

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA**
- 3. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS**
- 4. RESPONSE TO PUBLIC COMMENT**
- 5. PUBLIC COMMENT**

Individuals will be allowed to address the Council on subjects that are not a part of the meeting agenda. Typically, replies to the concerns expressed will be made via letter or phone call within a week or at the following council meeting.

6. CONSENT AGENDA

- a. Bill Listings
- b. Minutes of the January 7, 2025 Regular Meeting Minutes
- c. Minutes of the January 7, 2025 Work Session Proceedings
- d. Award Brockway Pond Contract
- e. DEED Redevelopment Grant Resolution of Support
- f. 2025 Joint Powers Agreement – Solid Waste and Recy
- g. Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026
- h. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit through 2026 and its Interim Use Permit for aggregate processing.
- i. Approval of Council Travel
- j. Renewal of the Carl Bolander and Sons Small Scale Mineral Extraction Permit
- k. Renewal of the Cemstone Interim Use Permits for both its primary and seasonal concrete facilities.
- l. Request by Vesterra, LLC, and Stonex, LLC, for renewal of its Small Scale Mineral Extraction Permit
- m. Approve Entry into JPA - Biscayne & CSAH 42 Right of Way Purchase
- n. Amendment to the 2025 Schedule of Rates and Fees

- o. City Code Amendments - Administrative Citation Fees
- p. Donation Acceptance from Kaiser Manufacturing
- q. Pay Equity Compliance Report

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

- a. Report on Annual Evaluation of City Administrator

9. NEW BUSINESS

- a. Rosemount Sustainable Purchasing Framework

10. ANNOUNCEMENTS

- a. City Staff Updates
- b. Upcoming Community Calendar

11. ADJOURNMENT

Council Check Register by GL
Council Check Register and Summary

1/1/2025 -- 1/16/2025

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
10010	1/2/2025		103502 AFSCME COUNCIL 5							
		297.90			1179	12122411324013	7020.2135.01		UNION DUES - AFSCME	PAYROLL FUND
		326.84			1203	12262414275013	7020.2135.01		UNION DUES - AFSCME	PAYROLL FUND
		624.74								
10011	1/2/2025		103061 ICMA RETIREMENT CORP							
		2,987.32			1202	12262414275012	7020.2134.01		DEFERRED COMPENSATION - MISSIO	PAYROLL FUND
		2,987.32								
10012	1/2/2025		103679 LAW ENFORCEMENT LABOR							
		1,040.33			1181	12122411324015	7020.2135.02		UNION DUES - LELS	PAYROLL FUND
		1,040.33			1205	12262414275015	7020.2135.02		UNION DUES - LELS	PAYROLL FUND
		2,080.66								
10013	1/2/2025		103730 MN TEAMSTERS-LOCAL 320							
		963.50			1183	12122411324017	7020.2135.03		UNION DUES - TEAMSTERS	PAYROLL FUND
		860.50			1207	12262414275017	7020.2135.03		UNION DUES - TEAMSTERS	PAYROLL FUND
		1,824.00								
10014	1/2/2025		103743 NCPERS GROUP LIFE INS.							
		432.00			1185	12122411324019	7020.2133.04		PERA LIFE INSURANCE	PAYROLL FUND
		4,50			1185	12122411324019	7020.2133.04		PERA LIFE INSURANCE	PAYROLL FUND
		436.50			1209	12262414275019	7020.2133.04		PERA LIFE INSURANCE	PAYROLL FUND
		9.00			1209	12262414275019	7020.2133.04		PERA LIFE INSURANCE	PAYROLL FUND
		873.00								
10015	1/15/2025		103061 ICMA RETIREMENT CORP							
		3,127.33			1427	0109251513028	7020.2134.01		DEFERRED COMPENSATION - MISSIO	PAYROLL FUND
		3,127.33								
25010201	1/2/2025		103031 BPAS-BENEFIT PLANS ADMIN SRVS							
		45.00			1200	12262414275010	7020.2133.06		VEBA CONTRIBUTIONS	PAYROLL FUND
		45.00								
25010202	1/2/2025		103710 MN CHILD SUPPORT							
		127.36			1206	12262414275016	7020.2136.01		CHILD SUPPORT	PAYROLL FUND
		127.36								
25010203	1/2/2025		103507 AFLAC							
		609.44			1204	12262414275014	7020.2133.08		ADDITIONAL DISABILITY INSURANC	PAYROLL FUND
		609.44								

Council Check Register by GL
Council Check Register and Summary

1/1/2025 -- 1/16/2025

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
25010203	1/2/2025		103507 AFLAC						Continued...	
25010204	1/2/2025		103741 NATIONWIDE RETIREMENT SOL							
		13,598.79			1208	12262414275018	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		13,598.79								
25010205	1/2/2025		103032 WEX HEALTH INC							
		3,149.84			1201	12262414275011	7020.2133.05		HSA CONTRIBUTIONS	PAYROLL FUND
		3,149.84								
25010206	1/2/2025		100447 MN STATE RETIREMENT SYSTEM							
		13,500.80			1213	1226241427504	7020.2134.02		DEFERRED COMPENSATION - MSRS	PAYROLL FUND
		13,500.80								
25010207	1/2/2025		103741 NATIONWIDE RETIREMENT SOL							
		4,510.92			1198	1223241229414	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		4,510.92			1198	1223241229414	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		9,021.84								
25010208	1/2/2025		101399 SUN LIFE FINANCIAL							
		685.98			1192	1212241132407	7020.2133.03		LIFE INSURANCE	PAYROLL FUND
		979.37			1193	1212241132408	7020.2133.09		LONG TERM DISABILITY INSURANCE	PAYROLL FUND
		965.65			1194	1212241132409	7020.2133.10		SHORT TERM DISABILITY INSURANC	PAYROLL FUND
		.52-			1216	1226241427507	1150.6456		OTHER MISCELLANEOUS CHARGES	FINANCE
		683.42			1216	1226241427507	7020.2133.03		LIFE INSURANCE	PAYROLL FUND
		1.12-			1216	1226241427507	7020.2133.03		LIFE INSURANCE	PAYROLL FUND
		.18-			1217	1226241427508	1150.6456		OTHER MISCELLANEOUS CHARGES	FINANCE
		953.75			1217	1226241427508	7020.2133.09		LONG TERM DISABILITY INSURANCE	PAYROLL FUND
		.04-			1218	1226241427509	1150.6143		LIFE INSURANCE	FINANCE
		965.65			1218	1226241427509	7020.2133.10		SHORT TERM DISABILITY INSURANC	PAYROLL FUND
		5,231.96								
25010209	1/2/2025		100447 MN STATE RETIREMENT SYSTEM							
		13,500.80			1213	1226241427504	7020.2134.02		DEFERRED COMPENSATION - MSRS	PAYROLL FUND
		13,500.80								
25010210	1/2/2025		103741 NATIONWIDE RETIREMENT SOL							
		13,598.79			1208	12262414275018	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		13,598.79								
25010211	1/2/2025		100002 MN DEPT OF REVENUE							

Council Check Register by GL
Council Check Register and Summary

1/1/2025 -- 1/16/2025

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
25010211	1/2/2025		100002 MN DEPT OF REVENUE						Continued...	
		895.55			1197	1223241229413	7020.2131.03		STATE WITHHOLDING	PAYROLL FUND
		19,956.50			1212	1226241427503	7020.2131.03		STATE WITHHOLDING	PAYROLL FUND
		20,852.05								
25011401	1/14/2025		103759 PUBLIC EMPLOYEE							
		82,348.37			1415	01092515130215	7020.2132.01		PERA WITHHOLDING	PAYROLL FUND
		82,348.37								
25011402	1/14/2025		100001 INTERNAL REVENUE SERVICE							
		80.40			1408	0107251135311	7020.2131.02		FICA/MEDICARE WITHHOLDING	PAYROLL FUND
		49,116.30			1409	0109251513021	7020.2131.01		FEDERAL WITHHOLDING	PAYROLL FUND
		49,037.12			1420	0109251513022	7020.2131.02		FICA/MEDICARE WITHHOLDING	PAYROLL FUND
		98,233.82								
25011501	1/15/2025		103710 MN CHILD SUPPORT							
		127.36			1411	01092515130211	7020.2136.01		CHILD SUPPORT	PAYROLL FUND
		127.36								
25011502	1/15/2025		103741 NATIONWIDE RETIREMENT SOL							
		7,090.15			1413	01092515130213	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		7,090.15								
25011503	1/15/2025		100447 MN STATE RETIREMENT SYSTEM							
		15,226.14			1423	0109251513024	7020.2134.02		DEFERRED COMPENSATION - MSRS	PAYROLL FUND
		15,226.14								
25011504	1/15/2025		103032 WEX HEALTH INC							
		80,673.68			1426	0109251513027	7020.2133.05		HSA CONTRIBUTIONS	PAYROLL FUND
		80,673.68								
25011505	1/15/2025		103741 NATIONWIDE RETIREMENT SOL							
		7,090.15			1413	01092515130213	7020.2134.03		DEFERRED COMPENSATION - NATION	PAYROLL FUND
		7,090.15								
25011506	1/15/2025		100447 MN STATE RETIREMENT SYSTEM							
		15,226.14			1423	0109251513024	7020.2134.02		DEFERRED COMPENSATION - MSRS	PAYROLL FUND
		15,226.14								
25011507	1/15/2025		100002 MN DEPT OF REVENUE							
		21,879.33			1422	0109251513023	7020.2131.03		STATE WITHHOLDING	PAYROLL FUND

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Council Check Register and Summary

1/1/2025 -- 1/16/2025

<u>Check #</u>	<u>Date</u>	<u>Amount</u>	<u>Supplier / Explanation</u>	<u>PO #</u>	<u>Doc No</u>	<u>Inv No</u>	<u>Account No</u>	<u>Subledger</u>	<u>Account Description</u>	<u>Business Unit</u>
25011507	1/15/2025		100002 MN DEPT OF REVENUE						Continued...	
		21,879.33								
25011508	1/15/2025		103032 WEX HEALTH INC							
		80,673.68			1426	0109251513027	7020.2133.05		HSA CONTRIBUTIONS	PAYROLL FUND
		80,673.68								
25011601	1/16/2025		103032 WEX HEALTH INC							
		80,673.68			1426	0109251513027	7020.2133.05		HSA CONTRIBUTIONS	PAYROLL FUND
		80,673.68								
		593,996.22	Grand Total							

Payment Instrument Totals

Checks

EFT Payments	582,479.17
A/P ACH Payment	11,517.05
Total Payments	593,996.22

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
JANUARY 7, 2025**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount City Council was held on Tuesday, January 7, 2025, at 7:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

Mayor Weisensel called the meeting to order with Councilmembers Freske, Essler, Theisen and Klimpel.

a. Oath of Office

City Clerk Fasbender administered the oath of office to Councilmember Freske and Theisen.

APPROVAL OF AGENDA

Motion by Weisensel

Motion to approve the agenda.

Ayes: 5.

Nays: None. Motion Carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

a. Certificate of Achievement for Excellence in Financial Reporting Award

Administrative Services Director Malecha presented the Certificate of Achievement for Excellence in Financial Reporting for the 2023 Annual Comprehensive Financial Report from the Government Finance Officers Association. This is the 28th consecutive year that the city has received this award.

RESPONSE TO PUBLIC COMMENT

None.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion by Theisen **Second by** Freske

Motion to approve the consent agenda

Ayes: 5.

Nays: None. Motion Carried.

a. Bill Listings

b. Minutes of the December 17, 2024 Regular Meeting Minutes

- c. Appointment of Acting Mayor
- d. Designation of Official Newspaper
- e. Naming of Depositories and Financial Institutions
- f. Annual Electronic Funds Transfer Authorization
- g. Appoint Directors - Dakota 911 Center
- h. Donation Acceptance from the Hosanna Community Impact Team
- i. 2025 Solid Waste Haulers Licenses
- j. 2025 Community Development Block Grant (CDBG) Allocation
- k. MnDOT Agreement for TH 3

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Establishing Cannabis and Hemp Business Regulations

Community Development Director Kienberger and City Clerk Fasbender presented an ordinance regulating cannabis businesses and regulating zoning. The previously adopted moratoriums adopted expired at the end of 2024. Highlighted in the draft ordinance is the establishment of a maximum number of establishments allowed for licensing in Rosemount based on a population ratio defined in statute (1 per 12,500 people) and a buffer of 1,000 feet from schools, definitions and licensing process requirements, operating regulations, and temporary event parameters. Staff noted the City can modify this ordinance in the future should there be a need for additional regulations or if the state provides additional guidance.

Motion by Essler Second by Freske

Motion to Adopt an ordinance establishing cannabis and hemp business regulations and approve a resolution for a summary publication.

Ayes: 5.

Nays: None. Motion Carried.

ANNOUNCEMENTS

- a. City Staff Updates

None.

- b. Upcoming Community Calendar

Mayor Weisensel reviewed the calendar of events and upcoming meetings.

ADJOURNMENT

There being no further business to come before the City Council at the regular council meeting and upon a motion by Weisensel the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Erin Fasbender
City Clerk

**ROSEMOUNT CITY COUNCIL
WORK SESSION PROCEEDINGS
JANUARY 7, 2025**

CALL TO ORDER

Pursuant to due call and notice thereof, a work session meeting of the Rosemount City Council was held on Tuesday, January 7, 2025, at 5:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

Mayor Weisensel called the meeting to order with Councilmembers Freske, Essler, Theisen and Klimpel.

a. FOLLOWING THE CITY COUNCIL REGULAR MEETING:

The Council may choose to reconvene the work session after the adjournment of the regular meeting if the business of the work session is unable to be completed in the allotted time.

DISCUSSION

a. Adjournment to Closed Session for City Administrator annual evaluation

Mayor Weisensel closed the meeting to conduct the annual performance review of City Administrator Martin. A report on the results of his performance will be provided at the next City Council meeting on January 21, 2025.

Mayor Weisensel opened the meeting at 6:00 p.m.

b. Discuss 2025 Council Assignments

City Administrator Martin noted the 2025 council assignments. Councilmembers agreed on the proposed assignments with the additions of Councilmember Klimpel as Vice- Mayor and Rosemount Area Athletic Association liaison.

UPDATES

a. Staff Reports

Parks and Recreation Update

Parks and Recreation Director Schultz provided an update on Rosemount's indoor ice status as staff continues to assess the needs with Rosemount Area Hockey Association (RAHA). With The Pond in Rosemount closing, RAHA is struggling to find ice for the 2025-2026 season. Staff will continue to work through possible scenarios and share this information with the City Council at the upcoming goal setting session.

Community Development Update

Community Development Director provided an update on upcoming planning commission items, i.e. Project Falcon, Willie McCoy's and Omni.

Council Update

Mayor Weisensel shared a letter of support submitted for the railway and discussed upcoming trainings and conferences.

b. Intersection Control Evaluation Review - 134th Street West & Carlingford Lane

Public Works Director Egger discussed the intersection control evaluation near 134th Street West and Carlingford Lane. Mr. Egger explained the policy and procedures in place to examine traffic controls, i.e. Right of Way Rule, Minnesota Manual, site lines, crash history, etc. Mr. Egger noted there are very low branch trees in this area which is causing site line issues.

Councilmembers questioned whether the trees could be removed to provide better site lines. Staff will work with residents to provide a solution, i.e. provide a different tree not within the right-of-way. Councilmember Klimpel questioned the inconsistencies throughout Rosemount for when signs are warranted. Mr. Egger said the inconsistencies could have been due to the developer including signage and not as much review could have been done in the older neighborhoods. Now, a developer must submit a signage plan.

Staff will meet with residents within the area of this intersection and share the analysis shared here this evening.

ADJOURNMENT

There being no further business to come before the City Council at the regular council meeting and upon a motion by Weisensel the meeting was adjourned at 6:56 p.m.

Respectfully submitted,

Erin Fasbender
City Clerk

City Council Regular Meeting: January 21, 2025

AGENDA ITEM:	Brockway Pond Structure Improvements, City Project 2023-13: Receive Bids and Award Contract	AGENDA SECTION:	CONSENT AGENDA
PREPARED BY:	Jane Byron, Stormwater Specialist	AGENDA NO.	6.d.
ATTACHMENTS:	Resolution, Project Map, Letter of Recommendation, Bid Summary	APPROVED BY:	LJM
RECOMMENDED ACTION: Motion to Adopt a Resolution Receiving Bids and Awarding Contract for the Brockway Pond Structure Improvements Project, City Project 2023-13.			

BACKGROUND

The Brockway Pond Structure Improvements Project, Project 2023-13, is proposed to replace two atypical stormwater pond inlets and clear mature trees from access routes to improve safety and maintenance access. WSB and Associates, Inc. (WSB) completed the design for this work, and City Staff has been in contact with the Management at Rosemount Woods and received verbal support for the project.

Cost and Funding:

A summary of the Bid Tabulation including the Engineer's Estimate is shown in the following table. The low bid received is \$109,695.00. This is approximately \$108,000 below the Engineer's Estimate.

Contactor	Bid Amount	Percentage Above Low Bid
Nadeau Companies	\$109,695.00	Low Bid
Kurilla Contracting	\$115,288.00	5.10%
McNamara Contracting	\$119,022.00	8.50%
Winberg Companies LLC	\$134,353.28	22.48%
New Look Contracting, Inc.	\$154,246.00	40.61%
JM Hauling LLC	\$187,729.25	71.14%
Minger Construction Co. Inc.	\$189,750.00	72.98%
Urban Companies	\$239,262.00	118.12%

This project will be funded using the Storm Water Utility, and the engineer's estimate of probable project cost was \$217,720.00. WSB has confirmed that the low bidder, Nadeau Companies, is able to complete the project per the submitted bid.

Schedule:

Should the Council approve this resolution, the proposed project schedule is shown below.

Construction Start	Spring, 2025
Substantial Completion	July 20, 2025
Final Completion	September 30, 2025
Vegetation Establishment Maintenance (vegetation establishment maintenance by separate contract)	September, 2025 - September, 2026

RECOMMENDATION

Staff recommends Council adopt the attached resolution accepting bids and awarding the contract to Nadeau Contracting for the Brockway Pond Structure Improvements Project, City Project 2023-13.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025 – XX

**A RESOLUTION RECEIVING BIDS AND AWARDING CONTRACT
FOR BROCKWAY POND STRUCTURE IMPROVEMENTS, CITY PROJECT
2023-13**

BE IT RESOLVED, by the City Council of the City of Rosemount, Minnesota, as follows:

1. All bids on construction of the Brockway Pond Structure Improvements, City Project 2023-13, are hereby received and tabulated.
2. Based on the Total Bid, the bid of Nadeau Companies of Hampton, MN in the amount of \$109,695.00 for the construction of said improvements is in accordance with the plans and specifications and advertisement for bids and is the lowest responsible bid and shall be and hereby is accepted.
3. The Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for the construction of said improvements for and on behalf of the City of Rosemount.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposit of the successful bidder and the next two lowest bidders shall be retained until a contract has been executed.

ADOPTED this 21st day of January, 2025.

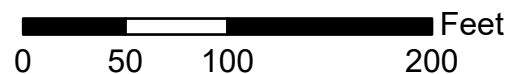
Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk



Brockway Pond Structural Improvement Project





December 20, 2024

Honorable Mayor and City Council
City of Rosemount
2875 145th Street W
Rosemount, MN 55068-4997

Re: Brockway Pond Outlet Improvement Project
City of Rosemount
City Project No. 2023-13
WSB Project No. 022713-000

Dear Mayor and Council Members:

Bids were received for the above-referenced project on Friday, December 20, 2024, and were opened and read aloud. Eight bids were received. The bids were checked for mathematical accuracy. Please find enclosed the bid summary indicating the low bid as submitted by Nadeau Companies LLC, Hampton, Minnesota in the amount of \$109,695.00. The Engineer's Estimate was \$217,720.00.

We recommend that the City Council consider these bids and award a contract in the amount of \$109,695.00 to Nadeau Companies LLC. based on the results of the bids received.

Sincerely,

WSB

Bill Alms, PE
Senior Project Manager

Attachments

ams

BID TABULATION SUMMARY

PROJECT:

Brockway Pond Outlet Improvement Project

OWNER:

City of Rosemount

CITY PROJECT NO.:

2023-13

WSB PROJECT NO.:

022713-000

Bids Opened: Friday, December 20, 2024, at 10:00 am

Contractor		Bid Security (5%)	Grand Total Bid
1	Nadeau Companies	X	\$109,695.00
2	Kurilla Contracting	X	\$115,288.00
3	McNamara Contracting	X	\$119,022.00
4	Winberg Companies LLC	X	\$134,353.28
5	New Look Contracting, Inc.	X	\$154,246.00
6	JM Hauling LLC	X	\$187,729.25
7	Minger Construction Co. Inc.	X	\$189,750.00
8	Urban Companies	X	\$239,262.00
Engineer's Opinion of Cost			\$217,720.00

I hereby certify that this is a true and correct tabulation of the bids as received on December 20, 2024.



Bill Alms, Sr. Project Manager

* Denotes corrected figure

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Minnesota Department of Employment and Economic Development (DEED) Redevelopment Grant Resolution of Support	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Eric Van Oss, Economic Development Coordinator	AGENDA NO. 6.e.
ATTACHMENTS: Resolution	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to Adopt the attached resolution supporting application to the DEED Redevelopment Grant Program for Project Falcon.	

BACKGROUND

Staff has been working with Project Falcon on their intent to develop an aerospace research and testing facility within the University of Minnesota's land holdings. The site is located directly south of the Meta development within the UMore Park area. Project Falcon is working in partnership with the University on a shared research facility within the larger development. Project Falcon has submitted land use applications to the City that will be considered at the January Planning Commission regular meeting. The initial application will include a preliminary and final plat as well as a rezone of the property. Applications for site plan review are expected within the upcoming months.

As part of the Project Falcon development, the city is working with the developer to secure funding for environmental investigation, clean up and redevelopment costs. The city is planning to apply for a DEED Redevelopment Grant for associated infrastructure improvements to the site. As part of the application, the city needs to adopt a resolution of support prior to submittal. Total redevelopment eligible costs for the site are estimated at \$4.1 million. The project could seek up to an estimated \$1 million in DEED and County redevelopment grants, while the remainder of the redevelopment costs would be funded by the developer's sources. The DEED Redevelopment grant requires a 50% match, which can be met by the developer's funds.

Rosemount was recently awarded a DEED Environmental Investigation grant for this project, and this application represents the next phase of grant funding. The City is also planning to apply for a Dakota County Redevelopment Incentive Grant to use as a matching funds source for this application. In the spring, the city is also planning on submitting an application for a cleanup grant through the Minnesota Brownfields Program. Initial site work, infrastructure work and environmental remediation is expected to begin this spring.

RECOMMENDATION

Motion to Adopt the attached resolution.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025 – XX

**A RESOLUTION FOR MINNESOTA DEPARTMENT OF EMPLOYMENT AND
ECONOMIC DEVELOPMENT REDEVELOPMENT GRANT RESOLUTION OF SUPPORT**

WHEREAS, that the City of Rosemount act as the legal sponsor for project(s) contained in the Redevelopment Grant Program application to be submitted on February 1, 2025, and that Mayor is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Rosemount; and

WHEREAS, that the City of Rosemount has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

WHEREAS, that the sources and amounts of the local match identified in the application are committed to the project identified; and

WHEREAS, that if the project identified in the application fails to substantially provide the public benefits listed in the application within five years from the date of the grant award, the City of Rosemount may be required to repay 100 percent of the awarded grant per Minn. Stat. § 116J.575, Subd. 4; and

WHEREAS, that the City of Rosemount has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

WHEREAS, that the City of Rosemount has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

WHEREAS, that upon approval of its application by the state, the City of Rosemount may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that the City of Rosemount certifies that it will comply with all applicable laws and regulation as stated in all contract agreements

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA that the Mayor and the Clerk, are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

ADOPTED this 21st day of January, 2025.

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: 2025 Joint Powers Agreement – Solid Waste and Recycling Coordinator	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Dan Schultz, Parks & Recreation Director	AGENDA NO. 6.f.
ATTACHMENTS: Agreement	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to enter into a Joint Powers Agreement with the cities of Farmington and Hastings to continue to fund the shared Solid Waste and Recycling Coordinator position.	

BACKGROUND

In 2022, staff from the Parks and Recreation department worked with the cities of Hastings and Farmington to develop a shared full-time position to coordinate the city's solid waste and recycling programs. A large majority of the funding for a position is provided through the Dakota County's solid waste grant program. The position would spend time in all three cities during the week coordinating special events, community outreach, handling the day-to-day operations of solid waste and recycling programs and working to meet the requirement of the of Dakota county's solid waste programs.

There are several cities that worked together to provide the solid waste and recycling programs in Dakota County. The model of sharing a position has been well received by other communities.

This position has been allocated in the 2025 budget for the City of Rosemount along with the other two partnering cities.

RECOMMENDATION

Staff is recommending that the City Council approve a joint powers agreement with the cities of Farmington and Hastings to continue to fund a shared Solid Waste and Recycling Coordinator.

**AGREEMENT
TO PROVIDE SOLID WASTE AND RECYCLING COORDINATION SERVICES**

This Joint Powers Agreement ("Agreement") made this ___ day of _____ 2025 by and among the city of Rosemount ("Rosemount"), the city of Hastings ("Hastings"), and the city of Farmington ("Farmington") (herein referred to individually as "City" and collectively referred to as the "Cities").

1. AUTHORITY. This Agreement is entered into pursuant to Minnesota Statutes § 471. 59 and the authority provided in the statute for the Cities to jointly and cooperatively exercise powers common to the Cities.

