



AGENDA
Planning Commission Regular Meeting
Tuesday, February 24, 2026
6:30 PM
City Council Chambers, City Hall

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS TO AGENDA**
- 3. AUDIENCE INPUT**
- 4. CONSENT AGENDA**
 - a. Minutes of the January 27, 2026 Regular Meeting Minutes
- 5. OLD BUSINESS**
- 6. PUBLIC HEARINGS**
 - a. Subdivision request by the Estate of Henry Fox to create a 20-acre parcel in the A-2 Agriculture zoning district.
 - b. Request by Danner, Inc. for renewal of its Small Scale Mineral Extraction Permit for 2026 and 2027.
- 7. NEW BUSINESS**
- 8. DISCUSSION**
- 9. ADJOURNMENT**

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
JANUARY 27, 2026**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Tuesday, January 27, 2026, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Rivera, Reed, Buggi, Beadner, and Ellis. Commissioner Arnob was 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 25, 2025 Regular Meeting Minutes

Motion by Kenninger **Second by** Beadner

Motion to approve of the November 25, 2025 regular meeting minutes.

Ayes: 6.

Nays: None. Motion Carried.

OLD BUSINESS

None.

PUBLIC HEARINGS

- a. Request by Brian Verkinderen for variances to allow for an accessory structure to exceed the maximum allowable aggregate area for detached accessory structures and to allow for the installation of a second driveway and curb cut on the property.

Planner Hogan presented a request by Brian Verkinderen for variances to allow for an accessory structure to exceed the maximum allowable aggregate area for detached accessory structures and to allow for the installation of a second driveway and curb cut on the property. Hogan showed the site location, property survey, aerial images. Hogan noted the easements on the property limiting where a single family home could be constructed. She also noted the restriction that the structure could not be used for short or long-term rentals.

Hogan discussed the second part of the variance regarding the curb cut. She explained why the secondary access point was necessary. She explained the findings and how the property met the required criteria for the proposed variances. Staff recommended approval. Staff received a public comment in favor of the variance.

Chairperson Kenninger asked if the property were to be sold that the accessory structure would still not be able to be used for rentals or as a residence. Hogan confirmed that it would not be able to be used as a residence. Hogan also provided more clarity on limitations from topography. Chairperson Kenninger asked if the curbcut would be singular and not a horseshoe. Hogan responded that the driveway could not be a horseshoe or loop, so this was more of a formality to comply with the rural residential zoning code.

Commissioner Beadner asked for clarifications on the unique circumstances finding. Hogan clarified staff's interpretation and justification.

Chairperson Kenninger opened the public hearing.

Brian Verkinderen
12475 Danbury Way

The applicant noted that McAndrews Road had become a busy road. He also stated that the current house was not in a good enough condition to continue as a home. He highlighted the topography as an issue. Commissioner Buggi noted that the applicant could not use the space as a livable area. The applicant confirmed he has no intention of using it as a rental.

Mike Peterson
12425 Danbury Way

Peterson expressed concern over the idea of someone purchasing the home and using the space as a rental property.

Josh Risburg
12375 Danbury Way

Risburg asked about how many curb cuts there would be. He also expressed concern over any new owners renting the home. He also asked about enforcement if the property were to operate a rental.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 6.

Nays: None. Motion Carried.

Hogan discussed the update of the zoning code that addressed accessory dwelling units. Hogan also noted that density is not expected to change based on the comprehensive plan. Kienberger explained the code enforcement process for properties operating rental units without a license.

Chairperson Kenninger asked if there was a way to include language preventing the grandfathering in of the property in the case of changes to the zoning code regarding accessory dwelling units. Kienberger explained that the variance is only speaking to the size of the structure.

Commissioner Buggi expressed concern over the applicant using the structure if it was not in good shape. The applicant returned to the podium and communicated that it was fine for some uses but not as a residence.

Motion by Reed Second by Ellis

Motion to adopt a resolution approving variances from Sections 11-6-7 and 11-7-3 to allow a 2,194 square foot accessory structure, exceeding the 1,200 square foot maximum aggregate area for detached accessory structures in the Rural Residential zoning district, and to allow for the installation of a second driveway and curb cut on the property at 12475 Danbury Way.

Ayes: 6.

Nays: None. Motion Carried.

- b. Request by Greg Fox for a lot division and a variance to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way.

Senior Planner Nemcek presented on a request by Greg Fox for a lot division and a variance to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way. Nemcek showed the site location, site plan, lot dimensions. Nemcek showed other examples in the city of similar instances. He explained the findings. Staff recommended approval.

Chairperson Kenninger asked if the buildings would be connected. Nemcek confirmed there would be a corridor connecting them. Commissioner Reed asked if the lender was requiring the split. Nemcek confirmed that was his understanding but deferred to the applicant. Commissioner Ellis asked if there would be a road connecting the parcel. Nemcek clarified that there would be an access easement.

Chairperson Kenninger opened the public hearing.

Kevin Fox
15391 Emery Ave

Fox explained the project and why it needed to be put through the process.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 6.

Nays: None. Motion Carried.

Staff and the planning commission noted the importance of multi-generational farming.

Motion by Buggi Second by Beadner

Motion to adopt a resolution approving a variance from sections 11-2-5 and 11-3-4 to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Buggi Second by Beadner

Motion to recommend the City Council approve the subdivision to create a 4.59 acre parcel within the larger existing parcel located at 15391 Emery Avenue, subject to the following:

1. An access easement connecting the newly created parcel with Emery Avenue is dedicated against the existing property.
2. No residential dwellings are allowed on the newly created parcel.

