

AGENDA

Planning Commission Regular Meeting

Monday, December 16, 2024

6:30 PM

City Council Chambers, City Hall

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS TO AGENDA**
- 3. AUDIENCE INPUT**
- 4. CONSENT AGENDA**
 - a. Minutes of the November 26, 2024 Regular Meeting
- 5. OLD BUSINESS**
- 6. PUBLIC HEARINGS**
 - a. Request by Jason Laube for approval of a site plan review to allow for the construction of a 572 square foot addition to an existing office building at 3450 151st Street West.
 - b. Request by Danner, Inc. for renewal of its Small Scale Mineral Extraction Permit for 2025.
 - c. Request by Vesterra, LLC, and Stonex, LLC, for renewal of its Small Scale Mineral Extraction Permit for 2025.
 - d. Request by Carl Bolander and Sons, LLC for renewal of a Small Scale Mineral Extraction Permit for 2025 and 2026
 - e. Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026
 - f. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit through 2026 and its Interim Use Permit for aggregate processing.
 - g. Renewal of the Cemstone Interim Use Permits for both its primary and seasonal concrete facilities.
- 7. NEW BUSINESS**
- 8. DISCUSSION**
- 9. ADJOURNMENT**

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
NOVEMBER 26, 2024**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Tuesday, November 26, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Rivera, Buggi, Reed, Ellis, Beadner, and Whitman.

Staff present included the following: Community Development (CD) Director Adam Kienberger, Senior Planner Anthony Nemcek, Planner Julia Hogan, and CD Technician Liz Kohler.

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

Motion by Kenninger **Second by** Reed

Motion to approve consent agenda

Ayes: 7.

Nays: None. Motion Carried.

a. Minutes of the October 22, 2024, Regular Meeting Minutes

OLD BUSINESS

None.

PUBLIC HEARINGS

a. Request by Frattalone Companies, Inc. for renewal of its Small-Scale Mineral Extraction Permit for 2025.

Planner Julia Hogan presented on the renewal of a small-scale mineral extraction permit for 2025 for Frattalone Companies, Inc. The small-scale mineral extraction operation was

newly approved by the city council in May of 2023. 22,475 cubic yards of sand was extracted from the site during quarter 3 of 2024 and it is estimated that an additional 30,000 cubic yards will be extracted during the remainder of 2024. There have been no cubic yards of imported material brought into the site, but the applicant expects approved materials to be imported in 2025. Mining has taken place in the northern portion of the site and mining will continue to occur in that area with plans to work their way south.

The site is located along the western frontage of Emery Avenue and south of County Road 42. The site is 73.39 acres in size and the work will be on 26.08 acres in the southern portion of the site. The main access is off of Emery Avenue. The work will continue west from phase one to phase two. The final grade as shown in the reclamation plan will bring the southern portion of the property very close to the elevation of the north. Staff found no violations of the permit and no incidents were reported to the police department. Staff recommends that the Planning Commission recommends approval to the City Council for the renewal of the small-scale mineral extraction permit.

Commissioner Reed asked what materials are being brought in. Hogan replied that the applicant would be better suited to answer the question.

Commissioner Rivera asked if there were any tree removals being done with the work. Nemcek responded that they are allowed to remove trees for the extraction of minerals.

Tony Frattalone

14259 May Avenue N. Stillwater, MN

Mr. Frattalone said that the material being imported is a compactible material which will be used to refill the site once the sand is extracted, so the land can be used as a buildable site. Commissioner Reed asked what compactible material is defined as. Mr. Frattalone responded that it could be a variety of things like clay or other raw material. He stated that it would be compactible enough that it could have a footing underneath it.

Commissioner Reed asked if the mining operation was working with any of the local construction projects. Mr. Frattalone responded that some of the material being extracted is going toward work on the Meta site.

Commissioner Beadner asked what could be done with the site once they are done mining and refilled it with compactable material. Mr. Frattalone responded that the site could be developed or used for other purposes once the mining work is complete. Commissioner Beadner asked if trees could grow back on the site. Mr. Frattalone replied that they could.

Motion by Kenninger Second by Reed

Motion to close public hearing

Ayes: 7.

Nays: None. Motion Carried.

Commissioner Reed asked if there were any updates on Dakota County's plan to reroute Highway 55 down to County Road 42. Kienberger responded that the mentioned project is a MNDOT project and as far as they were aware, there were no major updates, so the staff had not prepared materials to discuss that this evening.

Commissioner Ellis asked if the small-scale mineral extraction permits are renewed annually. Nemcek replied that following the zoning code update, the length of the permit will change to two years. He also stated that some upcoming permits will be recommended for a single year so they can be staggered. Commissioner Reed asked if there would be a two-year permit for large scale mineral extraction as well. Nemcek responded that it will also be on a two-year review period in which staff will meet with them, inspect the site, and expect groundwater testing annually.

Motion by Buggi Second by Beadner

Motion to recommend the City Council approve the Frattalone Companies, Inc. Small Scale Mineral Extraction Permit for 2025, subject to the terms and conditions in the attached 2025 Draft Conditions for Mineral Extraction.

Ayes: 7.

Nays: None. Motion Carried.

b. Request by Keystone Development Partners, LLC., for approval of a site plan to construct office/warehouses in the Biscayne Business Park.

Nemcek presented on a request by Keystone Development Partners, LLC for approval of a site plan to construct five multi-tenant warehouses in the Biscayne Business Park. The site is zoned B2 with a PUD overlay, and the proposed development fits the zoning district. Staff included conditions in their recommended actions that relate to site lighting, landscaping, and waste management. The proposed development is located on three parcels west of Biscayne Avenue just north of County Road 46. The three existing parcels have perimeter easements that will need to be vacated, as well as have the county combine the three sites into a single PID.

There will be two access roads coming off of 158th Circle. The three buildings will be back-to-back and the two smaller buildings will be on the north side. The landscape plan meets all the tree requirements however, the site is short foundation plantings. Staff is

recommending the landscape plan be updated to meet the foundation planting requirements as a condition of approval. It meets all minimum setbacks required by the B2 zoning district. The maximum lot coverage is 75 percent, and the plan currently shows 52 percent impervious coverage. The maximum building height in B2 is 50 feet and the applicant is showing a building height of 20 feet. Additionally, a parkland dedication was specified to be collected as each lot develops. For this project there will be a \$42,330 cash-in-lieu park dedication. Another condition of approval is that the applicant provides a site lighting plan meeting zoning standard. The applicant is intending to use wall lighting based on conversations with staff and provided renderings.

Chairperson Kenninger asked about the large blank walls in the renderings. Nemcek clarified that the wall is less than 100 and does not face any rights-of-way, so there is no code requirement that it is not followed.

Commissioner Beadner mentioned that some of the areas close by are more utilized by the public and questioned if this project would meet the use standards. Nemcek responded that the zoning code allows for showroom areas, but no retail. Commissioner Beadner asked about sidewalk requirements. Nemcek responded that there are no sidewalk requirements for this type of development and the project will include curbstops to prevent vehicles from running into the building.

Commissioner Reed asked about traffic safety and if there would be signaling present in the area. Nemcek responded that because the new middle school will be going in the same area, a signal would be going in before the completion of the middle school. Commissioner Reed asked how the city is advocating for more traffic safety. Kienberger replied that the city, particularly the police and public works, have been actively working with Dakota County to improve safety in the area.

Commissioner Whitman asked if a lighting plan is typically required for this application. Nemcek replied that it is typically required, but staff focuses on the areas that are harder to change later in the process when conducting a review and some smaller parts of the application are missed. Commissioner Whitman expressed concern over adding conditions that a standard be met. Nemcek clarified that staff receives final plans that meet the conditions prior to construction and can provide them to commissioners if necessary. Kienberger stated that there are options which include the commission's

ability to continue an item. Commissioner Whitman reiterated the importance of a completed application. Nemcek responded that there is a ten-day review period where staff reviews for completion.

Commissioner Whitman asked for clarification on the lots being combined by the County. Nemcek confirmed that the County can combine lots in the same plat without city approval because it is combining three tax parcels into one PID.

Commissioner Reed asked about the site directly north and if there would be any kind of landscaping buffer. Nemcek responded that the stormwater pond takes up a lot of that area and there may be space for some additional plantings, but the lot is guided for business park and does not require a landscaping buffer. Chairperson Kenninger asked about screening from parking. Nemcek confirmed that that is only required for parking along street rights-of-way. Commissioner Buggi asked about signage in the area as

traffic increases with development. Nemcek responded that there is an allowance for one monument sign in the Biscayne Business Park PUD, but staff would administratively review any sign plans that were applied for as a building permit process.

Chairperson Kenninger opened the public hearing.

Ben Younan

5417 Woodlawn Blvd Minneapolis, MN

Mr. Younan said that the northern buildings are about 100 feet, and they are open to adding architectural elements that would break up any of the large blank walls.

Commissioner Reed asked what kind of businesses are expected in the development. Mr. Younan responded that the feedback from the preliminary marketing that they have done showed similar businesses to those listed in the permitted uses. They are expecting things like distribution warehouses and showrooms.

Chairperson Kenninger asked if the applicant had any updates on the required lighting and trash plan. Mr. Younan stated that the plans for trash have been drawn up and pointed out where they will be located on the map between the two northern buildings, unless there is not a large enough turn radius for the garbage truck. In that case, they would be placed on the western end of the northern buildings. He also said that they have had a conversation with the architect who is working with a lighting engineer to ensure they meet the requirements.

Motion by Kenninger **Second by** Reed

Motion to close the public hearing

Ayes: 7.

Nays: None. Motion Carried.

Chairperson Kenninger asked if the changes to the northern building exterior could be added as a condition. Nemcek responded that it could be added as a condition that the elevations of the northernmost buildings be updated to provide parapet walls at the corners. Commissioner Whitman stated that future applications should include every required element before they are brought to the Planning Commission. Chairperson Kenninger asked if the conditions could be required to be met prior to the City Council meeting so that there is a solid, public recording of the conditions being met prior to

construction. Nemcek clarified that, in general, they try to have everything sorted by the time it reaches City Council, however in this case, because it is a plan review, it will not go to Council.

Motion by Kenninger Second by Whitman

Motion to approve the site plan for Keystone Development Partners proposed office/warehouses in the Biscayne Business Park, subject to the following conditions being

met prior to the issuance of a building permit:

1. Vacation of perimeter easements along existing interior parcel boundaries.
2. The applicant shall update the landscape plan to relocate two trees and provide an additional 65 foundation plantings.
3. The applicant shall combine the subject property into a single parcel.
4. The applicant shall provide verification of site lighting and, if necessary, a photometric study to prove conformance with site lighting standards.
5. If centralized waste collection is utilized, the applicant shall provide plans for a trash enclosure that meets the requirements of City Code Section 5-1-3.
6. Payment of \$42,330 cash-in-lieu of park land dedication, as detailed in the Parks and Recreation Director's memo dated November 18, 2024.
7. Conformance with the requirements of the City's engineer as detailed in the attached review memo dated November 18, 2024.
8. Conformance with any requirements of the City's fire marshal.
9. The applicant shall update the three-unit building's northern elevation with architectural elements to conform with the code.

Ayes: 7.

Nays: None. Motion Carried.

c. Request by Minnesota Paving Materials for renewal of its interim use permit for a seasonal asphalt plant.

Nemcek presented on a request from Minnesota Paving and Materials for a renewal of their Interim Use Permit for a seasonal asphalt plant. The interim use permit runs over a span of 10 years and was last approved in 2014. The asphalt plant is part of the Ancillary Use Facility included in Dakota Aggregates Large Scale Mineral Extraction permit. The zoning ordinance requires separate permits for each business. It is located in the southeastern part of the Dakota Aggregates mining area. The permit requires the plant to be 660 feet from any non-agricultural district and although the Amber Fields development has gotten closer, it is still 1700 feet from the southern portion of that development.

Trucks enter the site on a southern stretch of Akron Avenue. There was an amendment in 2016 for an expansion which included the addition of two large storage tanks. The site also contains some raw materials from the Dakota Aggregates mine as well as asphalt that is reclaimed from other projects and used to make new asphalt.

Staff reached out to the police department and there have been no complaints regarding the operation. Staff has determined that they are conforming to requirements and is recommending approval.

Commissioner Reed asked about air permits and waste byproducts and how staff determined they are meeting the standards. Nemcek responded that the reports go through the Minnesota Pollution Control Agency as part of the Dakota Aggregates permit and the city would be notified of any violations. Commissioner Ellis asked if the area south of Amber Fields had been sold for development in relation to the 660-foot setback requirement. Nemcek responded that it is still owned by the University and it is unlikely to be sold without considerable cleanup.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 7.

Nays: None. Motion Carried.

Motion by Reed Second by Beadner

Motion to recommend the City Council approve the renewal of an Interim Use Permit allowing Minnesota Paving Materials to operate a seasonal asphalt plant, subject to the following conditions:

1. Compliance with the Interim Use Permit Application for the Primary Asphalt Plant dated July 23, 2014.

2. Compliance with the Large-Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105).
3. The Interim Use Permit expires on December 31, 2034.
4. Asphalt trucks shall access CSAH 46 either via the Station Trail access or the Akron Avenue access only. Asphalt trucks may not use Biscayne Avenue or any UMore roadway (Akron, Angus, Barbara or Blaine Avenues) to access CSAH 42.

Ayes: 7.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

There was a discussion about the December Planning Commission meeting for 2025 and the date was tentatively set for December 22nd, 2025.

The next Planning Commission meeting will be Monday, December 16.

Nemcek introduced Liz Kohler the new Community Development Technician for the City.

Chairperson Kenninger asked about the groundbreaking of the middle school. Kienberger responded that it had not been rescheduled yet. She also asked about the ribbon cutting for the Lifetime fitness. Kienberger responded that it is currently being worked on and there will likely be more information by late December.

ADJOURNMENT

Kenninger adjourned the meeting at 7:33 pm.

Respectfully submitted,

Liz Kohler
Community Development Technician

Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting: Unless denied by the Planning Commission and appealed by the applicant, this item does not require Council Action.

AGENDA ITEM:	Request by Jason Laube for approval of a site plan review to allow for the construction of a 572 square foot addition to an existing office building at 3450 151st Street West.	AGENDA SECTION:	PUBLIC HEARINGS
PREPARED BY:	Julia Hogan, Planner	AGENDA NO.	6.a.
ATTACHMENTS:	Site Location, Applicant's Narrative, Project Plan Set, Site Photos	APPROVED BY:	AK
RECOMMENDED ACTION: Motion to approve the Site Plan for a 572 square foot addition to an existing office building at 3450 151 st Street West, subject to the following condition: 1. The applicant/property owner shall apply for and receive all required building permits.			

BACKGROUND

SUMMARY

Applicant & Property Owner(s):	L6, LLC/Jason Laube
Location:	3450 151 st Street West
Area in Acres:	1.1 Acres (48,438 square feet)
Comp. Guide Plan Designation:	CC – Community Commercial
Current Zoning:	B-1 – General Business

The Planning Commission is being asked to consider a request by Jason Laube for approval of a site plan for a 572 square foot addition to the existing 1,456 square foot office building at 3450 151st Street West. Site Plan Reviews are required for minor revisions or additions to existing principal structures that exceed 30% of the floor area of the structure. Due to the smaller size of the existing office building, the proposed addition meets the threshold that triggers a site plan review.

The applicant is requesting to add a 22-foot by 26-foot addition off the east side of the existing building to provide additional office space for an insurance company that is currently using the building. The applicant has stated that this addition will result in no additional foot traffic. The applicant is also looking to add a basement door to the building as part of this project. The basement is currently unusable due to there only being one access in and out of it, which is a fire code violation. The stairs to the proposed door would be located on the rear west side of the building. The subject property is a

part of the South Rose Park Addition Replat and the building was constructed in 1988, prior to updated zoning code regulations. Staff is recommending approval of the site plan.

SITE PLAN REVIEW

Land Use and Zoning

The subject property is guided for CC – Community Commercial in the Rosemount Comprehensive Land Use Plan. The property is located within the B-1 – General Business zoning district. The proposed use is consistent with the zoning and comp plan guidance.

Dimensional Standards

The proposed addition meets or exceeds zoning standards related to setbacks and lot coverage. The existing building on site is located centrally on the square-shaped lot. The building meets the minimum setback standards for the front, side and rear yard property lines. The proposed addition will meet the minimum setback requirement from the east property line as well. The current lot coverage on site is far below the maximum standard of 75%. The proposed addition will only increase the lot coverage by 1.5% with a total of 29% on site. The table below describes each standard and compares the proposed site plan to each standard.

Standard	Required	Provided
Front Yard Setback	30 feet	Approx 90-feet
West Side Yard Setback	10 feet	Approx 97-feet
East Side Yard Setback	10 feet	Currently: Approx 72-feet With Proposed Addition: 50-feet
Rear Yard Setback	10 feet	Approx 85-feet
Lot Coverage Maximum	75%	Currently: 27.5% With Proposed Addition: 29%

Parking and Access

The site is accessed by a circular driveway that has two access points off of 151st Street West. In the applicant's narrative, it states that there are 12 parking stalls provided on site with room for additional stalls if needed. The off-street parking requirement for business or professional offices is 1 stall per 300 square feet of gross floor area. The existing building on site is 1,456 square feet and the proposed addition is 572 square feet, which puts the total square footage of the building at 2,028 square feet. This would require that there be 7 spaces provided on site. The number of parking stalls on site exceed the minimum requirement for off-street parking stalls.

	Required	Provided
Business or Professional Office (1 per 300 square feet GFA)	7 spaces	12

Building Materials and Massing

The applicant's submittal included the building plans for the proposed addition to the existing building

on site. The existing building's material consists of lap siding, and the proposed addition will continue with that same lap siding look to be cohesive with the existing building. The existing City code requires that non-residential structures must consist of materials comparable in grade and quality to brick, natural stone, decorative concrete block, cast in place concrete or precast concrete panels, etc. This building was constructed in 1986, prior to updated requirements of architectural standards within the zoning code. The proposed addition meets all setback and size requirements per today's zoning code and the lap siding that is proposed for the addition is consistent with the existing building materials.

Landscaping

The site currently has 9 trees on site with a majority of them being located along the western property line that is adjacent to Chippendale Ave, the eastern property line boundary, and the southern property line boundary. There are also foundation plantings located along the rear side of the building and then also additional plantings near the northwest corner of the site where the monument signage is located. The City Code does require that each mixed-use or non-residential site provides a minimum of one (1) overstory tree per three thousand (3,000) square feet of land area. This would require the site to have 16 trees. The City Code allows for the continuance (but not expansion) of nonconformities though. Due to the site being developed in 1986, the zoning regulations were different from what they are today. The proposed project will not affect any of the existing landscaping on site.

Other Notes

Because no subdivision is occurring with this project, the applicant is not required to provide park dedication or pay trunk area charges.

RECOMMENDATION

Staff recommends approval of the site plan to construct the proposed 572-square foot addition to the existing office building located at 3450 151st Street West. This recommendation is based on the information provided by the applicant and reviewed in this report and subject to the condition listed in the recommended action above.



Thank you for considering this application for 3450 151st St. W.
Rosemount, MN 55068.

I would like to add on 22 feet to the east of the building. The depth would be the same as the current building, which is 26 feet. A total addition of 572 square feet. It's just a rectangle and this would make it 22 feet longer.

I also want to add a basement door to the property. This would allow an individual to leave the building from the basement. Currently, the basement is not usable due to only having one set of stairs leading to the main level. This is a fire code violation as there is only one way out of the basement. The stairs would be on the back and west side of the building, near the side parking lot.

I need this additional space to run my insurance business. We currently have no room to add additional employees as all the offices are in use. Additionally, I have 3 remote employees and have no place to put them when they come to work in the office.

This addition will result in no more foot traffic than we currently have. It will just allow me to staff to the current needs of the business. 99% of all our business is done over the phone, not in person. We have a very large parking lot, so parking will not be an issue. We currently have 12 parking spaces but have room for many more.

I currently have 66 feet from the east side of my building to the property line. With this addition, I will still have 44 feet from the building to the property line.

Jason Laube 651-238-5197

(THE FOLLOWING APPLY UNLESS NOTED OTHERWISE ON THE DRAWINGS.)

LOAD TYPE	DESIGN LIVE LOAD	ENGINEERING CRITERIA
FLOOR LIVE LOAD OF OFFICE PARTITIONS	50 PSF 15 PSF	
ROOF SNOE LOAD	35 PSF	$P_g = 30 \text{ PSF}$ $C_e = 1.0$ $I_e = 1.0$ $C_d = 1.0$ $P_f = 35 \text{ PSF}$
WIND DESIGN DATA		BASIC WIND SPEED = 15 MPH (30-SECOND AVE) EXPOSURE: B $K_z = 1.0$ $K_d = 1.0$ $GCF = 1018$ (INTERVAL PRESSURE COEFF.) $p_{net} = 174 \text{ PSF (MAX)}$ PRESSURE ON EFFECTIVE AREA GUTTERHEAD AND CLADDING

SUBMITTAL	SUBMITTAL REQUIRED	STAMPED BY REGISTERED ENGINEER	ENGINEERING CALCULATIONS
CONCRETE AND MASONRY REINFORCING	YES	NOT REQUIRED	NOT REQUIRED
STRUCTURAL STEEL	YES	NOT REQUIRED	NOT REQUIRED
BIDDER DESIGNED STAIRS AND LANDINGS	YES	YES	YES
ENGINEERED JOISTS	YES	YES	YES
MANUFACTURED LUMBER	YES	YES	NOT REQUIRED
PRE-ENGINEERED TRUSSES	YES	YES	YES
STRUCTURAL INSULATED PANEL	YES	NO	NO
PRECAST HOLLOW CORE CONCRETE PLANKS	YES	YES	YES

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WITH THE MANUFACTURER'S INSTRUCTIONS, THESE PRODUCTS SHALL BE MANUFACTURED TO THE STANDARDS SET FORTH IN THE ICG REPORT NO. ESR.

ACZA = AMMORICAL COPPER ZINC ARSENATE

S.I.

SHEAR WALL SCHEDULE

MARK	PANEL TYPE	PANEL EDGE NAILING SIZE SPACING	STUDS, PLATES & BLOCKING SPECIES	HORIZONTAL BLOCKING AT PANEL JOINTS AND VERTICAL MEMBERS AT ABUTTING PANELS	SOLE PLATE NAILING	PRESSURE TREATED FOUNDATION SILL PLATE	SILL PLATE ANCHOR SIZE SPACING	CLIP SPACING (WHERE INDICATED IN DETAILS)	MIN ALLOWABLE SHEAR
1	1/4" (OR GREATER) APA RATED SHEATHING - CDX PLYWOOD OR OSB	6"oc	0.18" x 4" x 8" SPRUE-PAE-FIR	2x	0.148" x 3" @ 1'oc	2x	38"oc	CLIP @ 21"oc	334 PLF
2		4"oc			0.148" x 3" @ 5'oc	2x	24"oc	CLIP @ 15"oc	445 PLF
3		3"oc		3x	0.148" x 3" @ 4'oc	OR - 2x	20"oc	CLIP @ 12"oc	631 PLF
4		2"oc			0.148" x 3" @ 3'oc	OR - 3x	18"oc	CLIP @ 4"oc	832 PLF
5	1/4" GYPSUM WALLBOARD IN SPF FRAMING (ONE SIDE OF WALL)	4"oc	63 COOLER NAILS @ 4'oc	2x	0.162" x 3 1/2" @ 5'oc	2x	72"oc	CLIP @ 36"oc	175 PLF
6	1/4" GYPSUM WALLBOARD IN SPF FRAMING (TWO SIDES OF WALL)	1'oc		2x	0.162" x 3 1/2" @ 5'oc	2x	48"oc	CLIP @ 18"oc	250 PLF
7	SIMPSON STRONG-WALL MSM 18x10								1435#

NOTES: (THE FOLLOWING NOTES APPLY TO ALL PANEL TYPES)

- SHEATHING MAY BE ORIENTED WITH THE LONG DIRECTION EITHER ACROSS OR ALONG THE STUDS. EDGE NAIL IN ACCORDANCE WITH THE TABULATED REQUIREMENTS. IN ADDITION, FIELD NAIL AT 12"oc WITH THE SAME NAILS USED FOR EDGE NAILING.
- ALL PANEL EDGES SHALL BE BLOCKED WITH BLOCK SIZE AND SPECIES SPECIFIED.
- SHEATHING NAILS SHALL BE DRIVEN FLUSH, BUT SHALL NOT FRACTURE THE SURFACE OF THE SHEATHING.
- WHERE PANEL EDGE NAILING IS 3"oc OR LESS, NAILS SHALL BE STAGGERED AT ABUTTING PANEL EDGES.
- PROVIDE PANEL EDGE NAILING TO EACH OUTER LAMINATION OF BUILT-UP POST AT SHEAR WALL ENDS.
- SOLE PLATES SHALL BE FASTENED DIRECTLY TO FRAMING (BEAMS, JOISTS, OR BLOCKING) BELOW IN ACCORDANCE WITH THE TABULATED REQUIREMENTS.
- WHERE (2) ROWS OF SOLE PLATE NAILS ARE SPECIFIED, PROVIDE DOUBLE 2x FRAMING BELOW (MIN) FACE NAILED IN (2) 16d @ 12"oc.
- ANCHORS SHALL BE EMBEDDED 1" (MIN) INTO CONCRETE IN STANDARD CUT MASHERS FOR SHEAR WALL TYPE 1 AND 2 AND 2x2x1/2" THICK PLATE MASHERS FOR SHEAR WALL TYPE 3 AND 4. THERE SHALL BE A MINIMUM OF (2) ANCHORS PER PIECE WITH (1) BOLT LOCATED NOT MORE THAN 12" OR LESS THAN (1) BOLT DIAMETERS FROM EACH END OF EACH PIECE.
- WHERE PRESSURE TREATED FRAMING IS USED THERE IS THE POTENTIAL FOR CORROSION OF FASTENERS. SEE DIVISION 6.1 OF THE GENERAL STRUCTURAL NOTES FOR COATING REQUIREMENTS FOR CONNECTORS AND FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD.
- THE ALLOWABLE SHEARS SHOWN ARE BASED ON ALLOWABLE STRESS DESIGN AND ARE FOR WALLS WITH A H/A (HEIGHT TO WIDTH) RATIO NOT EXCEEDING 3/4.
- FOR SHEAR PANELS RESISTING SEISMIC FORCES WITH H/A > 2, MULTIPLY THE TABULATED VALUE BY 2x.
- THE ALLOWABLE SHEARS SHOWN FOR THE ZIP SYSTEM R-SHEATHING BY WUER ENGINEERED WOODS IS BASED ON REPORTS ICC ESR-3373 AND ESR-482 AND ARE FOR WALLS WITH A H/A (HEIGHT TO WIDTH) RATIO NOT EXCEEDING 2. ALL INTERIOR WALL FACES AT ZIP SYSTEM SHEAR WALLS SHALL BE SHEATHED WITH GYPSUM WALLBOARD.

DIAPHRAGM SCHEDULE 1.2.3

MARK	PANEL TYPE	BLOCKED	NAILING REQUIREMENTS IN COMMON NAILS	CLIP SPACING (WHERE INDICATED IN DETAILS)	HP / SPF FRAMING	DOUG-FIR FRAMING
1	15/32" APA APPROVED CDX PLYWOOD, INDEX 2416	NO	0.131" x 4" x 4" @ 6"oc 0.131" x 4" x 4" @ 6"oc 0.131" x 4" x 4" @ 12"oc	CLIP @ 15"oc	232 PLF	293 PLF
2	15/32" APA APPROVED CDX PLYWOOD, INDEX 2416	YES	0.131" x 4" x 4" @ 6"oc 0.131" x 4" x 4" @ 6"oc 0.131" x 4" x 4" @ 12"oc	CLIP @ 10"oc	341 PLF	318 PLF
3	15/32" APA APPROVED CDX PLYWOOD, INDEX 2416	YES	0.131" x 4" x 4" @ 4"oc 0.131" x 4" x 4" @ 4"oc 0.131" x 4" x 4" @ 12"oc	CLIP @ 5"oc	603 PLF	743 PLF
4	1 1/8" x 11 1/8" APA APPROVED CDX PLYWOOD, INDEX 40120	NO	0.148" x 3" @ 6"oc 0.148" x 3" @ 6"oc 0.148" x 3" @ 12"oc	--	271 PLF	300 PLF
5	1 1/8" x 11 1/8" APA APPROVED CDX PLYWOOD, INDEX 40120	YES	0.148" x 3" @ 6"oc 0.148" x 3" @ 6"oc 0.148" x 3" @ 12"oc	--	416 PLF	448 PLF
6	1 1/8" x 11 1/8" APA APPROVED CDX PLYWOOD, INDEX 40120	YES	0.148" x 3" @ 4"oc 0.148" x 3" @ 4"oc 0.148" x 3" @ 12"oc	--	832 PLF	845 PLF

NOTES:

- APA RATED ORIENTED STRAND BOARD SHEATHING MAY BE SUBSTITUTED FOR CDX PLYWOOD WITH NO REDUCTION IN STRENGTH.
- PLYWOOD SHALL BE LAID UP WITH FACE GRAIN PERPENDICULAR TO FRAMING MEMBERS BELOW AND END JOINTS SHALL BE STAGGERED.
- ALL NAILS SHALL BE COMMON WITH THE NOMINAL DIAMETER AND LENGTH SPECIFIED IN THE GENERAL STRUCTURAL NOTES, DIVISION 6.
- FIELD NAILING SHALL BE SPACED @ 6"oc (MAX) WHERE SUPPORTING MEMBERS ARE SPACED @ 48"oc.