2. PURPOSE. The purpose of this Agreement is to provide solid waste and recycling coordinated services for the Cities and to that end, hire a Solid Waste and Recycling Coordinator as further described in Section 3.

3. SOLID WASTE COORDINATOR. A Solid Waste and Recycling Coordinator ("SWRC") will be an employee of Rosemount and shall perform the basic services of the solid waste and recycling coordination ("the Program") for Rosemount, Hastings, and Farmington.

Program basic services include but are not limited to:

- Coordinate solid waste and recycling programs to ensure county ordinances and best practices are executed to achieve MPCA waste diversion goals.
- Apply for the annual Community Waste Abatement grant to fund required activities.
- Oversee the Community Waste Abatement grant funds.
- Collect data and report on activities.
- Attend Community Waste Abatement staff meetings, trainings and conferences.

- Develop, coordinate, and implement public education programs and materials encouraging waste stream reduction, diversion, and recycling.
- Plan, implement and evaluate collection events, workshops, and presentations.
- Work with multi-family building managers to enhance recycling efforts through training, education and infrastructure.
- Act as a liaison for interested community groups, agencies, committees and the public regarding solid waste management planning, policies, and issues.
- Review City ordinances for compliance with changing county ordinances and state solid waste laws.
- Respond to citizen questions and concerns.
- Perform other duties and responsibilities as apparent or assigned.
- May utilize social media, or link to existing social media to recruit volunteers and show the good work being done.

4. FINANCE.

A. Compensation.

i) The initial compensation for the SWRC shall be one hundred and seven thousand, seventy-one 0/100 dollars (\$107,071) ("Compensation"), as further described in Attachment A. Compensation shall be shared equally between the three cities with each city being responsible for one third of Compensation ("City Share") which shall initially be thirty-five thousand, six hundred ninety and 0/100 dollars (\$35,690) for Hastings and Farmington.

ii). As the SWRC's employer, Rosemount shall be responsible for paying the SWRC's Compensation. Hastings and Farmington shall each reimburse Rosemount for their City Share quarterly. Rosemount shall invoice the Hastings and Farmington quarterly and such invoices shall be paid within thirty (30) days of receipt.

iii). By June 1st of each year, the Cities shall meet to review the results of the Program and shall establish a budget for the following year.

B. Should the Coordinator apply for grants on behalf of an individual City, the grant funds shall be received by that individual City. If the Coordinator applies for a grant on behalf of two or three Cities, the grant funds will be split equally between the Cities or as detailed in the grant agreement.

5. OTHER CONTRIBUTIONS BY CITIES.

A. Each City shall determine which of its assets will be available to the Program. Each City must provide a dedicated office space at which the Coordinate may work when on site in that City. Each City shall provide office supplies and materials necessary to carry out the work as described in this agreement.

B. Each City shall maintain liability insurance coverage on the volunteers working with this Program as required by law.

C. The SWRC will track assets made available to the Program from each City. Assets made available to the Program will be promptly returned to the City that provided them upon that City's withdrawal from the Agreement.

D. The SWRC will be supervised by Rosemount's designated contact. Required safety, legal and related reporting shall be through Rosemount's designated contact. Rosemount's designated contact will coordinate with the designated contact in Hastings and Farmington items related to SWRC's job duties.

E. Rosemount shall provide a working computer capable of handling basic office software. Rosemount shall provide access to a working landline, internet service, and shared fax and printer for the Program. A Rosemount-issued-cell phone or a stipend under Rosemount's employee handbook shall be provided by Rosemount and is part of the shared cost between the parties.

6. PERSONNEL. The Solid Waste and Recycling Coordinator shall be deemed an employee of the City of Rosemount. The Solid Waste and Recycling Coordinator shall be subject to the human resources and other policies of Rosemount.

7. INSURANCE AND INDEMNIFICATION.

A. Insurance

i. General Liability Insurance. Each City agrees to maintain comprehensive general liability insurance equal to or greater than the maximum liability for tort claims under Minn. Stat. § 466. 04, as amended. If any City is notified that its insurance is cancelled, it will immediately notify the other Cities in writing. If any City is unable to obtain or keep in force at least the minimum coverage required by this paragraph, any City may withdraw from this Agreement after giving the other member Cities at least sixty (60) days written notice of its intent to withdraw.

ii. Workers' Compensation Insurance. Each City shall be responsible for injuries to or death of its own employees. Each City shall maintain workers' compensation coverage or self- insurance coverage, covering its own employees while they are providing services pursuant to this agreement. Each City waives the right to sue any other City for any workers' compensation benefits paid to its own employee or their dependents, even if the injuries were caused wholly or partially by the negligence of any other City or its officers, employees or agents.

B. Indemnification. Each City shall be liable for its own acts and the results thereof to the extent provided by law and, further, each City shall defend, indemnify, and hold harmless the other(s) (including their present and former officials, officers, agents, employees, volunteers, and subcontractors), from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of the indemnifying City, anyone directly or indirectly employed by it, and/or anyone for whose acts and/or omissions it may be liable, in the performance or failure to perform its obligations under this Agreement. The provisions of Minnesota Statutes, Chapter 466 shall apply to any tort claims brought against Rosemount, Farmington, and/or Hastings a result of this Agreement.

8. DURATION.

A. Any City may withdraw from this Agreement with an effective date of December 31 of any year for the following year by providing written notice of termination by August 31st of that year.

B. In the event of written notification to withdraw, the remaining Cities shall meet to consider modifying the Agreement to continue without the withdrawing City or to terminate the Agreement.

9. NOTICES. Unless the Parties otherwise agree in writing, any notice or demand which must be given or made by a Party under this Agreement or any statute or ordinance shall be in writing and shall be sent registered or certified mail. Notices must be sent to the following individuals, who shall service as the designated representative of each City, unless a City provides otherwise in writing:

Rosemount: Dan Schultz, Parks and Recreation Director
13885 South Robert Trail
Rosemount, MN 55068

Farmington: John Powell, Public Works Director/City Engineer
430 Third St.
Farmington, MN 55024

Hastings: Chris Jenkins, Parks and Recreation Director
920 West 10th Street
Hastings, MN 55033

10. DATA. Each City, their officers, agents, owners, partners, employees, volunteers and subcontractors, shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, and all other applicable state and federal law, rules, regulations and orders relating to data privacy, confidentiality, disclosure of information, medical records or other health and enrollment information, and as any of the same may be amended.

11. RECORDS – AVAILABILITY/ACCESS. Subject to the requirements of Minn. Stat. § 16C.05, subd. 5, the Cities, the State Auditor, or any of their authorized representatives, at any time during

normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., of the Cities which are pertinent to the accounting practices and procedures of the Cities and involve transactions relating to this Agreement. The Cities shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its expiration, cancellation or termination.

12. INDEPENDENT PARTIES. It is understood that the relationship between the Cities as to the subject matter of this Agreement constitutes only the understandings set forth in this Agreement. It is further agreed that, notwithstanding any other formal, written agreements or contracts which may exist between the Cities, nothing is intended or should be construed in any manner as creating or establishing the relationship of partners between the Cities hereto or as constituting either City as the agent, representative, or employee of the other for any purpose or in any manner whatsoever. Each City is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

13. NO PRESUMPTION AGAINST DRAFTING PARTY. The parties acknowledge that: (a) this Agreement and its reduction to final written form are the result of extensive good - faith negotiations among the parties through themselves and/or their respective legal counsel; (b) said parties and/or their legal counsel have carefully reviewed and examined this Agreement prior to execution; and (c) any statute, common law, or rule of construction which provides that ambiguities are to be resolved against the drafting party (ies) shall not be employed in the interpretation of this Agreement.

14. GOVERNING LAW AND VENUE. This Agreement shall be governed and construed in accordance with the laws of the State of Minnesota without regard to its conflict of laws provision. The parties agree that any action arising out of this Agreement or with respect to the enforcement of this Agreement shall be venued in the Dakota County District Court, State of Minnesota.

15. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and the counterparts shall together constitute one and the same agreement.

16. EXECUTION OF ADDITIONAL DOCUMENTS. The parties agree to execute and deliver to the other party, as requested, any additional documents and/ or instruments that may reasonably be determined as necessary to consummate this transaction.

IN WITNESS WHEREOF, the Cities hereto have caused this Agreement to be executed by their respective duly authorized officers.

CITY OF ROSEMOUNT

Dated:

By: _____

Its: Mayor

By: _____

Its: City Clerk

Dated: _____

CITY OF HASTINGS

By: _____

Its. Mayor

by: _____

Its: City Clerk

Dated: _____

CITY OF FARMINGTON

By: _____

Its: Mayor

By: _____

Its: City Clerk

Dated: _____

ATTACHMENT A

JOINT FEES/EXPENSES

2025	Annual Cost
A. Solid Waste Coordinator Salary/Benefits	
- PERA, FICA, single medical, single dental, and life	\$105,831
B. Membership— SOLID WASTE ORG.	\$100
C. Mileage Reimbursement	\$600
D. Smart Phone Monthly Fee Reimbursement \$45/mo.	\$540
Total Projected Costs:	\$107,071
Divided between 3 cities	\$ 35,690 per city

City Council Regular Meeting: January 21, 2025
 Tentative 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: CONSENT AGENDA
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.g.
ATTACHMENTS: Site Location, Draft Permit Conditions, Mine Plans, 2023 and 2024 Mine Aerials, Site Photos	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to 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 City Council 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.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing during its December 16 meeting to review the renewal request and receive public comment. The Planning Commission received no comments related to this

request and it voted unanimously to recommend the City Council renew Shafer's Small Scale Mineral Extraction permit through 2026.

BACKGROUND

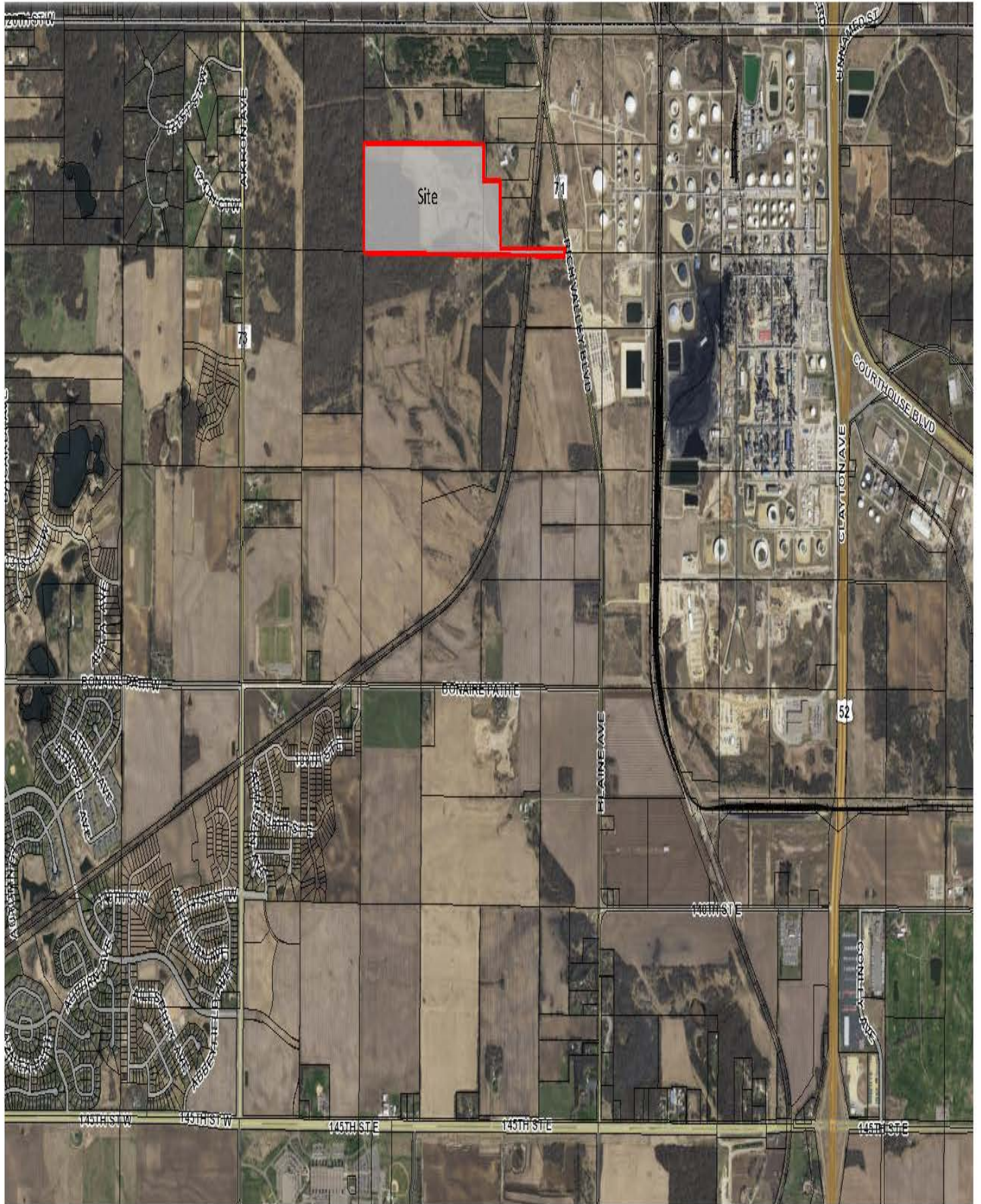
Shafer has been extracting minerals from the site since 1998 and has owned the property since 2000. The applicant reports that 24,227 cubic yards of sand or gravel were removed in 2024, and there were no haul-back or recycled material brought to the property over the past year. It is unclear what the 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.

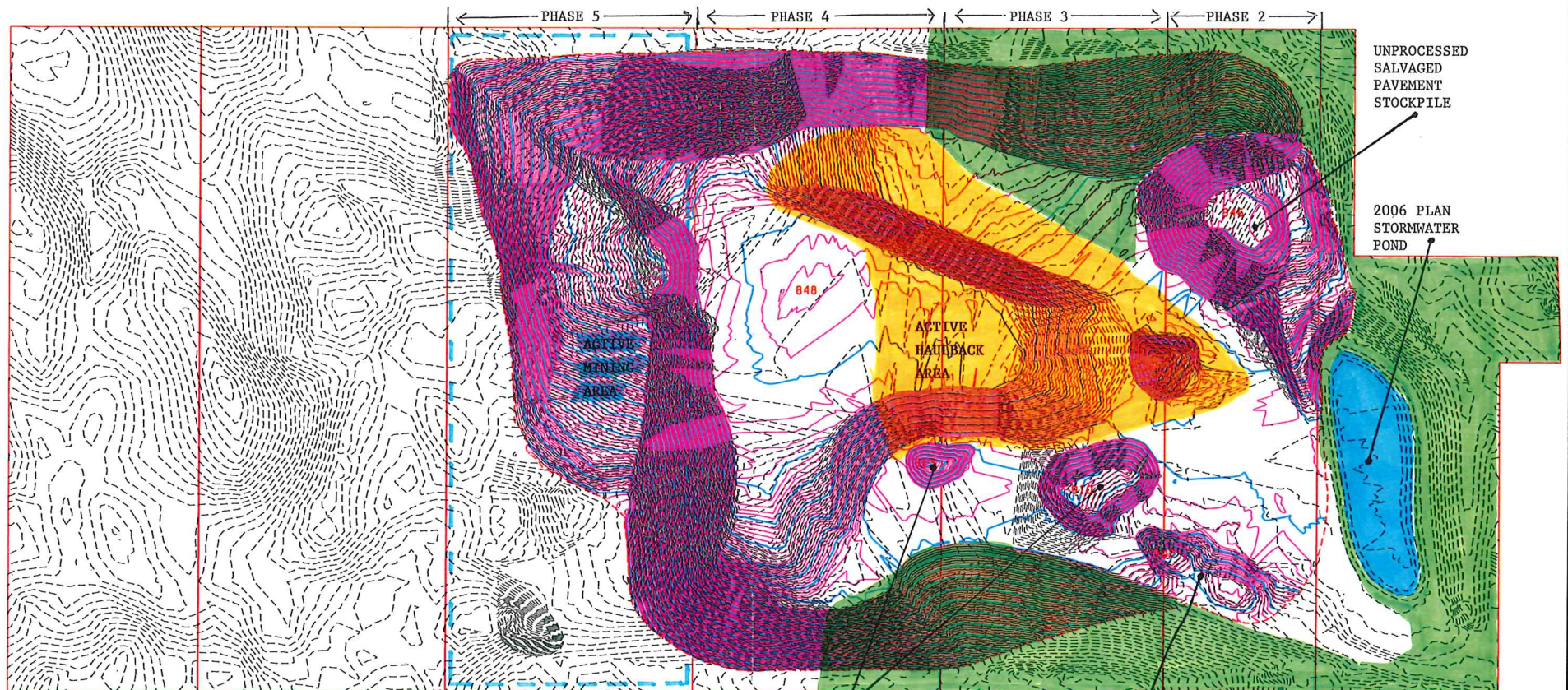
Upon thirty (30) days notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash deposit during the term of this permit in order to insure that the City is adequately protected.

- 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

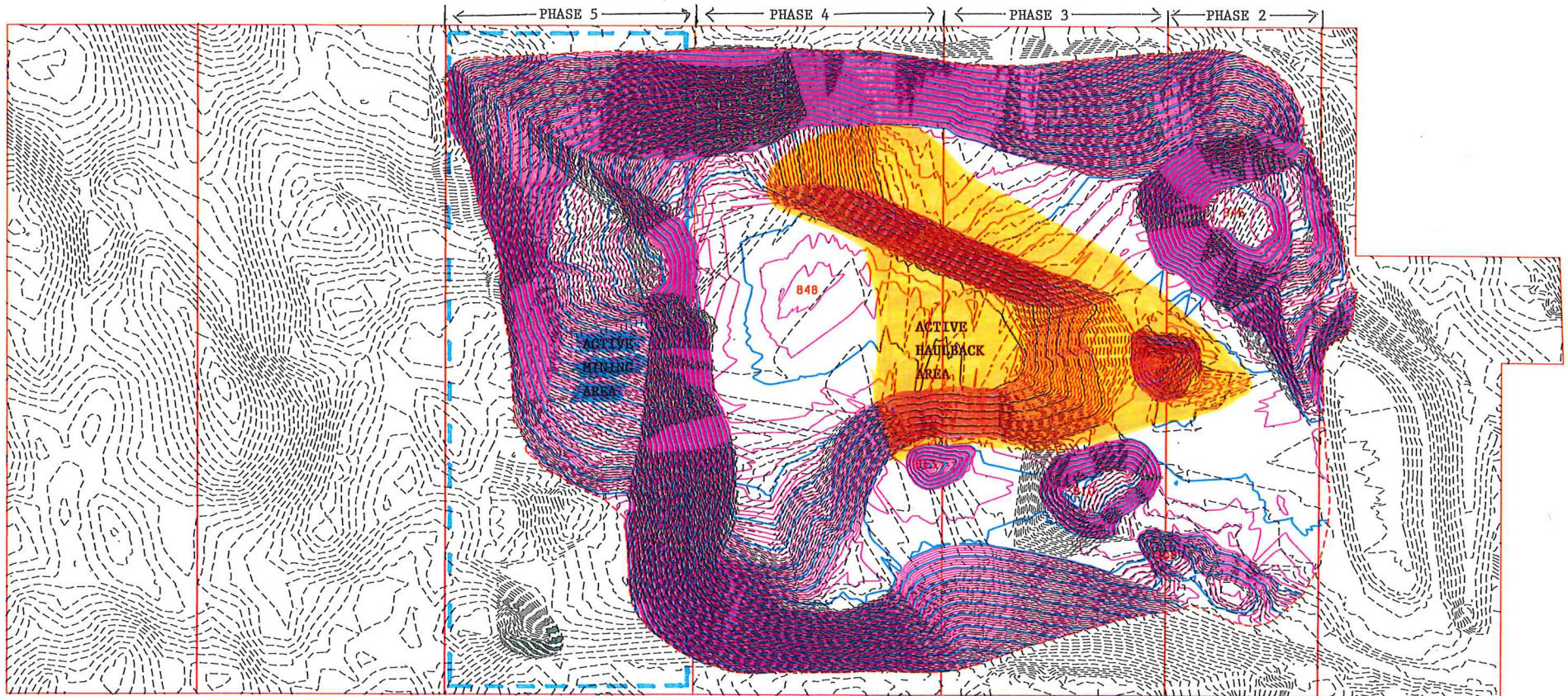


RECYCLED AGGREGATE
BASE STOCKPILE

UNPROCESSED
SALVAGED PAVEMENT
STOCKPILE

10/21/2024

JOHNSON PIT
2024



10/21/2024







































City Council Regular Meeting: January 21, 2025
 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: CONSENT AGENDA
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.h.
ATTACHMENTS: Draft Permit, Resolution, PC Meeting Minutes Excerpt, Site Location, Narrative, Interim Use Permit History Chart, North Mine Plan, North Mine Aerials, South Mine Plan, South Mine Aerials, Site Photos	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to 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 adopt a resolution approving the renewal of the Interim Use Permit for Dakota Aggregates to operate aggregate processing and recycled aggregate products processing, subject to conditions.	

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 City Council 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

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing during its December 16th meeting to review the renewal requests and to receive public comment. Following staff's presentation, which included the reading of a letter received by staff from a resident living in Amber Fields who is opposed to the expansion of mining by Dakota Aggregates. The Commission asked if there would be an increase in mining as part of the renewal. Staff confirmed that nothing is being expanded and that the approved mining plan will continue being followed. The Commission asked how complaints would be addressed now that mining permits are renewed on a biennial basis. Staff described the drop in complaints following the closure of the haul roads and spoke about how the operator has been quick to address complaints as they are received.

The Commission also asked when mining will be completed. Mining will be complete in the northern portion of Dakota Ag's mining area by 2028 with reclamation possibly happening until 2030. The Commission also sought confirmation that Amber Fields was aware of the mining operation prior to development, which staff confirmed to be the case. Finally, the Commission asked about dust mitigation and the use of water. Water is applied to sandy areas to prevent dust from blowing from the site, and that water is drawn from on-site stormwater ponding.

The Commission received, in addition to the letter referenced above, a question from the public related to traffic impacts, particularly in the vicinity of Biscayne and 42. Staff provided some insight into how trucks travel from the site, with most using County Road 46 to get to Highway 52.

The Planning Commission voted unanimously to recommend approval of the Large Scale Mineral Extraction permit renewal as well as the Interim Use Permit renewal to operate an aggregate processing facility in the LSME permit area.

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 December, the City Council approved the request by Minnesota Paving and Materials for the renewal of its IUP, and the Council 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, subject to the terms and conditions in the attached draft conditions for mineral extraction permit.

2025 Large Scale Mineral Extraction Annual Operating Permit
Agreement for North Dry Mining Sub-phases ~~2C~~, 2D, 3A, 3B, 3C, 3D,
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, 3D, 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)

) **ss**

COUNTY OF _____

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 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.

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 January 2025 by the City Council of the City of Rosemount.

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

EXCERPT FROM THE DECEMBER 16 PLANNING COMMISSION MEETING MINUTES

f. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit through 2026 and its Interim Use Permit for aggregate processing.

Nemcek presented on Dakota Aggregates renewal of a Large-Scale Mineral Extraction permit and its Interim Use Permit through 2026. In 2024, 91 acres have been returned to the University for agricultural use and an additional 6 acres will be returned in 2025. 35 acres have been returned as open water in the southern mining area. No aggregate was sold or hauled out of the northern mining area. Aggregate processing is classified as an Ancillary Use which requires its own IUP. Nemcek stated that staff found the conditions of approval continue to be met.

Nemcek gave an overview of different areas on the site. Nemcek also presented the community impacts of the mine. He provided site photos of the mining and reclamation process. He also showed photos of restored land. Staff recommended approval. The permit will be updated to run on a two-year cycle but will require administrative reviews of relevant information to ensure compliance.

Staff received a letter after the Planning Commission packet had already been published.

**Kristina Hays
14944 Athlone Place**

"Dear Planning Commission,

I hope as many neighbors I have spoken to about this issue will also be sending in letters. The negative impact of the expansion of the gravel pit. Main concern is the increase in dust in the air. Many have family members with respiratory sensitivities. Impact and concern with decreasing home value. Impact of increasing business consumption of resources specifically water use and quality.

Thank you for considering the concerns of residents."

Chairperson Kenninger asked if there would be an increase in mining with the approval of this permit renewal. Nemcek confirmed that nothing is being expanded, and Dakota Aggregates is following their original mining plan. Chairperson Kenninger asked about complaints during the two-year permit timeline. Nemcek responded that there have been significantly less complaints in recent years, but any complaints are addressed at the time of complaint.

Commissioner Beadner asked if mining will be completed by 2030. Nemcek responded that mining will be complete in the northern portion of the site and reclamation could last until 2030. He also said the mining on the southern portion of the site will not be done

by 2030 and they have a lease that runs until 2040. Commissioner Beadner asked if Amber Fields was aware of the mining prior to development. Nemcek replied that the mining was in effect prior to the development of Amber Fields.

Commissioner Reed asked about water use and if the recycled water is used in the process to prevent the dust. Nemcek confirmed that the water recycled from the pond is used in the mitigation process.

Chairperson Kenninger opened the public hearing.

Ruth Simon

14642 Bloomfield Path

Ms. Simon asked about traffic impacts and hours of operation.

Motion by Kenninger **Second** by Reed

Motion to close public hearing

Ayes: 5.

