. Hume responded that was a surface water management issue which could be addressed during the next meeting.

**Traffic** - Bryant Ficek, TKDA, reviewed his December 20 report on the traffic analysis and mitigation recommendations (p. 14, Dec. 4 staff report), resulting in Conditions 31 through 35, and 76 through 80. Mr. Ficek recommended four monitoring activities, three of which are in the resolution. The fourth is a review of crash records by the City once every six-months to determine if areas are experiencing any increased crashes related to increase truck traffic. Commissioner Schwarz asked if the law requires truck loads to be covered. Mr. Caron of Tiller Corp. indicated that if loads are kept to a certain level below the truck rim, they would not have to be covered. However, Mr. Caron indicated Tiller, as part of their Dust Control Plan, is requiring all truck loads from this site be covered. Commission Philippi stated the traffic study did not study the affect of the change of the configuration of the intersection with a new driveway and the number of new trucks crossing the intersection. AECOM did ask MNDOT about adding an acceleration lane on Hwy. 97 as well as other issues, but was told that MNDOT would address their requests in their traffic study. MNDOT's recommendation was the addition of a right turn lane on Hwy. 95 coming from the south and no further traffic controls. Planner Buss reminded the Commission that MNDOT is the final authority of the state highways involved and they do not have to take the City's recommendations. Mr. Ficek also pointed out adding traffic controls at the intersection just replaces one safety issue for another, for example, stop lights cause more rear-end crashes. Commissioner Hogle expressed her concern about traffic turning east onto Hwy. 97 from southbound County Road 91/Lofton traffic. This was not addressed by the EIS or MNDOT. Planner Buss suggested the City could request a speed study of areas of concern and make it a condition. The Commission agreed to ask the City to request speed studies at Hwy. 95, north and south of Hwy. 97; County Road 91/Lofton and Hwy. 97; and Hwy. 97 from Olinda Trail west past the elementary school.

**Dust** - Dave Gutterud, Director of Operations, Indoor Environment Group, Inc., reviewed his recommendations from his letter of December 20 (p. 16, Dec. 4 staff report), and Conditions 39 through 48 of the resolution. The Dust Control plan shows dust will be at acceptable levels. Specifics regarding schedules, locations and monitoring of mine entrances for debris can be addressed annually in the AOP. Commissioner Philippi asked how the idling limit could be enforced. Planner Buss suggested the AOP could have City staff do periodic monitoring and to stop work if there elevated levels occur. Commissioner Maefsky suggested this be added to the Commission's list of recommendations.

**Noise** – Stephen B. Platisha, P.E., SBP Associations, Inc., reviewed his recommendations from his letter of December 24 (p. 17, Dec. 4 staff report), and Conditions 49 through 54. Mr. Platisha suggests monitoring noise within the first three weeks of each mining phase. The state is the only noise standard to follow. There are no federal regulations, only department policies. Commissioner Philippi, in reading Scandia's noise ordinance, Sec. 2.11, stated the City can have a higher noise standard than the state, and that a clause in the ordinance appears to say the City can use the National Park Service's policy in regulating noise. The Commission asked the attorney to review this and give an opinion. Since the first person to do the noise study was from

Tiller, AECOM brought in their own noise person to review the noise study. Commissioner Philippi asked if he looked at moving trucks coming out of the mining area. Mr. Platisha said a model was used for both in the mine and coming out of the mine, as well as worse case situations. Commissioner Philippi asked if Phase II was considered when tree cover would be removed to get material below ground level. Mr. Caron indicated he projected it would take two days to accomplish tree removal and mining in Phase II would start below ground level from Phase I area, not start digging down from the top. Commissioner Philippi also asked about a Tiller memo suggesting sound pressure levels would be lower than ambient road traffic. He suggested that new sound doesn't have to be louder to be noticed, just in a different frequency. Planner Buss said she would look for that statement and get an answer for him.

Alternatives need to be discussed regarding hours of operation. If the plan includes 12 hour days, then traffic will be directed to Manning Trail due to restrictions on traffic on Lofton. When questioned about removing the material in one year, Mr. Caron said it could be done as long as he had two to three months of preparation before hauling began. He also stated that no one will like it because of the long hours and amount of truck traffic. Mr. Caron suggested three to five years would produce a similar amount of truck traffic as people have been used to for the past seven to ten years. A longer period of five to ten years would be preferable to allow market needs to drive amount hauled. Chair Maefsky suggested a short time period, like one year, would not allow time to sufficiently monitor areas of concern. A longer time would allow a more adaptive management approach. The time allowed for mining is irrelevant to the reclamation phase as that has to be monitored for five years after the mining period. Reclamation also starts during the mining period. Commissioner Schwarz indicated his preference would be all material removed within three years.

The next meeting is January 2, 2013 at 7:00 p.m. in which surface water and reclamation will be discussed, along with a new applicant's variance request to build on Big Marine Lake. Maefsky and Philippi indicated they will be conducting a site visit on Sunday for the variance request. It was also determined that more time will be needed to finalize the conditions and findings for recommendation to the City Council, so the Commission will plan on meeting Monday, January 7, at 7:00 p.m.

The City Council will act on the recommendation at their January 15, 2013 meeting.

#### **ADJOURNMENT**

**Schwarz, seconded by Krinke, moved to adjourn the meeting. The motion carried 5-0.**

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Colleen Firkus  
*Treasurer*