Ayes: 6.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Chairperson Kenninger mentioned the Northwind project event the previous Friday. She also mentioned the OMNI event center opening.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular commission meeting, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Liz Kohler
Community Development Technician

Planning Commission Regular Meeting: February 24, 2026
 Tentative City Council Meeting: March 17, 2026

AGENDA ITEM: Subdivision request by the Estate of Henry Fox to create a 20-acre parcel in the A-2 Agriculture zoning district.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Anthony Nemcek , Senior Planner	AGENDA NO. 6.a.
ATTACHMENTS: Site Location, Proposed Subdivision	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council approve the subdivision request, subject to the ownership of the newly created parcel being transferred to the owner of the property immediately east of said parcel.	

BACKGROUND

Applicant/Owner	Steve Fox/Estate of Henry Fox
Site Location	1/2 Mile south of 42, west of Emery Avenue
Overall Site Area	122.42 Acres
Zoning	A-1 Agricultural Preserve
Land Use Designation	Agriculture

The Planning Commission is being asked to consider a request to subdivide a property located 1/2 miles south of County Road 42 and west of Emery Avenue. This location is in the southeastern part of Rosemount. The Rosemount Comprehensive Plan designates the subject property for AG-Agriculture land use. It's within A-1 Agricultural Preserve zoning district. The proposed subdivision would create a 20-acre parcel immediately west of the property owned by Greg and Sandra Fox, a relation of the applicant and a beneficiary of the Henry Fox estate. The minimum lot size in the A-1 district is 40 acres in order to ensure compliance with the requirements of the Ag Preserve program administered by the County. Ownership of the new parcel will be transferred to the owners of the property immediately east of the site. The City Code contains a provision that multiple lots or parcels of record shall be considered a single undivided parcel if such lots or parcels are under common ownership, contiguous, and do not meet the dimensional standards for the zoning district. With that in mind, staff finds the parcel area to meet the minimum standard.

Standard	Required	Provided
Minimum Lot Area	40 acres	20 acres (54.15 when combined)
Minimum Lot Width	300 feet	685

Metropolitan Agriculture Preserve (Ag Preserve) Program

As a matter of providing context about the Metropolitan Agricultural Preserve Program, staff is including a brief summary in this report. The Metropolitan Agricultural Preserve Program protects farmland in the Twin Cities metropolitan area. Local governments identify long-term agricultural lands and establish protective zoning, according to [Minnesota Statute 473H.01](#). In order to be eligible for the program, property must be zoned for long-term agriculture by the local community with a maximum residential density of one house per forty acres. Tracts must generally be 40 acres in size, although smaller tracts may qualify in certain instances. Property owners enter into an 8-year perpetual agreement to leave the property in agricultural use and farm it using acceptable practices as approved by the County Ag Service.

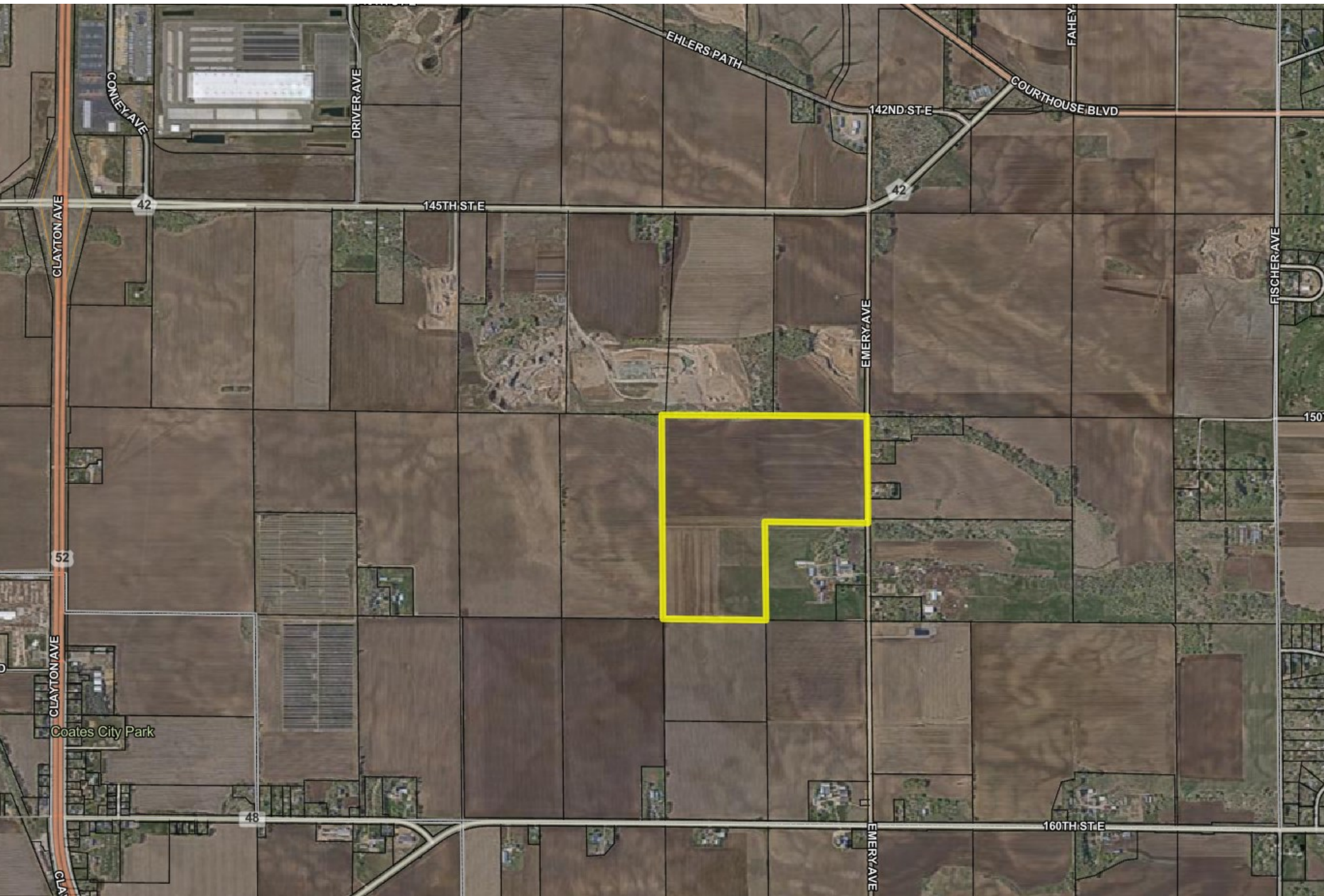
There are several benefits of the program for property owners:

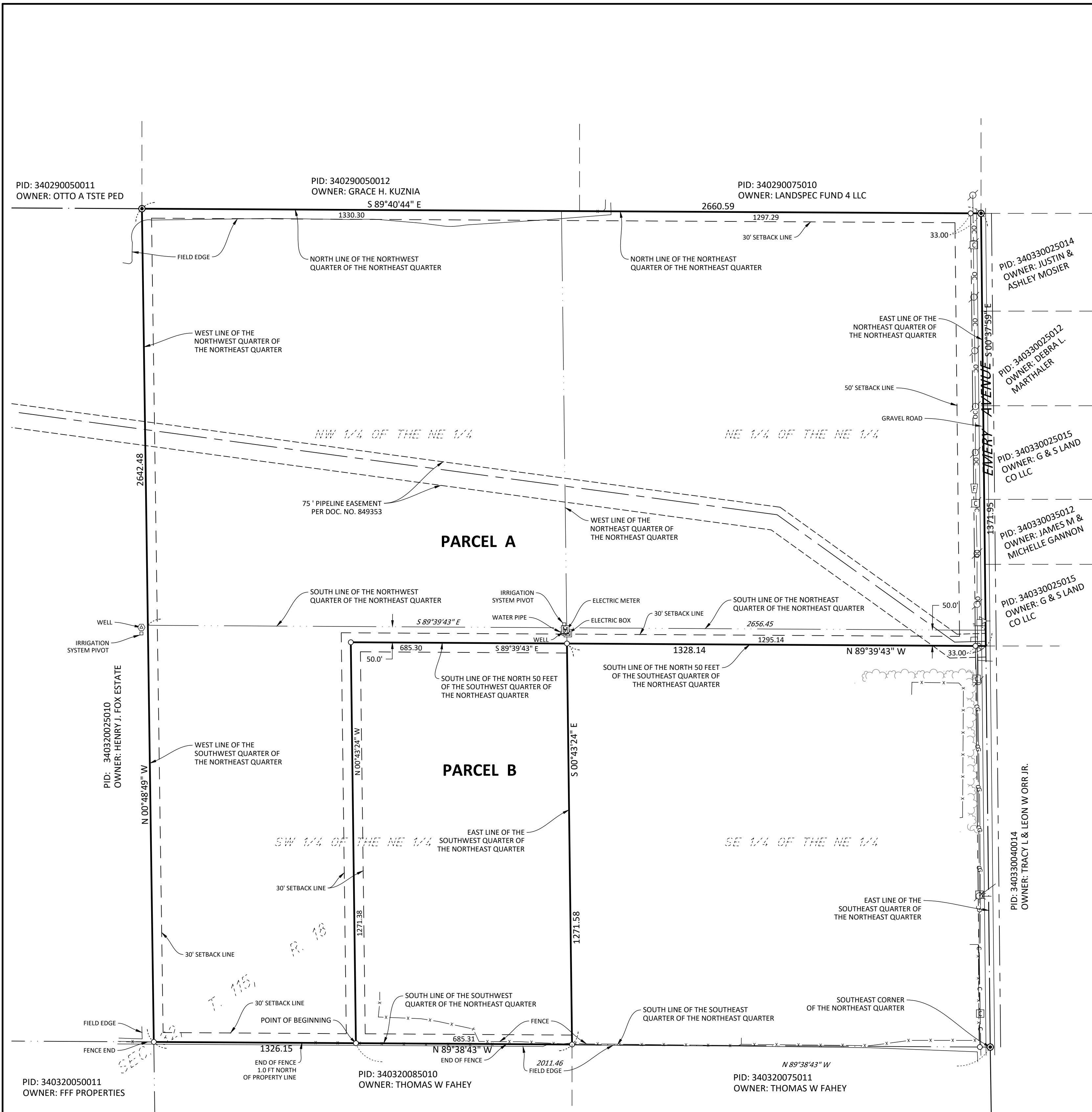
- The Agricultural Preserve market value is based on sales of agricultural property in non-metropolitan counties as determined by the Minnesota Department of Revenue.
- Special assessments cannot be levied on Agricultural Preserve property.
- An additional property tax credit of \$1.50 per acre is applied.

Owners are able to get out of the program by filing a notice of expiration with the County. There are certain circumstances when the ag preserve may be terminated early, such as the death of an owner.