Nays: None. Motion Carried.

Nemcek responded to Ms. Simon's question that the mine is allowed 24/7 operation. He also stated that Biscayne Avenue was designed to handle the traffic, but Dakota Aggregates has also been given permission to other specified routes. Nemcek clarified that staff is aware of the amount of traffic on Biscayne Avenue and County Road 42, but to his knowledge trucks going in and out of the mining site avoid it. Chairperson Kenninger mentioned that any other similar questions can be answered by reaching out to the city's Planning department.

Commissioner Beadner asked about air quality tests in the neighborhood next to the mine. Nemcek responded that there are requirements for mining operations to use water to mitigate dust, but he was not sure about any testing in that neighborhood specifically.

Motion by Reed **Second** by Whitman

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.

Ayes: 5.

Nays: None. Motion Carried.

Motion by Reed **Second** by Whitman

Motion to recommend the City Council renew the Interim Use Permit for Dakota Aggregates to operate aggregate processing and recycled aggregate products processing.

Ayes: 5.
Nays: None. Motion Carried.



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.

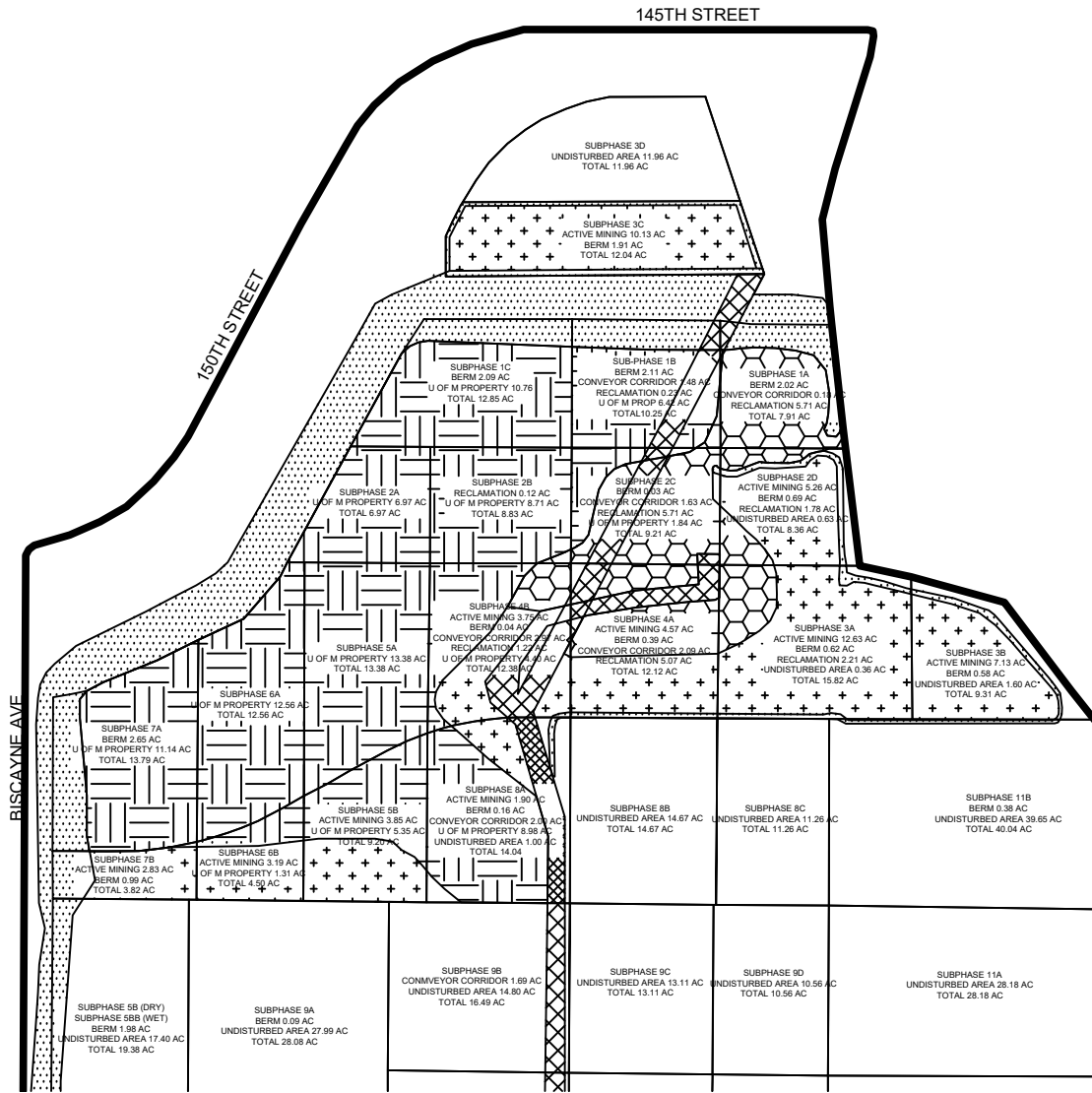
IUP Renewal – Aggregate Processing and Recycle Products Processing

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

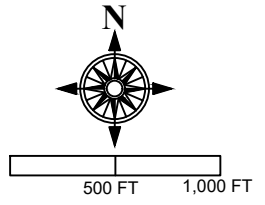
UNIVERSITY OF MINNESOTA PROPERTY

ACTIVE MINING

RECLAMATION

UNDISTURBED AREA

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





































City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Approval of Council Travel	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Erin Fasbender, City Clerk	AGENDA NO. 6.i.
ATTACHMENTS:	APPROVED BY: LJM
RECOMMENDED ACTION: Approve travel for Mayor Weisensel to attend National League of Cities Congressional City Conference	

BACKGROUND

Mayor Weisensel has expressed interest in attending the National League of Cities (NLC) Congressional City Conference March 10-12, 2025 in Washington, D.C. According to the City's adopted policy, the conference must be approved in advance by a vote of the City Council at an open meeting and must include an estimate cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:

- Whether the elected official will be receiving training on issues relevant to City or his or her role as Mayor or Council Member.
- Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the city or on the official roles of local elected officials.
- Whether the elected official will be viewing a city facility or function that is similar to nature to one that is currently operating, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of full Council.
- Whether the elected official has been specifically assigned by the Council to visit another city for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.
- Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
- Whether the City has sufficient funding available in the budget to pay for the cost of the trip.

The estimated cost for Mayor Weisensel to attend NLC Congressional City Conference is \$600 for airfare, \$180 for travel & parking and \$340 plus tax for hotel fees per night. The registration fee to attend the meeting is \$670. The applicable "meals and incidental expense" rate for Washington D.C. is \$92 per day and \$69 for first and last day of travel.

RECOMMENDATION

Staff recommends the City Council approve Mayor Weisensel's travel to the meeting.

City Council Regular Meeting: January 21, 2025

AGENDA ITEM:	Renewal of the Carl Bolander and Sons, LLC Small Scale Mineral Extraction Permit for 2025 and 2026	AGENDA SECTION:	CONSENT AGENDA
PREPARED BY:	Liz Kohler, Community Development Technician	AGENDA NO.	6.j.
ATTACHMENTS:	Site Location, 2025 Conditions for Mineral Extraction, Applicant Narrative, Site Plan, Aerial Imagery, Site Photos	APPROVED BY:	LJM
RECOMMENDED ACTION: Motion to renew the Carl Bolander and Sons, LLC Small Scale Mineral Extraction permit for 2025 and 2026 subject to the 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 Street East
Area in Acres:	80 acres
Mining Area:	55 acres
Comp. Guide Plan:	BP - Business Park, MDR - Medium Density Residential, and LDR - Low Density
Designation:	Residential
Current Zoning:	A2- Agricultural

Planning Commission Action

The Planning Commission held a public hearing during its meeting on December 16th to review the renewal request and receive public comment. The Planning Commission received no comments related to the request, and the Commission voted unanimously to recommend the City Council renew the Carl Bolander and Sons, LLC Small Scale Mineral Extraction permit for 2025 and 2026.

Background

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 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 also provided compaction test results for 2024.

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

2025 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 of the City Code.
- C. This permit is granted for the area designated as Phase 4 as shown on the Phasing Plan dated 10-23-2024. 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, 2025 until December 31, 2026 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. 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, 2025 until July 31, 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, 2025 until July 31, 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. 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.

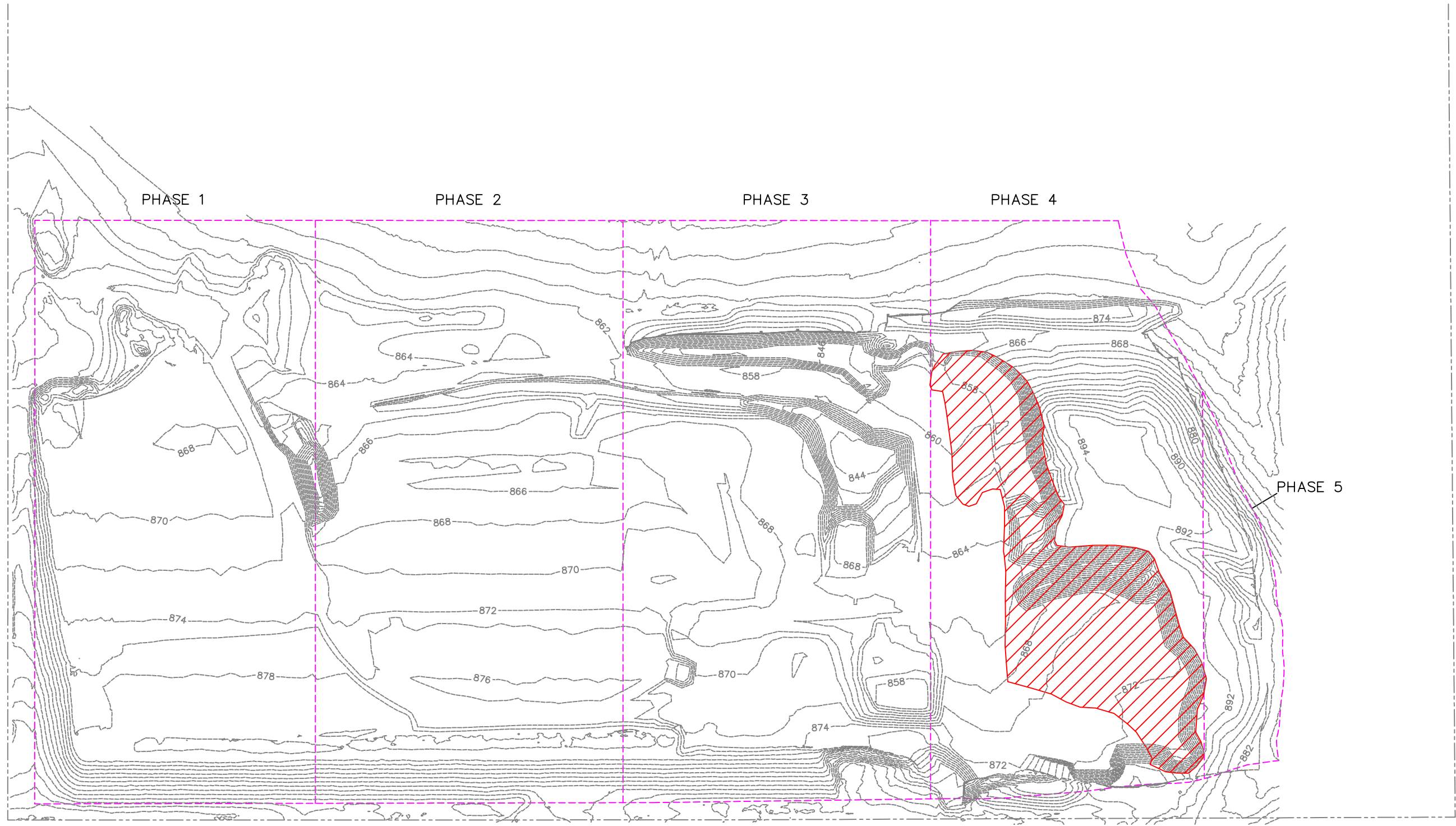
8. Reports

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

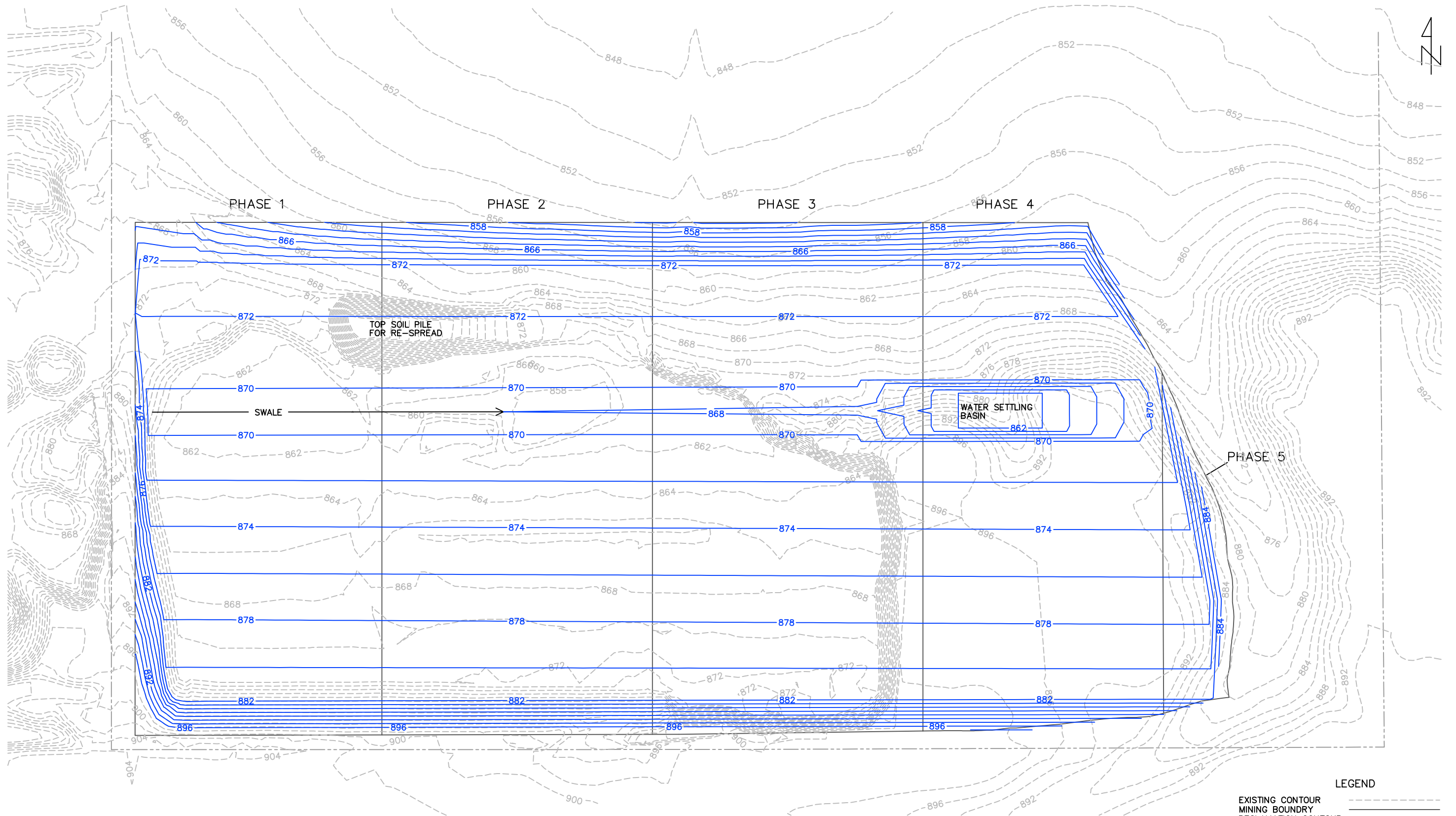
- Depth of topsoil is variable, with average of 4-6" typically
- All trees proposed for removal were removed 5 years ago.
- Depth of water table is lower– we believe 675'-680' if encountered. The water we tend to encounter is perched water at variable elevations depending if silt is present at depth.



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







City Council Regular Meeting: January 21, 2025

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:	CONSENT AGENDA
PREPARED BY:	Anthony Nemcek , Senior Planner	AGENDA NO.	6.k.
ATTACHMENTS:	Primary Plant Resolution, Seasonal Plant Resolution, Site Location and Aerials, Primary Plant Narrative, Seasonal Plant Narrative, Site Plan	APPROVED BY:	LJM
RECOMMENDED ACTION: Motion to adopt a resolution approving an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Primary Ready Mixed Concrete Plant, subject to conditions. Motion to adopt a resolution approving an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Seasonal Ready Mixed Concrete Plant, subject to conditions.			

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:
Current Zoning;

AGR-Agricultural Research
A-2 Agricultural

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing during its December 16, 2024 meeting to review the renewal requests and to receive public comment. No public comments were received by the Commission. The Commission asked about the lifting of the restriction for trucks to use Biscayne Avenue. Since the original approval, when Biscayne was still a gravel road, Biscayne has been improved to an urban design capable of handling truck traffic. While trucks are now able to use Biscayne Avenue, most trucks use other routes. The Planning Commission voted unanimously to recommend approval of the IUP renewals.

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

The Planning Commission and staff recommend 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.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025-

**A RESOLUTION APPROVING AN INTERIM USE PERMIT (IUP) FOR CEMSTONE
PRODUCTS COMPANY TO OPERATE A PRIMARY READY MIXED CONCRETE
PLANT**

WHEREAS, the City of Rosemount received an application from Cemstone Products Company for the approval of an Interim Use Permit (IUP) to operate a primary concrete plant at 1300 158th Street, Rosemount, Minnesota; and

WHEREAS, on December 16, 2024, the Planning Commission of the City of Rosemount held a public hearing to review the IUP application from Cemstone for the primary concrete plant; and

WHEREAS, the Planning Commission adopted a motion recommending that the City Council approve the IUP for Cemstone subject to the conditions listed below; and

WHEREAS, on January 21, 2025, the City Council of the City of Rosemount reviewed the Planning Commission's recommendation and the IUP for Cemstone.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Rosemount hereby approves the IUP for Cemstone to operate a primary concrete plant at 1300 158th Street, Rosemount, Minnesota, subject to 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.

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

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025-

**A RESOLUTION APPROVING AN INTERIM USE PERMIT (IUP) FOR CEMSTONE
PRODUCTS COMPANY TO OPERATE A SEASONAL READY MIXED CONCRETE
PLANT**

WHEREAS, the City of Rosemount received an application from Cemstone Products Company for the approval of an Interim Use Permit (IUP) to operate a seasonal concrete plant at 1300 158th Street, Rosemount, Minnesota; and

WHEREAS, on December 16, 2024, the Planning Commission of the City of Rosemount held a public hearing to review the IUP application from Cemstone for the seasonal concrete plant; and

WHEREAS, the Planning Commission adopted a motion recommending that the City Council approve the IUP for Cemstone subject to the conditions listed below; and

WHEREAS, on January 21, 2025, the City Council of the City of Rosemount reviewed the Planning Commission's recommendation and the IUP for Cemstone.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Rosemount hereby approves the IUP for Cemstone to operate a seasonal concrete plant at 1300 158th Street, Rosemount, Minnesota, subject to 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 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.

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

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk









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.

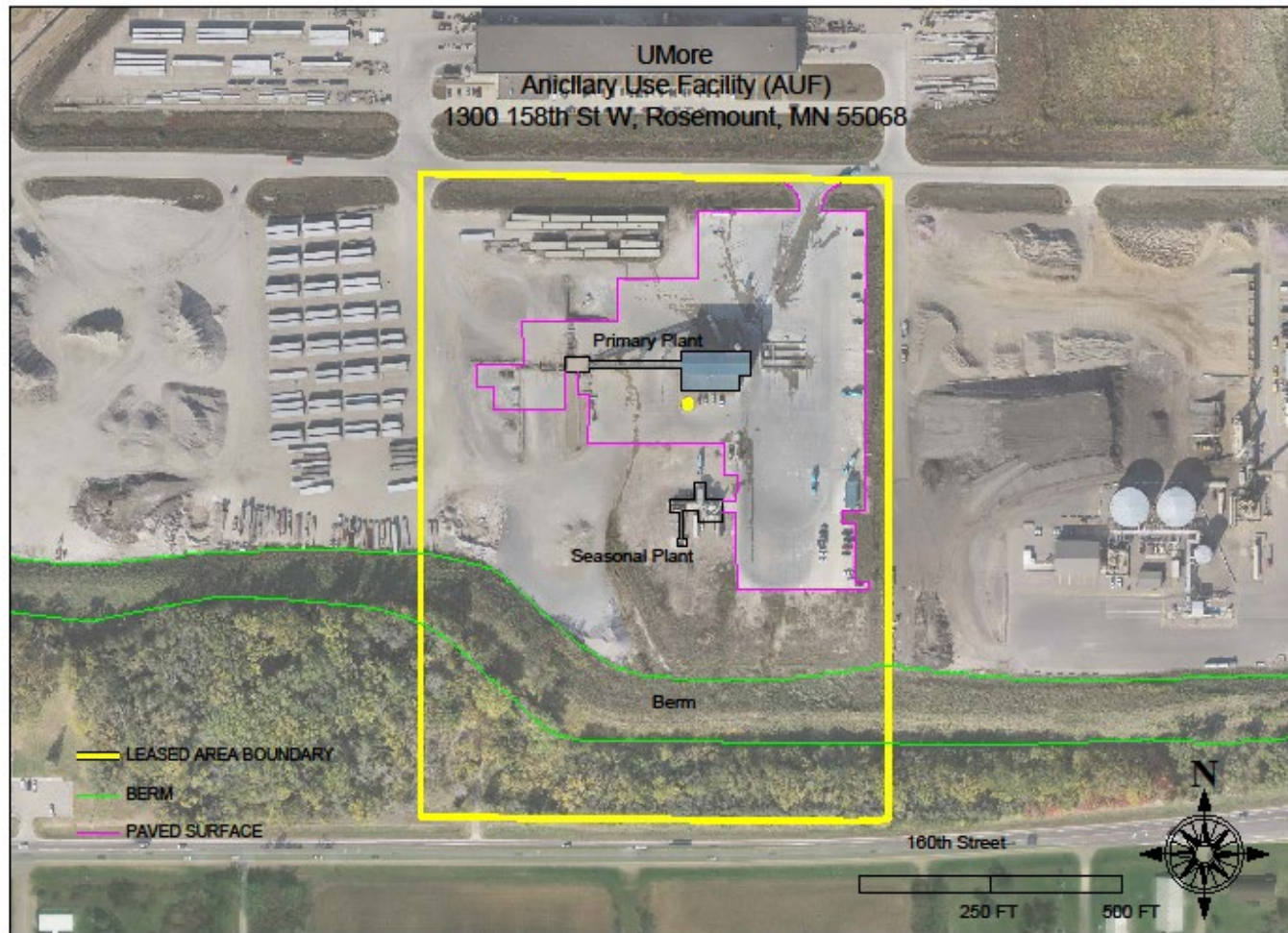
The material stockpiles are primarily located along the perimeters of the concrete production facility. Only specialty materials are stockpiled on-site. These materials are primarily 3/4" limestone, 3/4" granite, and 3/8" granite. The stockpiles vary in height, but do not exceed 60' in height. The stockpiles 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

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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.

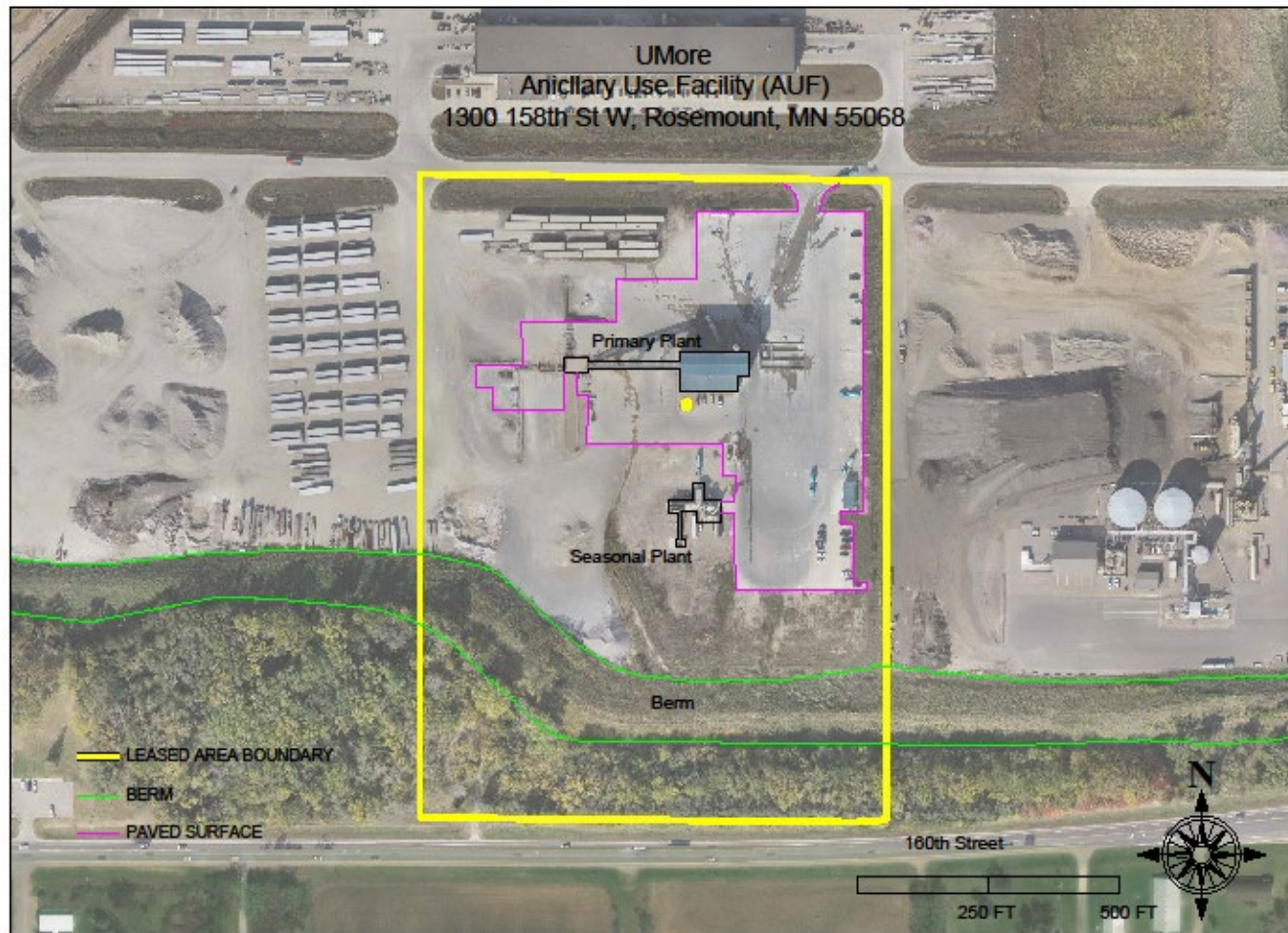
The material stockpiles are primarily located along the perimeters of the concrete production facility. The stockpiles vary in height, but do not exceed 60' in height. The stockpiles and associated equipment are screened from view from public right of way by berms and existing mature trees on the north 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.

