

**MINUTES OF A SPECIAL PLANNING COMMISSION MEETING HELD,
TUESDAY, SEPTEMBER 28, 2010 – 6:30 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Acting- Chair Dale Borgmann. Roll call was taken and the following members were found to be present: Acting – Chair Dale Borgmann, Steve Dietman, Jerry Bechtold, Jerry Tippelt & Liaison Duane Willenbring. Absent: Chair Toni Honer.

Staff members present were: Zoning Administrator Rena Weber and Billing Clerk/Administrative Assistant Judy Neu.

Others present: Mayor Jeff Hagen, Councilor Jerry Schmitt, Councilor Bill Becker, Councilor Randy Volkmuth & Councilor Susan Palmer, Jeff Howe, Jack Tamble, Don Simon & Don Scheele, Jeff Rausch, Mark Gross – Cold Spring Granite Company.

PUBLIC HEARING HANSEN/COLD SPRING GRANITE – IUP – Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, September 28, 2010 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of Joyce Hansen/ Cold Spring Granite for an Interim Use Permit. The address of the property is: 895 Pine Street with a legal description of: The point of beginning being 460.21' at N 89°41'41" E from the NE corner of the SE ¼ of the NW ¼ of Section 16, township 123 N, Range 29 W, in Stearns County, State of Minnesota, then N 89°41'41" E for 380.64' then S 23°11'59" E for 572.74', then N 66°38'08" E for 227.99', then N 00°00'00" E for 233.56', then N 20°04'55" E for 689.41' then N 49°06'11" W for 592.90', then S 56°05'45" W for 219.69' then S 84°23'37" W for 545.58', then S 06°44'21" E for 292.69', then S 18°43'59" E for 230.99' then S 29°42'41" E for 172.24' to the point of beginning and containing 20.36 acres more or less and lying east of Rausch Lake Road

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 20. MINING/EXTRACTIVE USES
SECTION 28: INTERIM USE PERMITS

The request is to construct and operate two aggregate wash ponds.

Zoning Administrator Rena Weber explained that when the Interim Use Permit application came to the City it was sent off to the City Engineer for review. The City Engineer had a few comments, in which Cold Spring Granite had answered those comments.

Cold Spring Granite written response dated 9/21/10:

Comment 1: **What hours of operation are proposed for operation of the wash ponds?**

Response 1: The washing would be from 6:00 AM to 10:00 PM with minimal noise after 8:00 PM. More likely is that we would work from 6:00 AM to 8:00 PM, with the only noise from an electric generator from 6:00 AM to 7:00 AM and 7:00 PM to 8:00 PM during days of operation with no washing noise for the first and last hour each day.

Comment 2: **Does stormwater currently discharge from the site?**

Response 2: Stormwater does run off the site. Stormwater runoff from the side is managed by the Nation Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit No. MNG4900143 for Construction Sand & Gravel, Rock Quarrying and Hot Mix Asphalt Production Facilities. In addition, Cold Spring Granite obtained NPDES/SDS General Permit No. MN R100001 to Discharge Stormwater Associated with Construction Activity specifically for construction of the aggregate wash ponds.

Comment 3: **Is there a potential for the wash water to ever discharge to any waters of the state as defined in Minnesota Rules?**

Response 3: Waters of the state include both surface and underground waters. The infiltration rate of the ponds is expected to be 8.7 x 10.6 feet per minute based on soil testing results. The ponds will not have the potential to discharge to surface waters. The drainage area around the ponds will be limited to approximately one acre and there will be at least one foot of freeboard between the maximum water elevation and the crest of the pond walls.

Comment 4: Stormwater generated at aggregate facilities is regulated under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program administered by the Minnesota Pollution Control Agency (MPCA). Does the facility have General Permit for Construction Sand and Gravel, Aggregate and Hot Mix Asphalt Facilities (MNG490000) or a General Permit for the Authorization to Discharge Stormwater Associated with Industrial Activity (MNR050000)?

Response 4: The site has General Permit Nos. MNG49000143 for discharge from existing quarrying and rock handling activities. In addition, Cold Spring Granite obtained NPDES/SDS General Permit No. MNR100001 for construction of the aggregate wash ponds.

