

A special meeting of the City Council for the City of Canby, Minnesota was held on April 23rd, 2013 at 6:15 P.M. in the City Council Chambers.

Members: Gene Bies, Frank Maas, Nate Oellien

Absent: Nancy Bormann, Denise Hanson

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Tom Sterzinger Gene Eilers
Dave Hentges Kaye Eilers
Tim Hentges Lloyd Schrunk
Darold Snortum Bob Meker
Olga Snortum

The meeting was called to order.

The Council heard recommendation from the Planning Commission to approve a conditional use permit to Linda and Bill King for gravel mining operations. The Planning Commission recommended increasing the bond amount to \$15,000; restricting the mining operation to the Southeast Quarter of the Southeast Quarter of said section of land; and expanding the road maintenance plan to include calcium chloride and other such chemical treatments. The Council discussed the merits and consequences of the project. A motion was made by Oellien and seconded by Bies to approve the conditional use permit with the following conditions. Oellien and Bies voted in favor. Maas voted against. The motion was carried.

Conditional Use Permit Conditions:

1. All State, County, DNR permits and land use approvals be secured as necessary to proceed.
2. Written agreements of project completion within reasonable time frame with stipulations as to weather, mining operation or use of resource, as agreed between developer and City prior to beginning project (see Conditional Use Requirements below).
3. Written plan for road maintenance and dust control (see Conditional Use Requirements below).
4. File bond with City in the amount of \$15,000 for satisfaction of the provisions of the Conditional Use Requirements agreement (see below, signed copy on file at City Hall).

CONDITIONAL USE REQUIREMENTS

The following are Conditional Use Requirements to the proposed gravel excavation sites located in the Southeast Quarter of the Southeast Quarter, Section Three (3), Township One Hundred Fourteen (114) North, Range Forty-five (45); between the City of Canby (“City”) and, William and Linda King (“Owners”) and Tom Sterzinger of Sterzinger Crushing (“Contractor”)

- 1) The City, their staff, or any agent authorized by the City will have the right to enter the premises for the purposes of inspection to insure the conditions in this agreement are complied with.
- 2) If at any time there is found a default in the conditions set forth the operations will cease immediately until the default is cured. Such a default, if found, will be sent to the Contractor and Owners by the City, in writing, and shall be considered a default if not corrected within 30 days after receipt of the written finding of default.
- 3) During the hauling of any aggregate on the gravel roads located by King's pit, there will be dust control applied and damage repair as needed to keep them in current or better condition. Calcium chloride or other such appropriate dust control treatment measures shall be used as requested.
- 4) There shall be no more than one excavation open at a time and shall not exceed ten (10) acres at any time.
- 5) There shall be no excavations below the water table.
- 6) After the mining process is complete, the land will be recaptured with 3 to 4 to 1 slope and returned to farm land in useable condition. This process will be done after each particular site is mined out.
- 7) The gravel mining operations shall cease at the end of 2018. All land will be returned to farm land in usable condition prior to the end date of the operations.
- 8) If bond is used to return land to farmable use, then bond must be replenished before proceeding with further mining.
- 9) The bond amount to provide for the land reclamation bond or cash escrow shall be \$15,000.00.
- 10) Less than a total of 40 acres will be mined.
- 11) Aggregate may be hauled on the North-South township road adjoining the premises. Hauling may also be permitted on the portion of East View Drive abutting the property. There will be no permitted use of the paved portion of East View Drive for hauling aggregate.
- 12) No hot mix plant shall be permitted within the Canby city limits including said SE1/4-3-114-45.

We understand and agree to the above Conditional Use Permit requirements.

Date: _____, 2013

William King, Owner

Tom Sterzinger, Contractor

Linda King, Owner

A motion was made by Maas and seconded by Oellien to adjourn the meeting. All voted in favor. None voted against. The motion was carried.

Attest:

Mayor

City Administrator