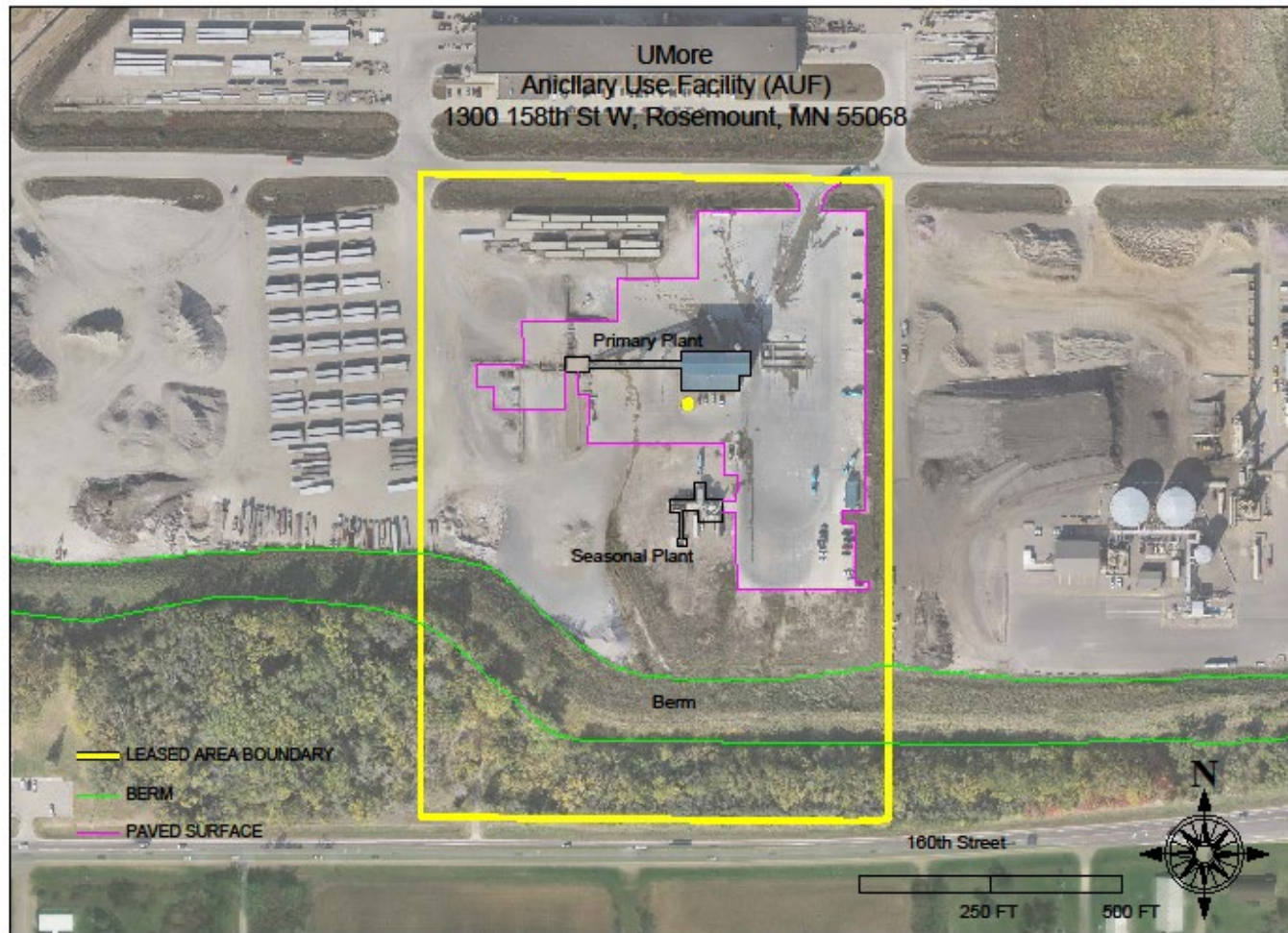
The seasonal concrete plant is covered under the already issued Minnesota Total Facility Operating Permit (Air Permit #03700370-001). This permit places limits on production throughput of the plant, as well as lays out maintenance requirements for control equipment. The seasonal plant is used intermittently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



City Council Regular 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:	CONSENT AGENDA
PREPARED BY:	Julia Hogan, Planner	AGENDA NO.	6.I.
ATTACHMENTS:	Site Location, 2025 Mineral Extraction Permit, Applicants Narrative, Updated Mining Maps, Aerial Imagery , Panoramic Imagery, Site Photos	APPROVED BY:	LJM
RECOMMENDED ACTION: Motion to 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, 1/4 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 City Council 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 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, the Planning Commission and staff recommend renewal of the permit for 2025.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing during its regular meeting on December 16, 2024, to review the request and receive public comment. No comments were received by the Commission, and it voted unanimously to recommend Vesterra and Stonex's Small-Scale Mineral Extraction Permit be renewed 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

The Planning Commission and staff recommend 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
2025 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 2025 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, 2025, until December 31, 2025, 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 2025 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 2025 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, 2025, until July 31, 2026.

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, 2025, until July 31, 2026.
- 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.

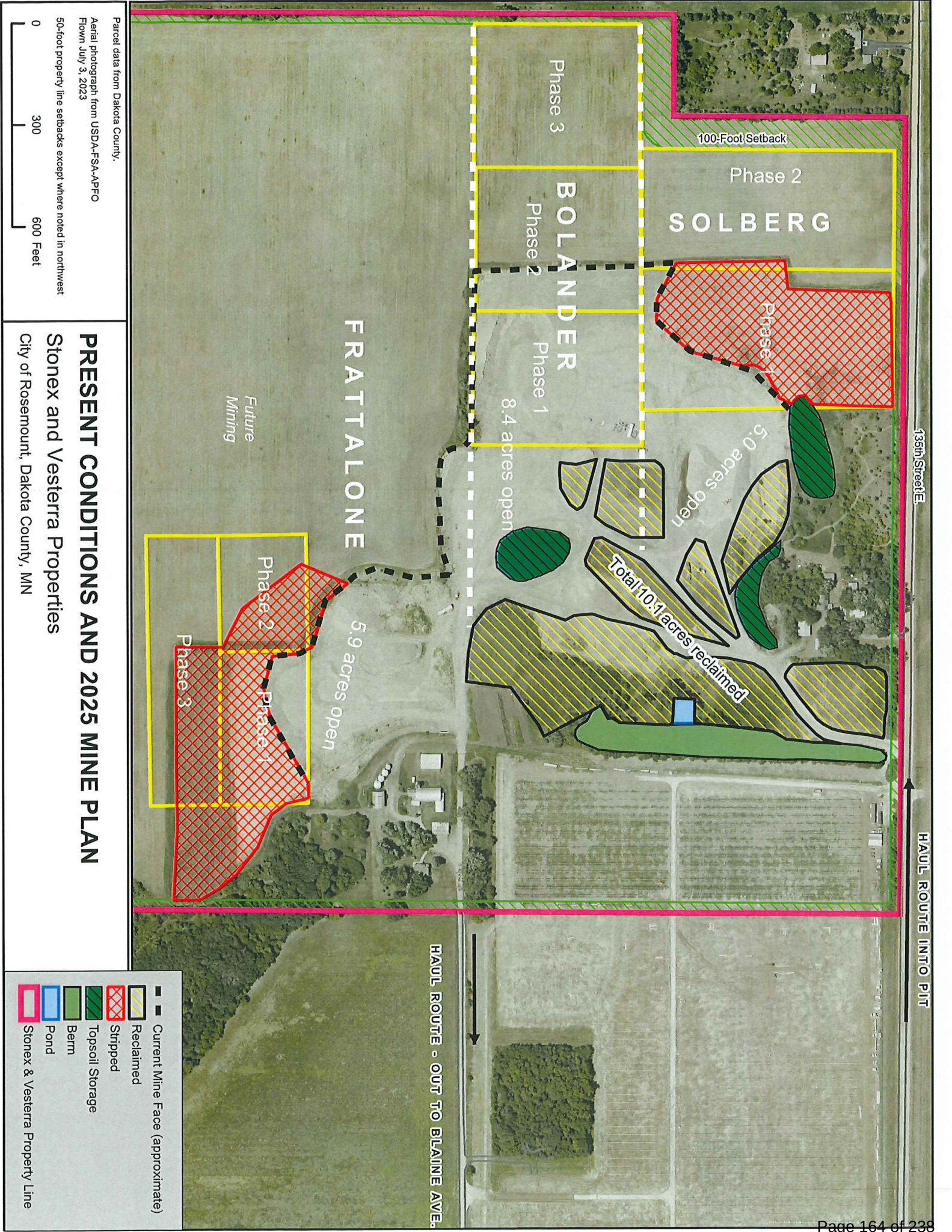
Reclamation has proceeded on the east end of the Vesterra pit floor as the mine plan shows. A small amount of reclamation has occurred this year, with stockpiles of black dirt ready to do more in the future. The operators have done a good job of coordinating their activities.

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.



Parcel data from Dakota County.

Aerial photograph from USDA-FSA-APFO
Flown July 3, 2023

50-foot property line setbacks except where noted in northwest

0 300 600 Feet

PRESENT CONDITIONS AND 2025 MINE PLAN

Stonex and Vesterre Properties

City of Rosemount, Dakota County, MN

--- Current Mine Face (approximate)

Reclaimed

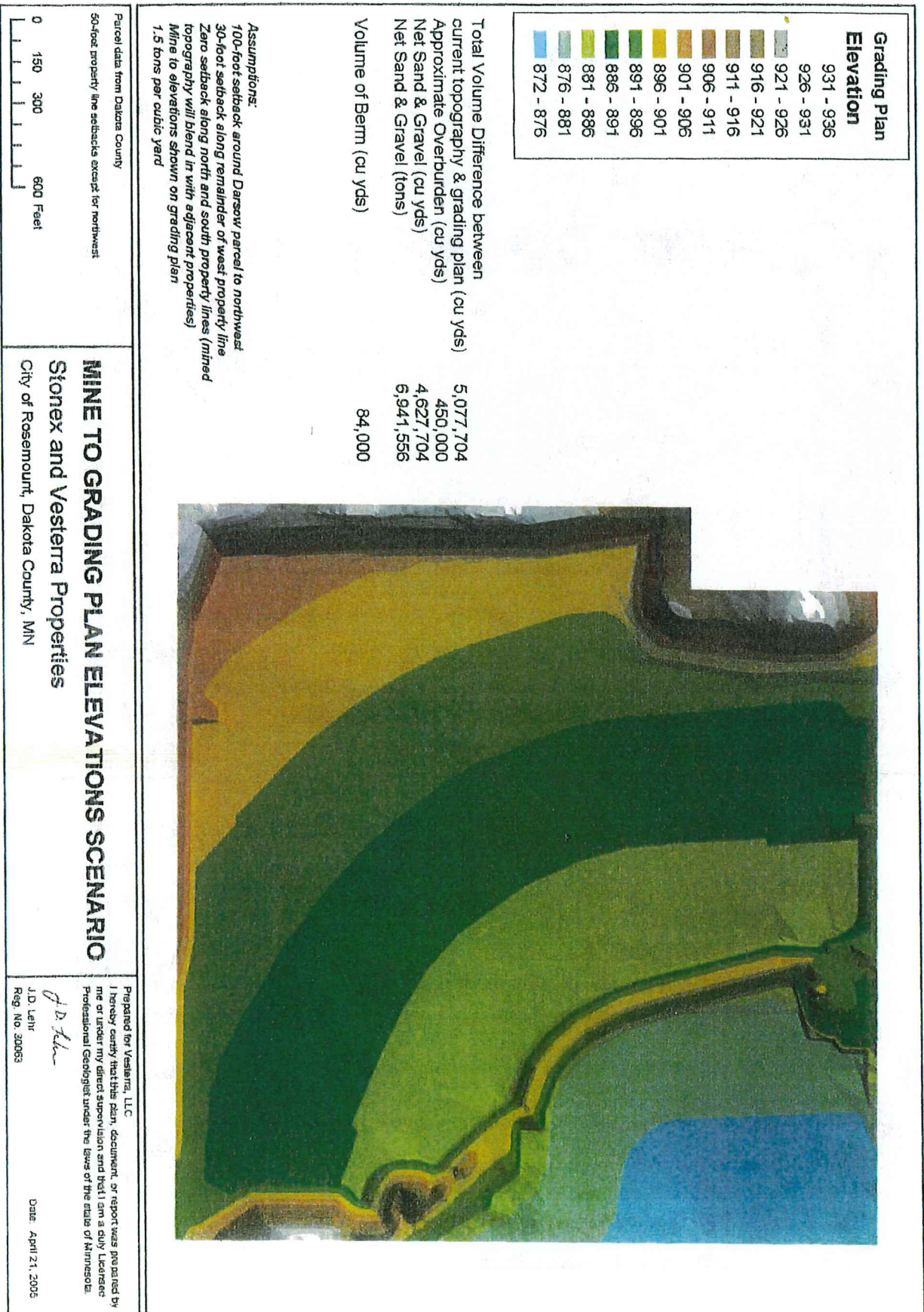
Stripped

Topsoil Storage

Berm

Pond

StoneX & Vesterre Property Line





August 2023



October 2024





April 2023



April 2024





City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Approve Entry into Joint Powers Agreement with Dakota County for Purchase of Right of Way Parcel - Biscayne Avenue & CSAH 42 Intersection Improvements	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Nick Egger, Public Works Director	AGENDA NO. 6.m.
ATTACHMENTS: Attachment A - Parcel Exhibit, Joint Powers Agreement Document	APPROVED BY: LJM
RECOMMENDED ACTION: Approve the City's entry into a joint powers agreement with Dakota County	

BACKGROUND

In preparation for the new Rosemount Middle School opening in 2027, Dakota County and the City are partnering to install a traffic signal at the intersection of Biscayne Avenue and County State Aid Highway (CSAH) 42. The signal is scheduled for installation in summer 2027 before the school opens that fall. The County has issued a request for proposals (RFP) for consulting engineers to design the intersection's configuration.

It is anticipated that the final design of the intersection will require realigning Biscayne Avenue approaching CSAH 42 to improve sight lines, modifying CSAH 42 at Business Parkway, and potentially adding enhancements along CSAH 42 east and west of Biscayne Avenue to support the signal system. The feasibility of a pedestrian underpass beneath CSAH 42 and trail extensions will also be evaluated but would likely be part of a separate project.

Realignment will require additional right-of-way, primarily affecting the northwest quadrant of the intersection. Dakota County has initiated discussions with the property owner and reached agreement to purchase the necessary parcel at fair market value. A map showing the anticipated realignment is attached for reference.

As with most County roadway projects, the City is responsible for a portion of the costs, including construction and right-of-way acquisition. This JPA will formalize the cost-sharing arrangement. Based on the County's cost-share policy, the City's 15% share of the acquisition cost is approximately \$142,000, to be funded through the City's Streets Capital Improvement Plan (CIP) and Municipal State Aid Funds. The attached JPA document has been reviewed by both City staff and the City Attorney and all parties are agreeable to its content and language.

RECOMMENDATION

Staff recommends that the Council approve the attached joint powers agreement.



JOINT POWERS AGREEMENT FOR

ADVANCED RIGHT-OF-WAY ACQUISITION AND COST PARTICIPATION

BETWEEN

THE COUNTY OF DAKOTA

AND

THE CITY OF ROSEMOUNT

FOR

DAKOTA COUNTY PROJECT NO. 42-179

SYNOPSIS: Dakota County and the City of Rosemount agree to advanced right-of-way acquisition and cost share for County Project 42-179, the signalization and geometry improvements to the intersection of County State Aid Highway 42 and Biscayne Avenue in Rosemount.

THIS JOINT POWERS AGREEMENT ("Agreement"), is made and entered into by and between the County of Dakota ("County"), a political subdivision of the State of Minnesota, and the City of Rosemount ("City"), a municipal corporation existing under the laws of the State of Minnesota, hereafter collectively referred to as "Parties", and individually as "Party", and witnesses the following:

WHEREAS, under Minnesota Statutes sections 162.17, subd. 1 and 471.59, subd. 1, two governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, to provide a safe and efficient transportation system, the County and the City are proceeding with County Project 42-179 and City Project 2025-06; and

WHEREAS, County Project 42-179 includes converting the full access intersection at County State Aid Highway (CSAH) 42 and Business Parkway from full access to a restricted right-in/right-out access and the signalization with geometric improvements to the intersection of CSAH 42 and Biscayne Avenue (the "Project"); and

WHEREAS, the Project requires realignment of Biscayne Avenue to eliminate the skewed intersection and correct deficient sight lines and safety standards needed for the installation of a permanent traffic signal; and

WHEREAS, the geometry improvements will require right of way acquisition from Parcel ID 34-64851-02-040 in the northwest quadrant of the intersection of CSAH 42 and Biscayne Avenue; and

WHEREAS, Parcel ID 34-64851-02-040 is currently on the open market as a 1.5-acre commercial property with a list price of \$948,710; and

WHEREAS, an advanced right of way acquisition of the entire 1.5-acre parcel is recommended to preserve the unencumbered ability for said realignment and geometric improvements to be implemented without higher acquisition costs; and

WHEREAS, to more efficiently deliver the Project, the County and the City mutually desire to partner with one another in exercising their joint powers to complete the advanced right-of-way acquisition of Parcel ID 34-64851-02-040 for the Project, as well as to determine each parties' respective share of costs for the acquisition; and

WHEREAS, the County and City have included the Project in their Capital Improvement Programs and will jointly participate in the costs of said advanced right of way acquisition per the Cost Sharing Policy within the Dakota County 2040 Transportation Plan (July 2021); and

NOW, THEREFORE, it is agreed the County and City will share Project responsibilities as detailed in this Agreement and, in accordance with the County's adopted cost share policy, jointly participate in advanced right-of-way acquisition costs for the benefit of the Project as set forth herein. The above recitals are incorporated by reference and are made a part hereof as if fully set forth below.

1. Project Administration. The County shall be the lead agency for the advanced right-of-way acquisition of Parcel ID 34-64851-02-040 for the Project. Subject to the requirements below, the County and the City shall each retain final decision-making authority within their respective jurisdictions.
2. Right-of-Way. In order to preserve viability for the Project and to be fiscally responsible, the County and City are pursuing advanced right-of-way acquisition of Parcel ID 34-64851-02-040 at the north-west quadrant of CSAH 42 and Biscayne Ave. The parcel is currently listed on the open market as a commercial property and the parties agree acquiring in advance of the Project will prevent costly future right-of-way acquisitions, potential relocations costs and challenging condemnation. The County, as the lead agency, will perform market analysis for similar commercial property sales within proximity to verify the listing price of \$948,710. The County will perform all

necessary actions to execute a purchase agreement for the parcel and take possession of the property through completion of the construction project.

The Project's design will utilize the parcel acquired through advanced right-of-way acquisition to its fullest extent to reduce the need for additional right-of-way. In the event excess property from Parcel ID 34-64851-02-040 is available following construction completion, the County and City will work jointly to pursue the best remaining use.

3. Cost Share. After application of all applicable cost sharing provisions of this Agreement, the cost share for the advanced acquisition for the Project shall follow the Dakota County 2040 Transportation Plan (July 2021) policies F.3 Cost Participation – Right-of-way and F.16 Cost Participation – Local Roadway System.

Parcel ID 34-64851-02-040 is currently listed on the open market with an asking price of \$948,710, a \$14.00/SF cost. County Real Estate staff analyzed recent commercial property sales in the area and determined the asking price to be a fair and reasonable cost based on recent sales of similar commercial properties. A comparison table is included below.

Property	PID	City	Price	Square Feet	Price/Sq Ft
Subject Parcel	34-64851-02-040	Rosemount	\$948,710	67,763	\$14.00
Comp 1	34-64854-01-050	Rosemount	\$931,710	81,878	\$11.38
Comp 2	34-64853-02-010	Rosemount	\$958,260	95,825	\$10.00
Comp 3	10-56732-01-010	Eagan	\$1,200,000	70,724	\$16.97
Comp 4	01-11731-01-020	Apple Valley	\$475,000	24,728	\$19.21
Comp 5	10-62631-01-020	Rosemount	\$1,310,000	73,994	\$17.71

Anticipated cost participation for the advanced right-of-way acquisition utilizing an 85 percent County cost and 15 percent City cost at the asking price of \$948,710 equates to the below:

County Cost Share (85 percent) \$806,403.50

City Cost Share (15 percent) \$142,306.50

4. Payment. The County shall enter into a purchase agreement for the advanced acquisition of Parcel ID 34-64851-02-040. Payment to complete the purchase agreement for the Project will be made when certified by the County Engineer. Upon presentation of an itemized claim by one agency to the other, the receiving agency shall reimburse the invoicing agency for its share of the costs incurred under this Agreement upon receipt or within a maximum of 35 days from the presentation of the claim. If any portion of an itemized claim is questioned by the receiving agency, the remainder of the claim shall be promptly paid, and accompanied by a written explanation of the amounts in question. Payment of any outstanding amount will be made following good faith negotiation and documentation of actual costs incurred in carrying out the work.
5. Amendments. Any amendments to this Agreement will be effective only after approval by each governing body and execution of a written amendment document by duly authorized officials of each body.
6. Effective Dates for Design and Construction of Project. This Agreement will be effective upon execution by duly authorized officials of each governing body and shall continue in effect until all work to be carried out in accordance with this Agreement has been completed. Absent an amendment, however, in no event will this Agreement continue in effect after December 31, 2027. Upon completion of the property acquisition contemplated by this Agreement, the County and City will enter into a new Joint Powers Agreement addressing terms and cost share obligations of Project design, construction, and administration. Said agreement shall incorporate the terms set forth herein and supersede this Agreement thereafter.
7. Indemnification. The County agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the County and/or those of County employees or agents. The City agrees to defend, indemnify, and hold harmless the County against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement for which the

City is responsible, including future operation and maintenance of facilities owned by the City and caused by or resulting from negligent acts or omissions of the City and/or those of City employees or agents. All parties to this agreement recognize that liability for any claims arising under this agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any claims or actions filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties. For purposes of determining total liability for damages, the City and County are considered a single governmental unit pursuant to Minn. Stat. § 471.59, subd. 1a. The County shall include the City as additional insured in the contract documents.

8. Employees of Parties. Any and all persons engaged in the work to be performed by the County shall not be considered employees of the City, for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employees while so engaged. Any and all claims made by any third party as a consequence of any act or omission on the part of the County's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the City. Any and all persons engaged in the work to be performed by the City shall not be considered employees of the County for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employee while so engaged. Any and all claims made by any third party as a consequence of any act or omissions of the part of the City's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the County.
9. Audits. Pursuant to Minnesota Statutes Sec 16 C. 05, Subd. 5, any books, records, documents, and accounting procedures and practices of the County and the City relevant to this Agreement are subject to examination by the County or the City and either the Legislative Auditor or the State Auditor as appropriate. The County and the City agree to maintain these records for a period of six years from the date of performance of all services covered under this Agreement.

10. Integration and Continuing Effect. The entire and integrated agreement of the Parties contained in this Agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding the Project; whether written or oral. All agreements for future maintenance or cost responsibilities shall survive and continue in full force and effect in accordance with the Dakota County Transportation Plan after completion of the construction provided for in this Agreement.

11. Authorized Representatives. The authorized representatives for the purpose of the administration of this Agreement are:

COUNTY OF DAKOTA
Erin Laberee, Dakota County Engineer
(or successor)
14955 Galaxie Ave.
Apple Valley, MN 55124
Office: (952) 891-7100
Erin.Laberee@co.dakota.mn.us

CITY OF ROSEMOUNT
Nick Egger, Public Works Director
(or successor)
2875 145th Street W
Rosemount, MN 55068
Office: (651) 322-2015
nick.egger@rosemountmn.gov

All notices or communications required or permitted by this Agreement shall be either hand delivered or mailed by certified mail, return receipt requested, to the above addresses. Either party may change its address by written notice to the other party. Mailed notice shall be deemed complete two business days after the date of mailing.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed by their duly authorized officials.