Comment 5: Does the facility have a Soil Erosion and Sediment Control Plan in accordance with Section 9, Subdivision 20, Item C.5 of the Ordinance?

Response 5: Cold Spring Granite proposed the following Best Management Practices (BMPs) for control of stormwater runoff from the proposed ponds and crushing pad areas (refer to Figure 1 included with the IUP application)

- a. Topsoil will be stripped from the surface of the pond area and stockpiled north of the ponds for later reclamation.*
- b. The stockpile surface will be graded to a 3:1 slope.*
- c. Silt fence will be installed from 171 feet along the north side of the topsoil stockpile,*
- d. The stockpile will be vegetated with BLM #4 pasture mix after completion of grading work.*
- e. Three rock weeper dams will be installed around the crushing pad to control runoff from the pad area (see attached rock weeper detail)*
- f. The grading and digging work is expected to be completed in approximately two weeks after commencement of construction.*

Comment 6: Steep slopes on the interior of the pond may cause sloughing, erosion, and trap wildlife. Is the proposed 1:1 slope of the ponds structurally stable with the available on-site soils?

Response 6: The ponds will be dug out of the native earth and not bermed. The walls of these excavated ponds will be stable in their natural state. The 1:1 side slopes are not expected to present an erosion issue or hazard to wildlife.

Comment 7: The ponds are described as unlined cells, yet the soil testing data provided are based on compacted soils. Will the soils be compacted during the construction of the ponds as well as inspected and maintained during the 10 years IUP period in order to control infiltration rates and reduce the potential of ground water mounding beneath the ponds?

Response 7: The ponds will be excavated out of the earth. Therefore, the soil test results are considered representative. The ponds will be inspected annually and dredged as needed.

Comment 8: In the event ground water mounding occurs beneath the wash pond, what is the potential for seeps to form and cause structural failure down slope of the ponds?

Response 8: Ground water mounding beneath the wash ponds is not expected to cause structural instability because the ponds will be excavated out of the native earth. Seepage into or out of the ponds is not expected to affect the walls of the pond.

Comment 9: The application indicates that about 2 million gallons of water will be pumped from the nearby freshwater pond to initially fill the wash ponds and that the wash ponds will only be used three to six weeks per year over the next 10 years. Given the evaporation and infiltration rates presented in the application, the ponds may be dry when needed each subsequent year and the Temporary Water Appropriations Permit (General permit 1997-0005) issued by the Minnesota Department of Natural Resources (MNDNR) is only valid for a one year period. Will new Water Appropriations Permits need to be obtained each year of operation from either the pond of the nearby irrigation well?

Response 9: A new temporary water appropriations permit will be applied for as needed to draw water from the nearby freshwater pond or irrigation well to replenish the ponds.

Acting- Chair Borgmann questioned the hours of operations and the noise.

Don Scheele stated that he doesn't expect it to be very noises. The generator is associated with the crushing operation and that has been going on for a long time. The nearest neighbor is about 1000 feet away.

Member Tippelt questioned "If there is crushing currently now?"

Mark Gross stated that the crushing operation has been going on for 10 years. They have been running the generator since then.

Liaison Duane Willenbring questioned response 3: About "At least one foot of freeboard between the maximum water elevation and the crest of the pond walls." and it states that it dissipates in the course of the years. Is their back up system or someone that watches the height just incase there a chance that it would be less then the one foot freeboard space where the water is and could it migrate out of the retention ponds.

And another question is Comment 5: "Does the facility have a Soil Erosion and Sediment Control Plan?" I think it would be important to have a written plan.

Don Scheele stated that the pond will be one foot at all time. There will be a person on site when it's operating to monitor the deeps of the ponds to make sure they are not overflowing.

INTERIM USE PERMIT FILE NO. 10-01

Permittee: Joyce Hansen/Cold Spring Granite, 895 Pine Street, Rockville, MN 56369
Requested Use: To construct and operate two aggregate wash ponds in an A-40 zoning district.
Description: The applicants wish to wash crushed granite at this site by using water from the newly created ponds.

