

PLANNING COMMISSION REGULAR MEETING MINUTES

JANUARY 26, 2015

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Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on Tuesday, January 26, 2016. Vice Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Forester, and Freeman. Commissioners Henrie, Kurle, and Miller were absent. Also in attendance were Senior Planner Klatt, Community Development Director Lindquist, and Recording Secretary Roudebush.

The Pledge of Allegiance was said.

Additions to Agenda: None

Audience Input: None

Consent Agenda:

- a. Approval of the December 14, 2015 Meeting Minutes

Commissioners Kenninger and Forester were absent from the December 14, 2015 meeting. The approval of the minutes will be moved to the February 23, 2016 meeting for a quorum vote.

Public Hearing:

5.a. Request by SKB Environmental, Inc. for renewal of a Small Scale Mineral Extraction Permit for 2016. (16-02-ME)

Applicant has requested to continue this item to February 23, 2016 meeting, delayed due the applicant not having enough time to prepare for the reclamation plan in time for tonight's meeting. Community Development Director Lindquist gave a quick overview of site and an update of the activity at the mine.

The public hearing was opened at 6:34 pm.

Public comments:

Cathy Skluzacek, 14842 Bittersweet Circle, stated that nothing has been done for residents who live near the mine to deal with dust, noise and lights from the mine. She is against 24 hour operations.

Commissioner Kenninger stated that Ms. Skluzacek's comment is for the next item for Dakota Aggregates.

MOTION by Forester to continue the public hearing until the February 23, 2016 Planning Commission Meeting.

Second by Freeman.

Ayes: 4. Nays: 0. Motion Passes.

5.b. Request by Dakota Aggregates, LLC for renewal of a Large Scale Mineral Extraction Permit for 2016 and to amend the Interim Use Permit to allow 24 hour operation of the aggregate processing facility.

Senior Planner Klatt summarized the staff report for the Planning Commission.

Commissioner Forester confirmed that the point the annual review is to address any concerns that arise during the past year and address issues yearly.

Commissioner Kenninger inquired as to why the berm hasn't been completed or was it not planned to continue to the west towards Hwy 3. Community Development Director Lindquist stated that the initial concern was truck traffic, wanted to make sure the haul road was screened as that is usually the cause of complaints. The initial berm was completed as requested. The second phase of the berm should have been completed by now but there were no complaints at the time of the 2015 renewal so a hard due date wasn't set.

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Shawn Dahl with Dakota Aggregates/Ames Construction was on hand to address the Planning Commission. He stated that he is working with staff to address the complaints. Mr. Dahl gave a quick overview of the Rosemount Dakota Aggregates site. Started mining in 2014; total investment has been about \$50 million of investments in site and community. Goal is to beat the 15 year timeline, if current production rate is maintained should be more like at 10 years. Berm will be completed by June of 2016. The current berm is 20-22 feet in height, the remaining portion of the berm is currently about half done. Construction of the berm will take about 6 weeks this spring, and final height will be 30 feet. The intent of increasing the height of the berm is to block the view of the mine and block the noise of mining. In 2015 they produced about one million tons of material. Dakota Aggregates understand mining is not popular neighbor but want to be good corporate citizens. They have reacted to the complaints as fast as possible, haven't solved all the problems, but are actively working to solve them. All equipment will be moved 50 feet down into the hole of the mine and the completion of the berm will mitigate the sound and solve the complaints. They have hired a firm, Aeroacoustics Engineering Consultants to address the noise issues.

Larry Hansen from Aeroacoustics Engineering Consultants was on hand to describe the process of the noise testing. Noise emissions were done at the property line, at two sites, two different days and tests lasted over four hours. The goal was to identify which piece of equipment is making each noise and then address noise mitigation for those noises. Ideal decibel level is about 50 decibels. Mr. Hansen stated for comparison that as he is speaking at around 75-80 decibels. The reports show points where the noise was over state decibels allowance. He also noted that in one of the testing days that the traffic on CR 42 was louder than the noise from the mine, the second day traffic wasn't as heavy. Where the berm has not been completed there is noise leakage, once berm is completed the models show that noise will recede. Another model was made to see what would happen if equipment was moved into the mine hole, this also showed a reduction in noise. The alarms on equipment were also measured; all equipment has been replaced with new quieter horns as another measure to help reduce noise.