CITY OF ROSEMOUNT

RECOMMENDED FOR APPROVAL:

Public Works Director

By _____
Mayor

(SEAL)

By _____
City Attorney

Date _____

By _____
City Clerk

Date: _____

COUNTY OF DAKOTA

RECOMMENDED FOR APPROVAL:

County Engineer

By: _____
Physical Development Director

Date: _____

APPROVED AS TO FORM:

COUNTY BOARD RESOLUTION

Assistant County Attorney Date
KS- _____

No. _____ Date: _____

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Amendment to the 2025 Schedule of Rates and Fees	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Erin Fasbender, City Clerk	AGENDA NO. 6.n.
ATTACHMENTS: Resolution , 2025 Fee Schedule - Redlines	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to adopt a resolution to amend the 2024 schedule of rates and fees.	

BACKGROUND

The fee schedule is updated on an annual basis upon review of frequent fees established by City departments. After approving the recent items for the Parks & Recreation Department, Building Permits and Cannabis ordinance, an amendment to the 2025 schedule of rates and fees is necessary. The proposed changes are noted with editing marks in the attachment.

CANNABIS & HEMP ORDINANCE

On January 7, 2025, the City Council adopted an ordinance that allows the City of Rosemount to regulate cannabis and hemp in Rosemount. Applicants applying for a license in Rosemount must pay a registration fee to the city. Staff recommends setting the registration fees in accordance with Minnesota Statute 342.22.

BUILDING & PERMIT FEES

Staff has determined many of the permit fees require an additional state surcharge. These state charges can change at any time and rather than adjusting the fees each time there is a change, staff recommends listing the city fee plus the state surcharge.

PARKS & RECREATION FEES

Staff recommends changing "Banquet Room" to "Banquet Hall" for consistency purposes and is adjusting the Auditorium and Banquet Hall rates for Saturdays.

RECOMMENDATION

Motion to adopt a resolution to amend the 2025 schedule of rates and fees.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2025-XX

**A RESOLUTION AMENDING RESOLUTION 2024-120 A RESOLUTION SETTING THE
2025 SCHEDULE OF RATES AND FEES**

WHEREAS, the City of Rosemount has reviewed the 2025 Schedule of Rates and Fees and recognizes the need to amend certain rates and fees for 2025; and

WHEREAS, the City of Rosemount has found the need to amend certain Department fees as outlined in the 2025 fee schedule attachment.

THEREFORE, NOW BE IT RESOLVED by the City Council of the City of Rosemount that it adopts the attachment amending the 2025 Schedule of Rates and Fees.

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

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

Schedule of Rates & Fees for 2024

Planning & Zoning Review Fees

Public Works & Engineering Fees

Administration Fees

Finance Fees

Fire Prevention Permits & Fees

Police Department Permits & Fees

Building Permits & Fees

Building Permit Valuation Table

Exhibit A

Tables A-33A & B Grading Plan Review & Permit Fees

Exhibit B

Utility Rates

Exhibit C

Parks & Recreation Fees

Facility Fees

Exhibit D

The Rosemount Steeple Center Fees

Exhibit E

Park Dedication Fees

Exhibit F

Planning & Zoning Review Fees	
Administrative Appeals	\$250.00
Affidavits - Certificate of Authenticity	\$60.00
Appeal of Planning Commission Decisions to the City Council	\$150.00
City Staff Billing	
For applications that include excessive staff time, services performed by City personnel will be billed at actual payroll costs including hourly rate, all payroll taxes & benefit charges. Services provided by City consultants will be billed at the current consultant rates.	
Comprehensive Guide Plan Amendment Application Fee	\$3,000.00
Conditional Use Permit	\$1,000.00
Documents:	
2040 Comprehensive Guide Plan	\$60.00 plus tax
Comprehensive Stormwater Management Plan	\$92.00 plus tax
Zoning Ordinance & Subdivision Ordinance	City document fee
Zoning Map	
Black & White - 11"x7"	\$5.00 per page plus tax
Color-11"x7"	\$10.00 per page plus tax
Color-24"x36"	\$25.00 per page plus tax
Environmental Assessment Worksheets	\$1,800.00
Escrow fee for City consultant services. Applicant will be responsible for actual costs incurred by the City.	\$10,000.00
Interim Use Permits for Seasonal Sales of Christmas Trees for Periods of Less than 40 Days per Calendar Year	\$40.00
All Other Interim Use Permits	\$500.00
Joint Applications	
A planned unit development that includes a subdivision may have the fee waived for a preliminary plat at the discretion of the Community Development Director.	
Keeping of Chickens	
Application Fee	\$100.00
Annual Fee	\$50.00
Small Scale Mineral Extraction Permit	
Application Fee	\$700.00
Annual Fee	\$370.00
Surety Bond	\$7,500.00 per acre
Large Scale Mineral Extraction Permit	
Application Fee	\$1,400.00
Annual Fee	\$750.00
Interim Reclamation Bond	\$5,000.00 per acre
End Use Grading Bond	\$2,500.00 per acre

Rental Licensing		
Single-Family, Condominium Unit, Townhome Unit	\$50.00	per unit
Duplex, Triplex or fourplex	\$50.00	per unit
Apartment Buildings	\$150.00	per building plus \$15 per unit
Rental licenses are good for two years from the date of issuance.		
Planned Unit Development		
Concept Plan	\$2,500.00	plus \$20 per acre
Master Development Plan	\$2,500.00	
Final Development Plan	\$2,000.00	
Major Amendment	\$3,000.00	
Minor Amendment	\$900.00	
Rezoning	\$1,500.00	
Signs		
Permanent Installation	\$270.00	plus electrical permit
Temporary Signs		
For permits obtained prior to placing sign	\$10.00	
For permits obtained after placing the sign	\$50.00	
Site Plan Review	\$1,200.00	
Subdivision Fees		
Preliminary Plat	\$2,000.00	plus fee below
Residential	\$10.00	per unit
Commercial/Industrial	\$50.00	per acre
Final Plat	\$1,200.00	
Lot Split	\$1,400.00	
Administrative Plat/Simple Plat	\$1,120.00	
Other Subdivision (Waiver of Subdivision)	\$800.00	
Lot Combination	\$400.00	
TIF (Tax Increment Financing) Application Fee		
Parcel in TIF	\$775.00	
New TIF District	\$1,750.00	
Transmission Facilities	\$1,000.00	
Variance Petition Application Fee	\$1,000.00	
Zoning Ordinance Text Amendment	\$1,800.00	
Fee in Lieu of Tree Dedication	\$350.00	per replacement tree
Wetland Service Application (WCA)	\$500.00	

Public Works & Engineering Fees

Assessments

Street Assessments for Total Reconstruction Projects on Existing Streets are as Follows:

Single Family/R-1 Zoned Lot:

With Existing Concrete Curb & Gutter	\$6,000.00	
With Existing Bituminous Curb	\$6,600.00	
With Existing Gravel Road		full cost of improvement

Rural & Transitional Residential

With Existing Bituminous	35% of improvement cost
With Existing Gravel Road	full cost of improvement

Street Assessments for Rehabilitation Project on Existing Streets are as Follows:

All Properties	35% of improvement cost
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Street Assessments for Overlay Projects on Existing Streets are as Follows:

All Properties	35% of improvement cost
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City Equipment & Staff Rates

Equipment

Per hour charge (does not include operator). Equipment charges, including licensed vehicles & mobile equipment, will be calculated as follows: The true cost of the equipment (including annual depreciation, annual insurance premiums, annual license taxes if applicable, & annual operating & maintenance expenses) will be divided by the estimated hours the equipment is expected to be used annually.

Public Works Staff-Per Hour Charge

Staff charges for each employee billed will be calculated using the actual hourly rate plus all payroll taxes & benefit charges.

Engineering Fees

Administrative Fees: For Chapter 429 or private improvements project charges shall be calculated at 5% of public improvement construction costs.

Miscellaneous Public Works Fees

As-Builts/Record Drawings

Electronic Copy (PDF by Email)	\$10.00
Hard Copy	\$20.00 plus tax

Feasibility Reports	\$25.00 plus tax
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Geographic Information Systems Fees (GIS)

Single Family, Townhomes, or Multi-Family	\$60.00 per lot/unit
All Other - Final Plat	\$120.00 per acre
Simple Lot/Parcel Split or Boundary Change	\$150.00

Right-of-Way Fees & Charges

Registration Fee	\$40.00
Due annually by January 15th of the corresponding year.	

Excavation Permit Fees	\$200.00
Plus \$0.20 per lineal foot for each excavation over 1,000 feet	
Delay Penalty	
Up to 3 Days Late	\$60.00
Non-completion & non-prior notice before specified completion date	
Each Day Late Over 3 Days	\$20.00 per day
Right-of-Way/Utility Easement Vacation Fee	\$775.00
Sidewalk/Trail Snow Removal	\$75.00 per lot
Street Excavation & Curb Cuts	
Curb Buts, Driveway Access Permits, Transit Stop Kiosks	\$180.00
Street Excavation Minimum Bond Deposit with City	\$2,000.00
Street & Utility Specifications	\$25.00 plus tax
Wetland Notification/Application Form	\$3,175.00
Escrow deposit for Costs Incurred	
Solid Waste Hauling License	\$385.00
Cellular Antennas on City Property	
Cash deposit with application covers plan review, construction inspections, site restoration, meetings, etc. Applicant will be responsible for all costs & amount will be reconciled at the end of project.	
Deposit for Modification of Existing Equipment	\$6,500.00
Deposit for New Equipment	\$8,500.00
Annual Rent	
Up to 6 antennas & 150 square ft of ground space	\$36,650.00
Monopole that includes up to 150 square ft of ground space	\$20,000.00
Annual rent increase is 5% or CPI, whichever is greater.	
Other Charges	
Cost/year/square ft for ground space about 150 sq ft	\$25.00
Per antenna cost for each additional antenna beyond 6	\$2,500.00
Charges for other misc items (additional cables, satellite dishes, or other equipment no specified herein)	Negotiable
Administration Fees	
Administrative Citations	
First Violation	\$50.00
Second Violation	\$100.00
Third & Further Violations	\$250.00
Administrative Hearing Fee	\$35.00
Late Payment Fee 10% 6% Additional to Citation Quarterly	

Adult Use Establishment License	\$3,000.00
Adult Use Background Investigation	\$1,500.00 Deposit
In-State Application	\$350.00
Out-of-State Application - Not to Exceed \$10,000	\$350.00 plus expenses
Documents - All Departments	
Up to 100 Copies Black & White Letter or Legal Sized	\$0.25 per page plus tax
Up to 100 Copies Color or Ledger Sized	\$0.30 per page plus tax
More Than 100 Pages & 15 Minutes or Longer Staff Time	actual costs plus tax
Document That is Outsourced	actual costs plus tax
Faxed copies are \$.50 per page plus tax. If more than 100 pages or if long distance charges apply, actual costs plus tax will be billed to the requester. Mailed copies are charged the applicable document rate & all handling costs plus tax. Note: inspection is free, but we charge for copies when the cost is over \$10.00. You will be required to pay for copies before we will give them to you.	
Election Filing Fee - Mayor & Council	\$5.00
Large Public Gathering on City Parkland	\$150.00
Liquor Licenses:	
<u>Intoxicating:</u>	
On-Sale Intoxicating (Jan 1-Dec 31)	\$3,000.00 includes brew pub on-sale
Off-Sale Intoxicating	\$200.00
<u>Wine:</u>	
On-Sale Wine	\$550.00
<u>Malt:</u>	
On-Sale 3.2% Malt (July 1-June 30)	\$250.00 includes brew pub on-sale
Off-Sale 3.2% Malt (July 1-June 30)	\$210.00
On-Sale Brewer Taproom	\$750.00
Off-Sale Small Brewer Taproom	\$200.00
Brew Pub On-Sale (With no Intoxicating On-Sale License)	\$300.00
Brew Pub Off-Sale	\$200.00
Microdistillery Cocktail Room	\$750.00
<u>Temporary:</u>	
Temporary On-Sale Intoxicating	\$170.00 per event
Temporary On-Sale 3.2% Malt	\$150.00 per event
Temporary Brewer On-Sale	\$170.00 per event

Special Club On-Sale Intoxicating (Jan 1-Dec 31)		
Membership: Under 200	\$300.00	
Between 201 & 500	\$500.00	
Between 501 & 1,000	\$650.00	
Between 1,001 & 2,000	\$800.00	
Between 2,001 & 4,000	\$1,000.00	
Between 4,001 & 6,000	\$2,000.00	
More than 6,001	\$3,000.00	
Special Sunday (Jan 1-Dec 31)		
	\$200.00	
Consumption & Display		
	\$140.00	
One-day Consumption & Display		
	\$25.00	
On Public Premise - Annual License (Jan 1-Dec 31)		
	\$350.00	plus \$30 per event
Amending an Existing Liquor License		
	\$175.00	
Liquor Background Investigation Fee		
	\$500.00	
Massage Therapist License Fee (Jan 1-Dec 31)		
	\$125.00	\$25 fee + \$100 background
Gambling Permits		
	\$250.00	
Annual Billiard Hall or Dance Club License		
Initial Application Investigation Fee	\$500.00	
Amendment to Billiard Hall or Dance Club License	\$175.00	
Annual Arcade Parlor License		
	\$15.00	per location plus
	\$15.00	per machine
Initial Application Investigation	\$500.00	
Fee Amendment to Arcade Parlor License	\$175.00	*
*The lesser of \$15 per location plus \$15 per machine or \$175		
Tobacco & Tobacco Related Products License		
	\$550.00	biannual
Initial Application Investigation Fee		
	\$500.00	
Cannabis Registration:		
(Including Micro, Mezzo, Retailer, Medical, Medical Combination or Low-Potency Hemp Edible Retailers) **Initial registration fee includes business's first renewal**	\$500.00	(Initial) - or half the amount of the applicable initial fee under Minnesota Statutes, 341.11, whichever is less
	\$1,000.00	(Renewal) - or half the amount of the applicable initial fee under Minnesota Statutes, 341.11, whichever is less
Finance Fees		
Check Return Charge		
	\$30.00	
Miscellaneous Special Assessment Charges:		
Administrative Special Assessment Fee	\$25.00	per parcel + interest
Special Assessment Processing Fee*	\$6.00	per parcel
*Pass-thru for the fee that the City is charged by the County.		
		times number of years in assessment
New Special Assessment File (Electronic)	\$10.00	
Special Assessment Search (Non-Parcel Owner)	\$20.00	per parcel

Miscellaneous Utility Billing Charges:	
Water Shut-Off	\$80.00
Water Turn-On	\$80.00
Irrigation System Special Service	\$80.00
Monthly New Customer List	
Up to 100 Copies Black & White Letter or Legal Sized	\$0.25 per page plus tax
Up to 100 Copies Color or Ledger Sized	\$0.30 per page plus tax
More Than 100 Pages & 15 Minutes or Longer Staff Time	actual costs plus tax
Electronic Copy-Prepaid (Jan-Dec, Prorated by Month)	\$60.00
Total Customer List	
Up to 100 Copies Black & White Letter or Legal Sized	\$0.25 per page plus tax
Up to 100 Copies Color or Ledger Sized	\$0.30 per page plus tax
More Than 100 Pages & 15 Minutes or Longer Staff Time	actual costs plus tax
Electronic Format	\$25.00
Utility Billing Search/Resident	no charge
Utility Billing Search/Non-Resident	no charge
Third Party Utility Billing Service History Request	\$25.00 per account
Duplicate Billing Request	\$25.00 per account
Process Estimated Usage	\$50.00 per occurrence
Fire Prevention Permits & Fees	
Alarm System Permit/Review	Exhibit A Plus plan review fee & surcharge
Burning Permit - Commercial	\$235.00
Day Care Inspection	\$50.00
Fire Dept. Certificate of Occupancy Inspection/Renewal Fee	\$965.00
Copies of Fire Dept. Officers Report	City document fees
Fire Dept. Re-Inspection Fee	\$50.00
Fire Dept. Special & Miscellaneous Inspections	\$130.00 per inspection
Copies of Fire Dept. Report	City document fees
Fire Photo Request (per copy)	\$25.00 plus tax
Fire Photo Video	\$25.00 plus tax
Fire Education House Rental (firefighter hourly charges apply if operation assistance is required)	\$25.00 per day + \$6 per mile
Fire Sprinkler Protection System (Plus plan review fee & surcharge)	Exhibit A
Fuel Tank Installation or Removal (Plus plan review fee & surcharge)	Exhibit A
Haunted House Operation Permit	\$880.00
Penalty for Failing to Obtain Permit Prior to Starting Work	2 x Regular Fee

Plan Check Fee	65% of building permit fee
Pyrotechnic Display of Fireworks	\$200.00
Fireworks Sales	
Firework Retailer	\$200.00
Multi-Item Retailer	\$100.00
State Surcharge	per MN State Code Section 16B.70
Storage & Use of Hazardous Materials - Over quantities listed in current Fire Code Edition-Section 4	\$650.00 valid 12 months
Temporary Use of LP Gas	\$100.00
Police Department Permits & Fees	
False Alarms (after 3 & each subsequent per calendar year)	\$100.00
Animal Impound	\$40.00
Daily Boarding Fee	\$30.00
Euthanasia of Animal	\$30.00
Placement Fee	\$82.00
Animal Licenses (Prorated on months to expiration of Rabies)	
Applicants 55 years of age or older shall pay 50% of fees.	
3-Year Fee for Spayed & Neutered Animals	\$18.00 prorated \$0.50/month
3-Year Fee for Unspayed & Un-Neutered Animals	\$36.00 prorated \$1.00/month
Replacement of Lost Tags	\$5.00
Contractual Overtime (Officer with squad)	\$105.00 per hour
Cannibis/Hemp Use in Public Place	\$100.00
Potentially Dangerous Dog Registration	\$75.00 one-time fee
Dangerous Dog Registration (State Authorized)	\$500.00 one-time fee
Potentially/Dangerous Dog Renewal	\$25.00 annual
Peddlers, Solicitors & Transient Merchants (Jan 1-Dec 31)	\$90.00 per person
Pawn Shop License Fee (Initial Application includes \$1,500 for investigation as set in City Code)	
0-20 Pawns a Day	\$1,500.00 per year
21-40 Pawns a Day	\$3,000.00 per year
41 & Over Pawns a Day	\$5,000.00 per year

Photographs		
Black & White Copy of Photos	\$0.30	per page plus tax
Color Copy of Photos	\$0.50	per page plus tax
Copies of Police Report	\$0.25	per page plus tax
Video/Audio Copies		
Less Than 4 GB	\$5.00	plus tax - CD/DVD
4-8 GB	\$10.00	plus tax - DVD
More Than 8 GB	\$30.00	plus tax - Flash Drive
Fingerprinting		
Resident	\$20.00	
Non-Resident	\$25.00	
Building Permits & Fees		
Administrative Handling Fee		
A handling fee of \$25.00 will be charged for address & lot changes & for permit & file editing. These changes must be done within 30 days of permit issuance or all prior permit fees will be forfeited (non-refundable).		
Building Department (Standard Reports)		
Per Year	\$160.00	plus tax per year
Per Month	\$12.50	plus tax per year
As-Built Survey Escrow	\$2,000.00	
Residential Survey Review	pass through cost as negotiated with third party vendor	
Building Permits	Exhibit A	
Certificate of Survey Review		
On Lots with Master Development Grading Plan	\$150.00	per unit
On Lots without Master Development Grading Plan	\$300.00	per unit
Re-Review	\$150.00	per hour
Final Grading Verification Inspection		
On Lots with Master Development Grading Plan	\$150.00	per unit
On Lots without Master Development Grading Plan	\$300.00	per unit
Site Re-Inspection	\$150.00	per hour
Grading Permits-Requires bond \$3,000.00 per disturbed acre, minimum 1 acre	Exhibit B plus \$1 state surcharge fee	
Plan Check Fees		
Commercial/Industrial/Multi-Family building & structures	65% of building permit fee	
Residential Buildings-65% of building permit fee for new single-family dwellings/single family additions, alterations, etc., similar plans per State Statute 1300.0160 25% of the building permit fee		
Residential accessory structures	65% additions/alterations/remodel/repair	
Certificate of Occupancy Inspection &/or Change of Use	\$58.00	

Electrical Permits	
Plan Review-Review of plans & specifications of proposed installations. Paid by persons or firms requesting review.	
Minimum fee-\$30,000 or less of electrical estimate	\$100.00
Over \$30,000 1/10 of 1% amount in excess of \$30,000	1/10 of 1% plus minimum
Total electrical permit fee is calculated using the fee schedule below or \$50 multiplied by the number of required inspection trips plus the fees below, whichever is greater.	
Administrative Fee for Each Permit	\$10.00
State Surcharge for Each Permit	\$1.00
Reconnect Existing Feeder/Circuits (Panel Board Replacements)	\$100.00
Service/Power Supply 0-400 Amp	\$70.00
Service/Power Supply 401-800 Amp	\$140.00
Service/Power Supply Over 800 Amp	\$200.00
Circuits Under 200 Amp	\$12.00
Circuits Above 200 Amp	\$30.00
(Over 250 Volts) Service/Power Supply 0-400 Amp	\$140.00
(Over 250 Volts) Service/Power Supply 401-800 Amp	\$280.00
(Over 250 Volts) Service/Power Supply Over 800 Amp	\$400.00
(Over 250 Volts) Circuits Under 200 Amp	\$24.00
(Over 250 Volts) Circuits Above 200 Amp	\$60.00
High Voltage-For services, feeders & circuits operating over 250 volts shall be doubled of those listed above.	
New Single-Family Dwelling (0-25 circuits/feeders per unit)	\$200.00
New Multi-Family Dwelling (Same Parcel)	\$100.00
Existing Single Family Dwelling (0-14 feeder/circuits are installed/extended)	\$12.00
Existing Single Family Dwelling (15+ feeder/circuits are installed/extended)	\$100.00
Retrofit of existing lighting fixtures	\$1.00 per fixture
Separate Bonding inspection	\$50.00
Inspection-concrete encased grounding Electrode	\$50.00 each inspection
Technology Circuits & Circuits Less than 50 Volts	\$1.00 per opening/device
Street, Parking & Outdoor Lighting Standards	\$5.00 per light
Traffic Signals	\$5.00 per traffic signal
Transformers for Light, Heat & Power (0-10 KVA)	\$20.00 per unit
Transformers for Light, Heat & Power (Over 10 KVA)	\$50.00 per unit
Transformers for Electric Power Supplies, Signs & Outline Lighting	\$5.50 per unit

Carnivals, Fairs, Transient Projects	
Minimum plus power supplies & units	\$174.00
Rides, devices or concessions shall be inspected at their first appearance of the season	\$35.00 per unit
Commercial Remodel	
Standard is two-inspection minimum	\$100.00
With ceiling is three-minimum	\$120.00
Pools-Two inspection minimum	\$100.00
Other Inspections-Inspections not covered herein, or for requested special inspections or services, per hour plus travel time, IRS standard mileage, & reasonable cost of equipment or material used. Applicable to inspection of empty conduit & such jobs as determined by the City.	
	\$50.00 per hour plus as outlined
Re-Inspection-when necessary to determine whether unsafe conditions have been corrected & such conditions are not subject to an appeal pending before any court.	
	\$50.00 In writing by inspector
Photovoltaic Solar System	
1 watt to 5,000 watts	\$90.00
5,001 watts to 10,000 watts	\$150.00
10,001 watts to 20,000 watts	\$225.00
20,001 watts - 30,000 watts	\$300.00
30,001 watts - 40,000 watts	\$375.00
40,001 watts to 1,000,000 watts	\$375.00 plus \$25 for each 10,000 over 40,000
1,000,001 watts to 5,000,000 watts	\$3,975.00 plus \$15 for each 10,000 over 1,000,000
5,000,001 watts or larger	\$12,975.00 plus \$10 for each 10,000 over 5,000,000
Plumbing, Heating, Ventilating, Air Conditioning, & Refrigeration	
Residential (4 or less units)	
New Construction	\$125.00 plus state surcharge
Alteration/Repair	\$70.00 plus state surcharge
Multi-Housing (5 or more units)	
New Construction	\$100.00 plus surcharge
Alteration/Repair	\$70.00 plus surcharge
Commercial/Industrial/Institutional	
New Construction	1.5% valuation plus .0005 valuation surcharge
Minimum	\$215.00 plus .0005 valuation surcharge
Commercial/Industrial/Institutional/Public	
Projects Under \$3,500.00 & One Inspection	\$75.00 plus state surcharge
Projects Under \$3,500.00 & Two Inspections	\$125.00 plus state surcharge
Projects Over \$3,500.00	1.5% valuation plus .0005 valuation surcharge
Minimum	\$215.00 plus .0005 valuation surcharge