STUD WALL SCHEDULE

MARK	STUDS	TOP PLATE	PLATE HEIGHT	12" x 12"	12" x 12"	12" x 12"	12" x 12"	12" x 12"	12" x 12"
1	2x4 SPF #2 @ 12"oc	SPF	1453	2095	1454	1604	1071	1252	791
2	2x4 SPF #2 @ 12"oc	SPF	1343	1482	1094	1126	134	867	528
3	2x4 SPF #2 @ 12"oc	SPF	1524	1700	1131	1293	844	446	604
4	2x4 SPF #2 @ 12"oc	SPF	4383	4383	4383	4383	4383	3171	3541
5	2x4 SPF #2 @ 12"oc	SPF	3281	3281	3281	3281	3281	2170	3541
6	2x4 LSL 130 @ 16"oc	SPF	H-MAK = 14'-0"						
7	2x4 LSL 130 @ 16"oc	SPF	H-MAK = 14'-0"						

NOTES:

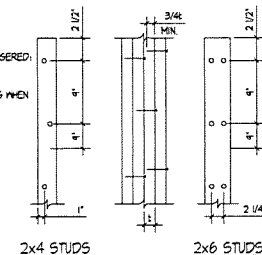
- EXTERIOR WALL CAPACITIES ARE BASED ON MIN. PRESSURE OF 16 psf.

POST SCHEDULE 1.2.3

MARK	POST	CONNECTION	CAPACITY	CONNECTION	TYPICAL REFERENCE
1	(2) 2x MIN	MS1C2B TO POST BELOW	1325#	1540#	5/56.2
2	(2) 2x MIN	MS1C40 TO POST BELOW	2650#	3080#	5/56.2
3	(2) 2x MIN	MS1C52 TO POST BELOW	3475#	4620#	5/56.2
4	(2) 2x MIN	MS1C66 TO POST BELOW	5040#	5860#	5/56.2
5	(2) 2x MIN	MS1C48B3 TO BEAM BELOW	3420#	3475#	5/56.2
6	(2) 2x MIN	MS1C66B3 TO BEAM BELOW	3075#	4505#	5/56.2
7	(2) 2x MIN	HD2-5052.5	2215#	3075#	14/531 OR 20/531
8	(2) 2x MIN	HD4-5052.5	3285#	4565#	14/531 OR 20/531
9	(2) 2x MIN	HD5-5052.5	4340#	5645#	14/531 OR 20/531
10	(2) 2x MIN	HD6-5052.5	5620#	6765#	14/531 OR 20/531
11	(2) 2x MIN	HD8-5053	7020#	8320#	14/531 OR 20/531
12	(4) 2x MIN	HD11-5052.5	8030#	9355#	14/531 OR 20/531
13	(4) 2x MIN	HD14-5052.5	10330#	1310#	14/531 OR 20/531
14	(2) 2x4 SPF #2	--	4523#	5163#	--
15	(2) 2x4 SPF #2	(2) KING STUD - (1) TRIMMER	4523#	5163#	--
16	(2) 2x4 SPF #2	(2) KING STUD - (2) TRIMMERS	6785#	7744#	--
17	(3) 2x4 SPF #2	--	6785#	7744#	--
18	(4) 2x4 SPF #2	--	8425#	10325#	--
19	(5) 2x4 SPF #2	--	11156#	12401#	--
20	(2) 2x4 SPF #2	--	7884#	11602#	--
21	(2) 2x4 SPF #2	(2) KING STUDS - (1) TRIMMER	7884#	11602#	--
22	(2) 2x4 SPF #2	(1) KING STUD - (1) TRIMMER EACH FACE	11345#	16758#	--
23	(3) 2x4 SPF #2	--	11345#	16758#	--
24	(4) 2x4 SPF #2	--	14025#	20625#	--
25	4x6 SPF #2	TOP: SIMPSON CGO POST CAP - WELDED BASE: BASE PLATE - WELDED	--	--	8/56.2 7/56.2
26	EXISTING COLUMN	TOP: EXISTING BASE: EXISTING	--	--	--

NOTES:

- VERTICAL CAPACITY BASED ON 9'-0" STUD LENGTH, UNO.
- BUILT-UP 2x4 LAMINATED POSTS SHALL BE NAILED WITH 10d @ 9"oc, STAGGERED.
- BUILT-UP 2x6 LAMINATED POSTS SHALL BE NAILED WITH (2) 10d @ 9"oc.
- BUILT-UP 2x LAMINATED POSTS SHALL ALSO RECEIVE PANEL EDGE NAILING WHEN REQUIRED PER FOOTNOTE #1 OF THE SHEAR WALL SCHEDULE.
- ALL LISTED CAPACITIES BASED ON SPECIES GRADE #2. SEE PLAN FOR SPECIES SPECIFICATION.



HOLDOWN EMBEDMENT DEPTH SCHEDULE

MARK	HOLDOWN	HOLDOWN CAPACITY	THREADED ROD Ø	PRE-INSTALLED EMBEDMENT DEPTH	FOOTING / THICKENED SLAB
1	HD2-5052.5	2215#	3/8"	4"	8"
2	HD4-5052.5	3285#	1/2"	4"	8"
3	HD5-5052.5	4065#	5/8"	12"	8"
4	HD6-5052.5	5665#	3/4"	14"	12"
5	HD8-5053	6645#	1"	16"	12"
6	HD11-5052.5	8505#	1 1/4"	24"	18"
7	HD14-5052.5	10745#	1 1/2"	24"	18"
8	HD11-5052.5	13710#	1 1/4"	24"	18"
9	HD14-5052.5	14445#	1 1/2"	24"	18"
10	HIGH STRENGTH HOLDOWN - HD1014-5052.5 IN 1/4" CONTINUOUS THREADED ROD	--	--	--	--

SCHAPER ENGINEERING, LLC
Post Office Box 26
Mound, Minnesota 55364
VOICE: (763) 561-3025

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.
Craig Schaper
Signature: [Signature]
Date: 11/01/24 License# 56632

DATE	DESCRIPTION
11/01/24	PERMIT SUBMITTAL

CLIENT:
5-STAR HOMES
HOMES & REMODELING LLC

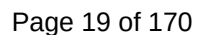
PROJECT:
STATE-FARM INS.
OFFICE ADDITION

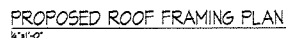
3450 15th STREET WEST
ROSEMAUNT, MN

SCHEDULES

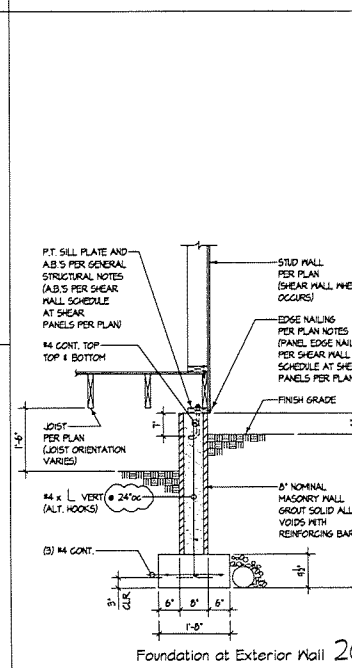
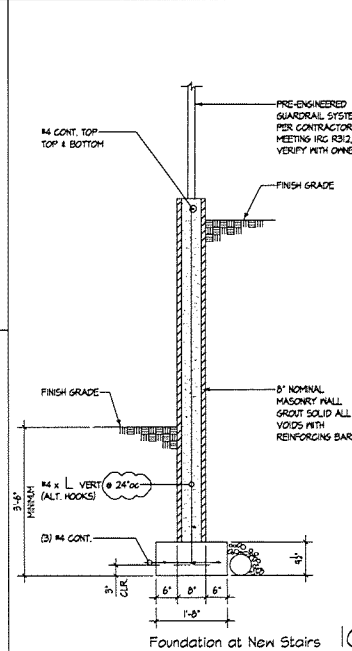
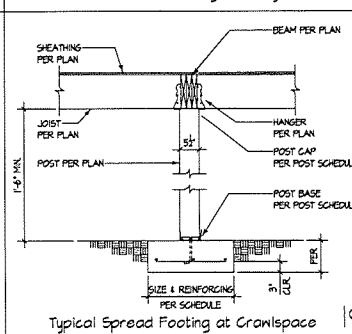
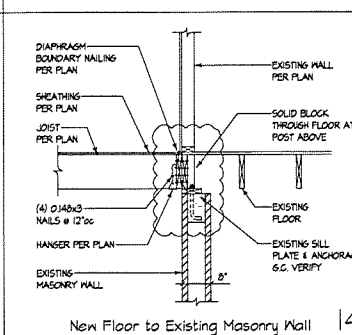
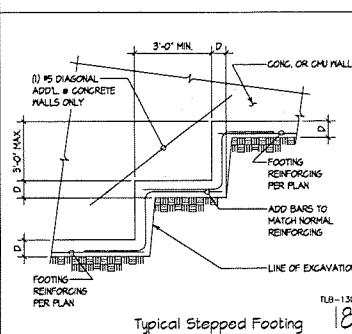
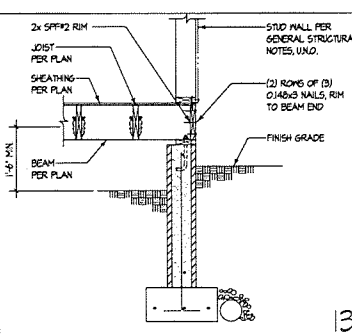
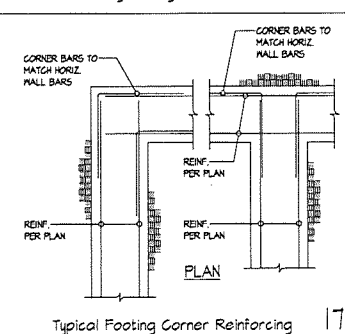
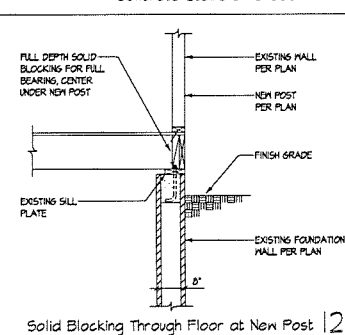
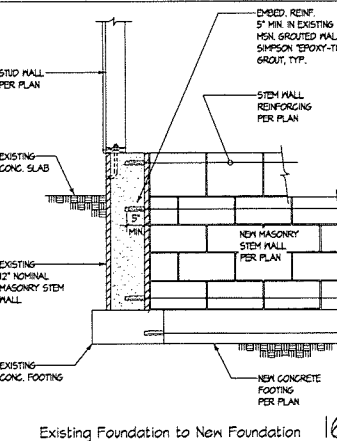
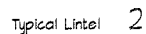
24-021	24-021
24-022	24-022
24-023	24-023
24-024	24-024

51.2





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SHEET TITLE

TYPICAL
DETAILS

24-0271

BE TENSILE BAR.

CES

SCALE:

CES

REVISIONS

CES

DRAWN BY:

WJG/SLZ

DATE PLACED

SHEET NUMBER

53.



22' Addition





22' Addition

State Farm®

3450







stairs



Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting:

AGENDA ITEM: Request by Danner, Inc. for renewal of its Small Scale Mineral Extraction Permit for 2025.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Julia Hogan, Planner	AGENDA NO. 6.b.
ATTACHMENTS: Site Location , Applicant's Narrative, Updated Site Plan , Aerial Imagery , Panoramic Imagery, Site Photos	APPROVED BY: AK
RECOMMENDED ACTION: Motion to continue the Public Hearing until the Planning Commission Meeting on January 28, 2025, so that the applicant can provide the City results on haul-back material testing.	

BACKGROUND

SUMMARY

Applicant & Property Owner(s):	Marlon L. Danner of Danner, Inc.
Location:	4594 145 th Street East – one half mile east of US Highway 52 and one quarter mile south of CSAH 42
Area:	75 Acres
Comp. Guide Plan Designation:	LDR Low Density Residential; MDR – Medium Density Residential; HDR – High Density Residential
Current Zoning:	A-2 - Agricultural

The Planning Commission is being asked to consider an application from Danner, Inc. requesting renewal of their annual small-scale mineral extraction permit for the 2025 calendar year. The small-scale mineral extraction operation is located at 4594 145th Street East in the eastern portion of the City. Small Scale Mineral Extraction is permitted in the city as an Interim Use within specified areas, and the permit for this mineral extraction site expires after one year. The Danner site has been operating as a mine for several years, and the request for renewal is consistent with similar renewals that have previously been issued for the site.

Staff is not aware of any significant issues associated with site mining and haul-back since the last review. Please note that the approved permit allows the applicant to perform grading work in the northern portion of the site, outside the approved mining area. While this work is acceptable under the terms of the permit, the applicant should ensure there is adequate fill and topsoil remaining for reclamation of the mining site. After requesting a modification to the phasing of the grading work that was ultimately approved by the City, the work commenced five years ago and has been part of the

ongoing mining and reclamation operation being conducted on the site. All such grading is taking place in the “Phase 1” grading area adjacent to County Road 42. It does not appear that much, if any, additional material was placed in the Phase 1 fill area in 2023 and that area has been stabilized with vegetation.

The applicant did provide an updated status map with their submittal materials which verified that mining is not occurring below the 840’ elevation requirement of their permit. As part of the approved 2024 permit for mineral extraction, there was a condition that stated that testing of all haul-back material brought to the site must be completed and results submitted to the city by May 2024. The city has not received those results as of now and staff is recommending that this request be continued until the January 28, 2025, Planning Commission Meeting so that the applicant can provide staff with those results.

BACKGROUND

The Danner operation extracted approximately 40,000 tons of sand and gravel in 2014 and approximately 65,000 tons of material for each year from 2015 through 2017. For 2018 and 2019, the applicant reported the extraction of 60,000 tons of material and this was the case for 2020 as well. 2021 saw about 30,000 tons removed, and 22,000 tons were removed in 2022. In 2023 20,000 tons of material was removed and in 2024 the applicant stated that approximately 25,000 tons of sand and rock were removed from the site. For 2025 the applicant notes that they plan to be extracting 60,000 cubic yards of material from the site.

In addition to the excavation activity, Danner continues to import material to the site for future reclamation. Over the past year, the applicant reports that there were 10,000 cubic yards of “haul-back” material brought to the site from a combination of local government road improvement projects and other redevelopment projects in the area. Testing of this material has not been performed since 2018; at that time the annual review included a report describing the testing performed by Braun Intertec on this haul-back material in late 2016 and early 2017. Braun Intertec’s testing found that the soils “meet the requirements of the 2014 Conditions for Small Scale Mineral Extraction Permit for Danner and the Borrow Pit Reclamation Protocol, along with complying with the MPCA guidance for Best Management Practices for the Off-Site reuse of Unregulated Fill.” The material brought to the site over the past few years originated in the same stockpiles from Danner’s South St. Paul yard. Given the relatively small amount of material brought to the site in recent years, and the fact it was coming from the same location, there hasn’t been a sense of urgency to have testing completed. Staff included a condition in the 2024 mineral extraction permit that the haul back testing would need to be done and results submitted to the City by May 2024. Staff has yet to receive those results and the applicant is aware those results are required.

The active mining is shown to be continuing in the southernly portions of Phases One, Two and Three. Based upon the plan and site inspection, stockpiling is occurring in the northern portion of Phase one and two. The attached 2024 pit status drawing illustrates the area outlined in blue is a combination of stockpiling, circulation, and material handling activity. This work area is greater than just the mining function.

The application previously stated that little restoration is occurring on the site due to stockpiling of material. Staff recommended that some restoration work be completed in 2020 and 2021. The project

narrative indicates that some filling has been occurring on the southern property line, and the updated aerial imagery for the property does show that restoration continues to be completed in the southeast corner of the mine. In general, the City expects reclamation to occur as mining reaches the approved elevations, and staff is recommending that this restoration continue in 2025. The applicant has started to run out of room for excavation in the first two phases and will need to continue restoration work in these phases while moving forward into Phase 3. Filling and sloping from east to west has been occurring.

During the previous reviews, staff noted that there was storage taking place on the property unrelated to the mining activity. The permit was therefore updated in 2017 to limit the number of storage trailers allowed on the property. Based on staff's site visit in 2024 and evidence from recent air photographs of the site, the applicant is following the requirement. Grading work is expected to continue throughout 2025 and must adhere to the approved grading plan (as updated to reflect the revised phasing plan). The intent of the grading is to create a level site with access from County Road 42 for future development. It is staff's understanding that some of the material is from the mining site. The property/owner will be expected to fulfill the reclamation plans using additional on-site material or bring additional topsoil etc. from off site.

ISSUE ANALYSIS

The subject property is zoned A-2 – Agricultural and meets or exceeds the applicable performance standards for small scale mineral extraction. Small scale mineral extraction is listed as an interim use within the Agricultural district. The table below details the current land use, zoning, and future land use information for the surrounding properties. These properties are all currently zoned Agricultural or Agricultural Preserve and are located within the 2030 or 2040 Metropolitan Urban Service Area (MUSA). The 2040 Future Land Use Map anticipates a mixture of residential, business park, and industrial uses in this area.

Surrounding Land Use and Zoning Information			
Direction	Current Land Use	Zoning	Guided Land Use
North	Agriculture	A-2 - Agricultural	BP – Business Park and LI – Light Industrial
South	Agriculture	A-1 - Agricultural Preserve	LDR – Low Density Residential
East	Agriculture	A-2 - Agricultural	LDR – Low Density Residential and MDR – Medium Density Residential
West	Agriculture/Mining	A-2 Agricultural	LDR – Low Density Residential, MDR – Medium Density Residential and HDR – High Density Residential

Access to the Danner mine comes from County Road 42 via a gravel road along the eastern edge of the property. This road is shared with the Bolander mine to the east. The applicant maintains a private access agreement with the neighboring property to coordinate mining levels and allow continued access to both the sites. The permit application notes that haul roads within the City will continue to be County Road 42 to State Highway 52.

The annual renewal for mineral extraction permits includes a site inspection and consultation with the Rosemount Police Department regarding any police activity. Police records noted no activity at (or calls to) the subject property in 2024.

RECOMMENDATION

Staff recommends the continuance of the renewal of the Small-Scale Mineral Extraction Permit for Danner Inc. to allow for the applicant to provide the City results of the haul-back material testing.





DANNER, INC.

843 Hardman Avenue South • South St. Paul, MN 55075
Phone: (651) 450-0830 • Fax: (651) 450-9076

November 14, 2024

City of Rosemount
2875 145th Street West
Rosemount, MN 55068

Re: Mineral Extraction Permit
PID 34-02900-010-60

In 2024 we extracted approximately 25,000 tons of Sand and Rock. In 2025 we will be extracting about 60,000 yards.

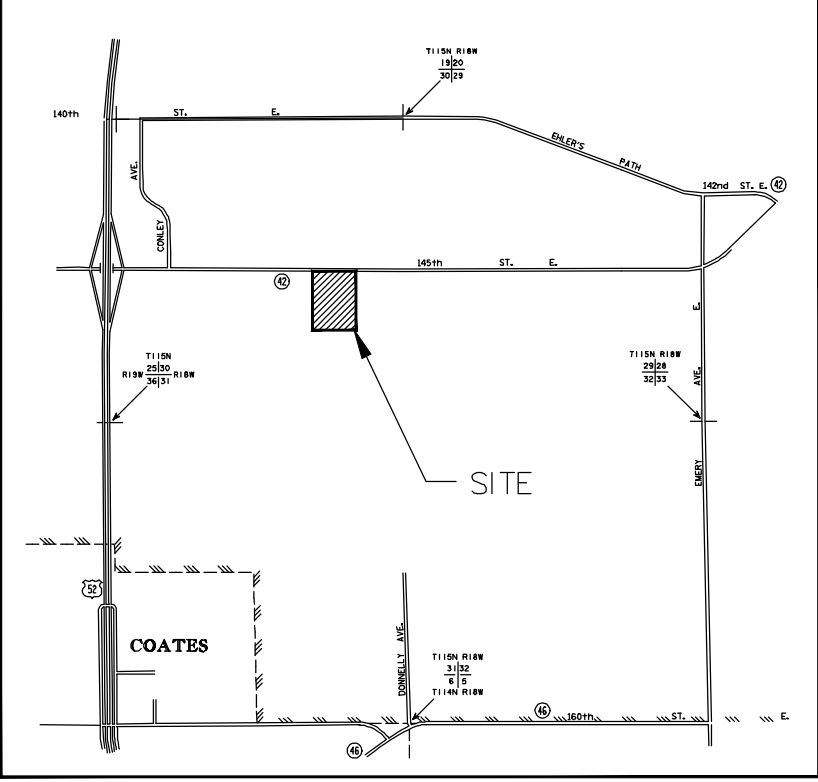
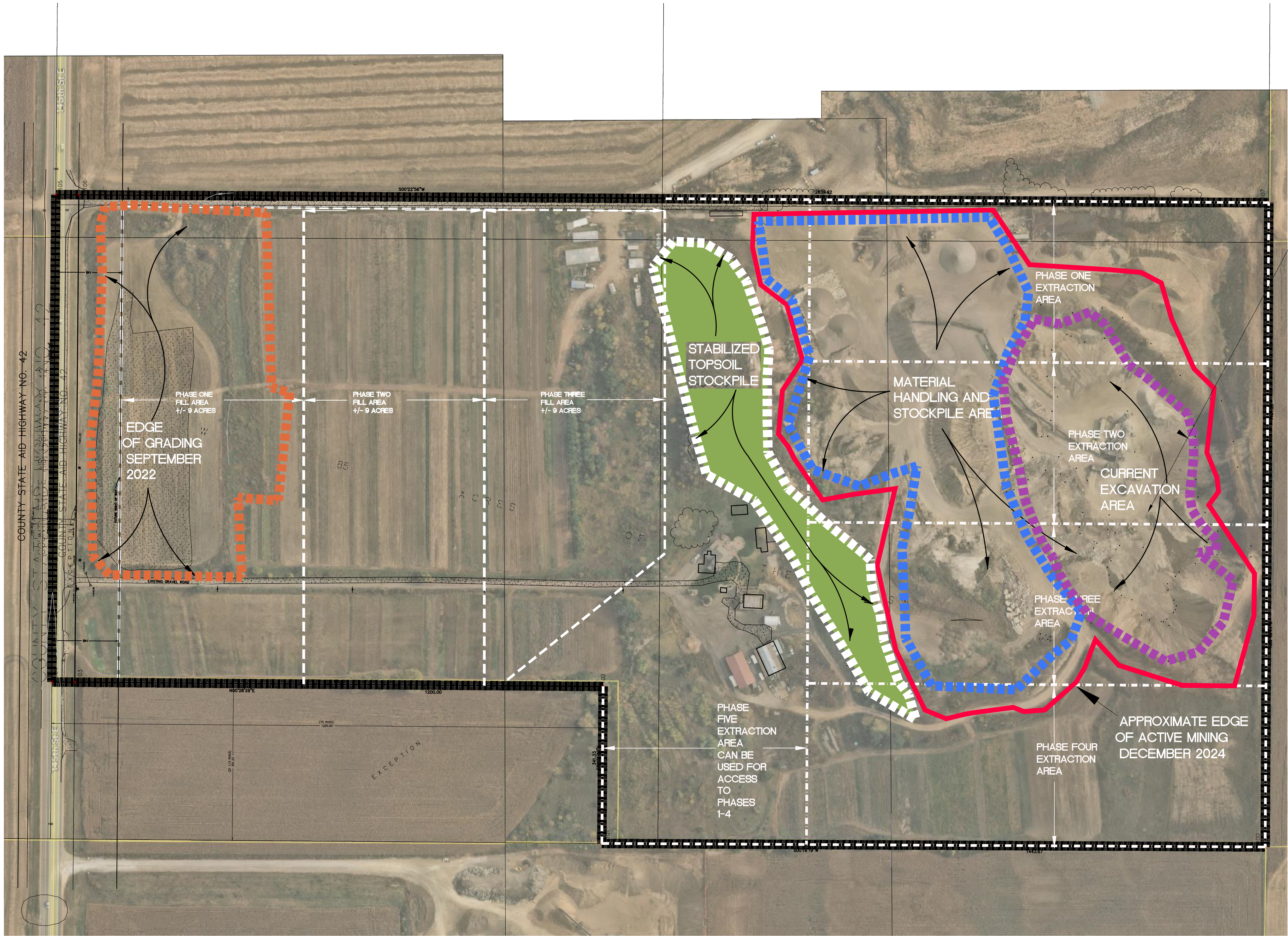
In 2024 we did not reclaim any sand or rock and are currently in the Phase 2 Plan. We stockpiled approximately 10,000 yards of excess material from our South St Paul yard. The material was hauled from our South St Paul and Mendota Heights Projects. We have started filling and sloping going East to West. Sloping on the south line is also going on and it is being filled. This operation is going to continue as we fill.

I have also enclosed a certificate of insurance, a new mineral extraction permit application and the permit fee of \$370.00. We have a continuous bond for the permit and will renew in February, 2025.

If you have any questions regarding this information, please call our office at (651) 450-0830.

Sincerely,
Danner Inc.

Bryan Chirhart
Vice President

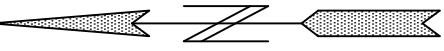


LOCATION MAP

LOWEST VERIFIED
ELEVATION: 840.01
12-10-24

LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- EXISTING WETLAND
- EXISTING TREES / TREELINE
- EROSION CONTROL
- ROCK DITCH CHECK
- EROSION CONTROL BLANKET
- ROCK CONSTRUCTION ENTRANCE
- ROADWAY IMPROVEMENTS
 - BITUMINOUS PATH
 - CURB LINE
 - STORM SEWER
 - CONCRETE WALK
 - SETBACK LINE



The information and/or renderings and maps contained herein, such as street and lot location, dimensions, areas, landscaping and amenities, are of the sole purpose of depicting a possible use of the properties, and are subject to change, no representation or warranty as to zoning, development ownership or land use of such properties is being made, and Buyers should not and will not rely on the information and/or renderings and maps or views contained herein in deciding to purchase any property, etc.

Pioneer Engineering, P.A. make no warranties or representations of any kind or character, expressed or implied, with respect to the matters depicted or covered by the rendering, drawings and other information herein.