RECOMMENDATION

Based on the applicant's explanation of the purpose of the subdivision and the intent to transfer ownership from the Henry Fox estate to Greg Fox to increase the aggregate total of the Greg Fox property to 54.15 Acres, staff is recommending approval of the subdivision request.





LEGAL DESCRIPTION

The Northeast Quarter of Section 32, Township 115 North, Range 18 West, Dakota County, Minnesota, except that part of the Southeast Quarter of said Northeast Quarter lying southerly of the North 50 feet thereof.
Containing 122.422 Acres

PARCEL A LEGAL DESCRIPTION

The Northeast Quarter of Section 32, Township 115 North, Range 18 West, Dakota County, Minnesota, except that part of the Southeast Quarter of said Northeast Quarter lying southerly of the North 50 feet thereof.
Also excepting that part of the Southwest Quarter of said Northeast Quarter, lying easterly and southerly of the following described line:
Commencing at the southeast corner of said Northeast Quarter; thence North 89 degrees 38 minutes 43 seconds West, assumed bearing along the south line of said Northeast Quarter, a distance of 2011.46 feet to the point of beginning of the line to be described; thence North 00 degrees 43 minutes 24 seconds West, parallel to the east line of said Southwest Quarter of the Northeast Quarter, a distance of 1271.38 feet to a point on the south line of the North 50 feet of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 39 minutes 43 seconds East, along said south line, a distance of 685.30 feet to the east line of said Southwest Quarter of the Northeast Quarter and there terminating.

Containing 100.422 Acres

PARCEL B LEGAL DESCRIPTION

That part of the Southwest Quarter of the Northeast Quarter, Section 32, Township 115 North, Range 18 West, Dakota County, Minnesota lying easterly and southerly of the following described line:
Commencing at the southeast corner of said Northeast Quarter; thence North 89 degrees 38 minutes 43 seconds West, assumed bearing along the south line of said Northeast Quarter, a distance of 2011.46 feet to the point of beginning of the line to be described; thence North 00 degrees 43 minutes 24 seconds West, parallel to the east line of said Southwest Quarter of the Northeast Quarter, a distance of 1271.38 feet to a point on the south line of the North 50 feet of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 39 minutes 43 seconds East, along said south line, a distance of 685.30 feet to the east line of said Southwest Quarter of the Northeast Quarter and there terminating.

Containing 20.000 acres

SURVEYOR'S NOTES

- The parent parcel legal description was obtained by combining the vesting deed recorded as Document No. 946963 in the office of the Dakota County Recorder on July 17, 1990 and the sale of a portion of the property as described in vesting deed recorded as Document No. 3167077 in the office of the Dakota County Recorder on December 15, 2016. Parcel ID 340320001020.
- Orientation of the bearing system used for this survey is based on the NAD 83(1986 adjustment) coordinate projection for Dakota County, Minnesota. The east line of the Northeast Quarter of Section 32, T115N, R18W, is assumed to bear S00°37'59"E.
- The property is subject to the right of way for Emery Avenue. Per the Dakota County Half Section Map, the total width of Emery Avenue is 66 feet.
- The field survey on which this map is based was performed when snow was covering all or part of the subject property. There could be improvements on the site, or encroachments onto or from the site, observable under other conditions but hidden by snow on the date of this survey.

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 43933
- MONUMENT FOUND
- ⊙ CAST IRON MONUMENT FOUND

SURVEYOR'S CERTIFICATION

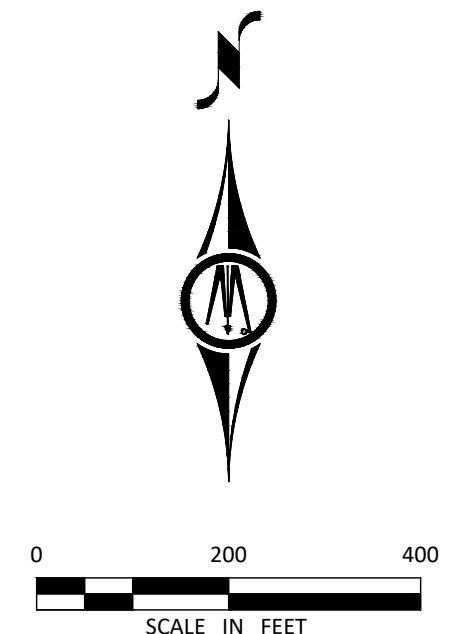
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