Sewer & Water Installation Permit	
Municipal Services Residential (4 or less units)	\$55.00 plus state surcharge
Municipal Services Residential (5 or more units) Minimum	1.5% valuation plus .0005 valuation surcharge \$105.00 plus .0005 valuation surcharge
Municipal Services Commercial/Industrial/Institutional Minimum	1.5% valuation plus .0005 valuation surcharge \$105.00 plus .0005 valuation surcharge plus Dakota County recording fee & \$1
Private Sewer-All Classifications	\$260.00 state surcharge
Septic System Maintenance/Operation Permits & Fees	
State Surcharge Added to Each Permit	as recommended by MN State Code Section 16B.70
Residential Maintenance Permit	no charge
Commercial/Industrial/Institutional Operational/Public	\$40.00
Late Renewal Fee for Maintenance or Operational Permits	\$25.00
Special Individual Sewage Treatment System (I.S.T.S.) Inspections or Investigations	\$100.00
Miscellaneous Building Fees	
Decks-New	\$150.00 plus state surcharge
Decks-Resurfacing, New Railings or Repairs	\$75.00 plus state surcharge
Demolition Permit	\$100.00 plus state surcharge
Dumpster Enclosure	\$60.00 plus state surcharge
Fences	\$75.00
Fireplaces	\$100.00 plus state surcharge
Manufactured Homes (inclusive of all inspections & connections)	\$100.00 plus state surcharge
Moving Permit	
Moving Permit-Out	\$180.00 plus state surcharge
Moving Permit-In	\$175.00 plus state surcharge
Penalty for Failing to Obtain Permit Prior to Starting Work	2 x Regular Fee
Re-Inspection	\$50.00 per additional inspection
Residential Retaining Wall	\$125.00 plus state surcharge
Photovoltaic Solar System	
Residential	\$75.00
Commercial/Industrial/Institutional-Valuation of all Non- Energy Producing Equipment, Infrastructure & Labor	Exhibit A plus .0005 valuation surcharge
Minimum	\$84.00 plus .0005 valuation surcharge

Roofing/Re-Roofing	
Residential	\$75.00 plus state surcharge
Commercial/Institutional/Industrial	Exhibit A plus .0005 valuation surcharge
Minimum	\$100.00 plus .0005 valuation surcharge
Siding/Re-Siding	
Residential	\$75.00 plus state surcharge
Commercial/Institutional/Industrial	Exhibit A plus .0005 valuation surcharge
Minimum	\$100.00 plus .0005 valuation surcharge
Satellite Dishes & Antennas	
Residential	no charge
Commercial/Institutional/Industrial	Exhibit A plus .0005 valuation surcharge
Minimum	\$84.00 plus .0005 valuation surcharge
Single Family Dwelling Basement Finish	\$175.00 plus state surcharge
Slabs	
Residential	\$50.00
Multi-Family	\$70.00
Commercial/Institutional/Industrial	\$70.00
Special & Miscellaneous Inspections	\$75.00 per inspection
Swimming Pools	\$150.00 plus state surcharge
Temporary Construction Trailer	\$75.00
Water Softener Installation	\$50.00 plus state surcharge
Window/Door Replacement	\$70.00 plus state surcharge
Building Inspection Card Replacement	\$25.00
Residential Home Plan Change Fee	\$150.00 per change submission

Exhibit A MN State Statute 326B.153 Building Permit Fees	
Building Value Range	Fee Range
\$0 - \$500.00	\$50.00
\$500.01 - \$2,000.00	\$50.00 for the first \$500 \$3.70 per additional \$100
\$2,000.01 - \$25,000.00	\$83.50 for the first \$2,000 \$16.55 per additional \$1,000
\$25,000.01 - \$50,000.00	\$464.15 for the first \$25,000 \$12.00 per additional \$1,000
\$50,000.01 - \$100,000.00	\$764.15 for the first \$50,000 \$8.45 per additional \$1,000
\$100,000.01 - \$500,000.00	\$1,186.65 for the first \$100,000 \$6.75 per additional \$1,000
\$500,000.01 - \$1,000,000.00	\$3,886.65 for the first \$500,000 \$5.50 per additional \$1,000
\$1,000,000.01 & up	\$6,636.65 for the first \$1,000,000 \$4.50 per additional \$1,000
<i>This fee schedule was developed with information provided by the State Building Codes & Standards Division. The \$50.00 fees for valuations under \$2,000.00 reflect the City's minimum trip charge for a single inspection.</i>	
Residential Building Valuations - The City adopts the most recently approved valuation table approved by the Minnesota Department of Labor & Industry	
Cost per Square Foot	
Single Family Dwellings-Type V-Wood Frame First & Second Floor	Single Family Dwelling Mechanical Installation Values Plumbing (Up to 2 Full Baths-1 Half Bath-Basement R.I. Only)
Single Family Dwellings-Basements Finished & Unfinished Basements	Plumbing, Each Additional Bathroom HVAC (No Air Conditioning, One Furnace)
Crawl Space	HVAC, Air Conditioning
Conversion	HVAC, Each Additional Furnace
Un-excavated Foundation Areas	City Sewer/Water Installation
Garages	Septic Systems
Wood Frame	Standard Trench/Drain Field
Masonry	Mound System
Construction	Tanks/Pumped Up/Drain Field
Carport	Decks, Wood Framed, Entry Porch
Pole Building	Four Season Porches
Masonry Fireplaces	Three Season Porches, Wood Framed
One Level & Each Additional Level	Gazebos, Wood Framed/Screened
	Zero Clearance Fireplaces

Exhibit B

Table A-33-A-Grading Plan Review Fees

50 cubic yards (38.2m ³) or less	no fee
51 to 100 cubic yards (40m ³ to 76.5m ³)	\$23.50
101 to 1,000 cubic yards (77.2m ³ to 764.6m ³)	\$37.00
1,001 to 10,000 cubic yards (765.3m ³ to 7,645.5m ³)	\$49.25
10,001 to 100,000 cubic yards (7,646.3m ³ to 76,455m ³)	\$49.25 plus \$24.50 for each 10,000 above 10,000
100,001 to 200,000 cubic yards (76,456m ³ to 152,911m ³)	\$269.75 plus \$13.25 for each 10,000 above 100,000
200,001 cubic yards (152,912m ³) or more	\$402.25 plus \$7.25 for each 10,000 above 200,000

Other Fees:

Additional plan review required by changes, additions or revisions to approved plans (minimum 30 minutes)

\$50.50 per hour*

*Or total hourly cost to jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages & fringe benefits of employees involved.

Table A-33-B-Grading Permit Fees

50 cubic yards (38.2m ³) or less	\$23.50
51 to 100 cubic yards (40m ³ to 76.5m ³)	\$37.00
101 to 1,000 cubic yards (77.2m ³ to 764.6m ³)	\$37.00 plus \$17.50 for each 100 above 100
1,001 to 10,000 cubic yards (765.3m ³ to 7,645.5m ³)	\$194.50 plus \$14.50 for each 1,000 above 1,000
10,001 to 100,000 cubic yards (7,646.3m ³ to 76,455m ³)	\$325.00 plus \$66.00 for each 10,000 above 10,000
100,001 cubic yards (76,456m ³) or more	\$919.00 plus \$36.50 for each 10,000 above 100,000

Other Inspections & Fees:

Inspections Outside of Normal Business Hours (minimum charge-two hours)

\$50.50 per hour*

Re-Inspection Fees Assessed Under Provisions of Section 108.8

\$50.50 per hour*

Inspections for Which No Fee is Specifically Indicated (minimum charge-two hours)

\$50.50 per hour*

*Or total hourly cost to jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages & fringe benefits of employees involved.

The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit & the fee shown for the entire project.

Exhibit C Utility Rates

Water, Sanitary Sewer, Storm Water Usage Rates:

Water & Sanitary Sewer User Fees

Usage-Based on Quarterly Meter Readings

Residential Water Use

0 - 12,000 gallons	\$1.97 per thousand gallons
12,001 - 24,000 gallons	\$2.47 per thousand gallons
24,001 - 48,000 gallons	\$3.08 per thousand gallons
>48,000 gallons	\$4.85 per thousand gallons

Commercial/Industrial Water Use

0 - 80,000 gallons	\$2.28 per thousand gallons
80,001 - 160,000 gallons	\$2.86 per thousand gallons
160,001 - 250,000 gallons	\$3.57 per thousand gallons
>250,000 gallons	\$4.62 per thousand gallons

Irrigation Meters	\$4.62 per thousand gallons
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Sanitary Sewer Use Charge	\$6.62 per thousand gallons
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Water Surcharge & Meter Maintenance

Meter Size	Surcharge	Meter Maintenance**
Single Family - 3/4"	\$10.00	\$1.40
Multi-Family - 3/4"	\$7.72	\$1.40
1" (*)	\$15.34	\$7.10
1 1/2" (*)	\$31.80	\$12.79
2" (*)	\$35.60	\$20.52
3" (*)	\$53.12	\$29.66
4" (*)	\$79.12	\$50.86
6" (*)	\$174.07	\$113.03
8" (*)	\$191.19	\$146.21

*Commercial, Institutional, & Industrial are taxable.

**Meter maintenance applied to Base Fixed Water Charged based on meter size.

Sewer Only Users	\$112.54 per quarter per SAC unit*
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*Based on average Residential second quarter water use of 17,000 gallons.

Storm Water Utility Fees-Quarterly

Land Use Category 1	\$21.25 per residential unit
Single-Family Residential, R-1, 2, RL, Multi-Unit Residential with Individual Water Meters, R-3, 4, Platted/Undeveloped	
Minimum Charge for All Parcels	\$21.25 per residential unit
Land Use Category 2	\$22.39 per lot
Rural Residential, Agricultural, RR, AG	
Land Use Category 3	\$4.55 per acre*
Parks, Golf Courses, Cemeteries, PK	
Land Use Category 4	\$0.256 per acre*
Undeveloped/Un-Platted	
Land Use Category 5	\$78.93 per acre*
Multi-Unit Residential Without Individual Water Meters, Apartments, Churches, Schools, Hospitals	
Land Use Category 6	98.44 per acre*
Commercial, Industrial & Parking Lots, C-1,2,3,4,IP,IG,PL,WM	
*Categories 3, 4, 5, 6 are subject to the minimum charge of \$21.25. The largest of either the minimum or application of the above rates will be used for the fee.	

Street Light Fee-Quarterly

Residential	\$7.17
Multi-Family Residential	\$7.17 per unit, max 10 units
Commercial/Industrial	\$13.82

Water Meters

Meter Size and Type	W/MXU Cost	W/O MXU Cost
3/4" IPERL	\$566.73	\$374.73
1" IPERL	\$767.64	\$575.64
1.5" T2 Omni	\$1,393.23	\$1,201.23
2" T2 Omni	\$1,605.92	\$1,413.92
3" T2 Omni	\$1,939.00	\$1,747.00
4" T2 Omni	\$3,509.00	\$3,317.00
6" T2 Omni	\$5,801.00	\$5,906.00
1.5" C2 Omni	\$1,903.23	\$1,711.23
2" C2 Omni	\$2,160.92	\$1,968.92
3" C2 Omni	\$2,659.00	\$2,467.00
4" C2 Omni	\$4,429.00	\$4,237.00
6" C2 Omni	\$7,111.00	\$6,919.00

**Meter cost does not include tax

2.5" Hydrant Meter Deposit \$2,000.00 plus \$50 administrative fee

Hydrant Wrench \$160.00 plus tax (Total \$173.00)

Water Meter Accuracy Check																					
Testing 5/8" - 2" Meters	\$125.00																				
Testing 3" Meters	\$125.00																				
Testing 4" Meters	\$125.00																				
Testing 6" Meters	contracted price																				
Water Meter Installation Charges Water meter charges are the actual cost of meter & appurtenant parts, plus shipping, handling, & sales tax. Charges are subject to change during the year. See the most recent Cost of Water Meter schedule.																					
Hydrant Meters Annual Administration Fee (non-refundable) \$50.00 Bulk Water Rate \$4.62 per 1,000 gallons Deposit \$2,000.00 Required when meter is picked up. Check will be cashed. Refund processed upon return of hydrant meter after reduction for payment of water usage invoice.																					
Water, Sanitary Sewer, & Storm Water Capital Charges:																					
City Sanitary Sewer Availability Charges																					
Single Family Residential, Multi-Family Residential, Institutional, Commercial, Industrial																					
Trunk Area Assessment Collected with Final Plat/Subdivision Agreement																					
	\$1,075.00 per acre																				
Per SAC Unity as Determined by MCES & Collected with Building Permit																					
	\$1,200.00																				
Any part of the Trunk Area Assessment that is not collected with a plat/subdivision agreement will be collected as a connection charge, in addition to any other connection charge established by this resolution, prior to connection to the sanitary sewer system.																					
Metropolitan Council Environmental Services Availability Charge (Metro SAC)																					
Per SAC Unit, as determined by MCES	\$2,485.00																				
City Water Availability Charges																					
Trunk area assessment collected with final plat/subdivision agreement																					
	\$6,500.00 per acre																				
Any part of the Trunk Area Assessment that is not collected with a plat/subdivision agreement will be collected as a connection charge, in addition to any other connection charge established by this resolution.																					
<table border="1"> <thead> <tr> <th>Meter Size</th><th>WAC</th></tr> </thead> <tbody> <tr> <td>Single Family</td><td>\$ 2,475.00</td></tr> <tr> <td>Multi-Family</td><td>\$ 2,475.00</td></tr> <tr> <td>1"</td><td>\$ 9,900.00</td></tr> <tr> <td>1 1/2"</td><td>\$ 14,700.00</td></tr> <tr> <td>2"</td><td>\$ 19,600.00</td></tr> <tr> <td>3"</td><td>\$ 29,450.00</td></tr> <tr> <td>4"</td><td>\$ 34,350.00</td></tr> <tr> <td>6"</td><td>\$ 39,250.00</td></tr> <tr> <td>8"</td><td>\$ 44,150.00</td></tr> </tbody> </table>		Meter Size	WAC	Single Family	\$ 2,475.00	Multi-Family	\$ 2,475.00	1"	\$ 9,900.00	1 1/2"	\$ 14,700.00	2"	\$ 19,600.00	3"	\$ 29,450.00	4"	\$ 34,350.00	6"	\$ 39,250.00	8"	\$ 44,150.00
Meter Size	WAC																				
Single Family	\$ 2,475.00																				
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4"	\$ 34,350.00																				
6"	\$ 39,250.00																				
8"	\$ 44,150.00																				
Water Access Charge (WAC) Collected with Building Permit																					

Supplemental Water & Sanitary Sewer Connection Charges

In addition to other charges imposed at the time of connection to water and sanitary sewer systems, supplemental connection charges, set by reference to the portion of the cost of connection that has been paid by the premises being connected, in comparison with other premises, will be imposed & collected from the properties, and in the amounts, listed below, for each connection made:

PID	Address	Supplemental Water Connection Charges	Supplemental Sewer Connection Charges
34-44300-01-050	2653 132nd Ct W	Incl. w/2655 below	Incl. w/2655 below
34-02010-07-011	2655 132nd Ct W	\$8,266.74	\$9,804.74

Such supplemental connection charges shall be increased each calendar year commencing January 1, 2007, by three & one-half percent (3.5%) from the charges of the preceding year.

Storm Water Charges

For this charge, Newly Developed Properties are defined as any property, including platted or un-platted parcels, which are improved with buildings, grading, or otherwise creating an impervious surface. In addition to the following charges, stormwater ponding fees/credits will be determined at the time of final platting or building permit application.

Trunk Area Assessments Collected by Developers on all Newly Developed Properties

Single Family	\$6,865.00 per acre
Multi Family	\$6,865.00 per acre
Public/Institutional	\$6,865.00 per acre
Commercial & Industrial	\$6,865.00 per acre

Connection Charges (STAAC) Collected with Building Permit on all Newly Developed Properties

Single Family	\$770.00 per lot
Multi Family	\$290.00 per unit (e.g. 4plex=4)
Public/Institutional	\$2,270.00 per acre
Commercial & Industrial	\$2,270.00 per acre

Acres are defined as gross acres of developable property minus pond acreage (at high water level) & wetlands at delineation line, rounded to the nearest one tenth (1/10th) of an acre.

Trunk Area Assessments to be collected from Developers on newly developed properties within the Lebanon Hills Subwatershed Area are \$3,772 per acre.

Any part of the Trunk Area Assessment that is not collected with a plat/subdivision agreement will be collected as a connection charge, in addition to any other connection charge established by this resolution, prior to issuance of a Certificate of Occupancy for use of any property.

Connection Charges (STAC) Collected with the Building Permit on all newly developed properties that have not paid trunk area assessments listed above (Gross Area):

Single Family	\$3,050.00 per lot
Multi Family	\$8,570.00 per acre
Public/Institutional	\$9,135.00 per acre
Commercial & Industrial	\$8,515.00 per acre

Exhibit D
Parks & Recreation Fees
Community Center, Arena, & Facilities

Definitions

City Groups, Organization, or Activities

City Sponsored Activities-Includes Rosemount Halloween Festivity, Leprechaun Days, & Shamrock Awards Banquet.

Civic and Non-Profit Groups

Includes Civic Organizations, Political Groups, Churches, Athletic Associations, Fraternal Groups, Charitable Groups, and Character Building Organizations Devoted to Social, Educations, Recreational and Civic Development or Other Like Purposes

Commercial Groups

Includes groups that operate for profit or the purpose of promotion or advertisement.

Governmental Agencies

Includes County, State, Federal, and Special Tax Districts Serving Rosemount Residents

Non-Resident Groups

Includes groups having more than one-half of their members not living within the Rosemount City limits.

Resident

Any person who maintains a residential address in the City of Rosemount.

Resident Groups

Includes groups having more than one-half of their members living within the Rosemount City limits.

School District #196

Includes all directly related school activities including curricular, co-curricular, extracurricular & all directly controlled school organizations; including Community Education.

Resident Athletic Groups

Includes RAAA & RAHA

Priority of Scheduling Facilities

Purpose

Due to the large number of organizations that request Community Center facilities, the City Council has deemed it necessary to group by activity these organizations and establish a priority in order to ensure that Community Center facilities are made available so as to best meet community needs.

Priority of Users

1. National Guard
2. Rosemount Parks & Recreation Programs
3. Community Events
4. All Others

Permits & Rental Agreements

Uses may be determined by permit, contract or rental agreement on such terms as mutually agreed upon.

Facility Fees				
Purpose				
The City Council establishes the following user classifications for the purpose of setting fees. Specific fee charges are dependent on the purpose of the activities, type of group, facility that is requested and special services and/or equipment needed, with consideration to the market place and such other factors as may be deemed relevant. A fee schedule will be established by the City Council after review and recommendation of the Parks and Recreation Commission. The fee schedule will be reviewed as necessary but not less than annually by the Parks and Recreation Commission. Under supervision of the Parks and Recreation Director, the management staff at the Community Center would have the ability to negotiate for last minute rentals, long term rentals, and special events in order to maximize use of the Community Center. Staff would provide quarterly exception reports.				
Fee Class of Users				
Class 1-City Sponsored Activities				
Class 2-Residents, Resident Civic, Resident Non-Profit Groups, ISD #196 Schools, Other Rosemount Schools & Resident Commercial Groups				
Class 3-Non-Residents, Non-Resident Civic, Non-Resident Non-Profit Groups, Other Governmental Agencies & Non-Resident Commercial Groups				
Deposits				
Specific to Banquet Room Hall events, a damage deposit of \$500 is required two weeks prior to the event. As to the Auditorium and Gymnasium, depending on the type of event and group size, a damage deposit of up to \$500 may be added to rental charges. Pending the rental space does not incur any damages; the deposit will be refunded within 21 days after the event date.				
Specific to the Auditorium, Banquet Hall and Gymnasium, a non-refundable rental deposit of one-half the fee is required within two weeks of permit issue. The renter will forfeit the reservation if the rental deposit is not received within two weeks after the permit issue date. The balance of the room fee is due two weeks prior to the event.				
Specific to the Ice Arena, a non-refundable deposit of 50% of the total contract price is required upon receipt of the Ice Arena contract for use. The remainder of the contract shall be paid before the group gets on the ice. RAHA and RHS (ISD 196) are exempt from paying a deposit and will make full payment for the previous month’s ice bill.				
Specific to the Classrooms, the rental fee is required with the signed permit. The reservation is not confirmed until both the signed permit and the fees are paid.				
Auditorium				
Auditorium Alone				
Class 1	no fee for City sponsored events			
Class 2	\$53.00 per hour			
Class 3	\$68.00 per hour			
Auditorium With the Banquet Room Hall and Adjoining Lobby (All Day Fee)				
Fee Class	Saturday Fee	Friday Fee	Weekday Fee (Sunday-Thursday)**	
Class 1	no fee for City sponsored events			
Class 2	975 \$1,100	\$875.00	\$575.00	
Class 3	1325 \$1,450	\$1,225.00	\$775.00	
**Add \$150 for Sunday-Thursday rentals scheduled past 10:00 p.m., no later than midnight.				
Banquet Room Hall				
Fee Class	Saturday Fee	Friday Fee	Weekday Fee (Sunday-Thursday)**	
Class 1	no fee for City sponsored events			
Class 2	\$1,000.00	\$775.00	\$475.00	
Class 3	\$1,200.00	\$975.00	\$525.00	
Classes 2 & 3-Holidays Additional \$500				
**Add \$150 for Sunday-Thursday rentals scheduled past 10:00 p.m., no later than midnight.				

Classrooms	
Fee Class	Per Classroom
Class 1	no fee for City sponsored events
Class 2	\$27.00 per 3 hours per classroom
Class 3	\$33.00 per 3 hours per classroom
Classroom 221	
Class 1	no fee for City sponsored events
Class 2	\$42.00 per 3 hours per classroom
Class 3	\$48.00 per 3 hours per classroom
The Classrooms will be available for regular meetings. An organization in Fee Class 2 that is a resident civic or resident non-profit group can reserve one Classroom at no charge for one meeting per month. Dependent upon space availability, Rosemount Community Center Staff will coordinate the free meeting space to best accommodate multiple users. An organization can reserve up to one year in advance of the reservation period, and is charged a non-refundable \$26 reservation fee. An additional fee may be assessed relating to cleaning and setup costs.	
Gymnasium	
Fee Class	Hourly
Class 1	no fee for City sponsored events
Class 2	\$37.00 plus tax per hour
Class 3	\$58.00 plus tax per hour
Banquets or dance events in the Gymnasium will be charged Banquet Room rates. Groups of 50 or more using the Gymnasium will be charged a custodial fee of \$25 per hour of use.	
Audio Visual Equipment	
Easels, paper and markers may be rented for \$16 + tax per use. Easels are free of charge if no paper and markers are requested. There is no charge for use of microphones and lecterns.	
Arena	
Priority of Major Users (+200 Hours per Year) Any cancellations are subject to 50% of the rental fee.	
1. Community Center Sponsored Programs-Open Skating, Learn to Skate, Events, etc. 2. Rosemount High School girls and boys hockey games and practices, based on limits mutually agreed upon. Schedule requests are due by May 1st. Revisions are due by July 31st. 3. Rosemount Area Hockey Association-Schedule provided by June 1st. Revisions due by July 31st. 4. Signed ice contract is due no later than August 7th, each year. After August 7th, RAHA will be required to purchase all ice hours in signed contract. 5. Other hockey associations or organizations requesting 200 or more hours per year. After the above groups have been scheduled consecutively, ice time for secondary users (less than 200 hours per year) will be scheduled on a first come, first served basis.	
Prime Ice Season: January, February, March, September, October, November and December	
Spring/Summer Ice Season: April, May, June, July and August	
*Effective January 1, 2025 - 'No School' Day Rentals are Charged Prime Rate	
Prime Time Rental Hours: Monday-Sunday 5:00 a.m. - 10:00 p.m.	
Non-Prime Rental Hours: Monday-Sunday 10:00 p.m. - 5:00 a.m.	
Prime Time Ice-Effective January 1, 2026	\$255.00 plus tax per hour during prime season
Non Prime Time Ice -Effective January 1, 2026	\$175.00 plus tax per hour during prime season
Spring/Summer Ice-Effective January 1, 2026	\$175.00 plus tax per hour
Dry Floor Events	fees plus tax negotiated by management staff

Outdoor Facilities	
Park Facility Priority Use	
All City of Rosemount Parks and Recreation Activities will be given priority; all facilities will be scheduled to accommodate these activities. After all Parks and Recreation activities have been scheduled accordingly, then requests will be granted to other users in order of their priority as listed below. User Groups 2, 5, 6 and 7 are charged facility fees for tournaments and camps only. Fees are not charged for regular season play.	
Priority of Use 1. City Sponsored Events-All Parks and Recreation activities which include, but are not limited to, adult leagues, tournaments, playground programs, special events, etc. 2. RAAA and RAHA 3. Residents 4. Other youth sports organizations based on resident participants. 5. Rosemount Schools K-12 6. Rosemount Colleges and Universities (Unless a Special Agreement is in Place for Use) 7. All Other Requests	
Facility Fees	
Cancellations will be subject to 50% of the rental fee. No refunds for inclement weather.	
Erickson Softball Complex and Tournament Fees	
Athletic Fields (Ball, Soccer)	\$50.00 plus tax per field per day
Field Maintenance	\$37.00 per hour or cost incurred by City
Chalk	cost incurred by City
Field Dry	cost incurred by City
Park Shelter Fees	
Open Shelter (Does Not Include Other Park Amenities)	
Resident	\$53.00 plus tax per day
Non-Resident	\$70.00 plus tax per day
Enclosed Shelter (Does Not Include Other Park Amenities)	
Resident	\$84.00 plus tax per day
Non-Resident	\$137.00 plus tax per day
Amphitheater (Comes With Use of Central Park Shelter)	
Resident	\$158.00 plus tax per day
Non-Resident	\$263.00 plus tax per day
Non-League Facility Fees	
Athletic Fields (Ball, Soccer)	\$42.00 plus tax per field per day
Tennis Court	\$11.00 plus tax per court for 4 hours
Hockey Rink	\$16.00 plus tax per rink for 4 hours
Volleyball Court	\$11.00 plus tax per court per day
Camps	
Resident	\$57.00 plus tax per field per day
Non-Resident	\$70.00 plus tax per field per day
Direct maintenance fees for camps will be added to rental fees.	
Independent League Field Fees	
Fields (Ball, Soccer, Outdoor Rinks)	\$315.00 plus tax per team per 12 week season
Other Fees	
DCTC Soccer Lights	\$37.00 plus tax
Portable Toilet	based upon price quote by toilet provider
Damage Deposit	\$158.00 all events (refundable)
Lost Key Fee	\$53.00 per key