Commissioner Forester inquired if the permit renewal is approved tonight would the sound continued to be monitored. Mr. Dahl stated that if they get complaints they would attempt to solve the problem but if they can't identify the issue they would bring Aeroacoustics back in to do more testing.

Commissioner Kenninger inquired about the acceptable decibel level for an operation of this type. Mr. Hansen stated in urban areas it is 50-55 decibels, in comparison the breeze blowing through trees is 65 decibels. She also inquired if the State does routine monitoring to ensure that businesses are within allowable limits. Mr. Hansen stated that there is no routine monitoring done, they wouldn't know until a test like what was completed was done.

Commissioner VanderWiel inquired what the timeline is for moving the equipment into the mining hole. Mr. Dahl stated that it has already been moved. VanderWiel also asked if there has been testing since the equipment was moved. Mr. Dahl stated that operations have been shut down since the move. The modeling was done so they could justify the moving of the equipment.

Commissioner Forester inquired what parameters were used for testing. Mr. Hansen stated it is the same as what MnDot's acoustic model for traffic based on the type of road, and is the same process that is used to assess the impact of road construction for any urban or rural area.

Commissioner Kenninger inquired about the completion dates of the items itemized by the City of Rosemount that need to be addressed to reduce noise. Mr. Dahl stated that anything that makes contact with rocks or anyplace where equipment touches have been addressed. They worked on the berm along as the weather would allow, but on December 24th the snow forced them to stop.

Commissioner Freeman inquired about the two nights of testing and if they are a good representation of the typical night. Mr. Dahl stated that the same pieces of equipment and same work is happening at the mine each night, biggest difference was the volume of traffic.

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Commissioner VanderWiel inquired what the horn is used for and when it goes off. Mr. Dahl stated that any time there is a stop or start at the plant. He estimated that the horn is sounded three times a day. The horn sounds for 5 seconds and is safety measure used to signal that belts will start. He also stated that the start and stop alarms go off 5:00 am and 2:00 pm.

The public hearing was opened at 7:43 pm.

Public comments:

Carol Brom, 14603 Bloomfield Path, asked the audience how many knew of the change last year. No one raised their hand. She also asked who was there to object the change to the 24 hour operations, the majority of homeowners raised their hands. She stated that she wouldn't have been at the meeting if the error wasn't made in the notice but would have shown up last year had she received the notice. She stated that she appreciates the work on noise, but she doesn't have any complaints on noise. Had she known she would have been here last year to object to the 24 hour operations.

Community Development Director Lindquist clarified that the notice from last year's permit renewal was used and written over for this year's notice. She also stated that the notice was sent to the same people as last year and the reason for annual review is to address complaints if needed.

Dewayne Sutherland, 14424 Bentley Way, stated that he appreciates the noise mitigation done. He is concerned about his property value when he tries to sell because of the noise at the mine. He realizes that he will get noise from CR 42 but didn't expect to deal with mining noise as well. He also expressed his concern that there are no repercussions should the mine affect his property value if he decides to sell. He also is concern about contacting 911 for a noise issue at 2:00 am; the police have other things to worry about.

Commissioner VanderWiel questioned the audience about the noise, as to when, how often, and type of noise that is occurring.

Mr. Sutherland stated that at first it was machinery noise. Then it turned into a sharp noise that would wake him from sleep, not constant noise. He doesn't notice the noise during day.

Carol Hawley, 14838 Bittersweet Circle, stated that she lives where berm get narrow around the curve. She stated that she couldn't have windows open because of the loud, banging noise occurring. She also stated that she is concerned about the dust and that it is causing asthma and allergies for her and her pets. She would like to enjoy the outdoors at night.

Leslie Green, 14602 Bloomfield Path, stated that the noise is machinery, she can hear squeaking and banging. She also stated that lights and dust are problems for her as well. She appreciates the work that has been done and hope the berm solves the issues. She also questioned why the city limits the times of concerts, fireworks, train horns, but mine noise isn't be limited.

Judy Schmidt, 14595 Bloomfield Path, stated that she move to Rosemount from Rochester to retire. She stated that she can live with noise on CR 42 but the noise from mine doesn't allow her to sleep with windows open. She has worked hard and deserves to enjoy the rest of their life. She also stated that she is hearing noise at 5:00 am when work on the berm was happening and the noise would last all day. She is against 24 hour mining and would tell people to move to Farmington or Lakeville instead.