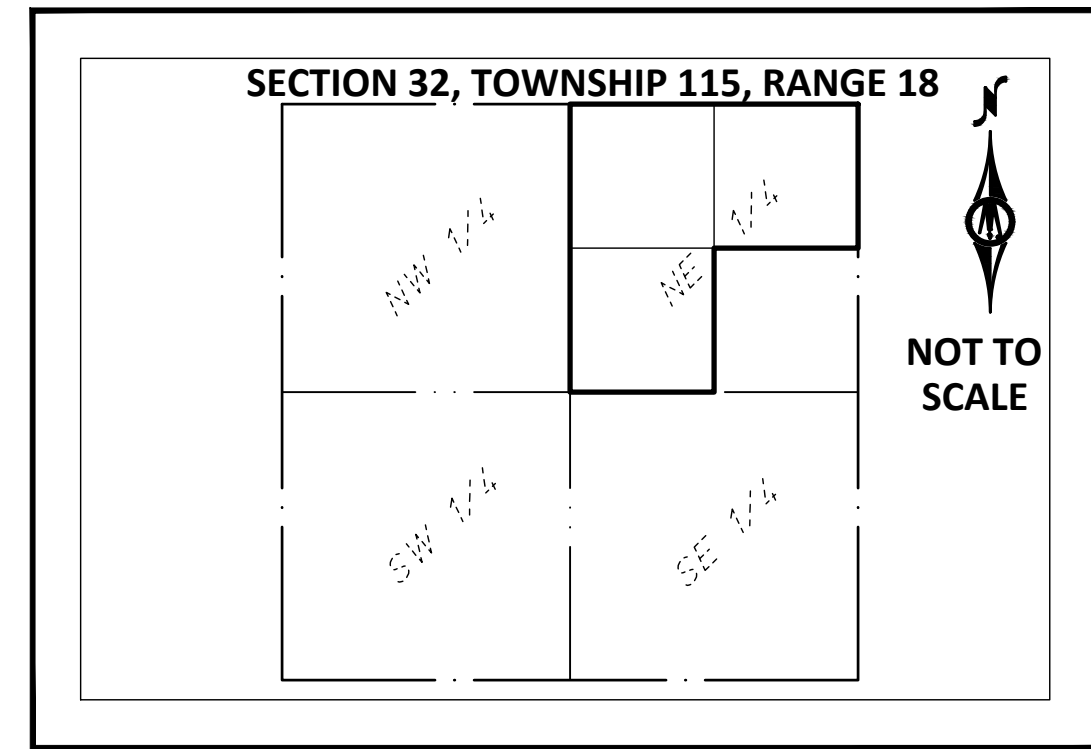
1/27/2026
Date

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. XXXXXX MONUMENT FOUND
- ⊕ BENCH MARK
- ← AIR CONDITIONER
- ANCHOR
- ▭ CATCH BASIN
- ⊕ CONTROL POINT
- ⊕ CLEAN OUT
- ⊕ CURB STOP VALVE
- ⊕ CULVERT
- ⊕ ELECTRIC PEDESTAL
- ⊕ ELECTRIC TRANSFORMER
- ⊕ HANDICAPPED PARKING
- ⊕ HAND HOLE
- ⊕ HYDRANT
- ⊕ IRRIGATION VALVE BOX
- ⊕ LIGHT POLE
- ⊕ MAILBOX
- ⊕ MANHOLE-ELECTRIC
- ⊕ MANHOLE-SANITARY
- ⊕ MANHOLE-STORM
- ⊕ MANHOLE-UTILITY
- ⊕ MANHOLE-WATER
- ⊕ METER
- ⊕ POST INDICATOR VALVE
- ⊕ SOIL BORING
- ⊕ TRAFFIC SIGNAL POLE
- ⊕ SIGN - NON TRAFFIC
- ⊕ TRAFFIC SIGN
- ⊕ SPRINKLER HEAD
- ⊕ COMMUNICATION PEDESTAL
- ⊕ UTILITY POLE
- ⊕ DECIDUOUS TREE
- ⊕ CONIFEROUS TREE
- ⊕ BUSH
- ⊕ VALVE
- C COMMUNICATION UNDERGROUND
- E ELECTRIC UNDERGROUND
- F FIBER UNDERGROUND
- G GAS UNDERGROUND
- OU OVERHEAD UTILITY
- OC OVERHEAD COMMUNICATION
- OE OVERHEAD ELECTRIC
- I WATER SYSTEM
- >> STORM SEWER
- > SANITARY SEWER
- INTERMEDIATE CONTOURS
- INDEX CONTOURS



VICINITY MAP



Boundary Survey and Minor Subdivision
Rosemount, Minnesota

BOLTON & MENK
3300 FERNBROOK LANE NORTH
SUITE 300
PLYMOUTH, MN 55447
(763) 544-7129

Part of the NE Quarter of Section 32,
Township 115, Range 18, Dakota County,
Minnesota
FOR: Henry J. Fox Estate
15391 Emery Ave E. Rosemount, Mn

JOB NUMBER: 141868 FIELD BOOK: DRAWN BY: MS

Planning Commission Regular Meeting: February 24, 2026

Tentative City Council Meeting: March 17, 2026

AGENDA ITEM: Request by Danner, Inc. for renewal of its Small Scale Mineral Extraction Permit for 2026 and 2027.	AGENDA SECTION: PUBLIC HEARINGS
PREPARED BY: Julia Hogan, Planner	AGENDA NO. 6.b.
ATTACHMENTS: Draft 2026 and 2027 Mineral Extraction Permit , Site Location, Applicants Narrative, Site Plan, Reclamation Plan, Site Photos, Aerial Imagery, Panoramic Imagery	APPROVED BY: AK
<p>RECOMMENDED ACTION: Motion to recommend the City Council approve the Danner, Inc. Small Scale Mineral Extraction Permit for 2026 and 2027, subject to the terms and conditions in the attached 2026 and 2027 Draft Conditions for Mineral Extraction.</p>	

BACKGROUND

Applicant & Property Owner(s):	Marlon L. Danner of Danner, Inc.
Location:	4594 145 th Street East – one half mile east of US Highway 52 and one quarter mile south of CSAH 42
Area:	75 Acres
Comp. Guide Plan Designation:	LDR Low Density Residential; MDR – Medium Density Residential; HDR – High Density Residential
Current Zoning:	A2 – Agricultural

The Planning Commission is being asked to consider a request from Danner, Inc. for renewal of a small-scale mineral extraction permit that is located on 75-acre parcel east of Highway 52 and south of County Highway 42. The Danner site has been operating as a mine for several years, and the request for renewal is consistent with similar renewals that have previously been issued for the site. 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, which was adopted in June 2024, the term for mineral extraction IUPs was a single year. Due to the desire to stagger the mineral extraction permitting process for current sites, the Danner, Inc. site received a one-year permit renewal for 2025 with the intention of the proposed renewal of the permit being two years in length.