Exhibit E The Rosemount Steeple Center Fees				
	Monday-Thursday	Friday	Saturday	Sunday
All Rentals are Tax Exempt	Limited Availability for rentals before 4 p.m. Call 651-322-6016 to inquire.			
Assembly Hall (Approx Dimensions 30'x73') Stage 20'-31' wide, up to 28' deep Theater Seating Capacity: 204 Capacity with Tables/Chairs: 192	Available Hours 4 p.m.-9 p.m. 3 Hour Min. Rental Resident: \$50/hr Non-Resident: \$70/hr	Available Hours 9 a.m.-11 p.m. 6 Hour Min. Rental Resident: \$60/hr Non-Resident: \$80/hr	Full Day Rental Only 9 a.m.-11 p.m. Resident: \$840 Non-Resident: \$1,120	Available Hours 2 p.m.-9 p.m. 5 Hour Min. Rental Resident: \$60/hr Non-Resident: \$80/hr *May be subject to Sunday Set Up Fee
Room #100 Capacity with Tables/Chairs: 60 3' Square Card Tables (up to 15)	Available Hours 4 p.m.-9 p.m. 3 Hour Min. Rental Resident: \$20/hr Non-Resident: \$25/hr	Available Hours 1 p.m.-11 p.m. 6 Hour Min. Rental Resident: \$25/hr Non-Resident: \$30/hr	Available Hours 9 a.m.-11 p.m. 6 Hour Min. Rental Resident: \$25/hr Non-Resident: \$30/hr	Available Hours 9 a.m.-9 p.m. 5 Hour Min. Rental Resident: \$25/hr Non-Resident: \$30/hr
Room #200/201 8' Banquet Tables (up to 10) Capacities: Lecture Seating no Tables: 80 Lecture Seating w/Tables: 40 Banquet/Double Sided Seating: 80	Available Hours 4 p.m.-9 p.m. 3 Hour Min. Rental Resident: \$25/hr Non-Resident: \$30/hr	Available Hours 1 p.m.-11 p.m. 6 Hour Min. Rental Resident: \$30/hr Non-Resident: \$35/hr	Available Hours 9 a.m.-11 p.m. 6 Hour Min. Rental Resident: \$30/hr Non-Resident: \$35/hr	Available Hours 2 p.m.-9 p.m. 5 Hour Min. Rental Resident: \$30/hr Non-Resident: \$35/hr
Room #202 8' Banquet Tables (up to 6) Capacities: Lecture Seating w/Tables: 24 Hollow Square Meeting: 24 Banquet/Double Sided Meeting: 48	Available Hours 4 p.m.-9 p.m. 3 Hour Min. Rental Resident: \$15/hr Non-Resident: \$20/hr	Available Hours 1 p.m.-11 p.m. 6 Hour Min. Rental Resident: \$20/hr Non-Resident: \$25/hr	Available Hours 9 a.m.-11 p.m. 6 Hour Min. Rental Resident: \$20/hr Non-Resident: \$25/hr	Available Hours 9 a.m.-9 p.m. 5 Hour Min. Rental Resident: \$20/hr Non-Resident: \$25/hr
Additional Fees				
Refundable Damage Deposit-Required for Rental of Assembly Hall Only			\$300.00	
Security Fee if Alcohol is Served (See Alcohol Policy)			\$350.00	
Change Over Fee (e.g. Ceremony to Reception)			\$200.00	
Sunday Set Up Fee (If Event Requires Round Table Guest Seating)			\$200.00	
Holiday Fee (For Rentals on Federal Holiday)			\$500.00	
Equipment Rental				
Screen Rental			\$50.00	plus tax per event
LCD Rental			\$100.00	plus tax per event

Exhibit F Park Dedication Fees

Park Dedication Fees

Park dedication fees are outlined in City Subdivision Ordinance and City Ordinance No. XVII.103 and .107:

In all new residential subdivisions, the City shall require that a sufficient portion of such land be set aside and dedicated to the public for parks, playgrounds or other public use exclusive of property dedicated for streets and other public ways. It shall be presumed that a sufficient amount of land has been dedicated for parks and playgrounds for the present and future residents of the subdivision, if the subdivider dedicates at least 1/25 of an acre per dwelling unit that can be constructed in the subdivision. The City upon consideration of the particular type of development proposed in the subdivision may require larger or lesser amounts of land be dedicated if the City determines that the present and future residents of the subdivision would require greater or lesser amounts of land for such purposes. The City shall determine whether cash in lieu of land dedication is more appropriate. The amount of cash dedication shall be determined by multiplying the number of acres otherwise required to be dedicated by the average value of comparable undeveloped land set by resolution by the City Council.

In all new commercial and industrial subdivisions, it shall be presumed that a sufficient amount of land has been dedicated to serve the needs of the resident and working population if the sub divider dedicates at least ten percent (10%) of the land in the subdivision for parks, recreation and usable open space. The City upon consideration of the particular type of development proposed in the subdivision may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision would require greater or lesser amounts of land for such purposes. The City shall determine whether cash in lieu of land dedication is appropriate. The amount of cash dedication shall be determined by multiplying the number of acres otherwise required to be dedicated by the average value of comparable undeveloped land set by resolution of the City Council.

Land Values for the Dedication of Land and/or Cash Contribution

New Residential Subdivision	
Low Density Residential	\$85,000/\$3,400 per acre/per unit
Medium Density Residential	\$95,000/\$2,850 per acre/per unit
High Density Residential	\$125,000/\$2,500 per acre/per unit
Commercial Subdivision	\$90,000.00 per acre
Industrial Subdivision	\$50,000.00 per acre
Business Park Development	\$85,000.00 per acre

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: City Code Amendments - Administrative Citation Late Fees and Review Timelines	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Liz Kohler, Community Development Technician	AGENDA NO. 6.o.
ATTACHMENTS: Ordinance 2025-XX Administrative Citations, Resolution re Publication by Title and Summary - Administrative Citations, Ordinance 2025-XX Review Periods, Resolution re Publication by Title and Summary - Review Periods	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to approve Ordinance No. 2025-xx amending Title 1 Chapter 10 of the Rosemount City Code Motion to adopt a resolution approving the summary publication of the Ordinance No. 2025-xx Approval Motion to approve Ordinance No. 2025-xx amending Title 11 Chapter 9; amending Title 11 Chapter 8; and amending Title 12 Chapter 3 of the Rosemount City Code Motion to adopt a resolution approving the summary publication of the Ordinance No. 2025-xx Approval	

BACKGROUND

In 2024, Rosemount added Chapter 10 to Title 1 of the city code establishing an administrative citations program. The Finance department and Utility Billing requested that the code be amended and late fees on administrative citations be charged quarterly alongside other utility billing late fees. The proposed ordinance amending Title 1 establishes a schedule for late fee charges on administrative citations that is more consistent with the utility billing schedule.

City staff was informed of language in the code that could be clarified to better identify review periods for zoning applications. The language in the Sign Code, Site Plan and Building Design Review, and the Subdivision Platting Process indicated a review process that was 15 days. However, it did not specify calendar days or business days. An addition to the code language regarding review processes will define staff's review timeline to residents and contractors. The proposed ordinance amending Title 11 and Title 12 clarifies review timelines for planning and zoning processes as they directly relate to State Statute Section 15.99 Subdivision 3(a).

RECOMMENDATION

Staff is recommending adoption of ordinances amending 11-9-1 Site Plan and Building Design Review,

11-8-2 Signage Administration and Enforcement, 12-3-1 Subdivision Platting Process, and 1-10-3 Administrative Citation Procedures of the Rosemount City Code and approval of the resolutions 2025-XX and 2025-XX for summary publications.

**City of Rosemount
COUNTY OF DAKOTA
Ordinance No. 2025-XXX**

**AN ORDINANCE CODIFYING ADMINISTRATIVE CITATIONS; AMENDING TITLE 1,
CHAPTER 10 AND ADDING A CHAPTER TO THE ROSEMOUNT CITY CODE**

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA, ORDAINS AS
FOLLOWS:

Title 1, Chapter 10, of the Rosemount City Code is proposed as follows:

Title 1

ADMINISTRATION

CHAPTER 10

SECTION:

1-10-3: ADMINISTRATIVE CITATION PROCEDURES:

A. Authority: Any Rosemount peace officer or community service officer, code enforcement official, building official, or any other person with authority to enforce the City Code is authorized to issue administrative notices and citations pursuant to this chapter.

B. Administrative Notice: Any person authorized under 1-10-3(A), shall, upon determining there has been a violation, notify the violator as follows.

1. In the case of a vehicular violation, a notice will be attached to the vehicle in violation.
2. The City will deliver the administrative notice to the violator in person or by regular mail within ten (10) days of the offense. The notice shall set forth the nature, date, and time of the violation, a description of the property on which the violation occurred, the name of the official issuing the notice, the amount of the scheduled penalty should it lead to a citation, and abatement procedures, if applicable.
3. Unless subject to more immediate abatement by the City, pursuant to City Code section 9-4-11, the violator will have fourteen (14) calendar days to correct the violation after issuance of the administrative notice. If the violator is making a good faith attempt to remedy the violation, the City may grant an extension, the length of which must be agreed upon in writing between the City and violator.

C. Administrative Citation:

1. Upon the failure to correct the violation specified in the administrative notice within the time specified in the notice, the City may issue an administrative citation.
2. The City will deliver the administrative citation in person or by regular mail, which will contain the following information:
 - a. A description or address of the property on which the code violation has occurred;
 - b. Reference to the Code that is alleged to be violated;
 - c. The amount of the civil penalty which will be due and payable to the City within thirty (30) days of the date the citation is mailed or personally served;
 - d. A statement that the violation must be corrected and the time frame for compliance;

e. A statement that the violation and the amount of the civil penalty may be contested by notifying the City Clerk in writing within fourteen (14) calendar days after the citation was mailed or personally delivered; and

f. A statement that failure to pay the civil penalty may constitute a lien upon the property where the violation occurred or a personal obligation of the violator.

D. Contesting Administrative Citation Or Civil Penalty: Any person may contest an administrative citation or civil penalty by requesting a hearing. Such request must be in writing and delivered or mailed to the City Clerk within fourteen (14) calendar days of the issuance of the administrative citation.

E. Administrative Hearing Procedures:

1. Hearing Officers: The City will establish a procedure for evaluating the competency of appointed hearing officers. The City will select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be an impartial citizen with the authority to sustain, reduce, or dismiss a citation. The hearing officer will be a public officer as defined by Minn. Stat. § 609.415.

2. Notice Of Hearing: Within thirty (30) days of receiving a hearing request, the City will notify the violator of the date, time, and location of hearing and the citation or penalty that is being contested.

3. File Transmittal: Upon receiving a hearing request, the City will prepare a file for the case to be delivered or transmitted to the hearing officer. The case file will contain:

- a. A copy of the administrative notice to the property owner, if applicable;
- b. A copy of the administrative citation;
- c. Any case history in the applicable City department's files;
- d. Photographs and/or videotape of the property or the code violation if available; and
- e. Any supplemental reports or documents supporting the City's findings of a violation.

4. Violator Evidence: No later than forty-eight (48) hours (two (2) business days) before the administrative hearing, the violator may provide the City with a case file that may contain the following information: their summary of the violation, a personal statement, or any other supporting documentation or materials (e.g., photographs, audio/visual materials) they wish to use as evidence. The City will not accept any hearing materials after the 48-hour time window has passed.

5. Presentation Of Case: At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and may receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

6. Decision: The hearing officer's decision and supporting reasons must be in writing. The decision will be mailed to the parties within ten business (10) days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled penalty, or to reduce, stay, or waive a scheduled penalty either unconditionally or upon compliance with appropriate conditions. The hearing officer may consider any or all of the following factors when imposing a penalty:

- a. The duration of the violation;
- b. The frequency or reoccurrence of the violation;

- c. The seriousness of the violation;
- d. The violator's conduct after issuance of the administrative notice or citation, or notice of hearing;
- e. The good faith effort by the violator to comply;
- f. The impact of the violation upon the community; and
- g. Any other factors appropriate to a just result.

The hearing officer may not impose a penalty greater than the established penalty, except that the hearing officer may impose a penalty for each week that the violation continues if the violation caused a serious threat of harm to the public health, safety, or welfare as determined by the hearing officer, or if the violator intentionally and unreasonably refused to comply with the code requirement. If the hearing officer sustains the citation, the violator will be given a specified timeframe to remedy the violation. If the violation is not remedied within the timeframe, the City will issue a second separate citation to the property owner.

7. Failure To Appear: Failure to attend the hearing constitutes an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are death, incapacitating illness or disability of the accused, or lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness and intentional delay.

8. Owner Found In Violation: If the violation is upheld, then the violator must pay a fee toward the cost of the hearing per the City's fee schedule.

9. Withdrawal Of Hearing Request: At any time prior to the hearing, a violator may withdraw the hearing request and pay the civil penalty.

F. Civil Penalty: The person responsible for the violation who has been issued a citation and chooses not to appeal for a hearing must pay the scheduled penalty. Payment of the penalty constitutes admission of the violation.

1. A late payment fee of ~~six percent (6%) ten percent (10%)~~ of the scheduled penalty must be assessed ~~quarterly for each 30-day period~~, or part thereof, that the penalty remains unpaid after the due date.

2. A subsequent violation within a 12-month period for the same or substantially similar offense, the penalty increases to the amount set forth in the City's fee schedule.

3. The City may issue a second citation or take other legal action to achieve code compliance including, but not limited to, abatement actions correcting or removing the violation.

G. Recovery Of Civil Penalties:

1. If a civil penalty is not paid within the time specified, it shall constitute:

- a. A personal obligation of the violator; or
- b. A lien against the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation.

2. A lien may be assessed against the property and collected in the same manner as taxes.

3. A personal obligation may be collected by appropriate legal means.

4. Failure to pay a civil penalty is grounds for suspending or revoking a permit associated with the violation.

5. During the time a civil penalty remains unpaid, no city approval will be granted for a license, permit, or other city approval sought by the violator or for property under the violator's ownership or control.

H. Abatement Procedure: Nothing in this chapter is intended to limit the City's authority in Section 9-4-11 of this Code. (Ord. 2024-03, 4-16-2024)

ENACTED AND ORDAINED into an Ordinance this 21st day of January, 2025.

CITY OF ROSEMOUNT

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2025-XX**

WHEREAS, the City has adopted the above referenced ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rosemount that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
ORDINANCE NO. 2025-XX**

**AN ORDINANCE AMENDS TITLE 1, CHAPTER 10 OF THE CITY CODE BY
MODIFYING ADMINISTRATIVE CITATION LATE PAYMENT FEES**

During their January 21, 2025 meeting, the City Council of the City of Rosemount adopted Ordinance No. 2025-XX. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available for inspection and without cost by any person of the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance. The ordinance amends Title 1 of the City Code by modifying chapter 10, aligning late payment fees with a quarterly schedule.

EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication according to law. Passed by the City Council of the City of Rosemount, Minnesota, this 21st day of January, 2025.

BE IT FURTHER RESOLVED, that the City Clerk is directed to keep a copy of the ordinance in her office at City Hall for public inspection and to post a full copy of the ordinance in a public place in the City for a period of two weeks.

Adopted by the City Council of the City of Rosemount, Minnesota this 21st day of January, 2025.

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

**City of Rosemount
COUNTY OF DAKOTA
Ordinance No. 2025-XXX**

**AN ORDINANCE CODIFYING ADMINISTRATIVE CITATIONS; AMENDING TITLE 11,
CHAPTER 9; AMENDING TITLE 11 CHAPTER 8; AND AMENDING TITLE 12
CHAPTER 3**

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA, ORDAINS AS
FOLLOWS:

Title 11, Chapter 9, of the Rosemount City Code is proposed as follows:

Title 11
ZONING REGULATIONS
CHAPTER 9
SECTION:

11-9-1: SITE PLAN AND BUILDING DESIGN REVIEW:

A. Purpose: The purpose of this section is to establish a formal site plan review procedure for commercial, industrial, institutional, and multiple-unit residential development projects and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this title and pursuant to Minnesota statutes 15.99

B. Exemptions: Unless otherwise specifically required in this title, the following shall be exempt from the requirements for commission review. All exemptions remain subject to the requirements of this title.

1. The erection or alteration of permitted agricultural structures, when all other provisions of this title are met.
2. Single-unit and two-unit dwellings, when all other provisions of this title are met.
3. Construction of or addition to an accessory structure not exceeding fifty percent (50%) of the building footprint of the principal structure, when all other provisions of this title are met.
4. Interior alterations of all structures that do not affect the existing uses or intensity of use, when all other provisions of this title are met.
5. Minor revisions or additions to existing principal structures, provided the proposed modifications do not exceed thirty percent (30%) of the floor area of said structure or ten thousand (10,000) square feet, whichever is less and all other provisions of this title are met.
6. The erection or alteration of commercial or industrial structures or accessory structures permitted in the B-2 District, when all other provisions of this title are met.

C. Review Procedures: Applicants shall submit to the city a completed official city application, the associated application fee set by council resolution and all supportive or supplementary information required by this section prior to any consideration for a site plan review. The city shall process all site plan applications in conformance with all applicable city, county, and state standards and requirements . The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the applicant shall be

notified, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

D. Review Process:

1. Prior to filing a formal site plan application, applicants may present a concept plan to the city. The Zoning Administrator shall have the authority to refer said plan to the planning commission and/or city council for discussion, review, and informal comment. Any opinions or comments provided to the applicant regarding a concept site plan application are to be considered advisory only and shall not constitute a binding decision on the request.

2. Subsequent to any concept plan review, an applicant may present a formal site plan application to the city.

3. The Zoning Administrator shall have the authority to require the applicant to hold a neighborhood meeting to inform nearby property owners of the request. If required, this meeting shall take place following the submittal of the formal application to the city but before notices for the public hearing are published.

4. The Zoning Administrator shall refer all formal site plan applications to the planning commission. The commission shall hold a public hearing to review the formal site plan application and act on said application in accordance with subsection C above of this section or applicable state statute.

E. Public Hearing:

1. Unless exempted by this section, no site plan shall be considered until a public hearing has been held by the commission.

2. A notice of the time, place and purpose of the hearing shall be published in the city's official newspaper, at least ten (10) days prior to the hearing.

3. Notices shall be mailed to each property owner within five hundred (500) feet of the affected property, except when located in A-1, A-2, and RR districts in which case notice shall be mailed to each property owner within one-fourth (1/4) mile of the affected property. The city shall use its best available records to determine the names and addresses of property owners to receive notice.

4. Failure to give notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt was made to comply with these provisions.

5. During the public hearing city staff shall present their findings with regard to the site plan application.

F. Review Standards: The Zoning Administrator shall review each application for site plan review for compliance with the performance standards contained in the comprehensive plan, this title and other applicable city codes and policies. These standards may include, but are not limited to, the following:

1. Land use designations and zoning districts.
2. Access, parking and loading.
3. Exterior building materials.
4. Trash enclosure.
5. Landscaping and berming.
6. Signage.
7. Lighting.
8. Engineering, grading and drainage.

9. Traffic and pedestrian circulation.

10. Parks and open space.

G. Building Permit: No person, firm or corporation shall erect, alter, construct, enlarge, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or portion thereof, within the city of Rosemount until proper permits and/or a certificate of occupancy has been issued by the protective inspections division of the city. All work for which a permit has been issued must be completed in accordance with title 9, "Building Regulations," of this code and applicable federal, state and county laws, codes and regulations.

1. Except as provided for by this section, no building permit shall be issued until a site plan has been prepared in accordance with the provisions of this title and approved by the commission. Upon approval of the site plan by the commission, the building official will be authorized to process a building permit for the proposed project pursuant to adopted building and fire codes. The site plan approval process does not imply compliance with the requirements of said building and fire codes.

H. Plan Conformance: Development of the site shall conform to all site and construction plans officially submitted to and approved by the city. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specification without prior submission of a plan modification request.

I. Plan Modifications: Major amendments to an approved site plan may be approved by the planning commission. The notification, public hearing, and appeal procedure for such amendments shall be the same as those for the original site plan review. Any other amendments may be made administratively when the Zoning Administrator determines that review and approval by the planning commission of a detailed site and building plan is unnecessary to meet the purpose and intent of this section. The Zoning Administrator's decision regarding classification of an amendment is final. When determining if an amendment is major, the Zoning Administrator may consider their determination on whether the amendment:

1. Substantially alters the location of buildings, parking areas or vehicle access.
2. Increases the total gross floor area of all buildings by more than five percent (5%) or increases the gross floor area of any individual building by more than ten percent (10%).
3. Increases the number of stories of any building.
4. Decreases the amount of open space by more than five percent (5%) or alters it in such a way as to change its original design or intended use.
5. Changes the exterior building materials or color of the building.
6. Creates noncompliance with any special condition attached to the approval of the site plan or applicable provision of this title.

J. Term Of Approval: Unless otherwise specified, an approved site plan shall become null and void one (1) year from the date of approval unless the property owner or applicant has substantially commenced construction of any building, structure, addition or alteration, or use requested as part of the approved plan or unless a petition for a time extension has been granted by the planning commission. All extension requests shall be submitted in writing to the community development department at least thirty (30) days prior to expiration of the site plan and shall state facts showing a good faith effort to complete work permitted under the original approval.

K. Site Improvement Performance Agreement and Financial Guarantee: Following the approval of a site plan required by this title and prior to issuance of a building permit, the applicant, if deemed necessary by the planning commission, shall guarantee to the city the

completion of all improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site performance agreement and a financial guarantee as provided below.

1. The applicant shall execute the site performance agreement on forms provided by the city. The agreement shall define the required work and reflect the terms of this section as to the required guarantee of the performance of the work by the applicant.

2. The required work includes, but is not limited to, private exterior amenities such as landscaping, turf establishment, private driveways, parking areas, curb and gutter, recreational facilities, wetland buffers, erosion control, fences and screening, and other similar facilities. The required work shall also include all aspects of the tree preservation plan, if applicable.

3. A financial guarantee shall be submitted with the executed site performance agreement as provided herein:

- a. Financial guarantees acceptable to the city include cash escrow, an irrevocable letter of credit, or other financial instrument that provides equivalent assurance to the city and that is approved by the Zoning Administrator.

- b. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the applicant's responsibility to ensure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this section.

- c. When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, it shall be the applicant's responsibility to notify the city in writing, by certified mail, at least sixty (60) days in advance of the expiration date of the intent either to renew or not to renew the instrument. If the instrument is to be renewed, a written renewal shall be provided at least thirty (30) days prior to the expiration date. If the instrument is not to be renewed, and has not been released by the Zoning Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least thirty (30) days prior to the expiration date. Upon receipt of an acceptable substitute financial guarantee, the Zoning Administrator may release the original guarantee.

- d. The amount of the financial guarantee shall be established by the Zoning Administrator based upon an itemized estimate of the cost of all required work as provided by the applicant. A cash escrow or irrevocable letter of credit shall be in the amount of one hundred twenty-five percent (125%) of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the Zoning Administrator.

- e. At the option of the city the applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements that comprise the work. All trees shall be warrantied to be alive, of good quality, and disease free for twelve (12) months from the time of planting. Any subsequent replacement shall be warrantied for twelve (12) months from the time of planting.

4. The time allowed for completion of the required improvements shall be set forth in the site performance agreement. This agreement and the financial guarantee shall guarantee compensation for the required improvements and provide for reimbursement to the city of the cost of enforcement measures. As the applicant completes various portions of such required work, the Zoning Administrator may release such portion of the financial guarantee as it is

attributable to such completed work. Landscaping improvements shall not be deemed complete until the city has verified survivability of all required plantings through one winter season, defined for the purposes of this section as the period between October 31 and April 30.

5. The applicant shall notify the Zoning Administrator in writing when all or part of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the work performed meets the standards of this title and any conditions imposed by the planning commission and the standards for the particular industry, profession or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed complete and the applicant shall be notified in writing as to required corrections. Upon determination that required work has been completed, including the winter season survivability of landscape plantings, notice shall be given to the applicant of the date of completion and action taken by the Zoning Administrator to release, or to reduce the amount of, the financial guarantee. (Ord. 2024-04, 6-4-2024)

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA, ORDAINS AS FOLLOWS:

Title 11, Chapter 8, of the Rosemount City Code is proposed as follows:

Title 11
SIGNAGE
CHAPTER 8
SECTION:

11-8-2: ADMINISTRATION AND ENFORCEMENT:

A. Permit Required: Except as noted elsewhere in this chapter, no sign shall be erected, altered, improved, reconstructed, maintained, or moved in the city without first securing a permit from the city:

1. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
2. Application for a permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms provided by the city.
3. The application shall be accompanied by a fee as established by city council resolution.
4. The community development department designee shall notify the applicant, in writing, of an incomplete application within fifteen (15) business days of the date of submission.
5. The community development department designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title within sixty (60) days of submission of a complete application in accordance with Minn. Stat. § 15.99.

