

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
DECEMBER 16, 2024**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Monday, December 16, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

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

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

- a. Minutes of the November 26, 2024 Regular Meeting

Motion by Kenninger **Second by** Reed

Motion to approve the November 26, 2024 Regular Meeting Minutes

Ayes: 5.

Nays: None. Motion Carried.

OLD BUSINESS

None.

PUBLIC HEARINGS

- a. Request by Jason Laube for approval of a site plan review to allow for the construction of a 572 square foot addition to an existing office building at 3450 151st Street West.

Planner Julia Hogan presented on an application for a site plan review to allow for the construction a 572 square foot addition to an existing office building at 3450 151st Street West. The proposed addition is 22 feet by 26 feet and located on the east side of the existing building. The zoning of the property is B1-general business district, the comprehensive plan land use designation is community commercial. The current building is being used as office space for an insurance company. The applicant will be using

the addition for additional office space for current and future employees. The proposed plan meets all the setback, lot coverage, and parking requirements. Hogan presented the plans provided by the applicant, the building materials, and the landscaping of the site. Staff recommended that the Planning Commission approve the site plan.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close public hearing

Ayes: 5.

Nays: None. Motion Carried.

Commissioner Reed stated that he thought it was a good place to expand and that it was a very clear plan. Chairperson Kenninger mentioned that the final decision on the item would be made by the Planning Commission and that the item would not require City Council approval unless it was appealed.

Motion by Kenninger Second by Beadner

Motion to approve the Site Plan for a 572 square foot addition to an existing office building at 3450 151st Street West, subject to the following condition:

1. The applicant/property owner shall apply for and receive all required building permits.

Ayes: 5.

Nays: None. Motion Carried.

- b. Request by Danner, Inc. for renewal of its Small Scale Mineral Extraction Permit for 2025.

Chairperson Kenninger asked Hogan if the item would be continued to the next Planning Commission meeting. Hogan confirmed that it was.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Rivera

Motion to continue the Public Hearing until the Planning Commission Meeting on January 28, 2025, so that the applicant can provide the City results on haul-back material testing.

Ayes: 5.

Nays: None. Motion Carried.

- c. Request by Vesterra, LLC, and Stonex, LLC, for renewal of its Small Scale Mineral Extraction Permit for 2025.

Hogan presented a request for renewal of a Small Scale Mineral Extraction permit for 2025 for Vesterra LLC. and Stonex LLC. There are three operators currently working on the mining area including Solberg Aggregates, Bolander and Sons, and Frattalone. The applicant has begun reclamation on the east side of the mining area and expects to complete two to three acres of further reclamation in 2025. Hogan showed the updated site plan and site photos. Staff recommended that the Commission recommend approval to the City Council of the permit renewal.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion Carried.

Commissioner Reed mentioned that it is nice to see longstanding partners of the city continuing to be stable in the work that they are doing.

Motion by Reed Second by Whitman

Motion to recommend the City Council approve the renewal of the Vesterra, LLC, and Stonex, LLC, Small Scale Mineral Extraction Permit for 2025, subject to the terms and conditions in the attached 2025 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- d. Request by Carl Bolander and Sons, LLC for renewal of a Small Scale Mineral Extraction Permit for 2025 and 2026

CD Technician Liz Kohler presented a request for a renewal of a Small-Scale Mineral Extraction permit for 2025 and 2026 for Carl Bolander and Sons LLC. The mining operation is currently in Phase four and has reclaimed Phases one and two, as well as most of Phase three. Kohler showed the site plan, reclamation plan, and site photos. Staff recommended the Commission recommend approval of the renewal of the permit.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 5.

Nays: None. Motion Carried.

Chairperson Kenninger reiterated Commissioner Reed's previous statements that it was good to see businesses that make the renewal process easier and can be partners to the city.

Motion by Beadner Second by Whitman

Motion to recommend City Council approve the renewal of the Carl Bolander & Sons, LLC Small Scale Mineral Extraction Permit for 2025 and 2026, subject to the terms and conditions in the attached 2025 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- e. Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026

Senior Planner Nemcek presented on a request for a renewal of the Shafer Contracting Co. Inc. Small-scale Mineral Extraction Permit for 2025 and 2026. No materials were brought onto the site, so staff do

not recommend compaction testing for the year. They are currently mining phases four and five. Shafer uses the materials for their own projects s the amount of material being removed varies depending on what is needed. Nemcek presented the site plan, reclamation plan, and site photos. Staff recommended the Commission recommend approval to the City Council for the permit.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close public hearing

Ayes: 5.

Nays: None. Motion Carried.

Motion by Rivera Second by Reed

Motion to recommend the City Council renew the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2025 and 2026, subject to the terms and conditions in the attached Draft Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- 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.

- g. Renewal of the Cemstone Interim Use Permits for both its primary and seasonal concrete facilities.

Nemcek presented on the Cemstone Interim Use Permit renewal. Cemstone is a concrete plant in the ancillary use facility of the Dakota Aggregates site. Staff found conditions remain met by the applicant and recommended approval. Nemcek presented photos of the site and the conditions for approval.

Chairperson Kenninger asked if the restrictions were lifted off of Biscayne Avenue. Nemcek replied that it is a public road that could be used, but the applicant tends to use other routes.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion close public hearing

Ayes: 5.

Nays: None. Motion Carried.

Motion by Reed Second by Beadner

Motion to Recommend that the City Council Approve an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Primary Ready Mixed Concrete Plant with the following conditions:

1. Compliance with the Interim Use Permit Application for the Primary Concrete Plant dated March 24, 2014.
2. Compliance with the Large Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105).
3. The Interim Use Permit expires on December 31, 2034.
4. The operator is responsible for the cleanup of any debris left on roadways by trucks leaving the facility.
5. Stockpiles associated with the concrete plant cannot exceed 60 feet in height.

Ayes: 5.

Nays: None. Motion Carried.

Motion by Reed Second by Beadner

Motion to Recommend that the City Council Approve an Interim Use Permit (IUP) for Cemstone Products Company to Operate a Seasonal Ready Mixed Concrete Plant with the following conditions:

1. Compliance with the Interim Use Permit Application for the Seasonal Concrete Plant dated March, 24, 2014.
2. Compliance with the Large Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105).

3. The term of this Interim Use Permit expires on December 31, 2034.
4. The operator is responsible for the cleanup of any debris left on roadways by trucks leaving the facility.
5. Stockpiles associated with the concrete plant cannot exceed 60 feet in height.

Ayes: 5.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Kienberger brought up the 2025 Planning Commission meeting schedule and stated that it is posted on the website. Chairperson Kenninger stated that March and December are the only months that the meeting does not fall on the fourth Tuesday of the month.

Reed asked if it would be possible to do any mining tours, specifically Cemstone. Kienberger replied that staff can reach out for opportunities.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular meeting a the meeting was adjourned at 7:23 p.m.

Respectfully submitted,

Liz Kohler
Community Development Technician