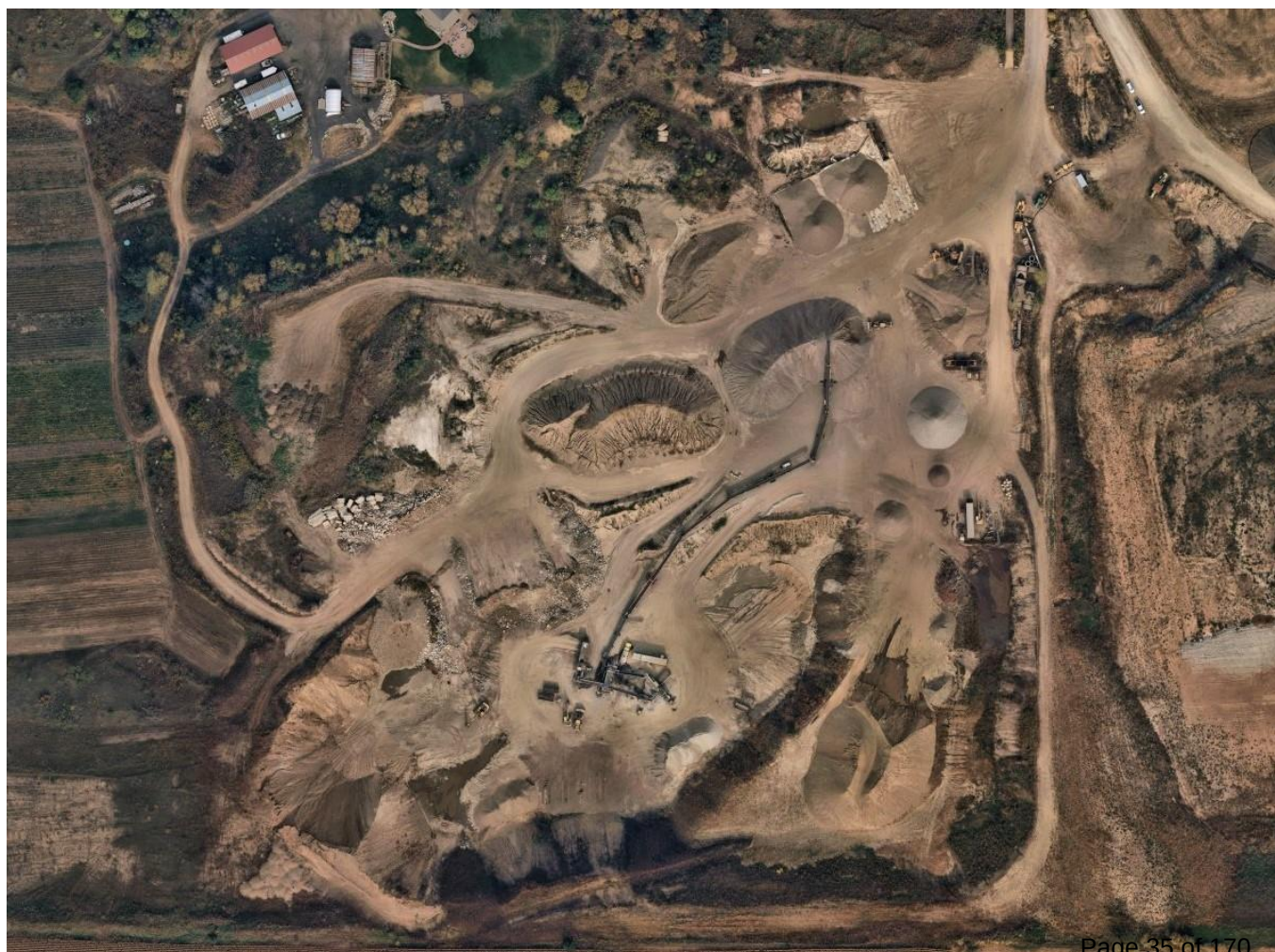
For details of existing developed areas, refer to the recorded final plat. The owners of the property shown and their successors and assigns reserve the right to make zoning, development, ownership and/or use changes for any part(s) of the properties.

The developer reserves the right to change the plans without further notice.

Subject to City and all Government approvals.

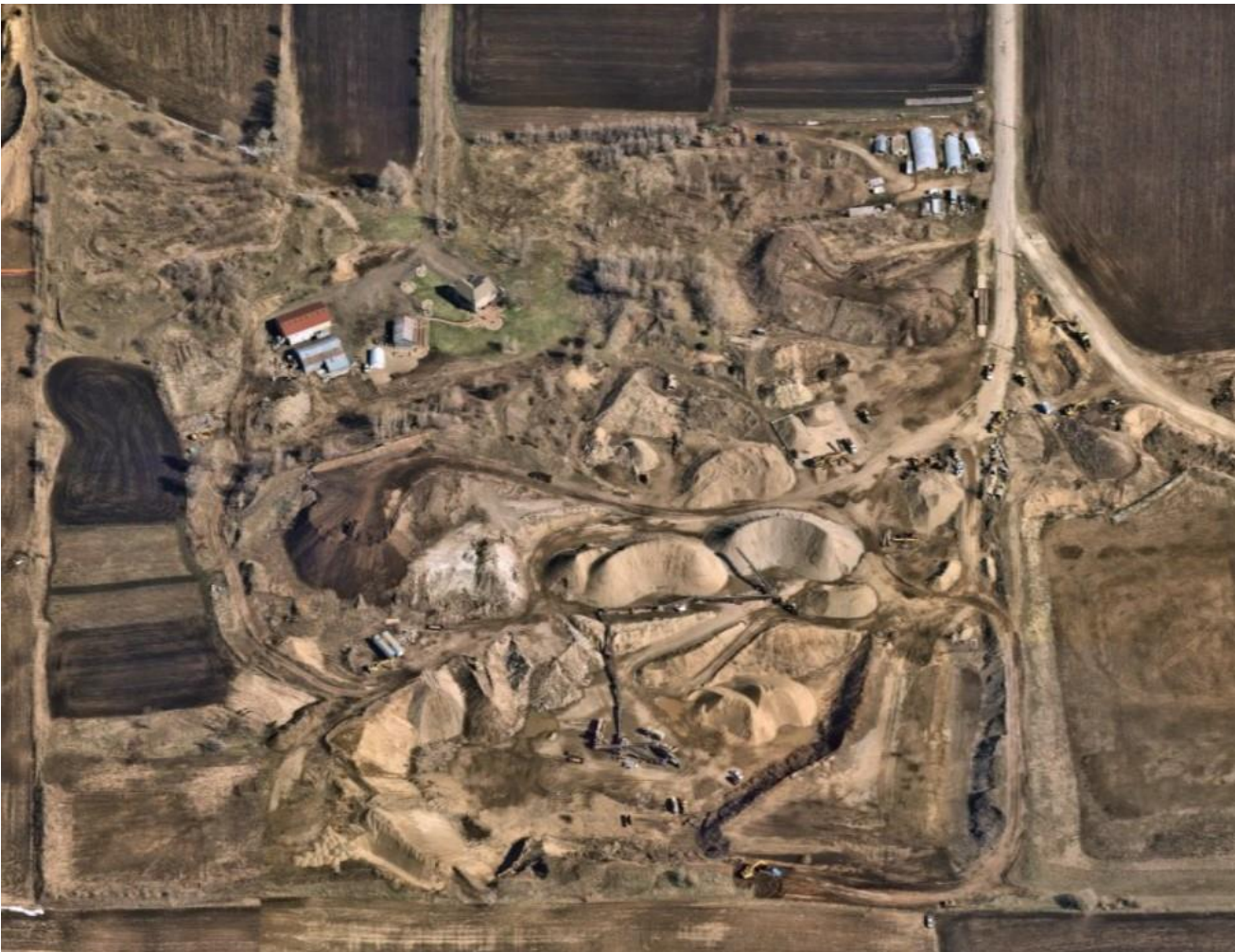


August
2023



October
2024





April
2023



April
2024







Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting: January 21, 2025

AGENDA ITEM: Request by Vesterra, LLC, and Stonex, LLC, for renewal of its Small Scale Mineral Extraction Permit for 2025.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Julia Hogan, Planner	AGENDA NO. 6.c.
ATTACHMENTS: Site Location, Draft 2025 Mineral Extraction Permit , Applicants Narrative, Updated Mining Maps, Aerial Imagery , Panoramic Imagery, Site Photos	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council approve the renewal of the Vesterra, LLC, and Stonex, LLC, Small Scale Mineral Extraction Permit for 2025, subject to the terms and conditions in the attached 2025 Conditions for Mineral Extraction.	

BACKGROUND

SUMMARY

Applicant:	Jonathan Wilmshurst of Vesterra, LLC and Stonex, LLC
Property Owner:	Flint Hills Resources
Operator(s):	Solberg Aggregates, Bolander and Sons, Frattalone Companies
Location:	South of Bonaire Path, ¼ mile west of Blaine Ave
Area in acres:	Vesterra – Northern 75 Acres along Bonaire Path Stonex – Southern 80 Acres directly south of Vesterra
Comp Plan Designation:	LI, Light Industrial
Current zoning:	A-2, Agricultural

The Planning Commission is being asked to consider an application from Jonathan Wilmshurst of Vesterra LLC/Stonex LLC to renew the the Vesterra and Stonex mineral extraction permit for 2025. The subject properties are located south of Bonaire Path, ¼ mile west of Blaine Avenue (County Road 71). The properties are owned by Flint Hills Resources, which leases them back to the applicant for mineral extraction. While Flint Hills Resources and Vesterra, LLC/Stonex, LLC are parties to the application, the responsibility for securities and compliance with the conditions remains with Vesterra and Stonex as the property lessee. Upon review of the mineral extraction standards, police records and the information submitted by the applicant, staff recommends renewal of the permit for 2025.

BACKGROUND

Three operators are currently working in the overall mining area. Solberg Aggregates and Bolander and Sons are mining the northwestern portion of the mining area, and Frattalone Companies are operating in the southeast corner of the site. The 2025 mine plan shows each operator mining within their designated areas with each active mining area falling within the allowed mining area of 19 acres. The 2025 permit will be the fifth time all three operators were listed on the application materials, with the first year being in 2021. When Frattalone was added as an operator in the mine area, the applicant revised the haul route to allow a circular traffic pattern with trucks entering from Bonaire Path to the north and exiting along the farm road to Blaine Avenue to the east.

The applicant received their last permit renewal in January 2024. According to the applicant, mining activity increased in 2024 from the previous year. Approximately 60,000 yards were removed from the Bolander operation, 10,000 yards from the Solberg operation and 50,000 yards from the Frattalone operation totaling around 120,000 yards of material removed from the site. No fill was brought into the site, which is consistent with prior years. Mining will continue to advance west in the northern portion of the site and will continue south in the southern portion of the site with a minor amount of stripping as depicted in the 2025 mine plan. Reclamation has proceeded on the east end of the Vesterra pit floor as shown in the mine plan with a small amount of reclamation occurring in 2024. The applicant has stated that they intended for more reclamation to occur during 2024 but with work being done to install a water main in County Road 42 it used much of that area during the season, and they ran out of time in the fall. There are plans for 2 to 3 areas of reclamation to occur in the spring of 2025.

Currently, more than 10.1 acres have been reclaimed on site. The open acres for the entire site went from 16.8 acres to 19.3 acres but the applicant stated that this is not necessarily a fair assessment of the overall site condition as much of the open floor becomes quickly revegetated with straggly growth even though it is technically not reclaimed yet. The applicant is confident that due to the overall grades and conditions of the site that they will not have an issue with material being washed out of the site, entering water bodies, or blowing around.

ISSUE ANALYSIS

Standards for Small Scale Mineral Extraction are detailed in Section 11-6-4 M. of the City Code. A summary review of the subject property is provided below with detailed conditions of operation listed in the attached Draft 2025 Conditions for Mineral Extraction Permit. The operation of this use meets or exceeds the applicable performance standards for small scale mineral extraction subject to the conditions listed in the attached permit. Staff has toured the site and checked with the police to ascertain whether there were any complaints relating to the mining operation. The site visit illustrated that the mine appears to be operating in compliance with the permit; there were no public complaints cataloged with the police for 2024.

The subject property is zoned A-2 – Agricultural. Small scale mineral extraction is listed as an interim use within this district. The table below details the zoning, current land use, and future land use information for the surrounding properties. The sites to the west, south, and east are located within the current Metropolitan Urban Service Area (MUSA). It should be noted that some of the agricultural uses include associated residential uses and the applicant has a farming tenant operating on a portion of the subject property outside the active mining area.

Surrounding Land Use and Zoning Information			
Direction	Current Land Use	Guided Land Use	Zoning
North	Agriculture	Agriculture	A-2 Agricultural
South	Agriculture	Business Park Community Commercial (Part of the west half)	B-2 – Employment
East	Agriculture	Light Industrial	A-2 Agricultural
West	Agriculture	Low Density Residential	A-2 Agricultural

Starting in 2020, traffic flow was switched so that all incoming traffic is routed through the northern entrance along Bonaire Path, while outgoing traffic follows the existing farmstead access road west to Blaine Avenue (County Road 71). This reconfiguration of traffic comes from the commencement of mining in the southern portion of the site immediately west of the existing farmstead (the Frattalone Area), which previously all access to the mine occurred at a gated entrance at the northeast corner of the Vesterra property along Bonaire Path. This flow change reduces truck traffic on Bonaire Path, and provides more direct access to County Road 42.

The applicant is leasing the property which runs through 2025. If the applicant and property owner determine that the lease will not be extended beyond that date, an updated reclamation plan should be submitted taking into account that mining activity will be truncated. The east end of the leased property, where there is no active mining taking place, was released from the lease with Flint Hills Resources for the installation of solar panels in that area.

RECOMMENDATION

Staff recommends renewal of the Vesterra LLC and Stonex LLC Mineral Extraction Permit for 2025 based upon review of the information submitted by the applicant, the mineral extraction standards in Section 11-6-4 M. of the City Code, City Police records and the attached draft permit.



Mineral Extraction Permit
20254 Conditions for Mineral Extraction
Permit VESTERRA, LLC and STONEX, LLC

- A. By their signatures below, Vesterra, LLC and Stonex, LLC (hereinafter collectively referred to as the "Property Lessee") and Flint Hills Resources (herein after "the Property Owner") consent to these conditions, binding themselves and their successors, heirs or assigns to the conditions of this permit. Vesterra, LLC and Stonex, LLC are jointly and severally liable and responsible for compliance with all conditions of this permit and all requirements of law relating to the licensed activities. Mineral Extraction is an Interim Use in the Agriculture District of which the permit area is a part according to Ordinance B, the City of Rosemount Zoning Ordinance Regulations. Property Owner consents to entry onto the Subject Property by the City, the City's employees, agents, and contractors, as needed to inspect the work of the permit, enforce the conditions of the permit and undertake any work needed to comply with permit conditions including mine closing and reclamation.
- B. This permit is granted for the area designated as Solberg Phase 1, Bolander Phases 1 and 2, and Frattalone Phase 1 on Exhibit 1 Present Conditions and 20254 Mine Plan.
- C. The completion date of the overall mineral extraction process including site reclamation shall be no later than December 31, 2025 for the northern 75 acres, the Vesterra site. The completion date of the overall mineral extraction process including site restoration shall be no later than December 31, 2026 for the southern 80 acres, the Stonex site. The term of this permit shall extend from January 1, 20254 until December 31, 20254 unless revoked prior to that for failure to comply with the permit requirements. A mining permit fee of \$370.00 shall be paid to the City of Rosemount.
- D. All required permits from the State of Minnesota, County of Dakota and City of Rosemount (hereinafter "City") or any of their agencies shall be obtained and submitted to the City prior to the issuance of the permit. Failure by the Property Lessee to comply with the terms and conditions of any of the permits required under this paragraph shall be grounds for the City to terminate said mining permit.
- E. The final grading for the permit area shall be completed in accordance with the grading plan (Conceptual End Use Plan dated 1/13/05) labeled Exhibit 3, which is attached hereto, or as approved by the City Engineer, and any other conditions that may be imposed by the City from time to time.
- F. All gravel trucks and other mining related traffic shall enter the mining area from Bonaire Path (County Road 38) and exit via the private drive to Blaine Avenue. It shall be the Property Lessee's responsibility to obtain any access permits or easements necessary for ingress and egress. The location of the accesses and/or easements for ingress and egress shall be subject to approval by the City, as well as

the Dakota County Highway Department or the Minnesota Department of Transportation if applicable or if any changes occur relative to the mining process. The current locations of the access driveways are indicated on the Present Conditions and 2025⁴ Mining Plan. Warning signs including “Trucks Hauling” shall be installed at the Property Owner’s expense as needed in accordance with Dakota County requirements. Any street improvements to Bonaire Path, County Road 71 or CSAH 42 necessary to accommodate the generated traffic shall be the sole responsibility of the Property Lessee.

- G. A plan for dust control shall be submitted to and subject to approval by the City. The Property Lessee shall clean dirt and debris from extraction or hauling operations related to the Mineral Extraction Permit from streets. After the Property Lessee has received 24-hour verbal notice, the City may complete or contract to complete the clean-up at the Property Lessee’s expense. In the event of a traffic hazard as determined by the City Administrator (or their designee) or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Property Lessee’s expense without prior notification.
- H. The surface water drainage of the mining area shall not be altered so as to interfere, contaminate, or otherwise impact the natural drainage of adjacent property.
- I. No topsoil shall be removed from the site and the Property Lessee shall take necessary measures to prevent erosion of the stockpiled topsoil. The location of the stockpiled topsoil is located on Present Conditions and 2025⁴ Mine Plan.
- J. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of the Property Lessee.
- K. All costs of processing the permit, including but not limited to planning fees, engineering fees and legal fees, shall be paid by the Property Lessee prior to the issuance of the permit. The Property Lessee shall reimburse the City for the cost of periodic inspections by the City Administrator or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. The Property Lessee agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
- L. The daily hours of operation for the mining area shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday subject to being changed by the City Council.
- M. The Property Lessee shall deposit with the Planning Department a surety bond or cash deposit in the amount of Seven Thousand, Five Hundred Dollars per acre (\$7,500.00/acre) for any active phase in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to ensure performance of all requirements of this agreement and City ordinances by Property Lessee. The required surety bonds must be:

- (1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.
- (2) Satisfactory to the City Attorney in form and substance.
- (3) Conditioned that the Property Lessee will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Administrator (or his designee) or any other City officials.
- (4) Conditioned that the Property Lessee will secure the City and its officers harmless against any and all claims, or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the Property Lessee.
- (5) The surety bond or cash deposit shall remain in effect from January 1, 202~~5~~⁴ until July 31, 202~~5~~⁴.

Upon thirty (30) days' notice to the Property Lessee and surety company, the City may reduce or increase the amount of the bond or cash deposit during the term of this permit in order to insure that the City is adequately protected.

- N. The Property Lessee shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, and at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars for injury or death of more than one person arising out of one occurrence and property damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, 202~~5~~⁴ until July 31, 202~~5~~⁴.
- O. No processing or mixing of materials shall occur on the site, except as approved by the Dakota County Environmental Management Department as incidental to a sand and gravel mining operation. Any such activities will be enclosed with snow or cyclone fencing or as approved by City staff. Construction of any ponding areas, wash plants or other processing or equipment brought to the site shall require additional site and grading plan information subject to review and approval of the City Engineer.
- P. The Property Lessee and the Property Owner shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The Property Lessee shall indemnify the City for all costs, damages or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.

- Q. The Property Lessee and the Property Owner shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.
- R. Complete mining and reclamation is required in all phases before any additional mining is authorized. Modifications or expansion of the mining areas must be approved in writing to the City. Property Lessee shall submit to the City annually a written report indicating the amount of material extracted from the site for the prior 12-month period.
- S. The Property Lessee shall incorporate best management practices for controlling erosion and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.
- T. The City of Rosemount shall have the ability to collect independent soil samples
- U. Reclamation shall include the replacement of the entire stockpile of topsoil on the mined area, reseeding and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control. The minimum depth of topsoil shall not be less than two inches after reclamation. Topsoil for reclamation shall conform to specifications on file with the City. No restored slopes may exceed a gradient of 25% or four to 1 (4:1).
- V. The Property Lessee must show how materials stockpiled for recycling will be processed and inform the City of all stockpiled materials.
- W. The Property Lessee may not assign this permit without written approval of the City. The Property Lessee will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless the Property Lessee gives sixty (60) days prior written notice to the City of termination and surrenders the permit to the City. The Property Lessee shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.
- X. The Property Lessee shall maintain a “stock” gate (or equivalent) at the entrance to the property where the mining operation is located. The gate must be secured at 7:00 p.m. and at any time the pit is not in use.
- Y. There shall be no “haul-back” of materials from any other property or job site that would be imported to the property for fill or other purposes other than incidental concrete recycling as referred to in paragraphs O, V and FF; and topsoil imported for the purpose of re-establishing turf as accepted by the City.
- Z. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of “jake” or engine brakes (except in emergency situations) or other such activities that result in excessive noise.

- AA. The Property Lessee shall comply with directions from the City Engineer.
- BB. A landscaping plan shall be prepared subject to approval by City Staff, for the purpose of providing vegetative screening within the setback areas of the various phases of the mining area. Said landscaping shall be installed according to City standards, prior to commencement of operations within an adjacent phase area.
- CC. No retail activity is permitted on the site. Materials imported to the site are limited to materials to be recycled and mixed with aggregate extracted from the site and topsoil for reestablishing ground cover or turf.
- DD. Off-site mining connected with the reconstruction of County Road 38 or construction of Connemara Trail shall require separate project approval by the City Council. The site reclamation plan with proposed grades and future street alignments is subject to approval by the City Engineer.
- EE. The storage of equipment (unrelated to the sand and gravel mining and processing), manure, construction debris, or hazardous materials of any kind shall not be permitted on site. The placement of construction debris, manure, asphalt or hazardous materials in any form within the pit as fill shall be strictly prohibited.
- FF. The fill area re-grading and reclamation shall follow the procedures described in the Stonex LLC and Vesterra LLC Reclamation Protocol Rosemount, Minnesota. Stonex, LLC and Vesterra, LLC shall compact the entire reclamation site to a minimum compaction of 95% of maximum dry density. Reports shall be submitted to the City by August 1st and February 1st describing any fill importation from January 1st through June 30th and July 1st through December 31st respectively. The bi-annual reports submitted shall describe the quantities of material brought in, where the material came from, and the test results, including supporting analytical results of the materials.

IN WITNESS WHEREOF, Vesterra, LLC and Stonex, LLC hereby consents and agrees to the foregoing conditions of said mining permit this _____ day of _____, 20____.

Vesterra, LLC and Stonex, LLC

By: _____
Jonathan J. Wilmshurst, Owner

STATE OF MINNESOTA)
)**ss**
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20 ____, by Jonathan J. Wilmshurst, the Owner of Vesterra, LLC and Stonex, LLC

Notary Public

IN WITNESS WHEREOF, Flint Hills Resources, hereby consents and agrees to the foregoing conditions of said mining permit this _____ day of _____, 20____.

Flint Hills Resources

Its

[illegible]

The forgoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, Flint Hills Resources, Its _____, the Property Owner, on behalf of the company.

Notary Public

Vesterra, LLC and Stonex, LLC

Revised Annual Mining Permit Renewal Request for 2025

November 18, 2024

This has been a much more active year with approximately 60K yards removed from the Bolander operation, 10K yards from the Solberg operation, and 50K yards at the Frattalone operation.

The attached plan shows how the existing Solberg and Bolander mining operations continue to advance slowly to the west on the northern Vesterra parcel. Frattalone operates on the southern Stonex parcel and has advanced the mine face to the south along with a minor amount of stripping. Overall, the operations have changed little from last year in terms of footprint or loss of active farmland.

All storm water is collected in the stormwater pond at the east end of the Vesterra parcel or in the floor of the pit on the Stonex parcel. No storm water leaves either property, but rather evaporates or infiltrates. Mining does not approach the water table which is approximately thirty feet below the floor of the pit. The end-use plan has the final floor of the pit climbing at a 1% grade toward the southwest corner.

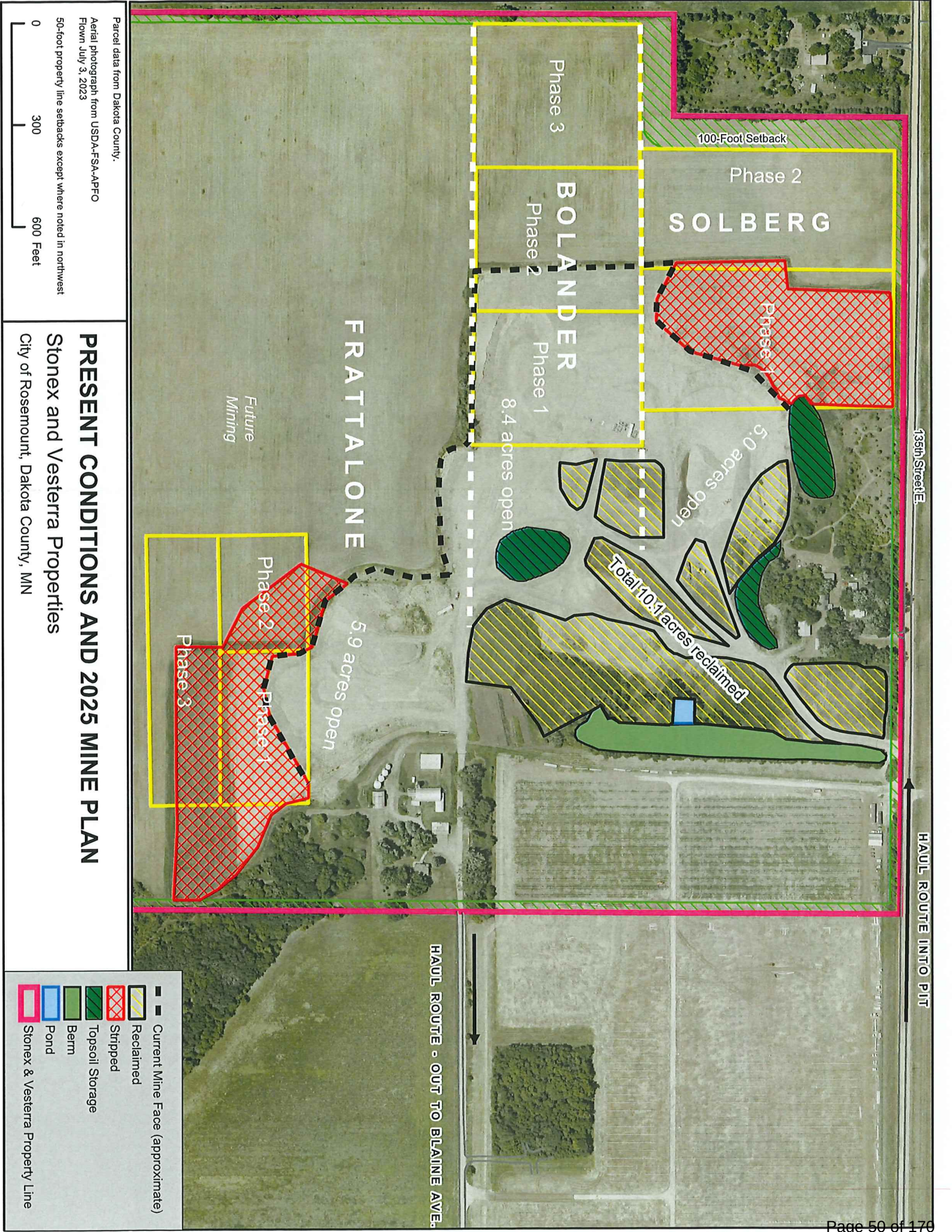
Reclamation has proceeded on the east end of the Vesterra pit floor as the mine plan shows. A small amount of reclamation has occurred this year, with stockpiles of black dirt ready to do more in the future. The operators have done a good job of coordinating their activities.

All inbound trucks enter on Bonaire Path, and all outbound trucks exit on the farm road east of the old Kraft farmhouse onto Co Rd 71. This traffic flow is shown on the attached plan. This flow minimizes structural loading on Bonaire Path, while maximizing public safety. The operators continue to do a good job of improving the condition of the exit road.

Dust control measures will be employed as follows: regular reclamation and planting/seeding of berms and pit floor will keep exposed soils to a minimum, and roads will be sprayed with water as necessary. In addition, the much lower elevation of the mine floor with the trees and vegetation that have sprouted in earlier areas of activity have been steadily reducing the exposed pit floor.

No fill materials were imported onto the site this year.