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

was ultimately approved by the City, the work commenced six years ago and has been part of the ongoing mining and reclamation operation being conducted on the site. The applicant did provide an updated status map with their submittal materials which verified that mining is not occurring below the 840' elevation requirement of their permit.

Staff recommends approval of the renewal request for 2026 and 2027 based upon a review of the information submitted by the applicant, the mineral extraction standards in Section 11-6-4 M. of the City Code, and the attached permit.

BACKGROUND

The Danner operation extracted approximately 40,000 tons of sand and gravel in 2014, increasing to about 65,000 tons annually from 2015 through 2017. Reported extraction volumes declined slightly to 60,000 tons per year in 2018, 2019, and 2020. Production decreased more significantly in subsequent years, with approximately 30,000 tons removed in 2021 and 22,000 tons in 2022. Extraction continued at a reduced level in 2023, totaling 20,000 tons, before rising modestly to approximately 25,000 tons of sand and rock in 2024. The applicant wrote in their narrative that approximately 20,000 tons of sand and rock were extracted from the site, and they expect the same volumes for 2026. In addition to the excavation activity, Danner continues to import material to the site for future reclamation. Over the past year, the applicant reports that there were 10,000 cubic yards of "haul-back" material brought to the site from a combination of local government road improvement projects and other redevelopment projects in the area.

Testing of this material was previously done in 2018 and at that time the annual review included a report describing the testing performed by Braun Intertec on haul-back material in late 2016 and early 2017. Braun Intertec's testing found that the soils "meet the requirements of the 2014 Conditions for Small Scale Mineral Extraction Permit for Danner and the Borrow Pit Reclamation Protocol, along with complying with the MPCA guidance for Best Management Practices for the Off-Site reuse of Unregulated Fill." The material brought to the site over the past few years originated in the same stockpiles from Danner's South St. Paul yard and Mendota Heights. Staff included a condition in the 2024 mineral extraction permit that haul-back material testing results would need to be submitted to the city prior to the approval of a 2025 permit. Testing was done by Braun Intertec in January 2025 and submitted to the City in February 2025. The testing results found that the sampled areas met the requirements of the 2024 Small Scale Mineral Extraction Permit and is suitable for reuse as fill at the site.

The active mining is shown to be continuing in the southern portions of Phases One, Two and Three. Based upon the plan and site inspection, stockpiling is occurring in the northern portion of Phase one and two. The attached 2025 pit status drawing illustrates the area outlined in blue is a combination of stockpiling, circulation, and material handling activities. This work area is greater than just the mining function.

The application previously stated that little restoration is occurring on the site due to stockpiling of material. Staff recommended that some restoration work be completed in 2020 and 2021. The project narrative indicates that some filling has been occurring on the southern property line, and the updated aerial imagery for the property does show that restoration continues to be completed in the southeast corner of the mine. In general, the City expects reclamation to occur as mining reaches the approved

elevations, and staff is recommending that this restoration continue in 2026 and 2027. The applicant has started to run out of room for excavation in the first two phases and will need to continue restoration work in these phases while moving forward into Phase 3. Filling and sloping from east to west has been occurring.

During the previous reviews, staff noted that there was storage taking place on the property unrelated to the mining activity. The permit was therefore updated in 2017 to limit the number of storage trailers allowed on the property. Based on staff’s site visit in 2025 and evidence from recent air photographs of the site, the applicant is following the requirement. Grading work is expected to continue throughout 2026 and 2027, and must adhere to the approved grading plan (as updated to reflect the revised phasing plan). The intent of the grading is to create a level site with access from County Road 42 for future development. It is staff’s understanding that some of the material is from the mining site. The property/owner will be expected to fulfill the reclamation plans using additional on-site material or bring additional topsoil etc. from off-site.

ISSUE ANALYSIS

Aggregate mining is reviewed through an interim use permit, which is a Quasi-Judicial action. As such, the City has a set of standards and requirements for review. Generally, if the applications meet the ordinance requirements, they must be approved. The standards and requirements for this mineral extraction are detailed in Section 11-6-4 M. of the Zoning Ordinance and the attached Mineral Extraction permit.

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

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

Access to the Danner mine comes from County Road 42 via a gravel road along the eastern edge of the property. This road is shared with the Bolander mine to the east. The applicant maintains a private access agreement with the neighboring property to coordinate mining levels and allow continued

access to both the sites. The permit application notes that haul roads within the City will continue to be County Road 42 to State Highway 52.

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 police records found no incidents at the subject property during 2025.

RECOMMENDATION

Staff recommends approval of this request based upon a review of the information submitted by the applicant, the mineral extraction standards in Section 11-6-4 M. of the City Code, and the attached permit with conditions of approval.

Mineral Extraction Permit

~~2025~~ 2026 and 2027 Conditions for Small Scale Mineral Extraction Permit DANNER, INC.