B. Nonconforming Signs And Uses:

1. Nonconforming Signs: A nonconforming sign lawfully existing upon the effective date of this chapter shall be regulated in accordance with section 11-1-8 of this title.
2. Nonconforming Uses: When the principal use of land is legally nonconforming under section 11-1-8 of this title, all existing or proposed signs in conjunction with that land use shall be

considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

C. Enforcement And Penalties:

1. Administration: This chapter shall be administered and enforced by the community development department designee. The Zoning Administrator may institute in the name of the city appropriate actions or proceedings against a violator.

2. Inspection: All signs for which a permit is required shall be subject to inspection by the community development department designee.

3. Removal At Owner's Expense: The city reserves the right to require the removal at the owner's expense of any sign when the requirements of this section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The city shall not have any obligation or liability to replace any sign when removed by the city.

4. Misdemeanor: Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, be fined or penalized not more than the maximum levels established by the state for misdemeanor offenses. (Ord. 2024-04, 6-4-2024)

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA, ORDAINS AS FOLLOWS:

Title 12, Chapter 3, of the Rosemount City Code is proposed as follows:

Title 12
SUBDIVISION PLATTING PROCESS
CHAPTER 3
SECTION:

12-3-1: SUBDIVISION PLATTING PROCESS:

A. All subdivisions are subject to platting requirements unless otherwise provided for within this title.

B. Preapplication: The subdividers or owners should meet with city officials (engineer and planner) in order to be made fully aware of all applicable ordinances, policies, regulations, and plans pertinent to the proposed subdivision. Staff will then inform the subdividers of the specific processes and requirements for subdivision approval.

C. Application And Fees: All applications for subdivisions shall be filed with the city and shall include all of the information required on the application form provided by the city and all of the information required by this title. Failure by the applicant to provide all of the required information may result in immediate rejection of the application by staff. Application and processing fees shall be established by fee resolution adopted from time to time by the council.

D. Staff Review Of Application: Within fifteen business (15) days of the receipt of the application, staff shall complete the initial review to determine if all required information has been filed. The applicant will be notified of incomplete or unacceptable application upon completion of initial review. Failure by the city to inform the applicant does not obligate the city in any manner.

E. Neighborhood Meeting: The zoning administrator shall have the authority to require the applicant to hold a neighborhood meeting to inform nearby property owners of the request. If required, this meeting shall take place following the submittal of the formal application to the city but before notices for the public hearing are published.

F. Public Hearing: When the application is complete, the city shall conduct a public hearing before the commission according to the procedures specified in the city's zoning ordinance, title 11, section 11-9-1 of this code.

G. Council Approval: The council shall act following the receipt of a complete application as required accompanied by recommendations forwarded by the parks and recreation committee, planning commission, and utilities commission regarding the subdivision in accordance with Minn. Stat. § 462.358.

H. Qualifications Governing Approval of Subdivisions: All subdivisions shall conform to the following criteria:

1. That the proposed subdivision complies with applicable ordinances and the comprehensive guide plan.
2. That the design or improvement of the proposed subdivision complies with applicable plans of Dakota County, state of Minnesota or the metropolitan council.
3. That the physical characteristics of the site, including, but not limited to, topography, vegetation, susceptibility to erosion, and filtration, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
4. That the site physically is suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are not likely to cause environmental damage.
6. That the design of the subdivision or the type of improvements are not likely to cause health problems.
7. That the design of the subdivision or the type of improvements will not conflict with the easements of record or with easements established by judgment of court.
8. That completion of the proposed development of the subdivision can be completed in a timely manner so as not to cause an economic burden upon the city for maintenance, repayment of bonds, or similar burden.
9. That the design of the subdivision is compatible and consistent with the platting or approved preliminary plat on adjacent lands.
10. That all proposed urban residential subdivisions are in the metropolitan urban service area (MUSA).
11. That the subdivision is not premature. A premature subdivision may include any of the following scenarios:
 - a. Lack Of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
 - (1) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.
 - (2) The proposed subdivision will cause pollution of water sources or damage from erosion and situation on downhill or downstream land.
 - (3) The proposed site grading and development will cause harmful and irreparable damage from erosion and situation on downhill or downstream land.

(4) Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

b. Lack Of Adequate Water Supply: A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

c. Lack Of Adequate Roads Or Highways To Serve The Subdivision: A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

(1) Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of the county and/or the Mn-DOT, said roads are inadequate for the intended use.

(2) The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.

d. Lack Of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on site sewer capacity potential to support the subdivision if developed to the maximum permissible density.

e. Inconsistency With Comprehensive Plan: A proposed subdivision shall be deemed inconsistent with the city's comprehensive plan when the subdivision is inconsistent with the purposes, objectives and recommendations of the adopted comprehensive plan of Rosemount, as may be amended. Subdivisions which do not follow planned public improvements shall be deemed inconsistent with the city's growth strategies as outlined in the comprehensive plan.

f. Public Service Capacity: A proposed subdivision shall be determined to lack necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.

g. Minnesota Environmental Quality Board (EQB) Policies: The proposed subdivision is inconsistent with the policies of the environmental quality board, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas, which are designated or officially

recognized by the council, in violation of federal and state historical preservation laws.

(1) Inconsistency With Capital Improvement Plan: A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the Rosemount, county or other regional capital improvement plans. The council may waive this criteria when it can be demonstrated that a revision to capital improvement programs can be accommodated.

I. Appeals Of Decisions:

1. An appeal of any decision made under this title may be filed and reviewed according to the procedures in section [11-9-7](#) "Appeals." (Ord. 2024-04, 6-4-2024)

CITY OF ROSEMOUNT

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2025-XX**

WHEREAS, the City has adopted the above referenced ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rosemount that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
ORDINANCE NO. 2025-XX**

**AN ORDINANCE AMENDS TITLE 11, CHAPTER 9; TITLE 11, CHAPTER 8; AND
TITLE 12 CHAPTER 3 OF THE CITY CODE**

During their January 21, 2025 meeting, the City Council of the City of Rosemount adopted Ordinance No. 2025-XX. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available for inspection and without cost by any person of the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance. The ordinance amends Title 11 of the City Code by modifying Chapter 8 and Chapter 9, and Title 12 Chapter 3 to include direct references to state statute regarding review timelines for zoning and subdivision applications.

EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication according to law. Passed by the City Council of the City of Rosemount, Minnesota, this 21st day of January, 2025.

BE IT FURTHER RESOLVED, that the City Clerk is directed to keep a copy of the ordinance in her office at City Hall for public inspection and to post a full copy of the ordinance in a public place in the City for a period of two weeks.

Adopted by the City Council of the City of Rosemount, Minnesota this 21st day of January, 2025.

Jeffery D. Weisensel, Mayor

ATTEST:

Erin Fasbender, City Clerk

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Donation Acceptance from Kaiser Manufacturing to Police Department	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Mikael Dahlstrom, Police Chief	AGENDA NO. 6.p.
ATTACHMENTS:	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to approve the acceptance and expenditure of \$1860 dollars in labor from Kaiser Manufacturing to be used to sew new patches on police uniforms.	

BACKGROUND

In 2024, the Minnesota State Emblems Redesign Commission adopted a new state flag and seal, prompting agencies, departments, and municipalities to update various insignia to reflect the official designs. As part of this change, the Rosemount Police Department formed a committee to redesign their police patch, as the previous patch featured the now unofficial state flag and has been displayed by officers for over a decade.

In early 2025, the department is excited to unveil the new patch design. Ahead of the release, the department has begun the process of outfitting uniforms with the updated patches. To support this transition, Kaiser Manufacturing generously stepped forward to offer a donation of sewing services for the patches. This donation covers labor costs for updating 115 Class B shirts, 32 jackets, 21 Class A shirts, and 18 dress jackets.

The total value of this donation is \$1,860, helping the department transition smoothly to the new design without incurring additional costs. This support from Kaiser Manufacturing is greatly appreciated and demonstrates the company's commitment to assisting the Rosemount Police Department!

RECOMMENDATION

Staff recommends the City Council approve the donation of labor expenses from Kaiser Manufacturing.

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Pay Equity Compliance Report	AGENDA SECTION: CONSENT AGENDA
PREPARED BY: Teah Malecha, Administrative Services Director	AGENDA NO. 6.q.
ATTACHMENTS: Compliance Report	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to approve the 2025 Pay Equity Compliance Report for 2024 Compliance	

BACKGROUND

Local Government Pay Equity State law requires us to submit our Pay Equity Report every three years. This report is to be submitted to Minnesota Management and Budget (MMB) upon approval. There are four tests for compliance with the State of Minnesota Local Government Pay Equity Act. This report shows data in place as of December 31, 2024. Following are the tests and the results:

1. **Completeness and Accuracy Test:** The City will pass this test if the report is submitted electronically by January 31, 2025. Staff will submit the report upon approval by the City Council.
2. **Statistical Analysis Test:** To pass this test the City must have an underpayment ratio of 80.0 percent or more or 6 or more male classes and at least one class with an established salary range which is the same for male-dominated and female-dominated classes and doesn't represent a disadvantage for female-dominated classes. The City has an underpayment ratio of 141.9355 which is well above the established standard and indicates that the City would be found in compliance with this test.
3. **Salary Range Test:** For organizations with established salary ranges for positions, this measures whether male classes are reaching the top of their salary range faster than female classes. This result must either be 0 or above 80 to be found in compliance. The results of the salary range test for the City is 100.00, which is also above the established standard and indicates that the City would also pass this test.
4. **Exceptional Service Pay Test:** This test analyzes whether there is a larger percentage of male classes receiving longevity or performance pay than female classes. For this test the result must

either be 0 if less than 25% of male classes receive exceptional service pay or be above 80. The results of this test are 49.73, which is below the established standard and indicates that the City is not in compliance.

There have been several changes since 2021 that have affected the exceptional pay category. The City underwent a compensation study that changed the number of steps in the pay scale. The police officers moved from a 4 step scale to a 5 step scale. All other employees were on a 2 or 6 step scale and moved to an 8 step scale.. We also saw a reduced number of employees receiving longevity (31 to 24) due to the tenure of employees. The City has had 10 retirements (5 females, 5 males) that impacted the amount of females receiving longevity pay. There were four positions in all female classes that were reclassified and placed at a higher grade which had a positive impact on the employee but removed them from the exceptional pay list since they were no longer at the top step.

An evaluation of the City's turnover between 2022 and 2024 does not show that females are leaving at a higher rate.

- Turnover under 4 years of service of service was 82 percent male and 18 percent female.
- Turnover with 4-10 years of service was 54 percent male and 46 percent female.
- Turnover for those with over 10 years of service was 55 percent male and 45 percent female.

Staff is working with the Equity Coordinator at MMB to request a reconsideration of the non-compliant status.

City Council is required to approve the Pay Equity Report. The report is required by Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules, Chapter 3920. The previous report was submitted in January 2022 and the City was found in compliance.

RECOMMENDATION

Staff recommends the City Council approve the 2025 Pay Equity Compliance Report for 2024 Compliance.

Compliance Report

Jurisdiction: Rosemount
2875 - 145th Street West

Report Year: 2025
Case: 1 - 2024 DATA (Private (Jur
Only))

Rosemount, MN 55068

Contact: Logan Martin

Phone: (651) 322-2006

E-Mail: logan.martin@rosemou
ntmn.gov

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	31	22	3	56
# Employees	74	26	27	127
Avg. Max Monthly Pay per employee	7336.80	7939.69		7587.95

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 141.9355 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	13	13
b. # Below Predicted Pay	18	9
c. TOTAL	31	22
d. % Below Predicted Pay (b divided by c = d)	58.06	40.91

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 98	Value of T = -0.368
------------------------------	---------------------

a. Avg. diff. in pay from predicted pay for male jobs = -3

b. Avg. diff. in pay from predicted pay for female jobs = 9

III. SALARY RANGE TEST = 100.00 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 7.00

B. Avg. # of years to max salary for female jobs = 7.00

IV. EXCEPTIONAL SERVICE PAY TEST = 49.73 (Result is B divided by A)

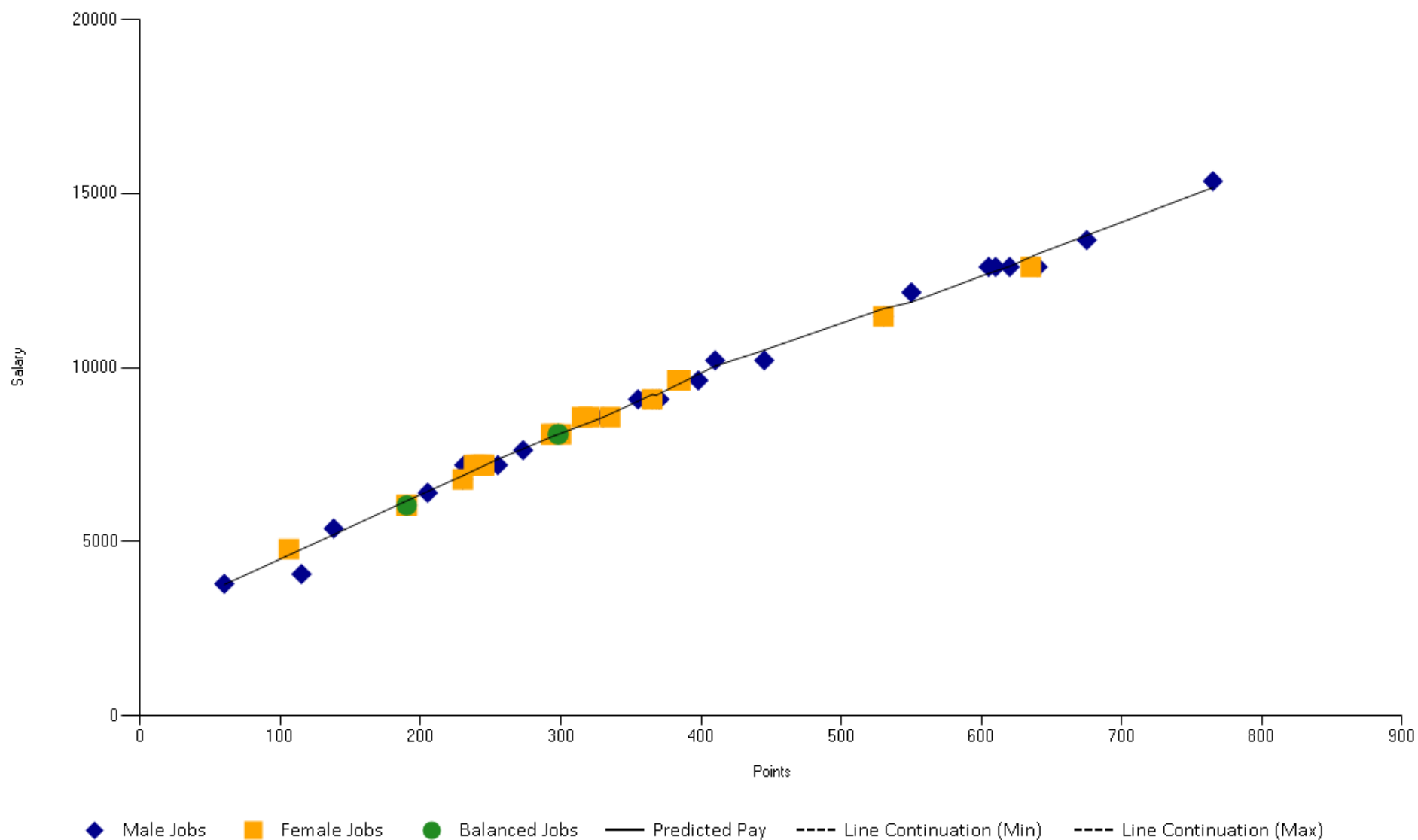
A. % of male classes receiving ESP = 54.84 *

B. % of female classes receiving ESP = 27.27

*(If 20% or less, test result will be 0.00)

Predicted Pay Report for: Rosemount

Case: 2024 DATA



City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Report on Annual Evaluation of City Administrator	AGENDA SECTION: UNFINISHED BUSINESS
PREPARED BY: Logan Martin, City Administrator	AGENDA NO. 8.a.
ATTACHMENTS:	APPROVED BY: LJM
RECOMMENDED ACTION: Discuss results of the annual evaluation of the City Administrator and provide report on the closed meeting of January 7, 2025	

BACKGROUND

In accordance with the terms of the employment contract with City Administrator Martin, the City Council conducted a performance evaluation during a closed meeting held on January 7, 2025. As required by State Statute 13D.05 Subd.3, the City Council must summarize the conclusions of its evaluation at the next open meeting.

Human Resources Manager Jaime Issac provided each Councilmember with a digital survey to numerically assess the City Administrator's performance in 7 categories, along with a review of progress on key 6 to 12 month priorities. A summary table of the 7 categories discussed is below:

Work Area Avg.	(scale of 1 to 5)
Organizational Management	4.5
Fiscal/Business Management	4.5
Relationship with the Council	4.5
Long Range Planning	4
Relationship with the Public	4.5
Intergovernmental Relations	4.25
Professional & Personal Development	4.75

The City Council and City Administrator had a productive conversation on his performance in 2024. Numerical performance data from 2024 is slightly higher than 2023. Overall, the City Council's comments and evaluations indicated that the City Administrator is meeting or exceeding their expectations. Additional discussion or summary comments from the Council can be provided at the meeting.

RECOMMENDATION

Staff recommends the City Council provide a summary of the annual evaluation of the City Administrator, as required by Minn. Statute 13D.05 Subd. 3.

City Council Regular Meeting: January 21, 2025

AGENDA ITEM: Rosemount Sustainable Purchasing Framework	AGENDA SECTION: NEW BUSINESS
PREPARED BY: Jane Byron, Stormwater Specialist	AGENDA NO. 9.a.
ATTACHMENTS: Proposed Rosemount Sustainable Purchasing Framework Policy	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to Approve the Sustainable Purchasing Framework Policy.	

BACKGROUND

The City of Rosemount has been a Minnesota Green Step Cities (MGSC) community since 2012 and is currently at step 2 of 5. MGSC is a voluntary sustainability recognition program. Cities move up a "step" based on completing required and optional best practice activities. The implementation of a sustainable purchasing policy is one of the required activities needed for Rosemount to move up to the next step. This initiative has been spearheaded by the Environment and Sustainability Commission and is a top priority of that group.

The Sustainable Purchasing Framework Policy contains five key components:

1. Guidelines to purchase paper with recycled content, energy efficient appliances, water saving equipment/appliances, and nontoxic cleaning products.
2. Paper reduction through a preference for electronic communications.
3. Waste reduction through repairs and product choice.
4. Financial feasibility of any considered actions.
5. Implementation through staff education and program review.

Products purchased must have comparable performance and financial impact of products currently being used or considered for use. The City will avoid purchasing products whose lifecycle costs are more than 10% higher than non-sustainable products.

RECOMMENDATION

Staff recommends that the Council approve the attached Sustainable Purchasing Framework Policy and direct staff to begin implementation.

CITY OF ROSEMOUNT

POLICY TITLE: **SUSTAINABLE PURCHASING FRAMEWORK**

EFFECTIVE DATE:

POLICY NUMBER:

PROPOSED BY: **PUBLIC WORKS**

DATE APPROVED
BY COUNCIL:

DATE AMENDED
BY COUNCIL:

PURPOSE

The City of Rosemount recognizes that:

1. The products and services the City purchases have inherent human health, environmental and economic impacts.
2. The adverse impacts of products and services occur throughout their lifecycle (manufacturing, use, disposal).
3. By adopting a sustainable purchasing framework for the purchases of goods and services the City can leverage its purchasing to reduce adverse environmental and human health impacts and influence positive change within markets.

DEFINITIONS

- "Environmentally Preferable Products and Services" as defined by the United States Environmental Protection Agency (US EPA) means products and services that have a lesser or reduced effect on human health and the environment when compared to competing products and services that serve the same purpose. This applies to raw material acquisition, as well as product manufacturing, distribution, use, maintenance, and disposal.
- "Energy Star" means the US EPA's energy efficiency product labeling program described at <http://www.energystar.gov>.
- "Energy Efficient Product" means a product that 1.) meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star® trademark label; or, is in the upper 25 percent of efficiency for all similar products as designated by the

Department of Energy's Federal Energy Management Program-

<https://www.energy.gov/eere/office-energy-efficiency-renewable-energy>.

- "Financially Feasible" means a product has lower costs over its entire lifecycle as determined by full cost accounting (purchase, operation, maintenance, disposal, staff time, and labor).
- "Practicable" means whenever possible and compatible with state and federal law, without reducing safety, quality, or effectiveness.
- "Post-consumer Recycled Material" refers to material that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item, and is used as a raw material for new products.
- "US EPA Comprehensive Procurement Guidelines" are the most current policies established by the U.S. Environmental Protection Agency for federal agency purchases <http://www.epa.gov>.
- "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products or achieves a WaterSense label/certification <https://www.epa.gov/watersense>.

GUIDELINES

The following guidelines are to be followed by the City of Rosemount:

1. Recycled Paper Products: Per Minnesota Statute 16C.073 and per the Federal Environmental Protection Agency's (EPA) requirements, the City of Rosemount will endeavor to purchase paper products containing the highest post-consumer content practicable, but no less than minimum recycled content standards established by the EPA Comprehensive Procurement Guidelines: <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>. MS 16C.073 calls for paper to have the following amounts of post-consumer material: 30% for copy paper, 10% for office paper, and 10% for printing paper.
2. Paper Reduction: All communications, both internal and external, must be electronic, when applicable. Electronic communications may include emails.
3. Energy Savings: All appliances and products purchased by the City for which the US EPA Energy Star certification is available will meet Energy Star certification provided such products are available and financially feasible (www.energystar.gov). Typically, this would include lighting systems, exhaust fans, water heaters, computers, exit signs, and appliances such as refrigerators, dishwashers, and microwave ovens. When Energy Star labels are not available, appliances and products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program shall be considered for purchase.
4. Water Savings: Water-saving products purchased by the City will meet the WaterSense certification when such products are available and financially feasible (<https://www.epa.gov/watersense>). This includes, but is not limited to, high-performing

fixtures such as toilets, waterless urinals, low-flow faucets and aerators, and upgraded irrigation systems.

5. Waste Reduction: The City shall implement practices that result in reducing the amount of waste generated that do not reduce safety or quality. This may include, but is not limited to, electronically distributing all internal and external communications when applicable, repairing products and supplies to extend usability, and utilizing reusable, recyclable, and/or compostable products at City-sponsored meetings and functions.
6. Toxicity Reduction: Cleaning products purchased by the City will meet Green Seal, ECOLOGO®, U.S. EPA Design for the Environment, and/or U.S. EPA Safer Choice cleaning product standards if such products are practicable, available, and perform to an acceptable standard. (<http://www.greenseal.org>, <https://www.ul.com/services/ecologo-certification>, <https://www.epa.gov/saferchoice>, and <https://www.epa.gov/pesticide-labels/learn-about-design-environment-dfe-certification>).
7. Exclusion of City Infrastructure Projects: City infrastructure projects, such as road construction and new building projects, shall be excluded from the Sustainable Purchasing Framework apart from EnergyStar and WaterSense certified products for lighting, small appliances, indoor fixtures, and outdoor irrigation equipment.
8. Financial Feasibility: Notwithstanding the guidelines listed above, the City shall pursue purchasing sustainable products within the guidelines of this framework when the lifecycle cost of the item does not exceed the lifecycle cost of a like item that does not meet the guidelines of this framework by more than 10% after grants and other outside funding sources have been considered.

IMPLEMENTATION OF SUSTAINABLE PROCUREMENT

All City departments are to be fully aware of the City's guidelines on purchasing environmentally preferable goods and services, and all departments are responsible to:

- Ensure that specifications do not discriminate against reusable, recycled, or environmentally preferable products without justification.
- Evaluate environmentally preferable products to determine the extent to which they may be used by the department and its contractors.
- Review and revise specifications to maximize the specification of designated environmentally preferable products where practicable.

These guidelines are subject to the requirements and preferences in the Municipal Contracting Law (MN Statutes 471.345) and all other applicable laws and ordinances.

Search Results from 01/21/2025 to 01/31/2025

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Main Calendar

Port Authority

January 21, 2025, 6:00 PM - 7:00 PM

[More Details](#)

City Council Meeting

January 21, 2025, 7:00 PM - 8:00 PM

[More Details](#)

Youth Commission Meeting

January 22, 2025, 3:45 PM - 4:45 PM

[More Details](#)

Parks and Recreation Commission Meeting

January 27, 2025, 7:00 PM - 8:00 PM

[More Details](#)

Planning Commission Meeting

January 28, 2025, 6:30 PM - 7:30 PM

[More Details](#)

City Council Special Meeting

January 30, 2025, 3:00 PM - 7:00 PM

[More Details](#)

February 2025

Su	M	Tu	W	Th	F	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	1

Main Calendar

City Council Work Session Meeting

February 4, 2025, 5:00 PM - 7:00 PM

[More Details](#)

City Council Meeting

February 4, 2025, 7:00 PM - 8:00 PM

[More Details](#)

CITY HALL CLOSED - Presidents Day

February 17, 2025, All Day

[More Details](#)

Port Authority

February 18, 2025, 6:00 PM - 7:00 PM

[More Details](#)

Port Authority

February 18, 2025, 6:00 PM - 7:00 PM

[More Details](#)

City Council Meeting

February 18, 2025, 7:00 PM - 8:00 PM

[More Details](#)

Parks and Recreation Commission Meeting

February 24, 2025, 7:00 PM - 8:00 PM

[More Details](#)

Planning Commission Meeting

February 25, 2025, 6:30 PM - 7:30 PM

[More Details](#)

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