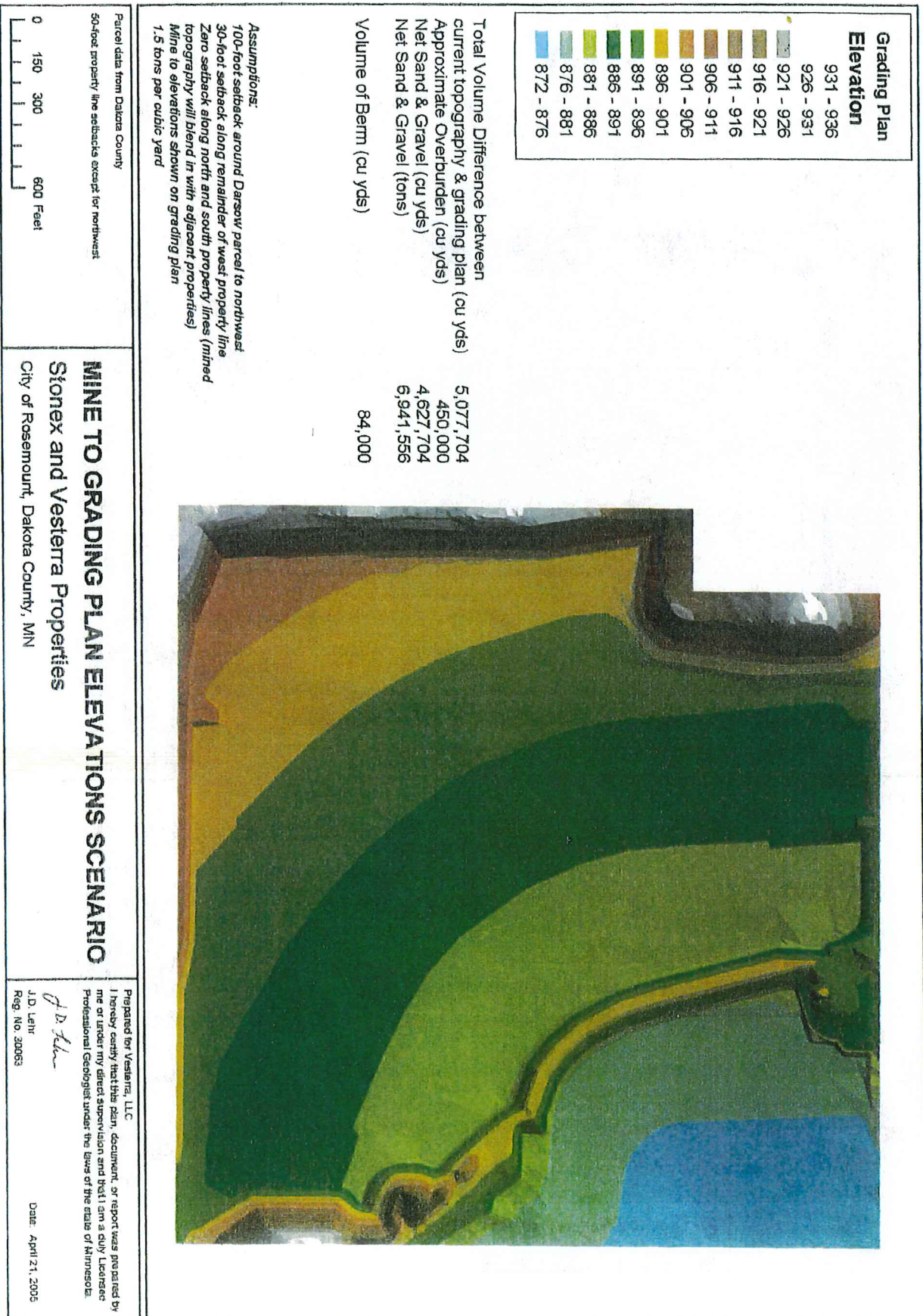
Vesterra/Stonex thanks the Rosemount Planning Commission and City Council for its consideration of this application for renewal.



PRESENT CONDITIONS AND 2025 MINE PLAN

Stonex and Vesterre Properties

City of Rosemount, Dakota County, MN





August 2023



October 2024





April 2023



April 2024





Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting: January 21st, 2025

AGENDA ITEM:	Request by Carl Bolander and Sons, LLC for renewal of a Small Scale Mineral Extraction Permit for 2025 and 2026	AGENDA SECTION:	PUBLIC HEARINGS
PREPARED BY:	Liz Kohler, Community Development Technician	AGENDA NO.	6.d.
ATTACHMENTS:	Site Location, Draft 2025 Mineral Extraction Permit, Applicant's Narrative, Site Plan, Aerial Imagery, Site Photos	APPROVED BY:	AK
RECOMMENDED ACTION: Motion to recommend City Council approve the renewal of the Carl Bolander & Sons, LLC Small Scale Mineral Extraction Permit for 2025 and 2026, subject to the terms and conditions in the attached 2025 Conditions for Mineral Extraction.			

BACKGROUND

Applicant: Carl Bolander and Sons, LLC
 Property Owner(s): Otto Ped Revocable Trust (c/o Karin Larsen), Grace Kuznia, and Kimberly Ped
 Location: 4992 145th St East
 Area in Acres: 80 acres
 Mining Area: 55 acres
 Comp. Guide Plan Designation: BP - Business Park, MDR - Medium Density Residential, and LDR - Low Density Residential
 Current Zoning: A2- Agricultural

The applicant received their first annual permit as operators of the mine in 2017. Over the course of their first year approximately 180,000 cubic yards were exported from the site, which was off-set by a similar amount being hauled back to the site from projects for use in restoration of the pit. By the middle of 2018, all the Phase 1 mining area had been brought up to the final elevations in accordance with the adopted reclamation plan. Since then, the applicant mined within Phases 2 and 3 while bringing in fill for site restoration for Phases 1 and 2. In 2019, the applicant reported removing 204,730 cubic yards of material from the site while hauling in 214,698 cubic yards for restoration. In 2020, 251,110 cubic yards were removed from the site and 151,369 cubic yards were brought to the site. 2021 saw a significant decrease in numbers compared to the previous few years with 100,790 cubic yards of material removed from the site and 23,370 cubic yards brought to the site. In 2022, 65,000 cubic yards of material were removed from the site and 111,756 cubic yards of backfill was brought to the site. In 2023, 13,000 cubic yards of material were removed from the site and 23,450 cubic yards of backfill was brought to the site. Phases 1 and 2 have been fully restored with most of Phase 3 as well. In 2024, 90,800 cubic yards were removed from the site and 107,480 cubic yards were brought in.

For 2025, the applicant is forecasting to haul between 75,000 to 150,000 cubic yards of sand next year from the site. Work is expected to continue in Phase 4, with mining above and below the final restoration grades occurring in those areas. The applicant notes that they will not exceed the maximum of 50,000 cubic yards of required fill below restoration grades on the site in 2025. The applicant has not provided compaction test results for 2024, but has assured staff the testing is scheduled and will be completed for review prior to the City Council meeting.

ISSUE ANALYSIS

The subject property is zoned A2 – Agricultural and meets or exceeds the applicable performance standards for small scale mineral extraction. Small scale mineral extraction is listed as an interim use within the Agricultural district. The table below details the current land use, zoning, and future land use information for the surrounding properties. None of the sites are located within the current Metropolitan Urban Service Area (MUSA), but are located within the 2030 or 2040 MUSA. The 2040 Future Land Use Map anticipates a mixture of residential and business park uses in this area.

Surrounding Land Use and Zoning Information			
Direction	Current Land Use	Guided Land Use	Zoning
North	Agriculture	CC – Community Commercial, BP - Business Park, LI – Light Industrial	Agricultural
South	Agriculture	LDR – Low Density Residential	Agricultural Preserve
East	Agriculture	CC – Community Commercial, MDR – Medium Density Residential, LDR – Low Density Residential	Agricultural
West	Agriculture/Mining	MDR – Medium Density Residential and LDR – Low Density Residential	Agricultural

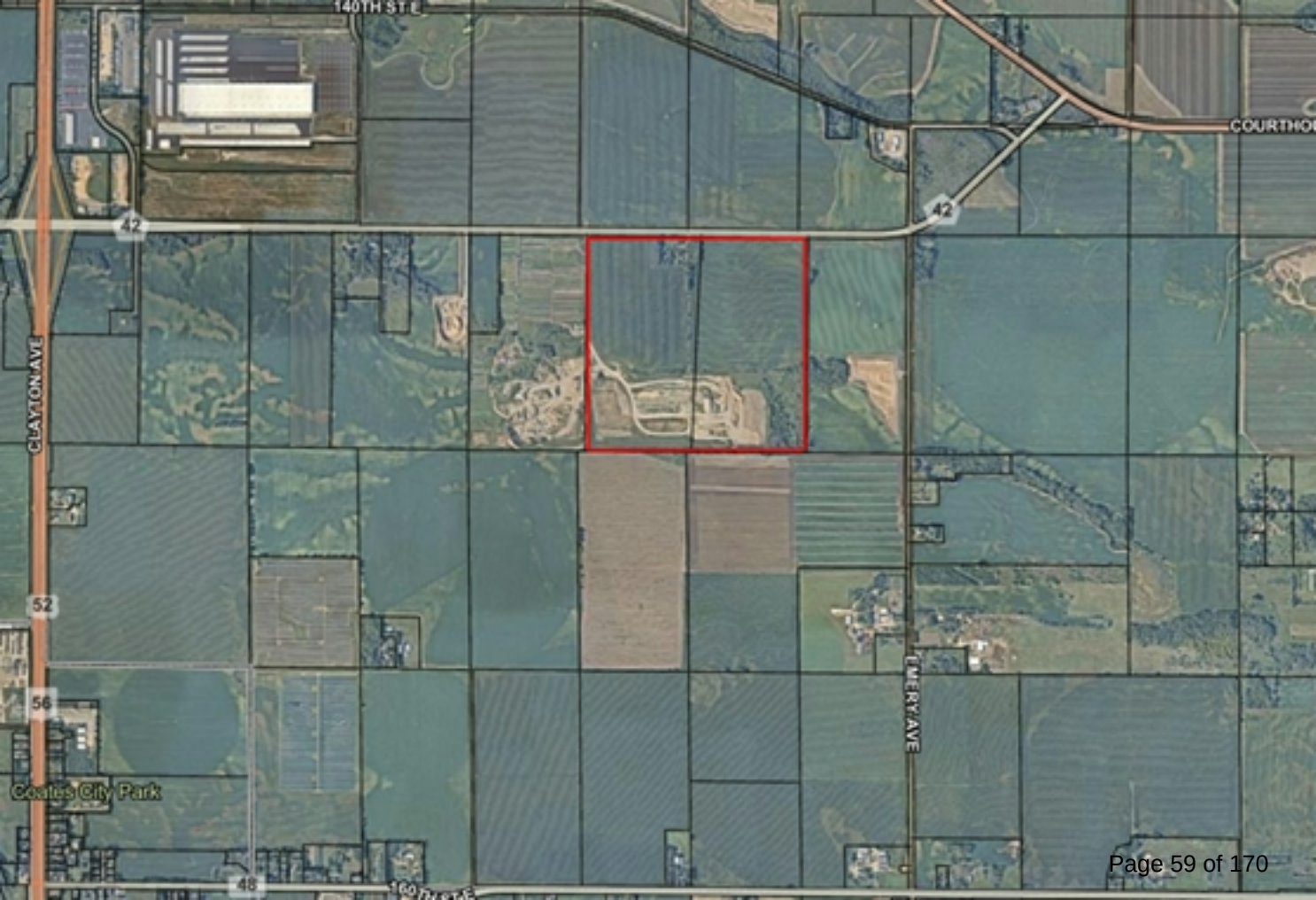
The Ped/Kuznia mine is accessed by a joint access road with the Danner mine on the western edge of the Ped property line. The applicant maintains a private access agreement with Danner to coordinate mining levels and allow continued access to the site.

As a part of the annual review of all mineral extraction permits, staff performs an inspection of the site and consults with the Rosemount Police Department regarding any police activity. No ordinance or permit condition violations were apparent during the inspection, and ground cover has been established on all restored areas. Police records found no incidents at the subject property during 2024.

RECOMMENDATION

Staff recommends renewal of the Small Scale Mineral Extraction Permit at the Ped/Kuznia properties

for Bolander and Sons for 2025 and 2026 based upon a review of the information submitted by the applicant, the mineral extraction standards in Section 11-6-4 of the City Code, City Police records and the attached draft permit.



Small Scale Mineral Extraction Permit

20242025 and 2026-Conditions for Small Scale Mineral Extraction Permit Renewal

Bolander and Sons (PED-KUZNIA)

- A. Bolander and Sons (hereinafter the “Operator”) shall sign a written consent to these conditions binding itself and its successors and assigns to the conditions of this permit. Karin L. Larson, Kimberly K Ped and Grace Kuznia (hereinafter the “Owner”) shall sign written acknowledgment and consent to these conditions and to issuance of this permit in the form set forth at the end of these conditions.
- B. The property Owner shall comply with all terms of this permit as well as the standards for mineral extraction listed in Section 11-6-4 M.41-10-04 of the City Code.
- C. This permit is granted for the area designated as ~~Phase 3 and~~ Phase 4 as shown on the Phasing Plan dated 10-23-2024 10-26-2023. The active mining and excavation area cannot exceed 19.5 acres open at any one time and only 50,000 cubic yards can be open below the reclamation grades consistent with the approved Plan, at any one time. The establishment of vegetation is required within all completed reclamation areas.
- D. The term of the permit shall extend from January 1, 20242025-until December 31, 20242026 unless revoked prior to that for failure to comply with the permit requirements. A mining permit fee of \$370.00 shall be paid to the City of Rosemount.
- E. All required permits from the State of Minnesota, County of Dakota and City of Rosemount (hereinafter "City") or any of their agencies shall be obtained and submitted to the City prior to the issuance of the permit. Failure by the Operator to comply with the terms and conditions of any of the permits required under this paragraph shall be grounds for the City to terminate said mining permit.
- F. The final grading for the permit area shall be completed in accordance with the submitted Proposed Reclamation Plan dated 08-04-2022 11-01-2016. An 8% grade for the public road corridor which allows access into the site consistent with public road standards is required through site reclamation.
- G. All gravel trucks shall enter and exit the mining area from County State Aid Highway 42 (CSAH 42) from the joint access between the Danner and Ped properties and the designated truck route to (and from) the site shall be CSAH 42, west to State Trunk Highway 52 (STH 52), north on STH 52 to the City boundary. It shall be the Operator’s responsibility to obtain easements for ingress and egress. The location of the accesses and/or easements for ingress and egress shall be subject to approval by the City, as well as the County Highway Department or the Minnesota Department of Transportation if applicable or if any changes occur relative to the mining process.

- H. A gate must be placed at the driveway entrance that shall be secured after hours. The operator shall also install and maintain “No Trespassing” signs consistent with the standards outlined in Minnesota State Statute 609.605.
- I. The Operator shall clean dirt and debris from extraction or hauling operations related to the Mineral Extraction Permit from streets. After the Operator has received 24-hour verbal notice, the City may complete or contract to complete the clean-up at the Operator's expense.
- J. The surface water drainage of the mining area shall not be altered so as to interfere, contaminate, or otherwise affect the natural drainage of adjacent property.
- K. No topsoil shall be removed from the site and the Operator shall take necessary measures to prevent erosion of the stockpiled topsoil. The location of the stockpiled topsoil shall be indicated on Exhibit A, the Mining Plan.
- L. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of the Operator.
- M. All costs of processing the permit, including but not limited to planning fees, engineering fees and legal fees, shall be paid by the operator prior to the issuance of the permit. The Operator shall reimburse the City for the cost of periodic inspections by the City Public Works Director or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. The Operator agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
- N. The daily hours of operation for the mining area shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday subject to being changed by the City Council.
- O. The Operator shall deposit with the Engineering Department a surety bond or cash escrow in the amount of Seven Thousand Five Hundred Dollars per acre (\$7,500.00/acre) of active phase in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to assure compliance with these conditions by the Operator. The required surety bonds must be:
 - 1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota with the right of the surety company to cancel the same only upon at least thirty (30) days written notice to the permit holder and the City.
 - 2) Satisfactory to the City Attorney in form and substance.
 - 3) Conditioned that the Operator will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the Public Works Director or any other City officials.
 - 4) Conditioned that the Operator will secure the City and its officers harmless against any and all claims, or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the Operator.

- 5) The surety bond or cash escrow shall remain in effect from January 1, ~~2024~~ 2025 until July 31, ~~2025~~ 2027.
- 6) Upon thirty (30) days' notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash escrow during the term of this permit in order to insure that the City is adequately protected.
- P. The Operator shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, bodily injury liability in an amount of at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars and property damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, ~~2024-2025~~ until July 31, ~~2025~~ 2027.
- Q. Processing and crushing of materials are permitted on the site in accordance with the Sand and Gravel Mining Plan and Backfill Plan dated ~~October 2024~~ November 2018. No additional processing or production of materials may occur on the site and construction of any ponding areas or wash plants shall require additional City Council approval and notification of adjacent property owners, except as approved by the Dakota County Environmental Health Department as incidental to a sand and gravel mining operation. Any such activities will be enclosed with cyclone fencing, or as approved by City staff, and the fencing shall be properly maintained.
- R. The Operator and the Owner shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The Operator and the Owner shall indemnify the City for all costs, damages or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.
- S. The Operator comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.
- T. Modifications or expansion of the mining areas must be approved in writing by the City.
- U. The Operator shall incorporate best management practices for controlling erosion and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.
- V. The Operator shall receive all applicable permits and follow all appropriate regulations of all federal, state, or county agencies.
- W. The Proposed Reclamation Plan shall be coordinated with any abutting Mineral Extraction site to insure matching conditions and final grades along any adjoining property line(s) to the greatest extent possible. Reclamation shall include the replacement of the entire stockpile of topsoil on the mined area, reseeding and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control. The minimum depth of topsoil shall not be

less than two inches after reclamation. Reclamation of the site must be consistent with the Council approved reclamation plan to ensure future development potential of the site.

- X. The storage of equipment (unrelated to the sand and gravel mining and processing), manure, construction debris, or hazardous materials of any kind shall not be permitted on site. The placement of construction debris, manure, asphalt in any form or hazardous materials within the pit as fill shall be strictly prohibited.
- Y. The fill area regrading and reclamation shall follow the procedures described in the Sand and Gravel Backfill Protocol dated 2016 including an annual report submitted to the City describing the quantities of material brought in, where the material came from, and the test result of the material including supporting analytical results.
- Z. Mining to the elevation of 840 feet above mean sea level is allowed provided that the site is reclaimed to the elevation shown on the Proposed Reclamation Plan dated 11-01-2016. Should haul-back be brought to the site, it must comply with the Sand and Gravel Backfill Protocol dated January 2016. In no instance shall mining occur in the groundwater aquifer.
- AA. Blasting or the use of explosives is prohibited in the mining of Bolander and Sons operation.
- BB. The City of Rosemount shall have the ability to collect independent soil and water samples.
- CC. The applicant shall submit the results of the scheduled compaction testing, with time for staff to review and approve them, prior to the City Council meeting on January 21, 2025.

Karin L. Larson, Kimberly K. Ped and Grace Kuznia, Minnesota residents and owners of the properties for which this permit is issued, hereby consent and agree to the issuance of a mineral extraction permit for said properties and to the imposition of the foregoing conditions. Owners further agree and consent to entry onto said properties by the City, its officers, agents, contractors and employees and by the surety of the bond issued in accordance with paragraph O, its officers, agents, contractors and employees to take any action deemed necessary by the City to enforce and assure compliance with the conditions of this permit and law. Owners further agree that they will not bring any claims or legal actions against the City, its officers, agents, contractors or employees for damages arising out of issuance of this permit or administration or enforcement by the City of the conditions of this permit or of law. The foregoing agreements of Owners shall run with the land of said properties and shall bind the Owners, their heirs, successors and assigns.

By: _____
Karin L. Larson

By: _____
Kimberly K. Ped

By: _____
Grace Kuznia

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Karin L. Larson, Minnesota resident and property owner.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Kimberly K. Ped, Minnesota resident and property owner.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____ by Grace Kuznia, Minnesota resident and property owner.

Notary Public

That _____ of Bolander and Sons, the operator, hereby consents and agrees to the foregoing conditions of said mining permit.

Bolander and Sons

By: _____

Its: _____

STATE OF MINNESOTA)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____
by _____ of Bolander and Sons, the operator.

Notary Public

Sand and Gravel Mining and Backfill Plan
November 2024 Year 8 Report
145th Street Sand Pit – Otto Ped Property

Submitted to:
City of Rosemount

Prepared By:
BOLANDER
Carl Bolander and Sons, LLC

251 Starkey Street
St Paul, MN 55107
(651) 224-6299

October 28th, 2024

1. Introduction

Carl Bolander and Sons, LLC (Bolander) has entered into an agreement with Otto Ped Revocable Trust (C/O Karen Larsen), Grace Kuznia, and Kimberly Ped (Land Owners) to operate a sand and gravel mining operation on two parcels of land on 145th street in Rosemount, Minnesota. Sand and gravel resources are being excavated and prepared for off-site uses. These operations include: excavation, stockpiling, screening, crushing, recycling concrete/asphalt, and loading trucks.

Bolander is mining sand and gravel for uses off site. This document has been prepared as a submittal to the City of Rosemount as part of our yearly reporting to operate the site.

The mining operation is done in accordance with the following:

- This mining and backfill plan.
- The SWPPP and NPDES requirements.
- City of Rosemount Code 11-10-4 Small Scale Mineral Extraction
- All other permits issued by the City, County, MPCA, or State.

The site shall be reclaimed in accordance with the following:

- This mining and backfill plan
- The SWPPP
- City of Rosemount Code 11-10-4 Small Scale Mineral Extraction
- Any permits issued by the City, County, or State.

2. Location and Access

The mailing address for the Dakota County Parcel ID 34-09200-50-011 is 4992 145th Street East, Rosemount, MN 55068. The Dakota County Parcel ID 34-02900-50-012 does not have a mailing address.

3. Current Phase Being Mined

We are currently mining below and above restoration grades in Phase 4.

4. Current Status of Reclamation

Please see the attached updated Topographic survey dated 10-23-2024. A significant amount of material has been imported to the site from projects, with the restriction that it is clean and free of contamination. This material is used in the restoration of the pit. Most of the pit has been restored. We have successfully hauled in the following soil quantities:

- 46,500 CY in 2017
- 178,750CY in 2018
- 214,698 CY in 2019
- 151,369 CY in 2020
- 23,370 in 2021
- 111,756 in 2022
- 23,450CY in 2023
- 107,480 in 2024 to date.

5. Amount of Material removed from the site

For calendar year to date 2024 we have exported 90,800 CY from the site. (See survey for more detail). We were successful in bidding a large public project (the Heights), development restarted at the former Ford site (Highland Bridge), and Abbott Northwestern, which drove some of the volumes during.

6. Summary of all Backfill brought to the Site during 2024 (To Date)

For the calendar year 2024 we have imported 107,480 CYLV of clean tested soils.

Analytical testing of soils is attached in electronic format.

Date Hauled	Quantity	Units	Job Number	Project Name	Project Location	Soil Type	Analytical	Quantity of Tests	Folder Name (Multiple Files)
11/1/2023 - 12/1/2023	58	CYLV	22-5670	The Lilia	871 Sibley Memorial Highway, Lilydale, MN 55118	Common	Yes	19	22-5670 The Lilia
11/1/2023 - 3/20/2024	32972	CYLV	23-6600	The Heights	Larpenteur and McKnight (Former Hillcrest Golf Course)	Common	Yes	12	23-6600 The Heights
11/7/2024 - 5/30/2024	5004	CYLV	23-7360	SICK Campus	6900 West 110th Street, Minneapolis, MN 55438	Common	Yes	5	23-7360 SICK Campus
1/12/2024 - 3/13/2024	54448	CYLV	23-7500	UST Anderson Arena	2115 Summit Avenue St Paul, MN 55105	Common	YES	41	23-7500 UST Anderson Arena
6/13/2024 - 8/29/2024	10452	CYLV	24-1250	Highland Bridge Phase 2	825 Mount Curve Blvd, St Paul, MN 55116	Common	Yes	25	24-1250 Ford Site
7/31/2024 - 8/1/2024	4546	CYLV	24-1270	United Village Sculpture	400 Snelling Avenue North, St Paul MN 55104	Common	Yes	5	24-1270 United Village Sculpture
	107480	CYLV							

7. Compaction Tests

We have completed the required compaction tests in 2023. Some soil will require compaction testing in 2024 which remains to be scheduled. Attached are electronic files of these compaction tests to date.

8. Summary of problems

No operating issues to report for 2024. No complaints received from neighbors or the community.

9. Forecasting

We anticipate utilizing 75,000 – 150,000 CY of sand next year. As far as business operation for 2024, rising interest rates has slowed the pace of commercial lending and projects. Additionally, multi-tenant housing projects in the City of Minneapolis and St Paul have slowed due to rent control issues. We will not exceed our established 50,000 CY maximum required fill below restoration grades.

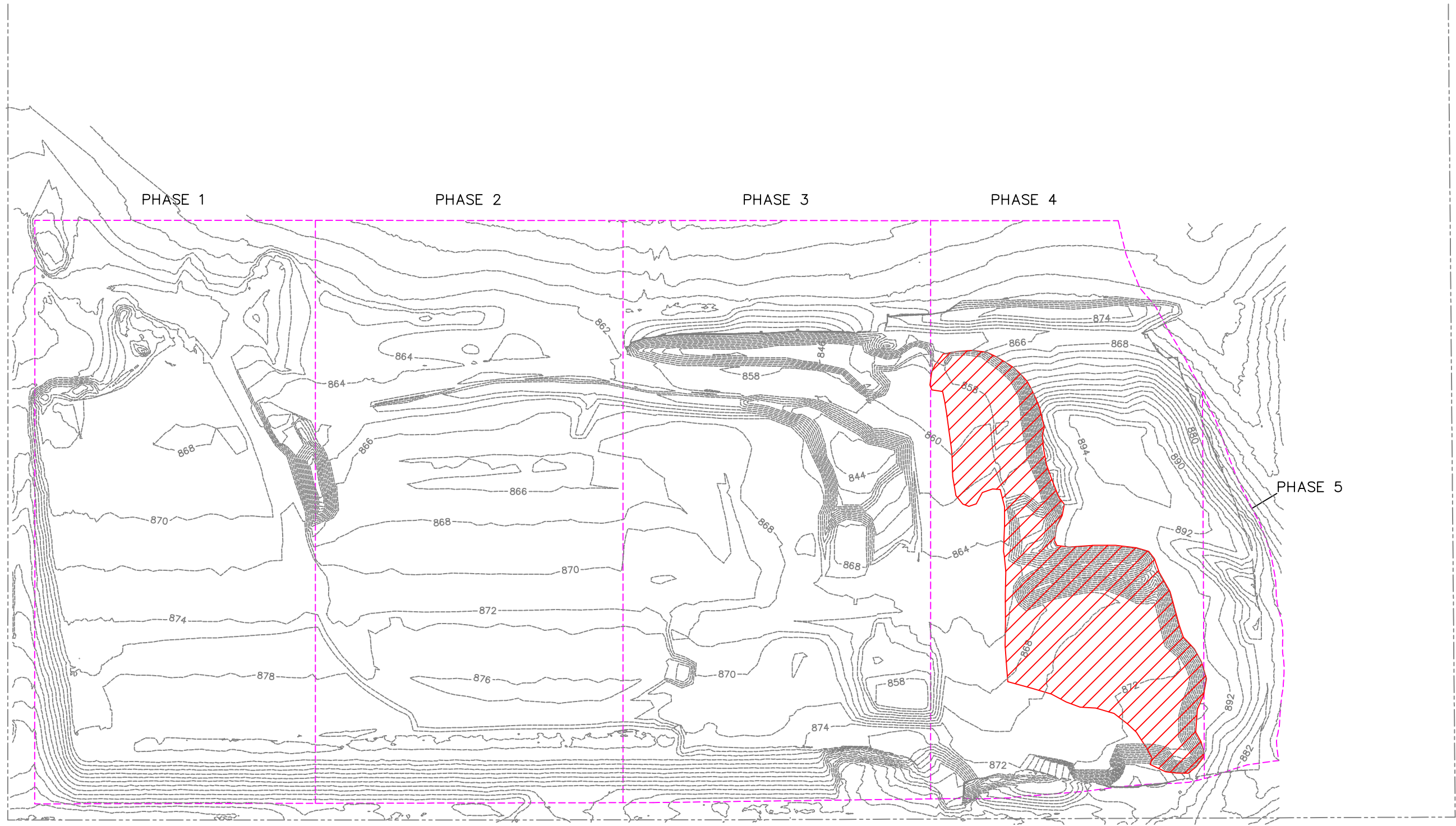
8. Reports

Bolander will provide the City of Rosemount with annual reports that cover operations taking place at the site for the previous year. These reports shall include:

- Current Phase Being Mined. (Phase 4)
- Current Status of Reclamation. (Phase 1 and 2 fully restored – most of 3)
- Amount of material being removed from the site. (90,800)
- Summary of all backfill brought to the site, including laboratory tests. (attached)
- Compaction tests for the placed backfill. (attached)
- Summary of any problems and remedies that have been implemented to solve problems identified in previous reports. (complete)
- Year ahead forecasting updates. (complete)

9. Other Requested Information

- Depth of topsoil is variable, with average of 4-6" typically
- All trees proposed for removal were removed 5 years ago.
- Depth of water table is lower– we believe 675'-680' if encountered. The water we tend to encounter is perched water at variable elevations depending if silt is present at depth.