Christal Peters, 14664 Bloomfield Way, stated that she came from oil country, she moved her because she wanted a cleaner place to live. She also stated that she didn't get notice last year. She is also concerned about the noise, water, and dust. She thinks 24/7 operations are a little much.

MOTION by VanderWiel to close the public hearing.

Second by Forester.

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Ayes: 4. Nays: 0. Motion Passes.

The public hearing was closed at 6:57 pm.

Additional Comments:

Commissioner VanderWiel inquired where the new berm will run. Lindquist state that it will run west to Biscayne Avenue. There currently there is a hole in the berm which is needed to work on the top of the berm. It is required to be completed by June 30, 2016 and will be 30 ft. in height. Once the berm is completed it should address all the complaints from light, dust, and noise.

Commissioner Kenninger inquired if other permits have light restrictions and if there is anything we can do to reduce light pollution. Lindquist stated there are requirements but those are based upon the property line.

Mr. Dahl stated that now that they have progressed far enough the lights will be below the ground, and you should only see a glow. He also addressed the issues with dust. He stated that typically the dust comes from the haul road and not the mining itself. He went on to explain that there are mobile water units that the sprays mine walls and haul road. He also explained that it took 2 years to dig a hole that big and they had to start at level ground then dig down to make the hole. Thankfully they were very productive last year and were able to mine deep enough that this year there shouldn't be any visible lights or noise from the mine. He asked residents to give him six weeks to build the berm and they shouldn't have any more issues with the mine. They will be diligent about the placement of lights but are necessary for safety. He stated that construction of the berm doesn't start until 7:00 am and they work 12 hour days.

Commissioner Forester felt like last year there was a perfect storm of events that caused the complaints. He feels the applicant has taken certain measures to address the issues, and personally feels that another year is needed to see the results of the changes that have been made. He also stated it is hard to make a case because there is no log of issues from the Police Department.

Lindquist urged residents to call 911 if there are issues; it's the only way to log the issue. It is also to best to address the issue at the time it occurs; it is much harder to pinpoint the cause after the fact.

Commissioner VanderWiel inquired if the notices would have been sent out to addresses near Atwater Way. Lindquist confirmed they received notices. VanderWiel noted that there have been no complaints from residents on the North side. She stated that she came to the meeting ready vote against the renewal but the evidence shows that the berm would mitigate the issues based upon the fact that there are no complaints from residents to the north of the mining. She agrees with Commissioner Forester and feels that we should Dakota Aggregates another chance.

Commissioner Kenninger agrees with the other two Commissioners and feels the completion of the berm will solve the issues. She questioned whether or not to ask for a review in six months but realizes that opeations won't start up again until April and that wouldn't be enough time to see the results. She feels the applicant has taken extra measures to show they are working to address the issues.

Commissioner Forester posed the option of limiting 24 hour operations until the berm is completed.

Mr. Dahl reminded the Commissioners that they have to produce 12 months of product in 7 months' time. He went on to state that there were only four official complaints last year from July 9th to mid-August. He noted that there have been no complaints since mining has ceased at the end of December and have only started hearing of complaints once the hearing notice was sent out. They can only react when they are aware of a problem and they address issues as soon as they are aware of the problem. He finished off by stating Dakota Aggregates is committed to making it things right.

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Commissioner Kenninger confirmed that the berm had to be constructed regardless of the 24 hour operation

Commissioner Freeman also feels the need to try it out for another year; the models show that the berm will reduce the issues.

Commissioner Forester inquired if it is reasonable for the applicant to have another acoustical report done next year. Lindquist stated if there are no complaints, then the City wouldn't probably ask for it.

Commissioner VanderWiel once again reiterated the importance of calling 911 when there is an issue. Complaints are documented and given to the commissioners and council when the permit is reviewed for renewal.

Motion by VanderWiel to recommend the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit for 2016, subject to the terms and conditions in the attached 2016 Draft Conditions for Mineral Extraction, with the change to condition ii that the berm must be at least 30 feet high.

Second by Freeman.

Ayes: 4. Nays: 0.

Old Business: None

New Business:

Community Development Director Lindquist gave a brief overview of the schedule for the 2018 Comprehensive Plan Update. .

Lindquist also reminded the commissioners about the joint meeting with City Council on February 9th @ 6:30 pm.

Reports: None

Adjournment: There being no further business to come before this Commission, Vice Chair Kenninger adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Amy Roudebush, Recording Secretary