

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

The meeting was called to order by Mayor Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council members Bill Becker, Susan Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: John Koerber

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing Administrative Assistant Judy Neu, & Public Works Director Rick Hansen.

Others present were: Don Scheele, Jeff Rausch, Mark Gross – Cold Spring Granite Company, Jack Tamble, Jeff Howe, Don Simon,

**HANSEN/COLD SPRING GRANITE – IUP** – Mayor Hagen announced that the special meeting had been called to consider the request of Joyce Hansen/Cold Spring Granite for an Interim Use Permit. The address of the property is: 895 Pine Street.

Don Scheele explained that the existing mining has been there for many years where they extract solid stone out of the ground. In the process of doing that there is some excess material or stone that is either not the right dimension, color or has crack or defect in the stone. They are stocked piled in huge piles and then Knife River comes in once a year with a portable crusher to crush the stone into different size aggregate. The aggregate is stocked piled on site and sold. Knife River would like to make concrete mix and doing so they need to wash the material to meet specs for concrete mix. That's why Cold Spring Granite wants to put in the wash ponds to wash aggregate.

Mayor Hagen asked if there is crushing being done already, so the only additional step in the process is the washing.

Don Scheele stated "yes" the washing is the only new operation and to do that they need some ponds.

Mayor Hagen asked if there is an existing fresh water pond.

Don Scheele stated there is an existing pond to the north that is about 5 or 6 acres in area. We will be taking water out of that pond or might use the farms irrigation well.

Mayor Hagen asked once they wash the material does the water goes back into the same pond.

Don Scheele stated "that is correct". There are 2 ponds 1) Maintenance Settling pond 2) Fresh Water Return pond.

City Administrator Rena Weber questioned "If Knife River will be using any of the water while they are doing the crushing. There is a lot of dust created from that process.

Don Scheele stated "they could".

City Administrator Rena Weber explained that she thinks that you might want to make sure that it is being done because that was one of the biggest complaints on another pit.

Don Scheele stated they also treat their roads with dust specification but we can add water for those conditions.

Member Volkmuth stated it make sense if we don't get any complaints from the neighbors then we wouldn't need the annual review but if we get complaints that would be a reason we would want to look at it.

Zoning Administrator Rena Weber questioned "Are there any concerns about the decibel of noise or hours of operation"?

Member Volkmuth explained the noise would not be any louder because it is only a pond. The noise is generated from a generator and that generator is already on site.

Member Becker asked under the OSHA guideline. "Do you need to check with their worker safety."?

Don Scheele explained that would be Knife River responsibility but Cold Spring Granite does noise monitoring for their employees.

Member Becker stated anything over 85 decibels you have to wear ear protection.

Mark Gross explained Knife River has to follow ABHISAM safety rules just like Cold Spring Granite.

Mayor Hagen asked the hours of operation are and do you use lights.

Don Scheele stated "yes" we use lights. We do the crushing in fall and spring and as day light shortens they use lighting.

Member Palmer asked what is the hours of operation.

Don Scheele explained that it could be from as long at 6:00 a.m. to 10:00 p.m. but it would really be from 7:00 a.m. to 7:00 p.m. and maybe to 8:00 p.m. because being and the ending shift is just the generator work.

Don Scheele stated the point that he would like to make on this process is that Cold Spring Granite has been operating as a non-conforming existing use for many years and the wash ponds is very close to what the existing operation is. Stearns County stated no permit is needed through them because in their ordinance washing is part of the existing grandfathered use. Cold Spring Granite would like to ask that the Council would consider that no permit is needed for this operation. That it would be considered as a part of the grandfather existing site.

City Administrator Rena Weber reported that she did review this when it first came in and it was brought to her attention by the property owner who was asking about the reclamation process and whether or not there would be a bond put in place. After reviewing the ordinance she contacted the City's Attorney to get verification if washing was totally different than the mining operation and he agreed.

Jack Tamble stated that it is grandfathered in and the crushing operation is something that is existent, it is a licensed facility to the County. The County does state in their license law that washing is allowed. The other thing is what classification we are under as far as property because the Industrial classification you have does identify that granite process can take place. Our concern is under the Interim Use process they are looking for a 10 year review process now it's down to a one year review. Which if you look at the way things are changing and the requirement it puts a restriction on the operation. If you take that away it might end up in a situation that they can't function or get rid of the material. The main reason is that this is operating as a part of the mining and it should be grandfathered in as an existing use.

Zoning Administrator Rena Weber reported the pond that Cold Spring Granite is drawing 2 million gallons of water from might become an issue from the neighbors.

Member Palmer explained it seems reasonable to go with the permit route because what it does it allows Cold Spring Granite to have that use there but it also provides an annual review for the City to check on the use.

**STATE OF MINNESOTA  
COUNTY OF STEARNS**

**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.

**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.**

Jerry Tippelt stated you are taking about the grandfathering in but there are 2 issues here, first they are starting up a new washing process and second thing is that they subcontract it out. You are not dealing with Cold Spring Granite here. They have someone come in to do the process. The current subcontractor maybe be meeting the requirements and there no problem but if another subcontractor comes in and has a whole different set up it might create some issue. If you are going to follow the rules that were laid down, I don't know what the problem as far as the annual review. All we are asking in to keep a handle on it so that if this does get out of control the City can deal with it.

***Motion by Member Volkmuth, second by Member Palmer, to approve the Interim Use permit with an annual review and in a couple years if there are no complaints we could look at an 8 year permit.***

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring  
Motion passed on a 6 to 0 vote.***

***ADJOURNMENT – Motion by Member Becker, second by Member Volkmuth to adjourn the meeting at 6:50 p.m. Motion carried.***

---

**JUDY NEU  
BILLING CLERK/ADMINISTRATIVE ASST**

---

**JEFF HAGEN  
MAYOR**