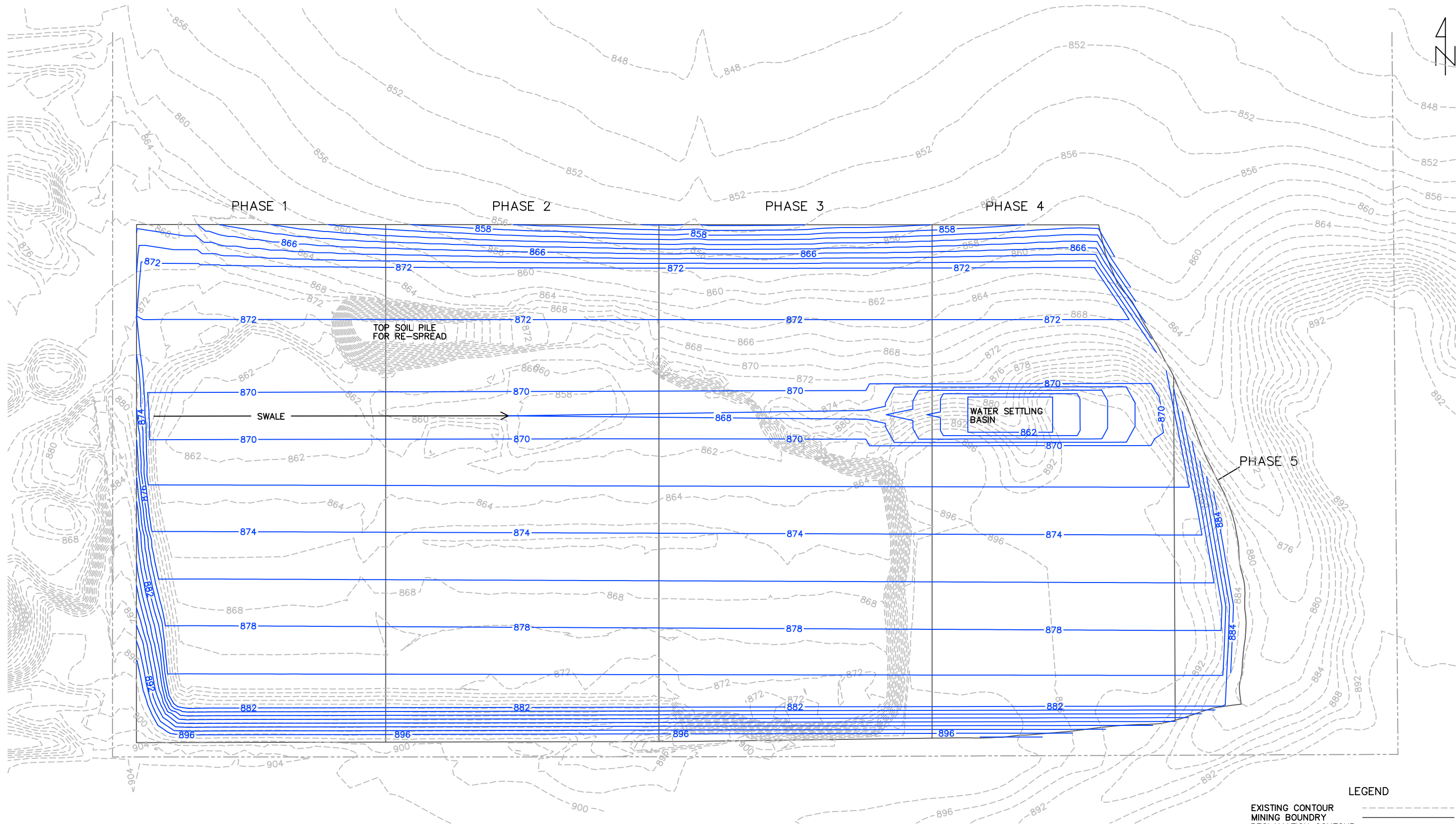


EXCAVATION QUANTITY 10-30-23 - 10-23-24
90,800 CUBIC YARDS

LEGEND

- PHASE BOUNDARY - - - - -
- PROPERTY LINE - - - - -

OTTO PED SITE	
SCALE 1"=200'	DATE 10-23-24



LEGEND	
EXISTING CONTOUR	
MINING BOUNDARY	
RECLAMATION CONTOUR	
PROPERTY LINE	

OTTO PED SITE FINAL GRADING PLAN	
SCALE 1"=200'	8-04-2022

August 2023



October 2024







Planning Commission Regular Meeting: December 16, 2024

Tenative City Council Meeting: January 21, 2025

AGENDA ITEM: Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.e.
ATTACHMENTS: Site Location, Draft Permit Conditions, Mine Plans, 2023 and 2024 Mine Aerials, Site Photos	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council renew the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026, subject to the terms and conditions in the attached Draft Conditions for Mineral Extraction.	

BACKGROUND

Applicant and property owner:	Shafer Contracting, Co. Inc.
Location:	¼ mile west of Rich Valley Blvd., 1 mile north of Bonaire Path East.
Area in acres:	93 acres total area, approximately 15 acres active in the western 100 feet of Phase 4 and all of Phase 5.
Comp Plan & Zoning:	93 acres total area, approximately 15 acres active in the western 100 feet of Phase 4 and all of Phase 5.
Extraction progress:	Phase 5 out of 7 (approximately 60% complete).
Material Removed/Hauled Back in 2023	24,227 yards removed/ 0 yards hauled back

The Planning Commission is being asked to consider a request from Shafer Contracting Company, Inc. to renew the existing Small Scale Mineral Extraction Permit for its operation located within the 12000 Block of County Road 71 (one mile north of Bonaire Path East along Rich Valley Blvd.) in the northeastern portion of Rosemount. Small Scale Mineral Extraction is permitted in the City as an Interim Use within specified areas, and the permit for such uses expires after two years. Prior to the zoning code update, the term for mineral extraction IUPs was a single year. The Shafer site has been operating as a mine for several years, and the request for renewal is consistent with similar renewals that have previously been issued for the site. The operator indicated that minimal activity has occurred at the mine site and therefore the attachments and conditions are consistent with what was approved since 2018. The mine is used solely to extract aggregate associated with Shafer Contracting projects.

BACKGROUND

Shafer has been extracting minerals from the site since 1998 and has owned the property since 2000. The applicant reports that 24,227 cubic yards of sand or gravel were removed in 2024, and there were

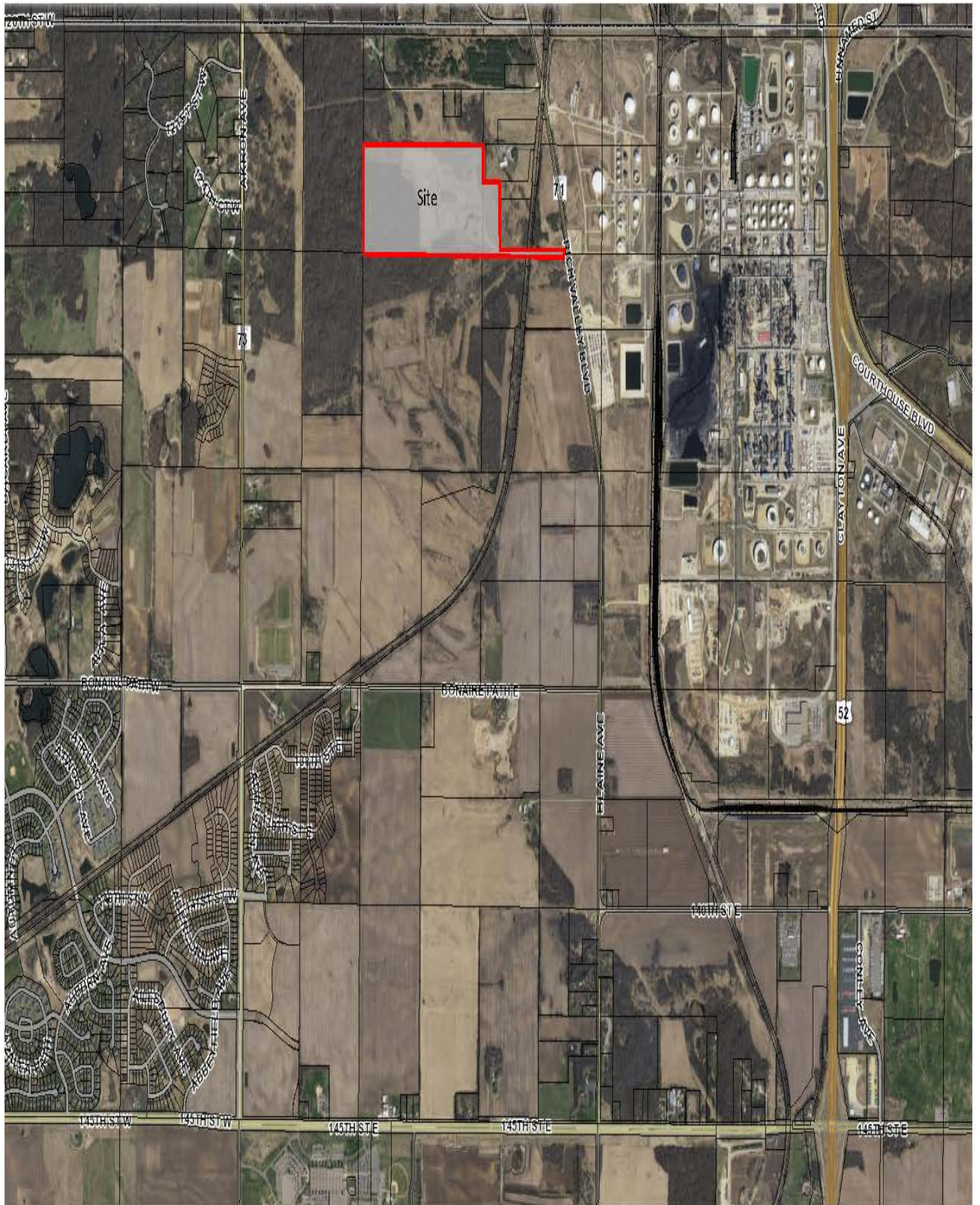
no haul-back or recycled material brought to the property over the past year. It is unclear what the expectations are for 2025, although the applicant wants to have the resource available should the need arise. The amounts extracted and brought in remain significantly lower than they were in 2022, which were 53,975 cubic yards and 32,395 cubic yards, respectively.

Shafer would continue removing aggregate from Phase 5 as identified in the Proposed Operations and Reclamation Plan and depositing haul-back material in the middle 500 feet of phases 2, 3, and 4. Haul-back operations have a low elevation of about 850 feet in phases 3 and 4 and progress up to an 875 elevation in phase 2. In 2006, the City Council approved the haul-back operation if it complied with the following standards: from a MnDOT construction project, is clean fill material, does not contain organic matter, and meets a 95% compaction threshold. Shafer previously submitted test results for the haul back material through 2015, but in recent years had asked to delay the compaction testing due to the limited amount of haul-back material brought to the site, since 2015. Compaction testing was last conducted in 2023 on material brought into the site. Since no haulback was brought in this past year, staff is not recommending that compaction testing be required as part of this renewal.

As a part of the annual review of all mineral extraction permits, staff performs an inspection of the site and consults with the Rosemount Police Department regarding any police activity. No ordinance or permit condition violations were apparent during the inspection. Police records found no incidents at the subject property during 2024.

RECOMMENDATION

The site has had relatively little mining activity over the last several years. The issue of mining and haul-back is addressed in the IUP conditions. Staff recommends renewal of the Small Scale Mineral Extraction Permit at the Shafer Contracting Co. Inc., mine for 2025 and 2026.



Small Scale Mineral Extraction Permit
2024-2025 and 2026 Conditions for Small Scale Mineral Extraction
Permit Renewal

SHAHER CONTRACTING COMPANY, INCORPORATED

- A. Shafer Contracting Co., Inc. (hereinafter "the Property Owner") signs a written consent to these conditions binding itself and its successors, heirs or assigns to the conditions of said permit.
- B. This permit is granted for the area designated as the western 100 feet of Phase 4 and all of Phase 5 (19.5 acres), on Exhibit A (Mining Operation and Phase Plan), which is attached hereto as one of the exhibits. Haul-back activities from Mn/DOT projects are permitted only within the middle 550 feet of Phase 2, Phase 3, and Phase 4 (19.5 acres), on entitled ~~Proposed 2024 Operation~~Johnson Pit 2024.
- C. The term of the permit shall extend from January 21, 2024-2025 until December 31, 2024-2026 unless revoked prior to that for failure to comply with the permit requirements.
- D. All required permits from the State of Minnesota, County of Dakota and City of Rosemount (hereinafter "City") or any of their agencies shall be obtained and submitted to the City prior to the issuance of the permit. Failure by the Property Owner to comply with the terms and conditions of any of the permits required under this paragraph shall be grounds for the City to terminate said mining permit.
- E. The final grading for the permit area shall be completed in accordance with the grading plan Exhibit B (Proposed Reclamation and End Use Plan), which is attached hereto, or as approved by the City Engineer, and any other conditions as may be imposed by the City from time to time.
- F. All gravel trucks and other mining related traffic shall enter and exit the mining area from County Road 71 (Rich Valley Boulevard). It shall be the Property Owner's responsibility to obtain any access permits or easements necessary for ingress and egress. The location of the accesses and/or easements for ingress and egress shall be subject to approval by the City, as well as the County Highway Department or the Minnesota Department of Transportation if applicable or if any changes occur relative to the mining process. The current location of the access driveway is indicated on the Phasing Plan. A stop sign shall be installed at the driveway entrance to County Road 71, in accordance with standards on file with the City or County Highway Department. Warning signs including "Trucks Hauling" shall be installed at the Property Owner's expense as needed in accordance with Dakota County requirements.

- G. A plan for dust control shall be submitted to and subject to approval by the City. The Property Owner shall clean dirt and debris from streets that has resulted from extraction or hauling operations related to the Mineral Extraction Permit. After the Property Owner has received 24-hour verbal notice, the City will complete or contract to complete the clean-up at the Property Owner's expense. In the event of a traffic hazard as determined by the City Administrator (or the Administrator's designee) or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Property Owner's expense without prior notification.
- H. The surface water drainage of the mining area shall not be altered so as to interfere, contaminate, or otherwise affect the natural drainage of adjacent property.
- I. No topsoil shall be removed from the site and the Property Owner shall take necessary measures to prevent erosion of the stockpiled topsoil. The location of the stockpiled topsoil shall be indicated on Exhibit C (Current Operations Map).
- J. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of the Property Owner.
- K. All costs of processing the permit, including but not limited to planning fees, engineering fees and legal fees, shall be paid by the Property Owner prior to the issuance of the permit. The Property Owner shall reimburse the City for the cost of periodic inspections by the City Administrator or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. The Property Owner agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
- L. The daily hours of operation for the mining area shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, subject, however, to being changed by the City Council.
- M. The Property Owner shall deposit with the Planning Department a surety bond or cash deposit in the amount of Seven Thousand Five Hundred Dollars per acre (\$7,500.00/acre) for any active phase in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to ensure performance of all requirements of this agreement and City ordinances by Property Owner. The required surety bonds must be:
 - (1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.
 - (2) Satisfactory to the City Attorney in form and substance.

- (3) Conditioned that the Property Owner will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Administrator (or the Administrator's designee) or any other City officials.
- (4) Conditioned that the Property Owner will secure the City and its officers harmless against any and all claims, for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the Property Owner.
- (5) The surety bond or cash escrow shall remain in effect from January 1, ~~2024~~ 2025 until July 31, ~~2025~~2027.

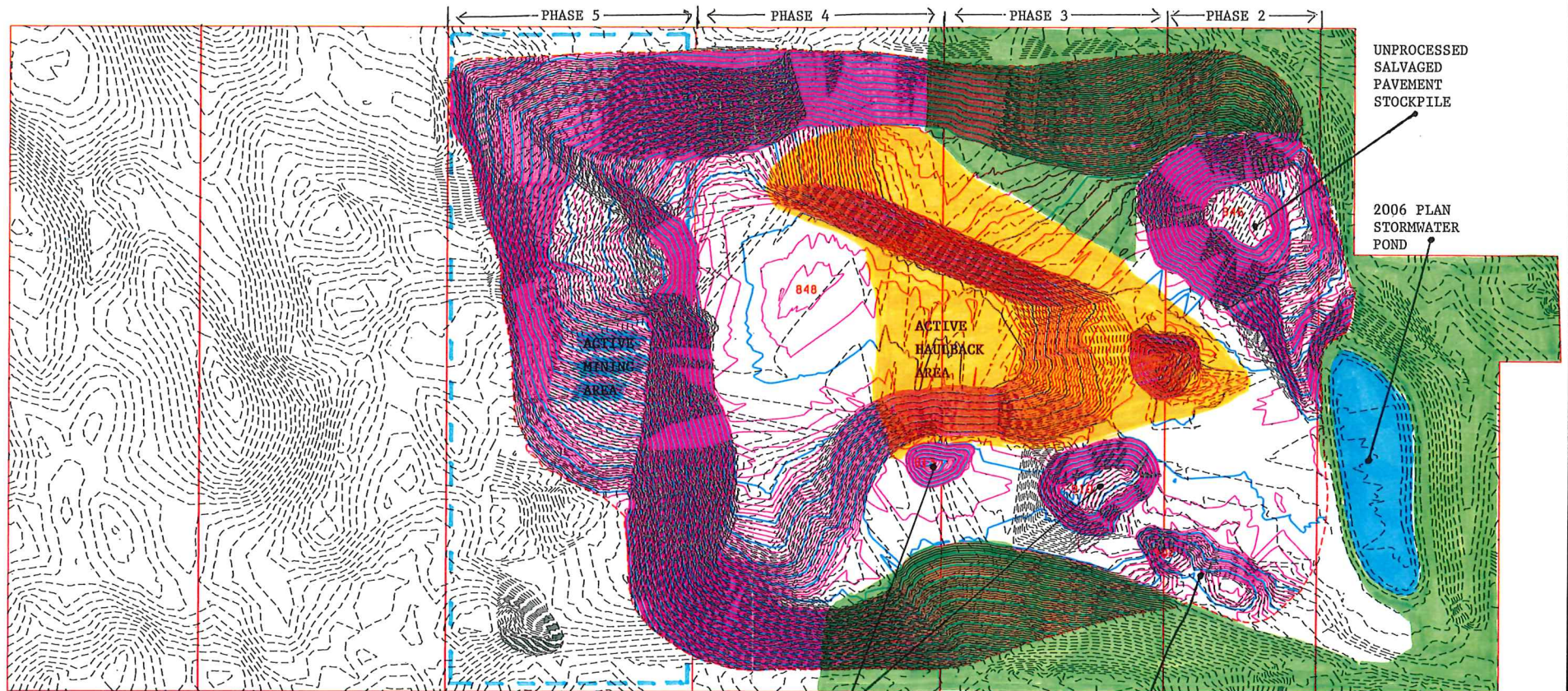
Upon thirty (30) days notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash deposit during the term of this permit in order to insure that the City is adequately protected.

- N. The Property Owner shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, and at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars for injury or death of more than one person arising out of any one occurrence and damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, ~~2024-2025~~ until July 31, ~~2025~~2027.
- O. No processing or mixing of materials shall occur on the site, except as approved by the Dakota County Environmental Health Department as incidental to a sand and gravel mining operation at which time such activities will be enclosed with snow, or cyclone fencing or as approved by City staff. Construction of any ponding areas, wash plants or other processing or equipment brought to the site shall require additional City Council approval and notification of adjacent property owners.
- P. The Property Owner shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The Property Owner shall indemnify the City for all costs, damages or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.
- Q. The Property Owner shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.

- R. Complete mining and reclamation is required in all phases before any additional mining is authorized. Modifications or expansion of the mining areas must be approved in writing to the City. Property Owner shall submit to the City semi-annually a written report indicating the amount of material extracted from the site for the prior six-month period. After said written report is submitted, the City shall perform an inspection of the site to confirm compliance with the conditions within this Mineral Extraction Permit.
- S. The Property Owner shall incorporate best management practices for controlling erosion and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.
- T. Reclamation requires the replacement of the entire stockpile of topsoil to the mined area, reseeding and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control, provided also that the minimum depth of topsoil shall not be less than two inches after reclamation. Topsoil for reclamation shall conform to specifications on file with the City. No restored slopes may exceed the gradients shown on exhibit Proposed 2024 Operation.
- U. The Property Owner must show how materials stockpiled for recycling will be processed and inform the City of all stockpiled materials.
- V. All recycling must be completed within the 280 feet of Phases 2, 3, as shown on exhibit Current Operation (2023). No recycling processes shall be allowed to continue into subsequent phases.
- W. The Property Owner may not assign this permit without written approval of the City. The Property Owner will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless the Property Owner gives sixty (60) days prior written notice to the City of termination and surrenders permit to the City. The Property Owner shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.
- X. The Property Owner shall install and maintain a “stock” gate (or equivalent) at the entrance to the property where the mining operation is located. The gate must be secured at 7:00 p.m. and at any time the pit is not in use.
- Y. There shall be no “haul-back” of materials from any other property or job site that would be imported to the property for fill or other purposes other than incidental concrete recycling as referred to in paragraphs O, U and V; and topsoil imported for the purpose of re-establishing turf as accepted by the City; and earthen fill materials from Mn/DOT projects that further meets the requirements of testing in documents by American Engineering Testing, Inc., and which is used to replace sand and gravel mined below approved finish grades.
- Z. No mining activity will occur below the elevation of 840 feet above mean sea level. In no instance shall any mining activity occur within a groundwater aquifer.

- AA. Shafer Contracting Co., Inc. shall submit quarterly to the City documentation of the American Engineering Testing, Inc. (or other City approved geotechnical testing firm) environmental and geotechnical testing with documentation verifying the source and quantity of Mn/DOT generated “haul-back” material if requested. These reports shall be provided within 14 days after the end of the quarter.
- BB. Shafer Contracting Co., Inc. shall submit an incidence report to the City within three days of any testing that fails for contamination or hazardous materials, or will not produce a normal moisture-density relationship for compaction.
- CC. Shafer Contracting Co., Inc. shall compact the entire reclamation site to a minimum compaction of 95% of maximum dry density.
- DD. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of “jake” or engine brakes (except in emergency situations) or other such activities that result in excessive noise.
- EE. Fully reclaimed areas will be permanently seeded within 14 days of final completion. All disturbed non-operating areas shall be seeded at a minimum of once per year, prior to October 1 with MnDOT seed mix 130B. Operating areas including working faces, material stockpiles, haul roads, staging areas, and active reclamation areas are not required to be seeded.
- FF. The City of Rosemount shall have the ability to collect independent soil and water samples.

JOHNSON PIT
2024



UNPROCESSED
SALVAGED PAVEMENT
STOCKPILE

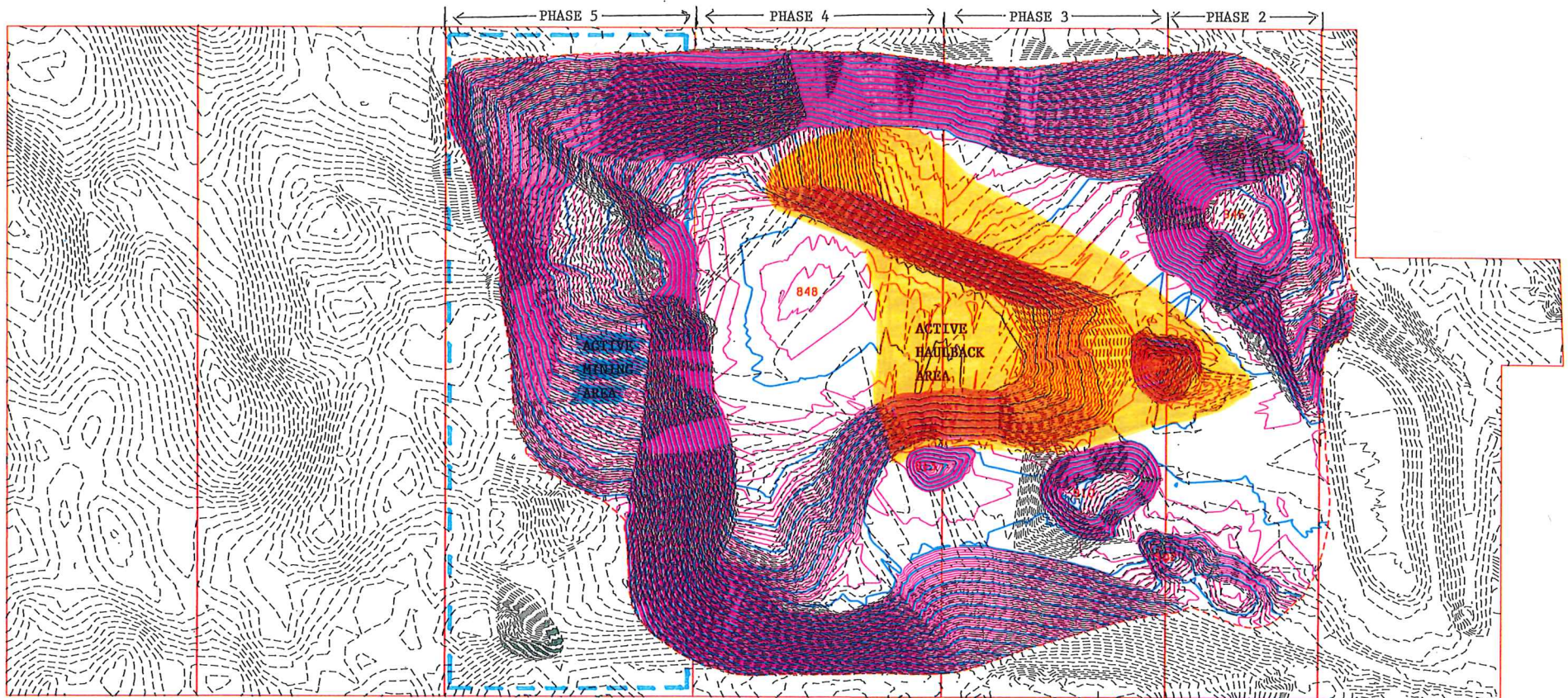
UNPROCESSED
SALVAGED PAVEMENT
STOCKPILE

2006 PLAN
STORMWATER
POND



10/21/2024

JOHNSON PIT
2024



10/21/2024







































Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting: January 21, 2025

AGENDA ITEM: Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit through 2026 and its Interim Use Permit for aggregate processing.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.f.
ATTACHMENTS: Site Location, Draft Permit, Draft IUP Resolution, Narrative, Interim Use Permit History Chart, North Mine Plan, North Mine Aerials, South Mine Plan, South Mine Aerials, Site Photos	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit through 2026, subject to the terms and conditions in the attached Draft Conditions for Mineral Extraction Permit. Motion to recommend the City Council renew the Interim Use Permit for Dakota Aggregates to operate aggregate processing and recycled aggregate products processing.	

BACKGROUND

Dakota Aggregates has applied for the annual renewal of its large-scale mineral extraction (LSME) permit and renewal of its aggregate processing interim use permit on the UMore property. An operating permit is required for all mineral extraction operations within the City, and until the zoning code update approved earlier in 2024, mineral extraction permits were renewed on an annual basis. Now, small- and large-scale mineral extraction permits have a two-year term. The applicant's interim use permit allowing aggregate processing and recycled aggregate products processing is also up for renewal because it was last renewed for a five-year term in 2019. Two other ancillary uses are being renewed this year for additional ten-year terms. Because of the interconnected nature of Dakota Aggregates' mining and processing activities, the Planning Commission is being asked to consider both renewals concurrently.

For 2025, Dakota Aggregates will increase the active mining area in the north by 8.1 acres. This is mostly due to commencing mining in sub-phase 3C north of the existing berm. The LSME permit was amended in 2024 to allow for mining in this area. In the spring of 2025, Dakota Aggregates will be turning back 6 acres of land to the University of Minnesota, bringing the total land returned to 97 acres. In the southern area where wet mining is occurring, the active mining area will increase by approximately 5.5 acres to 78.3 acres. The reclaimed, open water area continues to expand as well, and the lake is now over 35 acres in area.

Applicant:	Dakota Aggregates, LLC
Owner:	University of Minnesota
Location:	Northwest quadrant of Station Trail and CSAH 46 and south of CSAH 42
Mining Area:	131.64 acres total area; 53.34 acres (dry mining) and 78.30 acres (wet/dry mining)
Comp Plan and Zoning	Future Land Use: LDR Low Density Residential, MDR Medium Density Residential, and CC Community Commercial in North Dry Mining Area and Agricultural Research in South Mining Area. A1-Agriculture Zoning for all subject property.
Extraction progress	12 Phases (7partial) of 16

Legal Authority

The approval of LSME Permits and Interim Use Permits is quasi-judicial in nature, meaning that if the application meets the requirements of the City Code, interim use permit regulations, and conditions of the large-scale mineral extraction permit, then the application must be approved. Staff supports the approval of both the LSME permit and the Aggregate Processing IUP, finding them to be substantially in conformance with the approved LSME permit and the interim use permit regulations with recommended conditions.

