

PLANNING COMMISSION REGULAR MEETING MINUTES

December 14, 2020

PAGE 1

I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on December 14, 2020. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Freeman, Reed, Schmisek, Rivera and Marlow. Also, in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, City Engineer Erickson and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the November 24, 2020, Regular Meeting Minutes.

MOTION by Kenninger.

Second by Schmisek.

Ayes: 6. Nays: 0.

Public Hearing:

5.a. **Renewal of Danner, Inc.** Small Scale Mineral Extraction Permit for 2021. (20-55-ME)

Senior Planner Klatt gave a summary of the staff report for the Planning Commission.

The public hearing opened at 6:47 pm.

Public Comments: None.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 6:48 pm.

Additional Comments: None.

MOTION by Rivera to recommend the City Council renew the Danner, Inc. Small Scale Mineral Extraction Permit for 2021, subject to the terms and conditions in the attached 2021 Conditions for Mineral Extraction.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

5.b. **Renewal of Bolander and Sons** Small Scale Mineral Extraction Permit at the Ped/Kuznia Properties for 2021. (20-57-ME)

Planner Nemcek gave a summary of the staff report for the Planning Commission.

The public hearing opened at 6:55 pm.

Public Comments: None.

MOTION by Kenninger to close the public hearing.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

PLANNING COMMISSION REGULAR MEETING MINUTES

December 14, 2020

PAGE 2

The public hearing closed at 6:56 pm.

Additional Comments: None.

MOTION by Freeman to recommend the City Council approve the Bolander and Sons Mineral Extraction Permit for 2021, subject to the terms and conditions in the attached 2021 Draft Conditions for Mineral Extraction.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

5.c. Renewal of the Shafer Contracting Co. Inc. Small Scale Mineral Extraction Permit for 2021. (20-58-ME)

Community Development Director Lindquist gave a summary of the staff report for the Planning Commission.

Commissioner Reed inquired if there is testing on the materials. Lindquist stated that there are requirements for what they haul back and they are not able to haul back hazardous materials. They have provided the testing required in the permit approval last year.

The public hearing opened at 7:06 pm.

Public Comments: None.

MOTION by Kenninger to close the public hearing.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:07 pm.

Additional Comments: None.

MOTION by Schmisek to recommend the City Council renew the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2021, subject to the terms and conditions in the attached Draft 2021 Conditions for Mineral Extraction.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

5.d. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit for 2021. (20-61-ME)

Senior Planner Klatt gave a summary of the staff report for the Planning Commission.

Commissioner Reed questioned with moving to zone D is there an expectation to having more noise. Klatt stated that there is not.

The public hearing opened at 7:40 pm.

Public Comments:

Commissioner Reed inquired about the noise graph.

Mark Setterstrom, Dakota Aggregates, 2025 Center Point Blvd, Mendota Heights, stated that the noise is within the allowable range in compliance with MPCA standards. Reed inquired about the requirements earlier in the evening. It was requested that applicant explain the noise information submitted. Setterstrom stated that even if noise falls outside of the allowable standards, there are so many other things going on in the area; weather, loud motorist, etc. that it is difficult to confirm mining activity is at issue. Setterstrom stated indicated that everything on the noise graph is within compliance with the state.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

PLANNING COMMISSION REGULAR MEETING MINUTES

December 14, 2020

PAGE 3

The public hearing closed at 7:52 pm.

Additional Comments: None.

MOTION by Marlow to recommend the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit for 2021, subject to the terms and conditions in the attached Draft 2021 Conditions for Mineral Extraction.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

New Business:

6.a. Request by CNC Development IV, LLC for Final Plat Approval of Emerald Isle 2nd Addition (20-59-FP)

Planner Nemcek gave a summary of the staff report for the Planning Commission.

Rick Osberg, James R. Hill Inc., 2999 County Road 42 West, Burnsville, stated that they contest the southern drainage and utility easement being requested along Akron Avenue. He indicated this is not needed for the 2nd Addition currently before the City.

Bill Ryan, CNC Development, stated that Dakota County had offered him money when they needed the additional ponding and now, they've changed their mind. Mr. Ryan stated that he would like to be fairly compensated.

Staff indicated that obtaining the ponding easement is similar to obtaining other easements necessary for regional development like obtaining easements for Autumn Path. The issue raised by the applicant has been discussed with the City Attorney who is comfortable with the city's request. The item will be addressed when the application and requested vacation go before the City Council; however, staff wanted to allow the applicant an opportunity to get their concerns on record.

MOTION by Reed to recommend that the City Council approve the Final Plat for Emerald Isle subject to the following conditions:

1. Execution of a Subdivision Agreement.
2. Drainage and utility easements with storm sewer infrastructure may contain fences but shall be required to include gates to provide truck access; shall prohibit sheds or other accessory structures; and shall prohibit landscaping that would impede drainage.
3. The final plat shall include all easements as requested by City.
4. Provision of \$39,270 for landscaping surety.
5. Payment of \$193,800 for Fee-In-Lieu of Park Dedication.
6. Compliance with the conditions and standards within the City Engineer's Memorandum dated December 7, 2020.
7. A drainage and utility easement shall be dedicated over all required regional and site ponding areas, including the southern area of Outlot B and the pond south of Connemara Trail.
8. Final approval of the Comprehensive Plan Amendment by the Metropolitan Council.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:05 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Specialist