- A Danner Inc., hereinafter referred to as the “Property Owner”, shall sign a written consent to these conditions binding itself and its successors or assigns to the conditions of said permit.
- 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 the eastern half of Phase Two and the entire Phase One (approximately 19.5 acres) on Exhibit A, Mineral Extraction Permit Status Map, which is attached hereto as an exhibit. Regrading and reclamation is granted for the area designated Phase I on Exhibit A. Mineral Extraction Permit dated 10-24-2016. Reclamation in Phase I should occur over the ~~2026 and 2027~~ 2024 calendar years.
- D The term of the permit shall extend from the date approved by the City Council until December 31, ~~2027~~ 2025 unless revoked prior to that for failure to comply with the permit requirements. An Annual Mining Permit fee 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 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.
- F The final grading for the permit area shall be completed in accordance with the Final Reclamation Plan, attached as Exhibit B, or as approved by the City Engineer, and any other conditions that may be imposed by the City from time to time.
- G All gravel trucks and other mining related traffic shall enter and exit the mining area from County State Aid Highway 42. 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 if any changes occur relative to the mining process.
- H A plan for dust control shall be implemented and subject to approval by the City. The Property Owner shall clean dirt and debris from extraction or hauling operations related to the Mineral Extraction Permit from streets. After the Property Owner has received 24-hour verbal notice, the City may 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 Public Works Director or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Property Owner’s expense without prior notification.
- I 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.
- J 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 as indicated on Exhibit A.

- K 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.
- L 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 Engineer 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.
- M 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.
- N The Property Owner shall deposit with the Planning 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 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 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 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 Engineer, or any other City officials.
 - (4) Conditioned that the Property Owner 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 Owner.
 - (5) The surety bond or cash escrow shall remain in effect from January 1, ~~2026~~ ~~2025~~ to July 31, ~~2028~~ ~~2026~~.

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.

- O. 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, 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, ~~2026~~ ~~2025~~ to July 31, ~~2028~~ ~~2026~~.
- P. 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.
- Q. 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.

- R. 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.
- S. 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 semiannually a written report indicating the amount of material extracted from the site for the prior six-month period.
- T. 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.
- U. Reclamation shall include the replacement of the entire stockpile of topsoil on the mined area, reseeded 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. No restored slopes may exceed a gradient of 25% or four to one (4:1).
- V. The Property Owner must show how materials stockpiled for recycling will be processed and inform the City of all stockpiled materials.
- W. All recycling must be completed with the completion of the current phase and materials removed from the site. No recycling processes shall be allowed to continue into subsequent phases.
- X. 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 the 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.
- Y. 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.
- Z. The fill area regrading and reclamation shall follow the procedures described in the Danner Inc. Borrow Pit Reclamation Protocol Rosemount, Minnesota including a report submitted to the City describing the quantities of material brought in, where the material came from, and the test result of the material. The 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.
- AA. No gravel mining is permitted in the Fill Area as shown on Exhibit A.
- BB. Mining to the elevation of 840 feet above mean sea level provided that the site is reclaimed to the elevation shown on Exhibit A with haul-back, clean-fill material in accordance with the Danner Inc. Borrow Pit Reclamation Protocol Rosemount, Minnesota. In no instance shall mining occur in the groundwater aquifer.
- CC. Blasting or the use of explosives is prohibited in the mining of the Danner gravel pit.
- DD. The City of Rosemount shall have the ability to collect independent soil and water samples.

EE. The operator shall install and maintain "No Trespassing" signs consistent with the standards outlined in Minnesota State Statute 609.605.

FF. The operator is permitted to have two trailers for storage of items directly related to the operation of the mine and mining equipment. Storage of more than two trailers would be a violation of the conditions of the mining permit and could be cause for revocation of the approval.

GG. Testing of all haul-back material brought to the site shall be completed, and the results submitted to the City, by May 1, ~~2028~~ 2026.

That Danner, Inc., Property Owner, hereby consents and agrees to the foregoing conditions of said mining permit.

IN WITNESS WHEREOF, the Property Owner has hereunto set his hand this _____ day of _____, 20____.

DANNER, INC.

By: _____

Its: _____

STATE OF MINNESOTA)
) §
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, on behalf of Danner, Inc., Property Owner.

Notary Public





DANNER, INC.

843 Hardman Avenue South • South St. Paul, MN 55075

Phone: (651) 450-0830 • Fax: (651) 450-9076

January 9, 2026

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

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

In 2025 we extracted approximately 20,000 tons of Sand and Rock. In 2026 we will be extracting about the same if not more.

In 2025 we did not reclaim any sand or rock and are currently in the Phase 2 Plan. We stockpiled approximately 10,000 yards of excess material from our South St Paul yard. The material hauled in from various projects we did in 2025. We have started filling and sloping, going East to West. Sloping on the south line is also going on and it is being filled. This operation is going to continue as we will.

I have also enclosed a certificate of insurance, a new mineral extraction permit application and the permit fee of \$370.00. We have a continuous bond for the permit and will renew it in February 2026. I will send an updated bond at that time.

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

Sincerely,
Danner Inc.

Bryan Chirhart
Vice President

MATERIAL HANDLING SPECIALIST
An Equal Opportunity Employer

ROSEMOUNT PTT

Project Name:
ROSEMOUNT PTT

Owner/Developer Name:
DANNER INC.

943 Hardman Ave.
 So. St. Paul, Mn 55075

ROSEMOUNT, MINNESOTA

Submittal:

8/20/03 City Approval
 2/13/08 Final Grading & Shading Limits
 2/18/08 Revised Grading Worksheets

Professional Signature:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.

14899 Paul J. McCarthy - LS Date: _____
 License No. _____

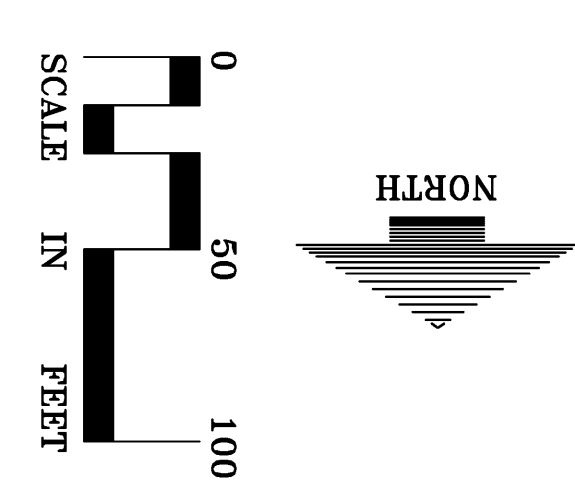
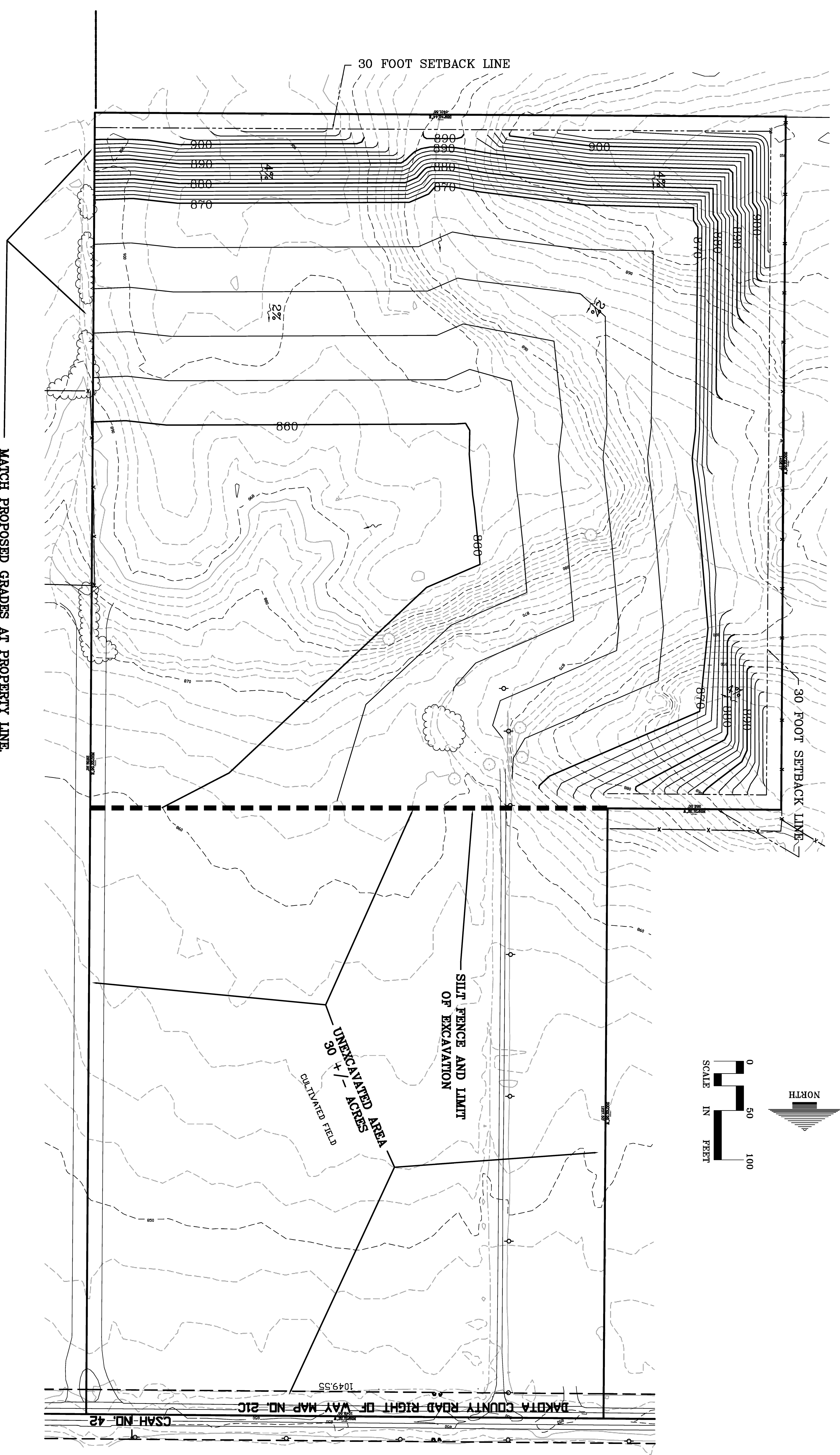
Quality Control:

Project Lead: J.S.B. Drawn by: J.S.B.
 Checked by: J.S.B. Revised Date: _____
 Verified: _____

Sheet Title:
FINAL GRADING AND RECLAMATION PLAN

Project No.: **99860**

Sheet No.: **S1-3**



LEGEND

EXISTING CONTOUR
 PROPOSED CONTOUR

MATCH PROPOSED GRADES AT PROPERTY LINE.

30 FOOT SETBACK LINE

30 FOOT SETBACK LINE

SILT FENCE AND LIMIT OF EXCAVATION

UNEXCAVATED AREA 30 +/- ACRES CULTIVATED FIELD

DAKOTA COUNTY ROAD RIGHT OF WAY MAP NO. 21C
 CSAH NO. 42







**October
2024**



**September
2025**



**April
2024**



**May
2025**