The purpose of interim use permits like the LSME permit and the aggregate processing IUP is to provide an opportunity for the City Council to review the operation, gather public comment, and modify any permit conditions as necessary to address adverse impacts and changing conditions, and to revise the phases and/or sub-phases of mine in which active mining can occur.

History

The City of Rosemount approved a Large-Scale Mineral Extraction Permit for Dakota Aggregates in late 2012. This action established the overall zoning permit for the mining and extraction activities that were planned for the property. Since the initial site approval, the applicant (or other parties working with the applicant) has brought forward requests for the various interim uses allowed under the ordinance and mining permit. The applicant has also received approval for the annual renewal of the mineral extraction use in subsequent years. In order to clarify the approvals that have been granted for the site, staff has prepared the attached Interim Use Permit summary chart that highlights the annual reviews completed for the operation.

The current request is twofold. First, the applicant is requesting the renewal of the mineral extraction permit. Secondly, the applicant is seeking renewal of the IUP for its aggregate and recycled aggregate materials processing operation occurring on the site. This IUP was approved with a term of 5 years. There are two other ancillary uses whose IUPs are up for renewal this year. Each of those carries a term of 10 years. At its meeting in November, the Planning Commission reviewed the request by Minnesota Paving and Materials for the renewal of its IUP, and the Commission is reviewing Cemstone's renewal request during tonight's meeting.

Four years remain for Dakota Aggregates to complete mining and restoration of the northern mining

area, which must be complete by the end of 2028. Mining and ongoing reclamation activities continue on pace to finish by the deadline even with the expansion of mining north of the existing berm. So far, 97 acres have been reclaimed and turned back over to the University. Aerials showing the change from last year as well as the reclamation activity are attached to this report. The northern haul road was decommissioned in 2021, and aggregate is no longer being sold and hauled out of the northern mining area. The loading and hauling of materials from this area had been the source of noise complaints due to the sound generated by trucks' back-up alarms and the slamming of tailgates. While mineral extraction is still occurring in the north mining area, it's being conveyed to the south for processing.

The applicant is not requesting any changes to the hours of operation approved with previous permits.

Mineral extraction operations are permitted for up to 24 hours each day. Loading and hauling had been permitted in the north mining area between the hours of 6:00 AM -10:00 PM Monday through Friday and Saturday 7:00 AM – 7:00 PM, but as stated, no longer occurs. The following is a brief summary of the operating hours that have been approved with previous permits. The current request is consistent with the hours of operation in place since 2014.

Year	Activity	Hours	Notes
2014-2024	Wet/Dry Mining including conveyor system (both north and south mines)	24 hours/7 days a week	
2014-2021*	Loading and Hauling (north mining area)	M-F 6-10 Sat. 7-7	24 hour operation allowed for no more than 3 public projects (MnDOT) per year.
2015-2024	Aggregate Processing (located in south ancillary use area)	24 hours/7 days a week	
2015-2024	Loading and Hauling (southern processing area and south mine)	24 hours/7 days a week	

*Loading and hauling in the north mining area ceased in 2021.

During the Planning Commission's review of the current LSME permit at its meeting in December 2024, staff informed the Commission that the term of mineral extraction permits would change to a biennial review with the zoning code update that was adopted earlier in 2024. This change was incorporated into the code. Going forward, large- and small-scale mineral extraction permits will begin to be approved for two-year terms with a truncated administrative review in off years.

The proposed permit is similar to the permit approved in the past few years. The applicant received approval in 2021 to expand into Phase 3 of the northern mining area, which allows the applicant to focus on completing the extraction in the northeast corner of that mining area, which is closest to the Amber Fields development. Once completed, this will provide some separation between areas of active mining and potential new development. In 2024, two additional sub-phases were approved north of the existing berm. This area will be mined concurrently with the site work and construction of the new middle school. Ultimately, this area will be reclaimed (filled) using the berm so that when dry mining in the northern portion of the overall site concludes in 2028, it will be ready for development. That

applicant will continue to draw down the sand stockpile in sub-phase 1A which currently contains 8,650 tons of sand, a reduction of over 46,000 tons from the last renewal.

The south mining area will see continued dry mining in phase 10A, and the applicant will continue expanding the active dry/wet mining area to the west. Overall, the active mining area will increase slightly as the applicant continues to expand westward. Starting in 2020, Dakota Aggregates brought in a dredging barge and related equipment (conveyors) to continue mining from the surface of the open water until the lowest permitted elevation is achieved. The open water is considered reclaimed even though mining continues to occur at the bed of the lake as that is the final state shown on the reclamation plan. The reclaimed area has increased from 28 acres to over 35 acres.

Staff has reviewed the operating permit conditions for 2024 and is recommending minor amendments in order to update this document for 2025 and 2026 based on the applicant's recent submission. Please note that the 24-hour allowance for aggregate processing activity is again requested as part of the proposed five-year interim use permit extension that, if approved, would be valid through the year 2029.

Mining Operation – Update

As part of its annual report to the City, the applicant provides an updated phasing map reflecting work completed during the previous calendar year(s) and the areas expected to be mined in the coming year. The report also includes up-to-date information concerning the amount of materials that have been processed or stockpiled within the mining site. No sand or gravel is sold from the north mining area. It is all conveyed to and sold from the south. For 2024, Dakota Aggregates reported the following (all quantities in tons):

- Aggregate materials sold from the north dry mining area: 0 (no change)
- Aggregate stockpiles on site in the north dry mining area: 8,650 tons of sand (a reduction of 46,000 tons)
- Aggregate material sold: 1,418,045 (decreased from 1,763,234 in 2023)
- Total amount of stockpiles in aggregate processing facility: 642,406 (down from 684,299 in 2023)
- Recycled aggregate material sold: 285,843 (down from 322,128 in 2022)
- Recycled aggregate stockpile: 63,117 (down from 41,047 tons in 2022)

The numbers reported by the applicant show a decrease in the amount of overall aggregate material sold from the previous year. The mineral extraction operation also saw an overall reduction in the total amount of material stockpiled. The lack of material sold from the north mining area is not correlated to the amount of mining taking place, as materials are conveyed to the southern processing area, and it is from there that the material is sold.

The annual report narrative includes a section concerning the planned progression of mining into future phases of the northern mining area. The applicant acknowledges that development will continue on land within the UMore park area, and the planned progression in the north mining area has been designed to take this into account. Additionally, reclamation activities have been focused on

the northernmost mining areas to move the areas of active mining further from the existing residential homes at an accelerated rate. The phasing plan has been approved in previous years and has also been reviewed by the University of Minnesota for consistency with their development plans on the site. Ultimately, the goal of Dakota Aggregates is to complete its excavation activities in the far northern portion as quickly as possible to minimize any impacts on any development occurring in the southwestern corner of the Amber Fields overall development area. Attached site and aerial photos show how reclamation is being conducted in this area.

In 2019, the applicant commenced mining below the groundwater elevation in the southern mining area, and a portion of this area is now described as “reclaimed” because it is open water. The open water area has continued to expand as the applicant completes dry mining and then proceeds to mine below the water elevation. Consistent with Condition LL of the annual mining permit, the applicant completed soil borings in early 2019 to confirm that there will be a minimum of 15 feet between the lowest mining elevation and bedrock. Additional borings were completed to establish the depth to bedrock on the eastern portion of the proposed lake as well as further west where mining will expand in the future. This satisfies the condition for the current mining area.

COMMUNITY IMPACTS

Consistent with the previous annual reviews, staff requested logs from the police department for any calls received within the City where noise from Dakota Aggregates was the reason for a police call. In addition, staff reviewed its own records, including phone logs and emails, and asked for any calls that other departments may have received concerning noise. Since the beginning of 2016, the City has been stressing that residents with noise complaints regarding the Dakota Aggregates operations should call 911, so there is documentation concerning the specific nature of the complaint, the location of the complaint, and time when it was observed. The police department has also been directed to notify the applicant when any loud noises are reported so that problems can be addressed in a timely manner.

In 2024, staff received no complaints via email or telephone during the permit period, nor did the police receive any calls related to Dakota Aggregates operation.

When a situation arises at the mine (like excessive noise levels), it is important for the City to be able to investigate, document, and work with the applicant to address such issues. The most responsive way for the City to handle any complaints is through the police department, which can dispatch an officer very quickly to investigate and evaluate the situation. All of these complaints are tracked through the permitting process, and the City will have a chance to evaluate the type and frequency of issues each year as part of the annual permit review. This process has led to many improvements that have ultimately reduced negative impacts, and it has been useful to help prevent smaller problems from becoming a larger City-wide nuisance. Staff continues to encourage residents to call and report all matters of concern so they can continue to document all complaints so that the Planning Commission and City Council may be fully aware of any and all resident concerns in the future.

Aggregate Processing IUP

Staff has not identified any specific concerns or issues with the aggregate processing facility above and beyond the overall mining review in this report. Staff is recommending no changes to the conditions associated with the aggregate processing interim use permit and is recommending extending this permit for another five years (through 2029). The draft Council resolution of approval for the

aggregate processing and recycled aggregate products processing is attached for review by the Planning Commission.

General Review Comments and Recommendations

Although the mining of the site has progressed in a manner very consistent with previous reviews, there are a few issues that should be addressed or acknowledged now that mineral extraction activity has taken place for more than 10 of the overall 40 years specified in the interim use permit.

- **Mineral extraction phasing.** When the project was first approved, the applicant provided an overall mining phasing plan divided into distinct phases and sub-phases. These phases were numbered based on the applicant's expected mining progression in both the north and south mining areas. For a number of reasons, including the desire to mine areas closer to residential properties sooner than later, the actual excavation work has progressed into latter phases while leaving some earlier phases untouched. As part of the previous reviews, staff requested an updated phasing plan to better reflect the current status of the project and the applicant's future plans. The applicant has provided an updated narrative concerning the next project phases and staff has added this information to the phasing plan as a separate exhibit. The updated phasing was reviewed by the University of Minnesota and found to be compatible with their future development plans.
- **Northern haul road.** With the elimination of this road (and the lack of complaints coming from residents in the neighborhood immediately north of County Road 42), staff finds that many of the concerns related to noise have been resolved. With the completion of improvements to Akron Avenue, trucks are now able to access CSAH 42 using that roadway. The cleanup of any debris on Akron Avenue will be the responsibility of Dakota Aggregates or the operators of the AUFs.
- **Wet mining.** The applicant is now mining below the groundwater elevation in the southern mining area and, starting in 2020, has begun operating a mining dredge on the surface of the water and is actively removing sand and gravel deposits from underneath the open water area. The terms and conditions for wet mining are included in the 2025 and 2026 operating permit, and no modifications are needed to the mining activities plan for next year because it would continue to take place in the phase 1 and 2 areas already authorized under the permit. The applicant will continue expanding and pushing the water surface farther west and north as it reaches the permitted mining depth in this area.
- **Storm water ponding.** With completion of the City's updated Surface Water Management Plan in 2019, additional conversations will be needed between the City, Dakota Aggregates, and University of Minnesota concerning the specific location and timing for construction of storm water basins in this area prior to further development of UMore in this area.
- **Final elevation.** The applicant should continue having conversations with the City's engineering staff to ensure final elevations following reclamation are consistent with future development patterns and wastewater management systems. Too low of an elevation in certain areas will require specialized infrastructure, such as lift stations, to ensure the City's systems plan will function.

Final Observations

In reviewing the current operating permit as part of its review, Staff would like to note the following general observations:

- The City did not identify any events in 2024 that resulted in the depositing of dirt or debris on any public streets due to the extraction or hauling operations.
- The applicant did not request to remove any topsoil from the site in 2024, but will be working to sell off excess soil resulting from the 150-acre lake not needing that material for reclamation. The applicant will begin submitting data related to the amount of topsoil sold as part of future renewals.
- As part of its continued reclamation work, the applicant will need to demonstrate that it is in compliance with conditions X and Z of the operating permit concerning minimum reclaimed topsoil depth and minimum compaction levels for all fill.
- There was no “haul-back” material brought to the site other than recycled products allowed within the processing area.

RECOMMENDATION

Staff is recommending renewal of Dakota Aggregates' Large Scale Mineral Extraction permit through 2026 and renewal of its IUP for aggregate processing for another 10-year term.



**2025 Large Scale Mineral Extraction Annual Operating Permit
Agreement for North Dry Mining Sub-phases ~~2C~~, 2D, 3A, 3B, 3C, 4A,
4B, 5B, 6B, 7B ~~and~~, 8A; and Wet/Dry Mining Sub-phases 1AA, 1BB,
2AA, 2BB, 3AA, 3BB, 4AA, and 4BB, and ~~10A and 10A~~**

DAKOTA AGGREGATES, LLC

- A. Dakota Aggregates, LLC (hereinafter "the Operator") signs a written consent to these conditions binding itself and its successors, heirs or assigns to the conditions of said permit.
- B. The term of the permit shall extend from January 21, ~~2024-2025~~ until December 31, ~~2024-2026~~ unless revoked prior to that for failure to comply with the permit requirements.
- C. Mining in Wet/Dry Mining Sub-phases 1AA, 1BB, 2AA, 2BB, 3AA, 3BB, 4AA and 4BB and 10A may occur 24 hours a day, 7 days a week.
- D. Mining, screening, and reclamation in North Dry Mining Sub-phases ~~2C~~, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A may occur 24 hours a day, 7 days a week.
- E. No crushing or washing equipment shall be located or used in the North Dry Mining Sub-phases ~~2C~~, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A or in any reclaimed areas.
- F. The North Dry Mining Sub-phases ~~2C~~, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A shall not be mined below the 882 foot elevation.
- G. Protection equipment that is installed on hauling trucks, such as covers for the truck beds, shall be used while traveling on public roads. Non-use will be considered a violation of the permit condition.
- H. Trucks shall not use any locally designated road as part of their haul route except for the shortest route between the delivery site and the nearest County, State or U.S. highway.
- I. Trucks may not be loaded heavier than the public haul roads posted weight restrictions.
- J. Engineered designs for any reclamation steeper than a 3 to 1 slope must be submitted and approved by the City Engineer before the reclamation can occur.
- K. A gate and thirty (30) feet of fencing on each side of the gate shall be installed at the Station Trail access. The gate shall be closed and locked when the mining or ancillary uses are not in operation. A Knox box or similar device shall be installed to provide emergency personal access to the key for the lock.
- L. Conformance with the City Engineer's Memorandum dated September 20, 2012.

- M. The University of Minnesota (or designated entity) shall obtain approval and/or concurrence from the MPCA regarding completion of appropriate investigations and/or actions taken in response to identified releases of hazardous substances, pollutants or contaminants as defined under Minn. Statute 115B, and as deemed reasonable and necessary by the MPCA.
- N. Dakota Aggregates shall clean dirt and debris from streets that has resulted from extraction or hauling operations related to the Mineral Extraction Permit. After Dakota Aggregates has received 24-hour verbal notice, the City will complete or contract to complete the clean-up at Dakota Aggregates' expense. In the event of a traffic hazard as determined by the City Administrator (or the Administrator's designee) or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Dakota Aggregates' expense without prior notification.
- O. No topsoil shall be removed from the site unless Dakota Aggregates can demonstrate that there is topsoil in excess of the amount needed to reclaim the End Use Grading Plan with at least six (6) inches of topsoil. Dakota Aggregates shall take necessary measures to prevent erosion of the stockpiled topsoil.
- P. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of Dakota Aggregates.
- Q. All costs of processing the permit, including but not limited to planning fees, engineering fees, and legal fees, shall be paid by Dakota Aggregates prior to the issuance of the permit. Dakota Aggregates shall reimburse the City for the cost of periodic inspections by the City Administrator or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. Dakota Aggregates agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
- R. Dakota Aggregates shall deposit with the Planning Department a surety bond or cash deposit in the amount of Eight Hundred Fifty One Thousand one Hundred Dollars (\$851,100) in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to ensure performance of all requirements of this resolution and City ordinances by Dakota Aggregates. The required surety bonds must be:
 - 1. With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.
 - 2. Satisfactory to the City Attorney in form and substance.
 - 3. Conditioned that Dakota Aggregates will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Administrator (or the Administrator's

designee) or any other City officials.

4. Conditioned that Dakota Aggregates will secure the City and its officers harmless against any and all claims, for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of Dakota Aggregates.
5. The surety bond or cash escrow shall remain in effect from January 1, ~~2024-2025~~ until July 31, ~~2025~~2027.

Once the interim reclamation grades and vegetation have been established and approved by the City, the bond may be reduced by Five Hundred Sixty Seven Thousand Four Hundred Dollars (\$567,400 = 113.48 acres times \$5,000 per acre). Once the end use grading grades and vegetation have been established and approved by the City, the bond may be reduced by Two Hundred Eighty Three Thousand Seven Hundred Dollars (\$283,700 = 113.48 acres times \$2,500 per acre). Upon thirty (30) days' notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash deposit during the term of this permit in order to insure that the City is adequately protected.

- S. A landscape security of \$42,625 (155 trees times \$250 per tree times 110%) shall be provided. After the trees have been established, \$38,362 (90%) of the landscaping security can be released. The final \$4,263 (10%) shall be maintained through the existence of the berm for Dry/Wet Sub-Phase 1A and 2A to ensure that as trees die, that those trees are replaced. The landscaping security shall be in the form of a letter of credit in favor of the City or cash escrow.
- T. Dakota Aggregates shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, and at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars for injury or death of more than one person arising out of any one occurrence and damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, ~~2024-2025~~ until July 31, ~~2025~~2027.
- U. Dakota Aggregates shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. Dakota Aggregates shall indemnify the City for all costs, damages, or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.
- V. Dakota Aggregates shall submit to the City semi-annually a written report indicating the amount of material extracted from the site for the prior six-month period. After said written report is submitted, the City shall perform an inspection of the site to confirm compliance with the conditions within the Annual Operating Permit.
- W. Reclamation requires the replacement of the stockpile of topsoil to the mined area,

reseeding, and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control, provided also that the minimum depth of topsoil shall not be less than six (6) inches after reclamation. No restored slopes may exceed the gradients shown on Interim Reclamation Plan.

- X. No mining activity will occur within fifteen (15) vertical feet of bedrock.
- Y. Dakota Aggregates shall compact the entire reclamation site to a minimum compaction of 95% of maximum dry density.
- Z. If not utilized by the University of Minnesota for agricultural purposes, fully reclaimed areas will be permanently seeded within 14 days of final completion. All disturbed non-operating areas not utilized by the University of Minnesota for agricultural purposes shall be seeded at a minimum of once per year, prior to October 1 with MnDOT seed mix 130B. Operating areas including work faces, material stockpiles, haul roads, staging areas, and active reclamation areas are not required to be seeded.
- AA. Dakota Aggregates shall submit quarterly to the City documentation of the Barr Engineering, Inc. (or other City approved geotechnical testing firm) environmental and geotechnical testing with documentation verifying the source and quantity of the “haul-back” material. These reports shall be provided within fourteen (14) days after the end of the quarter.
- BB. Dakota Aggregates shall submit an incidence report to the City within three days of any testing that fails for contamination or hazardous materials, or will not produce a normal moisture-density relationship for compaction.
- CC. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of “jake” or engine brakes (except in emergency situations), or other such activities that result in excessive noise.
- DD. Dakota Aggregates shall incorporate best management practices for controlling dust, erosion, noise, and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency and proposed in the submitted LSME application to the City.
- EE. Compliance with Dakota County Ordinances No. 110 and 111, as well as all other applicable Federal, Minnesota, Dakota County, and Rosemount regulations. Soil materials in the Property will be managed in accordance with the Minnesota Pollution Control Agency’s *Best Management Practices (BMPS) for the Off-Site Reuse of Unregulated Fill*.
- FF. Dakota Aggregates may not assign this permit without written approval of the City. Dakota Aggregates will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless Dakota Aggregates gives sixty (60) days prior written notice to the City of termination and

surrenders permit to the City. Dakota Aggregates shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.

GG. Dakota Aggregates shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.

HH. Dakota Aggregates shall maintain the berm located on the north side of the haul road to a height of at least 30 feet.

II. American Engineering Testing, Inc. (AET) shall submit the 2024 Annual Monitoring Report, including all groundwater testing, and submit the report to the City by January 31, 2024. WSP (formerly known as Leggette, Brashears, & Graham, Inc. - LBG) shall review the revised report on behalf of the City and has the authority to adjust the frequency of the groundwater sampling based on testing results.

JJ. Dakota Aggregates shall implement the sound mitigation measures as documented in its 2016 Large Scale Mineral Extraction Permit application and referenced in the March 1, 2016 City Council report concerning said application.

KK. The city of Rosemount shall have the ability to collect independent soil and water samples.

LL. Mining within any phase that would expose the groundwater will not be permitted before additional borings are conducted in the deepest areas of the proposed lake to confirm that a minimum of fifteen (15) feet of separation between the mining and the bedrock. Mining can occur within 2 feet of the groundwater prior to testing occurring.

MM. Dakota Aggregates shall provide an updated phasing schedule with its annual renewal application for both the north and south mining areas and will incorporate any comments from the City into the schedule.

IN WITNESS WHEREOF, Dakota Aggregates, LLC, the Operator, hereby consents and agrees to the foregoing conditions of said Annual Operating Permit this _____ day of _____, 20____.

Dakota Aggregates, LLC

By: _____
Tim Becken, Its Chief Manager

STATE OF MINNESOTA)

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The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Tim Becken, Chief Manager of Dakota Aggregates, LLC, the Operator, on behalf of the Corporation.

Notary Public

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025-

**A RESOLUTION APPROVING THE INTERIM USE PERMIT TO DAKOTA
AGGREGATES TO OPERATE AGGREGATE PROCESSING AND RECYCLED
AGGREGATE PRODUCTS PROCESSING**

WHEREAS, the City of Rosemount received an application from Dakota Aggregates LLC for renewal of its Interim Use Permit (IUP) to allow aggregate processing and recycled aggregate products processing at their mining facility concerning property legally described as:

That part South Half of Section 28, Township 115, Range 19, Dakota County, Minnesota, lying westerly of the following described line;

Commencing at the northeast corner of the Southeast Quarter of said Section 28; thence South 89 degrees 48 minutes 43 seconds West, assumed bearing along the north line of said Southeast Quarter, a distance of 1058.90 feet to the point of beginning of the line to be described; thence South 18 degrees 23 minutes 48 seconds West a distance 1211.64 feet; thence South 07 degrees 11 minutes 26 seconds East a distance of 1472.46 feet; thence South 75 degrees 07 minutes 52 seconds East a distance of 126.03 feet to the south line of said Southeast Quarter and there terminating.

EXCEPT the plat of UNIVERSITY ADDITION, said Dakota County.

AND

Section 33, Township 115, Range 19, Dakota County, Minnesota; EXCEPT the East 133.00 feet of the North 549.43 feet of the Southeast Quarter of said Section 33; EXCEPT the East 133.00 feet of the South 930.25 feet of the Northeast Quarter of said Section 33; also, EXCEPT that part of said Northeast Quarter described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the East line of said Northwest Quarter, a distance of 800.63 feet; thence North 81 degrees 23 minutes 25 seconds West a distance of 40.76 feet; thence North 38 degrees 17 minutes 54 seconds West a distance of 819.06 feet; thence North 75 degrees 07 minutes 52 seconds West a distance of 580.25 feet to the north line of said Northwest Quarter; thence North 89 degrees 51 seconds 14 seconds East, along said north line, a distance of 1111.53 feet to the point of beginning.

AND

That part of the Northwest Quarter of Section 34, Township 115, Range 19, Dakota County, Minnesota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the west line of said Northwest Quarter, a distance of 800.63 feet to the point of beginning of the land to be described; thence continuing South 00 degrees 11 minutes 58 seconds West, along said west line, a distance of 912.75 feet; thence North 89 degrees 51 minutes 14 seconds East a distance of 647.18 feet; thence North 00 degrees 11 minutes 58 seconds East a distance of 813.16 feet; thence North 81 degrees 23 minutes 25 seconds West a distance of 654.21 feet to the point of beginning.

AND

That part of the Southwest Quarter of Section 34, Township 115, Range 19, Dakota County, Minnesota, lying southerly of the following described line:

Commencing at the northwest corner of said Southwest Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the west line of said Southwest Quarter, a distance of 549.45 feet to the point of beginning of the line to be described; thence South 89 degrees 28 minutes 53 seconds East a distance of 2646.92 feet to the east line of said Southwest Quarter and there terminating And lying westerly, northwesterly, and northerly of the following described line:

Commencing at the southwest corner of said Southwest Quarter; thence South 89 degrees 42 minutes 10 seconds East, along the south line of said Southwest Quarter, a distance of 2192.17 feet to the point of beginning of the line to be described; thence North 04 degrees 21 minutes 18 seconds East a distance of 142.12 feet; thence North 01 degrees 12 minutes 32 seconds West a distance of 368.88 feet; thence North 01 degrees 58 minutes 09 seconds West a distance of 266.72 feet; thence northeasterly 194.60 feet, along tangential curve, concave to the southeast, having a central angle of 96 degrees 57 minutes 13 seconds and a radius of 115.00 feet; thence South 85 degrees 00 minutes 56 seconds East, tangent to last described curve, a distance of 157.25 feet; thence easterly 99.70 feet, along a tangential curve, concave to the north, having a central angle of 09 degrees 25 minutes 45 seconds and a radius of 605.84 feet; thence northeasterly 100.73 feet, along a reverse curve, concave to the northwest, having a central angle of 56 degrees 01 minutes 50 seconds and a radius of 103.00 feet to the west line of said Southwest Quarter and said line there terminating.

AND

Excludes the following area (ISD 196 school site, Sixth Amendment)

Real property in Dakota County, Minnesota, described as follows:

That part of the south half of the Southwest Quarter of Section 28 and the north half of the Northwest Quarter of Section 33, Township 115, Range 19, Dakota County, Minnesota, described as beginning at the northwest corner of said north half of the Northwest Quarter of Section 33; thence South 0 degrees 11 minutes 04 seconds West, on an assumed bearing along the west line of said north half of the Northwest Quarter, 1305.32 feet; thence North 89 degrees 26 minutes 13 seconds East 911.79 feet; thence northeasterly 667.75 feet along a tangential curve, concave to the northwest, having a radius of 850.45 feet and a central angle

of 44 degrees 59 minutes 13 seconds; thence North 44 degrees 27 minutes 00 seconds East, tangent to last said curve, 253.67 feet; thence northeasterly 190.40 feet along a tangential curve, concave to the southeast, having a radius of 750.00 feet and a central angle of 14 degrees 32 minutes 43 seconds; thence North 0 degrees 11 minutes 04 seconds East 1186.56 feet; thence North 62 degrees 19 minutes 30 seconds West 1127.96 feet to the southeasterly line of University Addition according to the recorded plat thereof, Dakota County, Minnesota; thence South 27 degrees 40 minutes 30 seconds West, along said southeasterly line 286.59 feet to a point of curvature of said southeasterly line; thence southwesterly 731.30 feet along said southeasterly line being a tangential curve concave to the northwest, having a radius of 879.95 feet and a central angle of 47 degrees 37 minutes 00 seconds to a point of tangency in said southeasterly line; thence South 75 degrees 17 minutes 30 seconds West, along said southeasterly line and its southeasterly extension, tangent to last described curve 152.75 feet to the west line of said south half of the Southwest Quarter of Section 28; thence South 0 degrees 17 minutes 30 seconds West, along said west line 232.65 feet to the point of beginning.

WHEREAS, on December 16, 2024, the Planning Commission of the City of Rosemount held a public hearing to review the IUP request from Dakota Aggregates; and

WHEREAS, the Planning Commission adopted a motion recommending that the City Council approve the interim use permit renewal to allow operation of aggregate processing and recycled aggregate products processing, subject to conditions; and

WHEREAS, on January 21, 2025, the City Council of the City of Rosemount reviewed the Planning Commission's recommendations; and

WHEREAS, on January 21, 2025, the City Council of the City of Rosemount approved the interim use permit allowing operation of aggregate processing and recycled aggregate products processing; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Rosemount hereby approves the IUP for Dakota Aggregates LLC to allow operation of aggregate processing and recycled aggregate products processing, subject to the following conditions:

1. The University of Minnesota shall grant to the City, its agents, employees, officers, and contractors and to any surety of Dakota Aggregates LLC performing Dakota Aggregate LLC's obligations and the agents, employees, officers, and contractors of the surety an irrevocable license, in a form approved by the City Attorney, to enter the Property to perform all work and inspections deemed appropriate by the City to enforce conditions imposed on the University to the extent the University engages in mineral extraction, or Dakota Aggregates, LLC in connection with permitting of mining operations on the Property, including work that the City elects to perform or requires the surety to perform as a result of the permittee's default. This license shall continue in effect until all mining operations on the Property are complete and all conditions imposed by the City have been complied with.
2. The term of the permit shall extend from January 20, 2025 until December 31, 2029 unless revoked prior to that for failure to comply with the permit requirements.