Applicable Ordinances

Statutes: Zoning Code, Ord. 2003-04, Sec. 9, Subd. 13 Mining/Extractive Uses
 Zoning Code, Ord. 2003-04, Sec. 27 Conditional Use Permits,
 Zoning Code, Ord. 2003-04, Sec. 28 Interim Use Permits

The above entitled matter was heard before the City Council of Rockville on the 28th day of September, 2010 for the following property:

PROPERTY ADDRESS: 895 Pine Street, Rockville, MN 56369
PARCEL NO. 76.41627.0200

LEGAL DESCRIPTION: The point of beginning being 460.21' at N 89°41'41" E from the NE corner of the SE ¼ of the NW ¼ of Section 16, township 123 N, Range 29 W, in Stearns County, State of Minnesota, then N 89°41'41" E for 380.64' then S 23°11'59" E for 572.74', then N 66°38'08" E for 227.99', then N 00°00'00" E for 233.56', then N 20°04'55" E for 689.41' then N 49°06'11" W for 592.90', then S 56°05'45"

W for 219.69' then S 84°23'37" W for 545.58', then S 06°44'21" E for 292.69', then S 18°43'59" E for 230.99' then S 29°42'41" E for 172.24' to the point of beginning and containing 20.36 acres more or less and lying east of Rausch Lake Road

IT IS ORDERED that Interim Use Permit No. 10-01 be granted subject to the following conditions:

1. The interim use permit will expire in 10 years or unless quarrying operations terminate. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.
2. Granite washing can only occur on this site in Rockville with an interim use permit.
3. A letter of credit or performance bond approved by the City Attorney is provided in the amount of \$5,000. The letter of credit, or a replacement security approved by the City, shall remain in effect for the entire term of this permit. The amount and terms of this letter of credit shall be reviewed by the City Engineer and City Attorney during the annual review. Upon review, the terms of letter of credit must be revised as directed by the City Attorney in order to ensure the ability of the City to draw upon the security. Compliance with all conditions of the Sec. 9, Subd. 13 of the Zoning Code, and all other City Ordinances.
4. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.
5. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
6. Reclamation plan will be as described in the letter from Cold Spring Granite to the City of Rockville dated 9/9/10.
7. Operation is limited to the hours of 7:00 a.m. to 10:00 p.m. with an allowance to warm up vehicles and equipment beginning at 6:00 a.m. The City reserves the right to amend the hours of operation to eliminate the allowance to warm-up, at any time, with two weeks notice.
8. Erosion control measures will be taken to minimize the damage to adjacent land and be done according to the Site Development and Reclamation Plan as described in the letters to the City dated 9/9/10 and 9/21/10.
9. Prior to the termination of the of the interim use permit (for whatever reason), the site is reclaimed according to the Reclamation Plan as described in the attached letter to the City dated 9/9/10.
10. Landscaping is installed to the outer rim of the mining area so there is no outside drainage entering the mine pit.
11. All fueling, fuel storage, maintenance, and storage of the mining equipment is limited to an area outside of the mine pit, or on an area which has secondary containment for any spill or leak.
12. No use of explosives which leave neither nitrate residue nor any residue which is a drinking water contaminant.
13. Annual Review by the Planning Commission.

THIS INTERIM USE PERMIT SHALL TERMINATE UPON THE OCCURANCE OF ANY OF THE FOLLOWING EVENTS, WHICHEVER OCCURS FIRST: A. THE TERMINATION DATE: OR B. THE USE HAS BEEN DISCONTINUED FOR A MINIMUM PERIOD OF 90 DAYS.

Motion by Member Bechtold, second by Member Dietman, to close the public hearing at 6:19 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Dietman, to recommend approval of the Interim Use Permit as present with an addition that there is an annual review at the first of the year. Motion carried unanimously.

ADJOURNMENT – Motion by Member Dietman, second by Member Borgmann, to adjourn the meeting at 6:21p.m. Motion carried unanimously.

**JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST**

**DALE BORGMANN
ACTING CHAIR**

09/28/10