3. Crushing, screening, washing, and stockpiling at the aggregate processing facility may occur 24 hours a day, 7 days a week. These hours may be adjusted if development occurs within 660 feet of the Ancillary Use Facility (AUF) that rezones any property to a nonagricultural zoning district. Loading and hauling at the aggregate processing facility may occur 24 hours a day, 7 days a week provided the loading and hauling does not allow trucks to back up or unload and the hauling conducted is for a construction contract requiring construction outside the normal operational hours. Trucks hauling outside of the 6 a.m. to 10 p.m. Monday through Friday and from 7 a.m. and 7 p.m. on Saturday shall access CSAH 46 either via the Station Trail access or the Akron Avenue access only and may not use Biscayne Avenue or any UMore roadway (Akron, Angus, Barbara or Blaine Avenues) to access CSAH 42. Trucks shall not use any locally designated road as part of their haul route except for the shortest route between the delivery site and the nearest County, State or U.S. highway.
4. Recycling aggregate products (RAP) shall not exceed 30% of the total aggregate production. An annual report of the amount of mine aggregate processed and amount of RAP processed shall be submitted to the City by January 15th of the year following issuance of the permit.
5. Protection equipment that is installed on hauling trucks, such as covers for the truck beds, shall be used while traveling on public roads. Non-use will be considered a violation of the permit condition.
6. Trucks may not be loaded heavier than the public haul roads posted weight restrictions.
7. A gate and thirty (30) feet of fencing on each side of the gate shall be installed at the Station Trail access. The gate shall be closed and locked when the mining or ancillary uses are not in operation. A Knox box or similar device shall be installed to provide emergency personnel access to the key for the lock.
8. Conformance with the City Engineer's Memorandum dated September 20, 2012.
9. The University of Minnesota (or designated entity) shall obtain approval and/or concurrence from the MPCA regarding completion of appropriate investigations and/or actions taken in response to identified releases of hazardous substances, pollutants or contaminants as defined under Minn. Statute 115B, and as deemed reasonable and necessary by the MPCA.
10. Dakota Aggregates shall clean dirt and debris from streets that has resulted from extraction or hauling operations related to the Mineral Extraction Permit. After Dakota Aggregates has received 24-hour verbal notice, the City will complete or contract to complete the clean-up at Dakota Aggregates' expense. In the event of a traffic hazard as determined by the City Administrator (or the Administrator's designee) or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Dakota Aggregates' expense without prior notification.
11. No topsoil shall be removed from the site unless Dakota Aggregates can demonstrate that there is topsoil in excess of the amount needed to reclaim the End Use Grading Plan with at least six (6) inches of topsoil. Dakota Aggregates shall take necessary measures to prevent erosion of the stockpiled topsoil.

12. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures, and sewer infrastructure located within the permit area shall be the sole obligation and expense of Dakota Aggregates.
13. All costs of processing the permit, including but not limited to planning fees, engineering fees, and legal fees, shall be paid by Dakota Aggregates prior to the issuance of the permit. Dakota Aggregates shall reimburse the City for the cost of periodic inspections by the City Administrator or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. Dakota Aggregates agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
14. Dakota Aggregates shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, and at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars for injury or death of more than one person arising out of any one occurrence and damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 21, 2025 until July 31, 2030.
15. Dakota Aggregates shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. Dakota Aggregates shall indemnify the City for all costs, damages, or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.
16. Truck operators within the ancillary use facility area shall not engage in practices involving slamming tailgates, vibrating boxes, using of “jake” or engine brakes (except in emergency situations) or other such activities that result in excessive noise.
17. Dakota Aggregates shall incorporate best management practices for controlling dust, erosion, noise, and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency and proposed in the submitted LSME application to the City.
18. Compliance with Dakota County Ordinances No. 110 and 111, as well as all other applicable Federal, Minnesota, Dakota County, and Rosemount regulations. Soil materials in the Property will be managed in accordance with the Minnesota Pollution Control Agency’s *Best Management Practices (BMPS) for the Off-Site Reuse of Unregulated Fill*.
19. Dakota Aggregates may not assign this permit without written approval of the City. Dakota Aggregates will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless Dakota Aggregates gives sixty (60) days prior written notice to the City of termination and surrenders permit to the City. Dakota Aggregates shall identify all Operators prior to their commencement of aggregate processing-related activities in the pit area. The City shall have the authority to cause all

aggregate processing or recycled aggregate product processing activities to cease at any time there is an apparent breach of the terms of this Permit.

20. Dakota Aggregates shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.

ADOPTED this 21st day of Januart 2025 by the City Council of the City of Rosemount.

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

UMore Park Large Scale Non Metallic Mineral Extraction
2025 Annual Operating Permit Application and IUP Renewals for Aggregate and Recycle Products
Processing.
Dry Mining Phases (North) 1AB/2BCD/3ABCD/4AB/5B/6B/7B/8A
&
Active Wet/Dry Phases (South) 1AA-4BB (Wet) & 10A (Dry)
UMore Park
City of Rosemount
November 19th, 2024

1. Land Owner:

Regents of the University of Minnesota
c/o Real Estate Office
451 Donhowe Building
319 - 15th Avenue SE
Minneapolis, MN 55455

2. Applicant/Operator:

Dakota Aggregates, LLC
2025 Centre Pointe Boulevard, Suite 300
Mendota Heights, MN 55120
(651) 688-9292

3. Legal Description of the Land upon which Excavation is active:

That part South Half of Section 28, Township 115, Range 19, Dakota County, Minnesota, lying westerly of the following described line;

Commencing at the northeast corner of the Southeast Quarter of said Section 28; thence South 89 degrees 48 minutes 43 seconds West, assumed bearing along the north line of said Southeast Quarter, a distance of 1058.90 feet to the point of beginning of the line to be described; thence South 18 degrees 23 minutes 48 seconds West a distance 1211.64 feet; thence South 07 degrees 11 minutes 26 seconds East a distance of 1472.46 feet; thence South 75 degrees 07 minutes 52 seconds East a distance of 126.03 feet to the south line of said Southeast Quarter and there terminating.

EXCEPT the plat of UNIVERSITY ADDITION, said Dakota County.

AND

Section 33, Township 115, Range 19, Dakota County, Minnesota; EXCEPT the East 133.00 feet of the North 549.43 feet of the Southeast Quarter of said Section 33; EXCEPT the East 133.00 feet of the South 930.25 feet of the Northeast Quarter of said Section 33; also, EXCEPT that part of said Northeast Quarter described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the East line of said Northwest Quarter, a distance of 800.63 feet; thence North 81 degrees 23 minutes 25 seconds West a distance of 40.76 feet; thence North 38 degrees 17 minutes 54 seconds West a distance of 819.06 feet; thence North 75 degrees 07 minutes 52 seconds West a distance of 580.25 feet to the north line of said Northwest Quarter; thence North 89 degrees 51 seconds 14 seconds East, along said north line, a distance of 1111.53 feet to the point of beginning.

AND

That part of the Northwest Quarter of Section 34, Township 115, Range 19, Dakota County, Minnesota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the west line of said Northwest Quarter, a distance of 800.63 feet to the point of beginning of the land to be described; thence continuing South 00 degrees 11 minutes 58 seconds West, along said west line, a distance of 912.75 feet; thence North 89 degrees 51 minutes 14 seconds East a distance of 647.18 feet; thence North 00 degrees 11 minutes 58 seconds East a distance of 813.16 feet; thence North 81 degrees 23 minutes 25 seconds West a distance of 654.21 feet to the point of beginning.

AND

That part of the Southwest Quarter of Section 34, Township 115, Range 19, Dakota County, Minnesota, lying southerly of the following described line:

Commencing at the northwest corner of said Southwest Quarter; thence South 00 degrees 11 minutes 58 seconds West, assumed bearing along the west line of said Southwest Quarter, a distance of 549.45 feet to the point of beginning of the line to be described; thence South 89 degrees 28 minutes 53 seconds East a distance of 2646.92 feet to the east line of said Southwest Quarter and there terminating

And lying westerly, northwesterly, and northerly of the following described line:

Commencing at the southwest corner of said Southwest Quarter; thence South 89 degrees 42 minutes 10 seconds East, along the south line of said Southwest Quarter, a distance of 2192.17 feet to the point of beginning of the line to be described; thence North 04 degrees 21 seconds 18 seconds East a distance of 142.12 feet; thence North 01 degrees 12 minutes 32 seconds West a distance of 368.88 feet; thence North 01 degrees 58 minutes 09 seconds West a distance of 266.72 feet; thence northeasterly 194.60 feet, along tangential curve, concave to the southeast, having a central angle of 96 degrees 57 minutes 13 seconds and a radius of 115.00 feet; thence South 85 degrees 00 minutes 56 seconds East, tangent to last described curve, a distance of 157.25 feet; thence easterly 99.70 feet, along a tangential curve, concave to the north, having a central angle of 09 degrees 25 minutes 45 seconds and a radius of 605.84 feet; thence northeasterly 100.73 feet, along a reverse curve, concave to the northwest, having a central angle of 56 degrees 01 minutes 50 seconds and a radius of 103.00 feet to the west line of said Southwest Quarter and said line there terminating.

AND Excludes the following area (ISD 196 school site, Sixth Amendment)

Real property in Dakota County, Minnesota, described as follows:

That part of the south half of the Southwest Quarter of Section 28 and the north half of the Northwest Quarter of Section 33, Township 115, Range 19, Dakota County, Minnesota, described as beginning at the northwest corner of said north half of the Northwest Quarter of Section 33; thence South 0 degrees 11 minutes 04 seconds West, on an assumed bearing along the west line of said north half of the Northwest Quarter, 1305.32 feet; thence North 89 degrees 26 minutes 13 seconds East 911.79 feet; thence northeasterly 667.75 feet along a tangential curve, concave to the northwest, having a radius of 850.45 feet and a central angle of 44 degrees 59 minutes 13 seconds; thence North 44 degrees 27 minutes 00 seconds East, tangent to last said curve, 253.67 feet; thence northeasterly 190.40 feet along a tangential curve, concave to the southeast, having a radius of 750.00 feet and a central angle of 14 degrees 32 minutes 43 seconds; thence North 0 degrees 11 minutes 04 seconds East 1186.56 feet; thence North 62 degrees 19 minutes 30 seconds West 1127.96 feet to the southeasterly line of University Addition according to the recorded plat thereof, Dakota County, Minnesota; thence South 27 degrees 40 minutes 30 seconds West, along said southeasterly line 286.59 feet to a point of curvature of said southeasterly line; thence southwesterly 731.30 feet along said southeasterly line being a tangential curve concave to the northwest, having a radius of 879.95 feet and a central angle of 47 degrees 37 minutes 00 seconds to a point of tangency in said southeasterly line; thence South 75 degrees 17 minutes 30 seconds West, along said southeasterly line and its southeasterly extension, tangent to last described curve 152.75 feet to the west line of said south half of the Southwest Quarter of Section 28; thence South 0 degrees 17 minutes 30 seconds West, along said west line 232.65 feet to the point of beginning.

Area

Gross = 3,291,986 square feet or 75.574 acres

Dry Mining Phases (North) 1AB/2BCD/3ABCD/4AB/5B/6B/7B/8A Annual Review Update

Activities related to North Dry Mining will continue to include relocation of surface soils, mixing and screening, stockpiling, loading, hauling, and conveying of aggregate material to the Ancillary Use Facility (AUF).

The reclamation area consists of 22.05 acres as depicted on the attached Extent Mapping – Model N of the Dry Mining Phases. All rock from the North Dry Mining operation is conveyed south to the processing facility for material production.

The North processing equipment continues to be located approximately 50 feet below grade in the North pit floor and is located behind a berm. In 2024, phases 3C & 3D were added to the mining plan.

For 2025, active mining will occur on 53.34 acres. The following chart displays the breakdown of acres per North Dry Mining phase. Please note that approximately 91 acres in the north has been turned back to the University and is being utilized for agricultural purposes. An additional 6 acres is planned to be turned back in the Spring of 2025 to bring the total to 97 acres turned back. This acreage is depicted on the attached map.

Dry Mining (North) Phases

Mining Type	Phase	Subphase	Active Mining Area (Acres)	Berm Area (Acres)	Conveyor Corridor Area (Acres)	Reclamation Area (Acres)
Dry	1	A		2.02	0.18	5.71
		B		2.11	1.48	0.23
		C		2.09		
Dry	2	A				
		B				0.12
		C		0.03	1.63	5.71
		D	5.26	0.69		1.78
Dry	3	A	12.63	0.62		2.21
		B	7.13	0.58		
		C	10.13	1.91		
		D				
Dry	4	A	4.57	0.39	2.09	5.07
		B	3.75	0.04	2.97	1.22
Dry	5	A				
		B	3.85			
Dry	6	A				
		B	3.19			
Dry	7	A		2.65		
		B	2.83	0.99		
North Total			53.34	14.12	8.35	22.05

Aggregate Material North Dry Mining Area sold from January 1, 2024- September 18, 2024:
- Sand: 46,350 Tons

Aggregate stockpiles estimated onsite as of September 18, 2024, in North Dry Mining Area
- Sand: 8,650 TONS

All rock is conveyed to the aggregate processing facility for mixing and production of various aggregate products.

North Dry Mining Phasing Plan Future

Dry Mining will occur in phase 3C during the 2025 season and then progress into phase 3D for 2026. Once phases 3C and 3D are completed, mining will progress into parts of the following phases in subsequent order: 3B & 11B, 3A & 8C, 4A & 8B. This will be the plan to complete the mining in the north mining phases.

Active Wet/Dry Phases (South) 1AA-4BB (Wet) & 10A (Dry) Annual Review Update:

Activities in the Dry/Wet mining phases will continue to include relocation of surface soils, crushing, mixing, screening, stockpiling, aggregate washing, loading, and conveying of material to the AUF. Once the material is conveyed to the AUF, it will be processed into varying grades of aggregate products that will be purchased and hauled offsite utilizing the Station Trail/CSAH#46 access.

In 2020, Dakota Aggregates constructed a new floating twin 16 CY clamshell dredge to continue underwater mining. Clamshell dredges have been and are currently used all over the United States and world. This fully electric dredge allows Dakota Aggregates to safely, and efficiently mine this regionally important aggregate reserve. The dredge was utilized throughout the 2024 season to mine aggregate reserves below the water table and will continue in 2025.

The screening berm landscaped with trees which is adjacent to County Road 46 and to Wet Mining Phases 1AA, 2AA, 3AA, and 4AA has been maintained throughout the season.

For the 2025 mining season the active mining area utilized will be 78.30 acres. Wet mining (dredging) and reclamation activities will continue within the active wet mining phases in 2025. The wet mining reclamation area consists of 35.34 acres with the end use being reclaimed as an open water feature. The following chart displays the breakdown of acres per South Dry /Wet mining phase and depicted on the attached map.

Dry/Wet (South)Mining Phases:

Mining Type	Phase	Subphase	Active Mining Area (Acres)	Berm Area (Acres)	Conveyor Corridor Area (Acres)	Reclamation Area (Acres)
Dry	8	A	1.90	0.16	2.00	
		B				
		C				
Dry	9	A		0.09		
		B			1.69	
		C				
		D				
Dry	10	A	15.80	0.22	2.35	
		B		5.74	0.35	
		C		5.41		
		D		14.93		
Dry	11	A				
		B		0.38		
Wet/Dry	1	A/AA	12.38	1.19		3.7
		B/BB	12.33			0.83
Wet/Dry	2	A/AA	2.85	1.29		12.00
		B/BB	7.92		1.59	7.62
Wet/Dry	3	A/AA	3.71	3.19	0.77	6.97
		B/BB	6.18	0.38	1.79	4.22
Wet/Dry	4	A/AA	8.16	2.46		
		B/BB	7.07	1.27		
Wet/Dry	5	A/AA		1.05		
		B/BB		1.98		
South Total			78.30	39.74	10.54	35.34

Total Aggregate material sold from January 1, 2024- October 31, 2024: 1,418,045 TONS

Aggregate Stockpiles in Aggregate Processing Facility as of September 18, 2024

- Screened Sand: 173,169 TONS
- Washed Sand: 323,139 TONS
- Washed Rock: 146,098 TONS

Recycled Aggregate:

RAP Sold January 1, 2024 – October 31, 2024: 285,843 TONS

RAP Stockpile September 18, 2024: 63,117 TONS

Site Improvements Update:

- Over 1,900,000 TONS of sales projected by the completion of 2024 (Aggregate and RAP).
- Dakota County Estimated Market Taxable Value of over \$10,829,700 in 2023
- Dakota County Estimated Market Taxable Value of over \$10,275,000 in 2024
- Dakota County Estimated Market Taxable Value was not released prior to this submittal for 2025.
- Over \$277,874 paid in property tax in 2024
- Berm, ditch, and common areas are maintained routinely throughout the year.
- Dakota County Adopt a Road Program for periodic debris removal by Dakota Aggregates on County # 46.

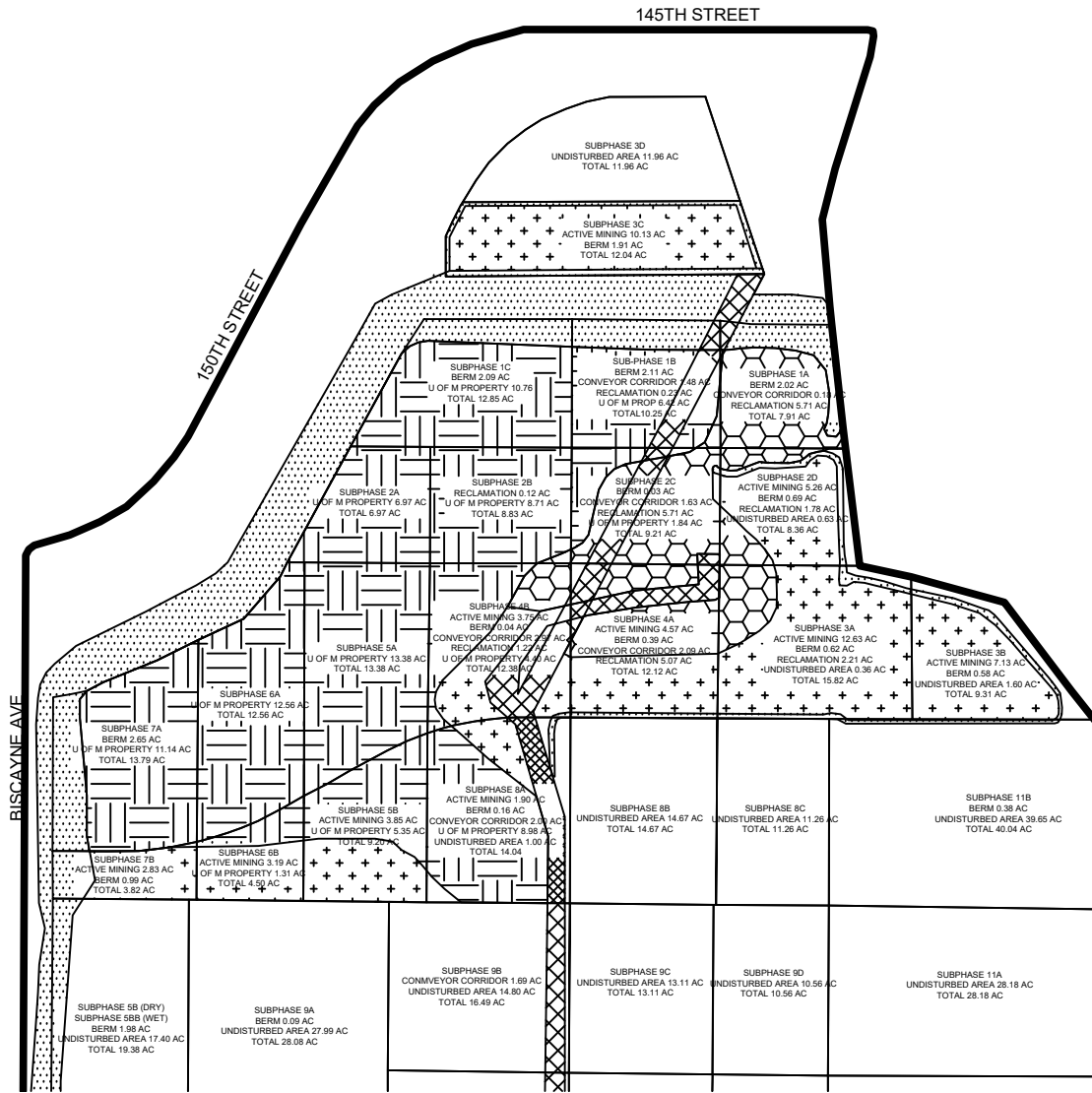
IUP Renewal – Aggregate Processing and Recycle Products Processing

Dakota Aggregates has submitted a renewal of the 2019 Aggregate Processing and Recycle Products Processing IUP's as part of this application. Due to creating an approximate 150 acre lake north of CR46, Dakota Aggregates is asking to change section 11 of resolution 2020-25 to allow the processing and sale of topsoil with the stipulation to ensure we have enough topsoil for reclamation. All other conditions within the 2019 IUP would remain the same and unchanged. There has not been any changes to processing of aggregates or recycle products.

Dakota Aggregates Large Scale Mineral Extraction Permit Interim Use Permit History:
Updated 12/16/2024 (Mining Permit Reviews Highlighted)

Permit	Date Issued	Term (yrs)	Notes/Comment
Large Scale Mineral Extraction	12/18/12	40	Initial IUP for entire site (northern dry mining area to be completed by 2028)
LSMEP Annual Permit	12/18/12	1	Annual Permit for 2013
Aggregate Processing IUP	12/18/12	3	Interim use for aggregate processing and recycled aggregate processing
LSMEP Renewal	12/17/13	1	Annual Permit for 2014
Primary Ready-Mix Concrete Plant IUP	5/20/14	10	Enclosed facility within the approved auxiliary use area
Seasonal Ready-Mix Concrete Plant IUP	5/20/14	10	Within same area as the primary plant
LSMEP Renewal	11/18/2014	1	Annual Permit for 2015. Extended hours approved with permit
Aggregate Processing IUP	11/18/14	5	Interim use for aggregate processing and recycled aggregate processing – extension of original permit. Extended hours approved with permit
Seasonal Asphalt Plant IUP	11/18/14	10	Interim use for seasonal asphalt production in the AUF
Wells Concrete Casting Facility	12/16/15	30	Interim use for a concrete casting facility within the approved auxiliary use area
LSMEP Renewal	3/1/16	1	Annual Permit for 2016, conducted review of sound issues
Seasonal Asphalt Plant IUP Amendment	9/6/16	n/a	Increased total liquid asphalt storage
LSMEP Renewal	1/17/17	1	Annual Permit for 2017
LSMEP Renewal	2/20/18	1	Annual Permit for 2018
LSMEP Renewal	2/5/19	1	Annual Permit for 2019
Aggregate Processing IUP	2/18/20	5	Interim use for aggregate processing and recycled aggregate processing.
LSMEP Renewal	2/18/20	1	Annual Permit for 2020
LSMEP Renewal	1/19/21	1	Annual Permit for 2021
LSMEP Renewal	2/15/23	1	Annual Permit for 2022
LSMEP Renewal	1/17/23	1	Annual Permit for 2023
LSMEP Renewal	1/16/24	1	Annual Permit for 2024
Seasonal Asphalt Plant IUP	12/12/24	5	Interim use for seasonal asphalt production in the AUF – Extension of original permit
LSMEP Renewal*	1/21/25*	2	Annual Permit for 2025-2026
Aggregate Processing IUP*	1/21/25*	5	Interim use for aggregate processing and recycled aggregate processing – extension of original permit.
Primary Ready-Mix Concrete Plant IUP*	1/21/25*	10	Enclosed facility within the approved auxiliary use area
Seasonal Ready-Mix Concrete Plant IUP*	1/21/25*	10	Within same area as the primary plant

* Permit currently under review



PROPERTY BOUNDARY

BERM

CONVEYOR CORRIDOR

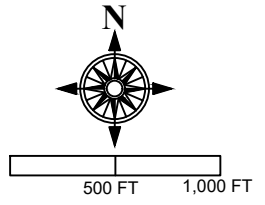
UNIVERSITY OF MINNESOTA PROPERTY

ACTIVE MINING

RECLAMATION

UNDISTURBED AREA

AERIAL IMAGE TAKEN FROM 10/10/2024 - 10/11/2024
DRONE FLIGHT OVERLAYING GOOGLE AERIAL 2024





































Planning Commission Regular Meeting: December 16, 2024

Tentative City Council Meeting: January 21, 2025

AGENDA ITEM: Renewal of the Cemstone Interim Use Permits for both its primary and seasonal concrete facilities.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.g.
ATTACHMENTS: Site Location and Aerials, Primary Plant Narrative, Seasonal Plant Narrative, Site Plan	APPROVED BY: AK
RECOMMENDED ACTION: Motion to Recommend that the City Council Approve an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Primary Ready Mixed Concrete Plant with the following conditions: 1. Compliance with the Interim Use Permit Application for the Primary Concrete Plant dated March 24, 2014. 2. Compliance with the Large Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105). 3. The Interim Use Permit expires on December 31, 2034. 4. The operator is responsible for the cleanup of any debris left on roadways by trucks leaving the facility. 5. Stockpiles associated with the concrete plant cannot exceed 60 feet in height. Motion to Recommend that the City Council Approve an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Seasonal Ready Mixed Concrete Plant with the following conditions: 1. Compliance with the Interim Use Permit Application for the Seasonal Concrete Plant dated March, 24, 2014. 2. Compliance with the Large Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105). 3. The term of this Interim Use Permit expires on December 31, 2034. 4. The operator is responsible for the cleanup of any debris left on roadways by trucks leaving the facility. 5. Stockpiles associated with the concrete plant cannot exceed 60 feet in height.	

BACKGROUND

Dakota Aggregates (a partnership of Ames Construction and Cemstone) has been operating under a Large-Scale Mineral Extraction permit since 2012. The LSME includes an Ancillary Use Facility (AUF) which is essentially an industrial park of businesses that use significant amounts of aggregate in their

production. The approved ancillary uses include recycled aggregate production (RAP), asphalt production, concrete production, concrete product casting yard and a maintenance facility for the vehicles used in the mine and AUF businesses. The Zoning Ordinance requires that each of the AUF businesses apply for and receive their own Interim Use Permit (IUP). At this time, Cemstone is requesting renewals of its two interim use permits for a primary (enclosed) ready mixed concrete plant and a seasonal ready mixed concrete plant in the same area of the AUF. A key change from the original IUP approval is that in 2014, Biscayne and Akron Avenues were still rural in design and no development was occurring in UMore Park. Now that those two roads have been improved, including signalization at Akron and 42, trucks may now use those roadways, especially to access projects in Amber Fields and the vicinity of Akron and CSAH 42. Additionally, permission has been given by the City to use internal UMore roads to access Meta's data center site to minimize trucks traveling on public roads. Each plant requires its own separate IUP and this report will review each of the two uses concurrently, although each permit requires its own action to approve the renewal.

Applicant:	Cemstone Products Company
Owner:	Regents of the University of Minnesota
Location:	1/8 mile north of CSAH 46 between Station Trail and Akron Avenue
Net Area:	23.73 Acres
Comp Plan Designation:	AGR-Agricultural Research
Current Zoning;	A-2 Agricultural

Legal Authority

The interim use permit approval is a quasi-judicial action, meaning that if the application meets the City Code, the large scale mineral extraction permit conditions and interim use permit regulations, then an interim use permit must be approved. Staff supports approval of the interim use permits and finds that they are substantially in conformance with the approved large scale mineral extraction permit and the interim use permit regulation with the conditions within the recommended action. Detailed analyses of these findings are provided below.

Site Layout

The 23.73 acre site is located within the designated ancillary use facility and is approximately 250 feet north of CSAH 46 and directly south of the private AUF access drive (158th Street). Within the 250-foot separation between the cement facility and CSAH 46, there is an area of existing trees 125 feet wide and a berm that is 16 feet in height. The facility site is located about equal distance from the Station Trail and Akron Avenue accesses to CSAH 46. The site has two accesses to 158th Street with the western access being used by the concrete delivery trucks.

The site is divided into four areas. On the east side of the site is a conveyor from the mining area that leads to the raw material stockpiles and then these stockpiles will feed the conveyor to the primary concrete plant. On the north central portion of the site is the primary concrete plant that includes a building that encloses the concrete ready mix equipment, office, and front end loader for the site.

In the center of the site is the wash water weir in which the trucks will back up weir and rinse the

trucks. The weir settles out the fines of the concrete and results in pre-treated water that can be used for the next series of trucks. In the south central portion of the site is the exterior seasonal concrete plant.

Concrete delivery trucks drive into the site, go to the weir for washing and then are taken to either the primary or the seasonal concrete plant. After filling, the trucks circulate from 158th Street onto CSAH 46 or the southern terminus of Akron Avenue. The LSME requires that the areas in which concrete delivery trucks would drive must be paved, which has been completed.

Primary Plant Building Design

The LSME regulations require that the primary concrete plant must be enclosed within a building.

Cemstone has proposed a precast concrete building with a steel roof. The concrete plant equipment is enclosed within a 42-foot wide and 130 foot long building that is 73-feet 3 inches tall. A conveyor runs into the west side of the building to supply the raw material and the concrete delivery trucks drive through the east end of the building to be filled. The building will allow concrete to be produced 12 months a year. The proposed seasonal plant cannot operate during the winter months. Attached to the south side of the building is a 40-foot wide by 66-foot long enclosure with 20-foot tall walls. This attached enclosure contains space for the office, an electrical room, and the front end loader for the concrete plant.

Seasonal Concrete Plant Design

The seasonal concrete plant is a series of conveyors that feed the raw materials and the mixer in which the trucks drive under to be filled. The seasonal plant is approximately 10 feet wide, 85 feet long and 85 feet tall. Being located in the south central portion of the site, the seasonal plant is screened to the south by the trees and berming and screened to the north by the building housing the primary concrete plant.

Large Scale Mineral Extraction Ordinance and Permit

11-10-4-1 G. 3. a. Location: The plant shall be located in such a way as to minimize its visibility from an adjacent residential use or a public right of way: The site for the concrete plants is 250 feet north of CSAH 46 and is screened by existing trees and a 16-foot tall berm. Staff finds this site is adequately screened from public views and therefore is comfortable with the location.

11-10-4-1 G. 3. b. Multiple Ready Mix Concrete Plants: If a facility is to have multiple concrete plants, each concrete plant shall have its own separate interim use permit. The primary ready mix concrete plant shall have the equipment, except for silos and the conveyors that transport materials into the building, enclosed within a building: The primary concrete plant is enclosed within a 42-foot wide and 130 foot long building that is 73 feet 3 inches tall. Attached to the south side of the building is a 40-foot wide by 66 foot long enclosure with 20 foot tall walls. Staff finds this building complies with the ordinance standards.

11-10-4-1 G. 3. c. Plant Height: The maximum height of any concrete plant shall be one hundred five feet (105'): The building is 73 feet 3 inches tall, and the seasonal plant is much shorter. Therefore, staff finds that this requirement is met.

11-10-4-1 G. 3. d. Material Stockpiles: Stockpiles associated with these uses shall be limited to a height

of sixty feet (60'): The applicant has confirmed that, while the heights of the stockpiles varies, none of the stockpiles exceed 60 feet in height.

11-10-4-1 G. 3. e. Outdoor Storage: All equipment and raw material associated with the cement or concrete plant must be screened from view from an adjacent residential use or public right of way: The site for the concrete plants is 250 feet north of CSAH 46 and is screened by a 125-foot wide area of existing trees and a 16-foot tall berm. Staff finds the site is adequately screened.

11-10-4-1 G. 3. f. Hours Of Operation: The hours of operation shall be limited to seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. Monday through Saturday unless special permission is granted by the city council within the interim use permit: Cemstone received permission for a 24 hour, 7 day a week operation with the initial IUP approval with the understanding that the hours of operation could be modified when the permit is renewed. The enclosed primary concrete plant will allow concrete production 12 months a year and often transportation construction projects require night and weekend delivery. In recognition of this demand and recognition that urban development remains over 2,000 feet from the site, staff again supports 24-hour, 7 day a week operation with the term of this IUP. This condition can be reevaluated when the IUP is up for future renewals. As urban development continues to move into the UMore property there may come a time when the City will determine that 24-hour operations would be too disruptive to adjoining residential development.

11-10-4-1 G. 3. g. Haul Routes: Traffic generated by this use shall utilize haul routes approved by the city and other agencies as required: The City's engineer has reviewed a request by the applicant to make use of Akron Avenue, now that it has been upgraded, to access construction sites north of the LSME and AUF areas. The City's engineer has approved this request subject to the understanding that operators within the AUF are responsible for the clean-up of any debris on public roads leading out of the site.

LSME 2012-105 Condition 18: The path of any road licensed vehicles using the concrete processing, asphalt processing, and vehicle maintenance facility shall be paved with curbing per the City Code: Since the initial approval, all roads and surfaces used by road-going vehicles has been paved and this condition is met.

Primary Concrete Plant Interim Use Permit Regulations

11-10-8 E. 1. The extent, location and intensity of the use will be substantially in compliance with the Comprehensive Plan: The Comprehensive Plan states that concrete plants are incompatible with adjacent residential uses and discourages interim uses within the 2020 MUSA. Within the timeframe of this recommended IUP, staff finds that the request is compliant with the Comprehensive Plan.

11-10-8 E. 2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets: Since the IUP was originally approved, Akron Avenue has been upgraded and a signal light has been installed at Akron and CSAH 42. The City's engineering staff has reviewed the use of Akron Avenue by operators in the AUF and approves of trucks heading north to access CSAH 42 via Akron. This will reduce the number of trucks making left turns onto CSAH 46, which is a benefit given how long it takes trucks to get up to speed.

11-10-8 E. 3. The use will not be detrimental to the existing character of the development in the

immediate neighborhood or endanger the public health, safety, and general welfare: The immediate neighborhood land uses are currently agriculture or agricultural research. Within the term of this IUP, staff finds that the request will not be detrimental to the public or the neighboring land uses. The areas of UMore Park that separate the site from residential development occurring in Amber Fields will need remediation before development can expand closer to the AUF.

11-10-8 E. 4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district: In 2013, the City adopted the UMore Alternative Urban Areawide Review (AUAR) which anticipates the development of this area over the next 40 years. Within the timeframe of this IUP, staff finds that the request will not impede the development or improvement of the surrounding properties.

11-10-8 E. 5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located: With the recommended conditions, staff finds that the request will conform to the applicable regulations.

Seasonal Concrete Plant Interim Use Permit Regulations

11-10-8 E. 1. The extent, location and intensity of the use will be substantially in compliance with the Comprehensive Plan: The Comprehensive Plan states that concrete plants are incompatible with adjacent residential uses and discourages interim uses within the 2030 MUSA. Within the timeframe this recommended IUP, staff finds that the request is compliant with the Comprehensive Plan.

11-10-8 E. 2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets: Since the IUP was originally approved, Akron Avenue has been upgraded and a signal light has been installed at Akron and CSAH 42. The City's engineering staff has reviewed the use of Akron Avenue by operators in the AUF and approves of trucks heading north to access CSAH 42 via Akron. This will reduce the number of trucks making left turns onto CSAH 46, which is a benefit given how long it takes trucks to get up to speed.

11-10-8 E. 3. The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, and general welfare: The immediate neighbor is current agriculture or agricultural research. Within the term of this IUP, staff finds that the request will not be detrimental to the public or the neighborhood land uses.

11-10-8 E. 4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district: In 2013, the City adopted the UMore Alternative Urban Areawide Review (AUAR) which anticipates the development of this area over the next 40 years. Within the timeframe of this IUP, staff finds that the request will not impede the development or improvement of the surrounding properties.

11-10-8 E. 5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located: With the recommended conditions, staff finds that the request will conform to the applicable regulations.

RECOMMENDATION

Staff recommends approval of the interim use permits for the operation of the primary and seasonal ready mixed concrete plant with the conditions within the recommended actions. This recommendation is based on the information submitted by the applicant, findings made in this report and the conditions detailed in the attached memorandum.









Interim Use Permit Renewal Application for the Primary Concrete Plant
UMore Park
City of Rosemount
2024

Ancillary Use Facility Legal Description:

That part of the Southwest Quarter of Section 34 and the Southeast Quarter of Section 33, all in Township 115, Range 19, Dakota County, Minnesota, described as follows:

Beginning at the southwest corner of said Southwest Quarter of Section 34; thence South 89 degrees 42 minutes 10 seconds East, assumed bearing along the south line of said Southwest Quarter of Section 34, a distance of 2192.17 feet; thence North 04 degrees 21 minutes 18 seconds East a distance of 142.12 feet; thence North 01 degrees 12 minutes 32 seconds West a distance of 368.88 feet; thence North 01 degrees 58 minutes 09 seconds West a distance of 266.72 feet; thence northeasterly 112.50 feet, along a tangential curve, concave to the southeast, having a central angle of 56 degrees 02 minutes 58 seconds and a radius of 115.00 feet; thence northerly 56.43 feet, along a non-tangential curve, concave to the east, having a central angle of 35 degrees 55 minutes 23 seconds, a radius of 90.00 feet and a chord which bears North 17 degrees 26 minutes 35 seconds West; thence North 00 degrees 31 minutes 07 seconds East, tangent to last described curve, a distance of 206.76 feet; thence northerly 83.26 feet, along a tangential curve, concave to the west, having a central angle of 34 degrees 04 minutes 23 seconds and a radius of 140.00 feet; thence North 56 degrees 26 minutes 44 seconds East a distance of 45.08 feet; thence North 00 degrees 31 minutes 07 seconds East a distance of 299.38 feet; thence North 88 degrees 50 minutes 09 seconds West a distance of 537.90 feet; thence North 01 degrees 06 minutes 55 seconds East a distance of 542.56 feet to the following described line;

Commencing at the northwest corner of said Southwest Quarter of Section 34; thence South 00 degrees 11 minutes 58 seconds West, along the west line of said Southwest Quarter of Section 34, a distance of 549.45 feet to the point of beginning of the line to be described; thence South 89 degrees 28 minutes 53 seconds East a distance of 2646.92 feet to the east line of said Southwest Quarter of Section 34 and there terminating.

thence North 89 degrees 28 minutes 53 seconds West, along said described line, a distance of 1701.18 feet to said west line of the Southwest Quarter of Section 34; thence South 89 degrees 42 minutes 48 seconds West a distance of 133.00 feet; thence North 89 degrees 25 minutes 32 seconds West a distance of 1911.08 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 6.69 feet; thence South 24 degrees 59 minutes 14 seconds East a distance of 32.37 feet; thence South 38 degrees 36 minutes 54 seconds East a distance of 58.76 feet; thence South 24 degrees 49 minutes 30 seconds East a distance of 21.39 feet; thence South 08 degrees 35 minutes 01 seconds East a distance of 17.27 feet; thence South 01 degrees 13 minutes 27 seconds East a distance of 55.61 feet; thence South 20 degrees 01 minutes 53 seconds East a distance of 40.77 feet; thence South 20 degrees 03 minutes 43 seconds East a distance of 111.64 feet; thence South 15 degrees 03 minutes 51 seconds East a distance of 118.93 feet; thence South 27 degrees 25 minutes 38 seconds East a distance of 247.59 feet; thence South 21 degrees 09 minutes 19 seconds East a distance of 78.57 feet; thence South 18 degrees 19 minutes 12 seconds East a distance of 190.08 feet; thence South 26 degrees 25 minutes 05 seconds East a distance of 227.06 feet; thence South 46 degrees 46 minutes 51 seconds East a distance of 98.15 feet; thence South 33 degrees 47 minutes 16 seconds East a distance of 171.67 feet; thence South 23 degrees 42 minutes 30 seconds East a distance of 90.20 feet; thence South 17 degrees 56 minutes 04 seconds East a distance of 178.92 feet; thence South 17 degrees 54 minutes 28 seconds East a distance of 132.38 feet; thence South 25 degrees 39 minutes 33 seconds East a distance of 126.20 feet; thence South 30 degrees 29 minutes 59 seconds East a distance of 103.92 feet; thence South 28 degrees 45 minutes 36 seconds East a distance of 250.67 feet to the south line of said Southeast Quarter of Section 33; thence North 89 degrees 34 minutes 22 seconds East, along said south line, a distance of 1060.22 feet to the point of beginning.

EXCEPT that part lying southerly of north right of way line of County State Aid Highway No. 46 per

DAKOTA COUNTY ROAD RIGHT OF WAY MAP NO. 253 and DAKOTA COUNTY ROAD RIGHT OF WAY MAP NO. 254, according to the recorded plats thereof, Dakota County, Minnesota.

OVERALL GROSS AREA (Entire AUF): 171.86 ACRES

NET USABLE AREA (Entire AUF): 100.30 ACRES

NET USABLE AREA: 23.73 ACRES (Concrete Plant Area)

Landowner:

Regents of the University of Minnesota
Donhowe Building, 319 15th Avenue SE, Suite 451
Minneapolis, MN, 55455

Applicant:

Cemstone Products Company
2025 Centre Pointe Boulevard, Suite 300
Mendota Heights, MN 55120
(651) 688-9292

Operator:

Cemstone Products Company
2025 Centre Pointe Boulevard, Suite 300
Mendota Heights, MN 55120
(651) 688-9292

Primary Concrete Plant:

An enclosed ready-mix concrete plant has been located in the Ancillary Use Facility since 2015. Production in this area requires a plant capable of storing and mixing the ingredients for various concrete mix designs. The ready-mix plant site within the AUF has storage silos for the cement materials and storage tanks for the liquid additives. The primary concrete plant within the Ancillary Use Facility is enclosed. A seasonal concrete plant is utilized as an auxiliary plant. The seasonal plant is portable, and a separate IUP is being submitted to the city.

The primary enclosed ready-mix concrete plant is located in the south-central portion of the AUF. The plant is not located near any residential property; however, it is located just north of CSAH-46. The plant and all stockpiles are screened from view from public right of way by existing berms and mature trees on the north side of CSAH 46. The nearest EIS boundary is located 905' to the east of the ready-mix concrete facility area, which means the facility meets the setback requirements of Rosemount ordinance. The AUF is surrounded on all sides by land owned by the Regents of the University of Minnesota, who also own the AUF.

The 80-foot-tall primary plant is enclosed with the exception of one of the cement and cementitious material silo, the drive over aggregate hoppers, and the aggregate conveyor. In order to load the trucks underneath the plant, the aggregates, cement, and the supplementary cementitious materials are gravity fed into a central mixer, combined with water, and then batched into the truck. The approximate size of the primary concrete plant is 130' x 82'.

In order to supply the both the primary and seasonal plants with water, a well is located on-site. This well provides water not only for the batching of concrete and washing of the trucks, but also potable water for the employees. The wastewater from the primary plant is routed into a septic holding tank.

The entrance to the concrete plant area and the area around the primary plant is paved with concrete.

Wash water from the washing of the ready-mix truck drums is handled on-site. A weir system is located onsite to handle this water. The weir allows sediment from the wash water to settle out as the water travels from bay to bay. The water can then be recycled and used to wash truck drums or in the batching of fresh concrete.

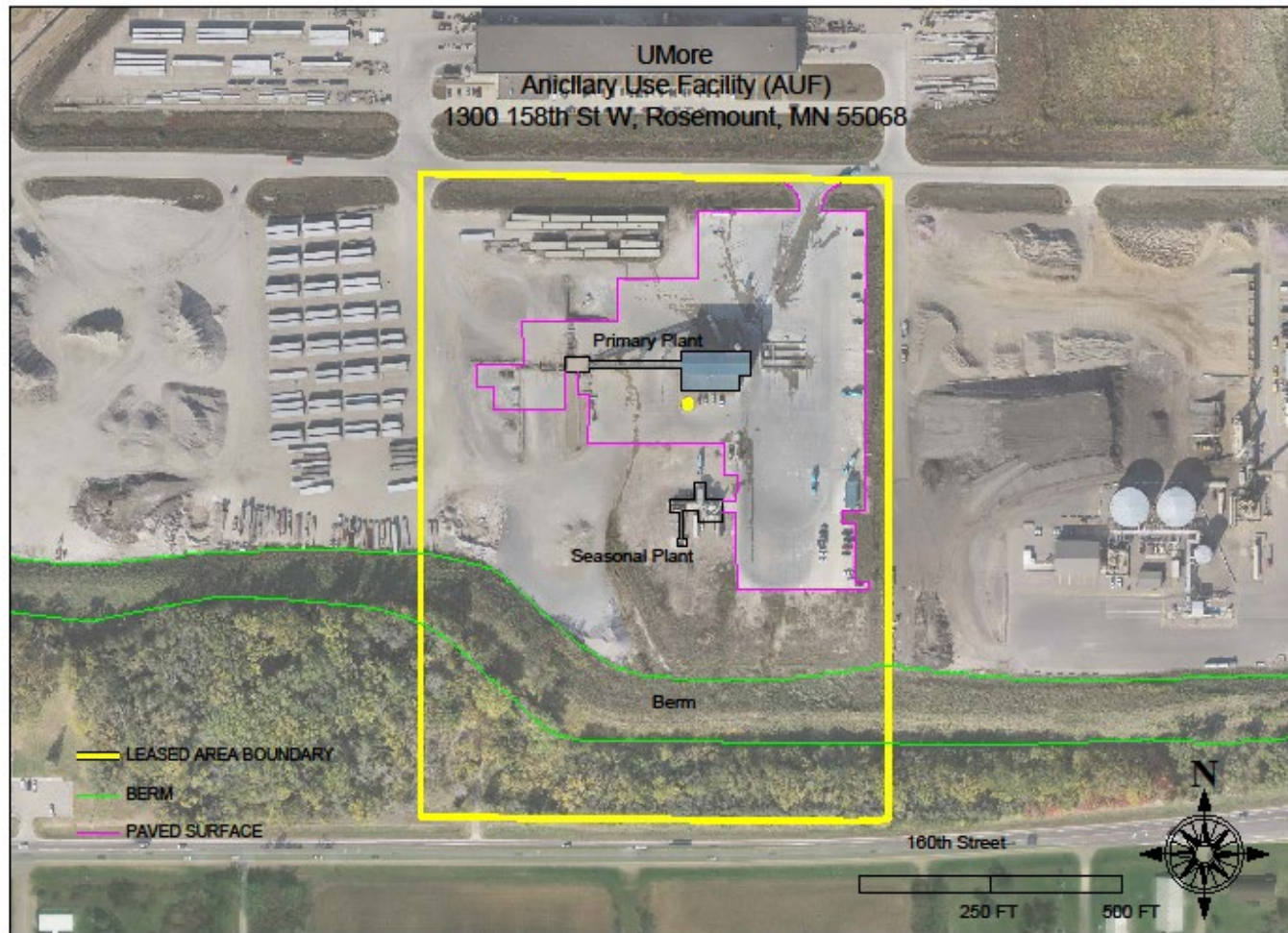
The material stockpiles are primarily located along the perimeters of the concrete production facility. Only specialty materials are stockpiled on-site. These materials are primarily 3/4" limestone, 3/4" granite, and 3/8" granite. The stockpiles vary in height, but do not exceed 60' in height. The stockpiles and associated equipment are screened from view from public right of way by berms and existing mature trees on the north side of CSAH-46.

The current hours of operation for the concrete plant are 24 hours per day 7 days a week. Hauling activities associated with the ready-mixed concrete facility only occur at the AUF access locations with direct access onto CSAH 46. The trucks exit out onto 158th Street West, and then to either Akron Ave. or Station Trail. From Akron or Station Trail, the trucks turn onto CSAH 46. Any Lighting that is required for nighttime operations is shielded to prevent lights from being directed at traffic on public roadways, and in order to not disturb any traffic or surrounding properties, the level of lighting does not exceed 1 lumen at the EIS boundary. Noise levels comply with the regulations established by the MPCA.

The primary concrete plant is covered under the already issued Minnesota Total Facility Operating Permit (Air Permit #03700370-001). This permit places limits on production throughput of the plant, as well as lays out maintenance requirements for control equipment.

The primary concrete plant is covered under the already issued Minnesota NPDES permit number MNG490289, covering stormwater discharges and the on-site handling of process water. All stormwater and spill procedures can be found in the previously submitted Dakota Aggregates Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasures (SPCC) plan. These plans encompass the entire site, including the seasonal and primary concrete plants. The Hydrogeologic Study & Water Monitoring Plan and the Environmental Contingency Plan which encompasses the entire large scale mineral extraction operation were also previously submitted.

Map:



**Interim Use Permit Renewal Application for a Seasonal Concrete Plant
UMore Park
City of Rosemount
2024**

Ancillary Use Facility Legal Description:

That part of the Southwest Quarter of Section 34 and the Southeast Quarter of Section 33, all in Township 115, Range 19, Dakota County, Minnesota, described as follows:

Beginning at the southwest corner of said Southwest Quarter of Section 34; thence South 89 degrees 42 minutes 10 seconds East, assumed bearing along the south line of said Southwest Quarter of Section 34, a distance of 2192.17 feet; thence North 04 degrees 21 minutes 18 seconds East a distance of 142.12 feet; thence North 01 degrees 12 minutes 32 seconds West a distance of 368.88 feet; thence North 01 degrees 58 minutes 09 seconds West a distance of 266.72 feet; thence northeasterly 112.50 feet, along a tangential curve, concave to the southeast, having a central angle of 56 degrees 02 minutes 58 seconds and a radius of 115.00 feet; thence northerly 56.43 feet, along a non-tangential curve, concave to the east, having a central angle of 35 degrees 55 minutes 23 seconds, a radius of 90.00 feet and a chord which bears North 17 degrees 26 minutes 35 seconds West; thence North 00 degrees 31 minutes 07 seconds East, tangent to last described curve, a distance of 206.76 feet; thence northerly 83.26 feet, along a tangential curve, concave to the west, having a central angle of 34 degrees 04 minutes 23 seconds and a radius of 140.00 feet; thence North 56 degrees 26 minutes 44 seconds East a distance of 45.08 feet; thence North 00 degrees 31 minutes 07 seconds East a distance of 299.38 feet; thence North 88 degrees 50 minutes 09 seconds West a distance of 537.90 feet; thence North 01 degrees 06 minutes 55 seconds East a distance of 542.56 feet to the following described line;

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(651) 688-9292

Operator:

Cemstone Products Company
2025 Centre Pointe Boulevard
Mendota Heights, MN 55120
(651) 688-9292

Seasonal Concrete Plant:

A portable seasonal ready-mix concrete plant has been intermittently located in the Ancillary Use Facility since 2014. Production in this area requires a plant capable of storing and mixing the ingredients for various mix designs. The ready-mix plant site within the AUF has storage silos for the cement materials and storage tanks for the liquid additives. The seasonal plant exists on site as an auxiliary plant. A separate IUP is being submitted to the city for the enclosed plant.

The seasonal ready-mix concrete plant is located in the south-central portion of the AUF. The plant is not located near any residential property; however, it is located just north of CSAH 46. The plant and all stockpiles are screened from view from public right of way by berms and existing mature trees on the north side of CSAH 46. The nearest EIS boundary is located 905' to the east of the ready-mix concrete facility area, which means the facility will meet the setback requirements of the Rosemount ordinance. The AUF is surrounded on all sides by land owned by the Regents of the University of Minnesota, who also own the AUF.

The 60' seasonal plant will not be enclosed.

The entrance to the concrete plant area and the area around the primary plant are paved with concrete.

In order to supply both the primary and seasonal plants with water, a well is located on-site. This well provides water not only for the batching of concrete and washing of the trucks, but also potable water for the employees.

Wash water from the washing of the ready-mix truck drums is handled on-site. A weir system is located onsite to handle this water. The weir allows sediment from the wash water to settle out as the water travels from bay to bay. The water can then be recycled and used to wash truck drums or in the batching of fresh concrete.

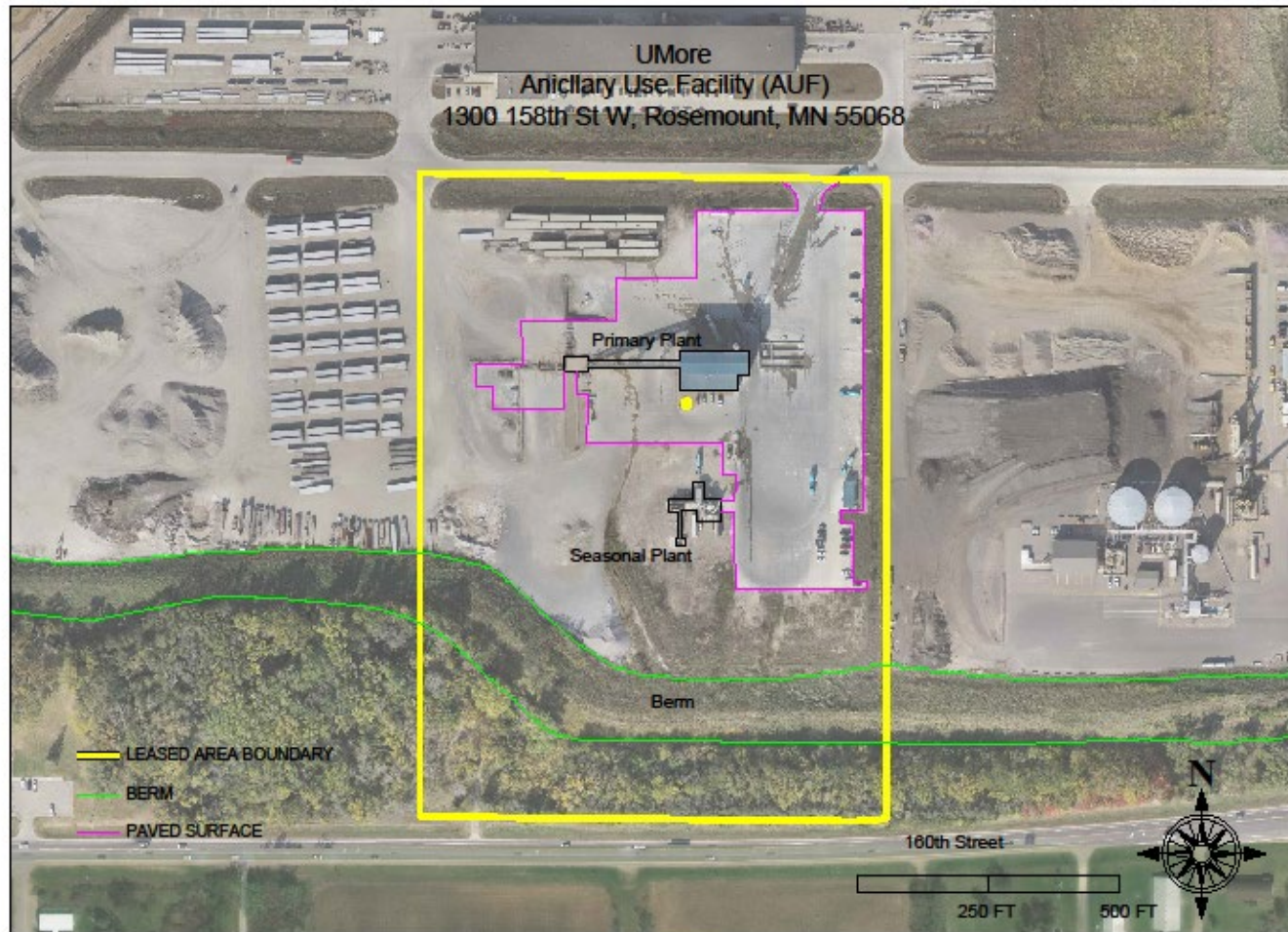
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The current hours of operation for the concrete plant are 24 hours per day 7 days a week. Hauling activities associated with the ready-mixed concrete facility only occur at the AUF access locations with direct access onto CSAH 46. The trucks exit out onto 158th Street West, and then to either Akron Ave. or Station Trail. From Akron or Station Trail, the trucks turn onto CSAH 46. Any Lighting that is required for nighttime operations is shielded to prevent lights from being directed at traffic on public roadways, and in order to not disturb any traffic or surrounding properties, the level of lighting does not exceed 1 lumen at the EIS boundary. Noise levels comply with the regulations established by the MPCA.

The seasonal concrete plant is covered under the already issued Minnesota Total Facility Operating Permit (Air Permit #03700370-001). This permit places limits on production throughput of the plant, as well as lays out maintenance requirements for control equipment. The seasonal plant is used intermittently as a backup to the main plant when needed.

The seasonal concrete plant is covered under the already issued Minnesota NPDES permit number MNG490289, covering stormwater discharges and the on-site handling of process water. All stormwater and spill procedures can be found in the previously submitted Dakota Aggregates Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasures (SPCC) plan. These plans encompass the entire site, including the seasonal and primary concrete plants. The Hydrogeologic Study & Water Monitoring Plan and the Environmental Contingency Plan which encompass the entire large scale mineral extraction operation have previously been submitted.

Map:



Map:

