

August 4, 2010

UMore Park
Attn. Steven Lott, Project Manager
1605 160th Street West
Rosemount, MN 55068

Re: Review of the Draft Environmental Impact Statement for the UMore Park Sand and Gravel Resources dated June 2010

Dear Mr. Lott:

The City would like to begin by thanking the University of Minnesota for the opportunity to review the draft Environmental Impact Statement for the UMore Park Sand and Gravel Resources (Gravel EIS) dated June 2010. The City has reviewed the Gravel EIS and the comments provided below are based on that review.

General Comments: The Gravel EIS raises numerous technical issues regarding the potential impacts and proposed mitigation of those impacts. These topics are listed below by subject matter and section within the EIS. Additionally, the proposed mining operations, ancillary uses, and reclamation pose greater concerns to the Rosemount community than just the technical items enumerated below.

- The University continues to state that based on constitutional autonomy and status as a state entity that its properties including UMore are not subject to local land use controls and permitting requirements. The City does not agree that aggregate mining on the UMore property is consistent with the University's mission of education, research and outreach which would preclude local land use authority. The City's position is that any mining activity on the property must comply with all municipal land use controls currently in place or as amended in the future.
- There are mining operations in Rosemount and the surrounding communities but not to the extent envisioned in the EIS. Appropriate mitigation measures must be put in place addressing noise, dust, traffic, and visual impacts so that current residents are not unduly affected by the operational impacts. Additionally, mitigation must be implemented over the term of the mining operations that benefits future residents of the City who will move into neighborhoods near the mine and ancillary uses.
- The City supports future development of the UMore property to bring the site into the community as a new sustainable neighborhood. The City is concerned that the proposed mining and ancillary uses will inhibit the ability to market and develop certain lands within UMore. There is a concern about the length of the mining operation and certainly the ancillary uses, which are proposed to remain until all mining, in both Rosemount and Empire Township is complete.

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- The EIS does not provide details for reclamation of the properties impacted by mining. While the end use plan at this time is for agricultural use, the site within the 7-County metro area will at a future date develop. There has not been enough effort in determining appropriate reclamation of disturbed areas which can lead to additional developer costs for rectifying grading problems and providing public utilities to new development.
- The EIS assumes that development outside of the study area will prompt infrastructure needs so that upgrades to the utility systems, particularly roads, will occur regardless of the mining operations. The City disagrees with that conclusion. In any event, the University of Minnesota should be aware that the City does not have the financial ability to implement all the anticipated infrastructure improvements without contributions from benefitting properties which includes the UMore site.
- The City understands that an EIS needs to evaluate the all potential uses and the worst-case scenario to determine the most dramatic impacts and what are the appropriate mitigation measures to employ. However, the City has concerns about the type, number, and size of the ancillary uses described in the Gravel EIS. The University does not need to change the description of the ancillary uses in the Gravel EIS, but the City does want to make the University and Dakota Aggregates aware that the City may not adopt an Ordinance or mining permit that includes the ancillary uses as described.
- The City commented in a letter dated January 22, 2010 (and in the scoping EAW) about the information obtained from Dakota County regarding the Rich Valley area in Rosemount as a covered karst valley. This is not addressed in the EIS nor has it been addressed in any response to previous comments.
- The light generated from the gravel mining operation should be addressed with the EIS.

Technical Comments:

Section 2.17, page 11: The Gravel EIS states the perimeter of the UMA will be reclaimed at a slope of 3:1 or flatter. The entire perimeter at this slope will prohibit the construction of roads into the reclamation area or public access to the new lake. Additional text should be added that commits to reclaiming the roadway corridors shown on the 2030 Roadway Function Classification Map (Figure 5.3 Rosemount Transportation Plan) at a maximum of a 6% grade and grading an area surrounding the created lake suitable for public access.

Section 3.2.2, page 31: The statement that “the proposed AUF will be located in an area of low groundwater vulnerability and outside of the City of Rosemount’s future conceptual Drinking Water Supply Management Area (DWSMA)” should be modified. As previously discussed, future potential development of the UMore property and adjacent properties may necessitate the establishment of municipal supply wells beyond the locations identified in the City’s Comprehensive Water Supply Plan. These locations may result in future expansion of the City’s DWSMA that includes the AUF area.

A statement should be added to note that in addition to Minnesota Department of Health (MOH) requirements for protection of groundwater at aggregate mining sites that all operations

will be conducted in accordance with the City's current and future wellhead protection plan requirements.

Figure 10, page 53: The end use cover plan continues to shows bare ground adjacent to the future open water. As indicated in the City's January 22, 2010 review letter to the U of M, bare ground will result in erosion and instability of the shore of the open water area. This should be clarified as to the intent of the bare ground and/or the figure revised.

Section 3.3.3, page 56: The Gravel EIS states that mitigation for cover types and vegetation will be addressed in greater detail in a reclamation plan. As indicated in the City's comments in a letter dated January 22, 2010, the City does have a tree preservation and replacement ordinance that should be referenced in the EIS. Reference to this ordinance should still be included in the EIS.

Section 3.6, Figure 13, page 69: It is noted that the boundary has changed from the preliminary draft EIS from December 2009 to the Gravel EIS in June 2010. The north end of the study area has been shifted to the west. In the December 2009 EIS, Wetland R8 was shown on Figure 12 but is no longer shown in the June 2010 EIS, presumably because it is now outside the study area. However, it appears to be very close to the boundary and could be affected by changes to surface water patterns. It should be included on Figure 13 since it is referenced in the text.

Section 3.6.3, page 71: The Gravel EIS states that wetland mitigation may be accomplished through on-site replacement, off-site replacement, or purchase of wetland credits. The U of M should be aware of the City's strong preference to on-site and/or in-City wetland replacement.

Section 3.7, page 72: The watersheds identified in paragraph 3 as discharging off-site via culverts do not include the subwatersheds ExtN-6, ExtN-40, and ExtN-44 as shown on figure 14. The subwatersheds discharging off-site on the figure 14 should correspond to subwatersheds identified in paragraph 3.

Section 3.7.1, page 75: The post mining condition does not include the proposed drainage areas from the City Storm Water Management Plan (SWMP). The City's SWMP proposes to route the stormwater runoff from the west side of Biscayne Avenue to regional pond # 2302 on the UMA site. It is requested that this drainage area be included in the final runoff volume calculations for the site. It is evident that the SWMP has identified areas west of Biscayne Avenue that will drain to the regional pond #2302 and these areas should be included in the analysis. The statement that the SWMP drainage areas and proposed regional pond 2302 is at a concept level and should not be included in the analysis does not accommodate the City's long term planning for storm water management. The deviation from using regional basin #2302 for areas outside of the site will impact the developable area in the City of Rosemount on the west side of Biscayne Avenue.

Does the final reclamation plan propose to equalize the Lake across the southern Municipal boundary? This question has not been addressed or answered in the EIS. Please provide a response.

The City's SWMP proposes to direct any storm water from the site to manage the NWL and storage volume to the north east. It is recommended that an overflow structure with storm sewer to the northeast be incorporated into the final design for the site as shown in the SWMP. The SWMP had a preliminary management elevation of 914 for regional basin 2302 on the UMA site. Based on the reclamation plan the overflow storm sewer trunkline to the northeast would be approximately 15' – 20' in depth across the dry mining section of the UMA site. This issue of water level management has not been addressed in the EIS. Please provide address how the water level management of basin 2302 will be accomplished upon completion of the site grading.

The SWMP has proposed to route storm water from Shannon Pond, Wachter Lake, and the Business Park through the UMA site as needed to manage runoff volumes in these watersheds. It is anticipated that any discharge to the site from these areas will be for events that exceed the storm water storage volumes in the watershed. This item has not been addressed in the EIS post conditions analysis. The statement that the City plan is at a concept level does not address the plan to convey stormwater from the western third of the City through the proposed regional basin 2302 prior to conveyance to the east. The statement that the SWMP is at a "concept level planning stage" does not negate the direction of stormwater to the site as shown in the SWMP. The post mining conditions for the site should assume that the drainage area west of Biscayne Avenue to the depression at subwatershed ExtN40 will be to directed to Regional Basin 2302. The deviation from the SWMP without implementation of the proposed routing could result in significant expenditure of funds to manage storm water in this area.

The final hydrologic analysis should assume that the Lake (Reg. Basin 2302) will receive storm water from areas outside of the site. The City SWMP has identified conveyance to the site under the fully developed conditions of the City. This issue has not been fully addressed. The EIS goes on to indicate that the area west of Biscayne Avenue is not included in the analysis. Please provide the City with specific justification as to why the regional basin drainage area should be modified as proposed in the EIS.

How is the 34 Acre-feet of stormwater directed off-site from subwatershed PropN-9, PropN-65, PropN-54, PropN-52, PropN-48, and PropN-66 being managed in the future? The future conditions discharge off-site in the City of Rosemount should be to a regional pond or storm water storage area. The storm water plan should indicate that the Rosemount SWMP Section V policies will be implemented downstream in the future.

The City of Rosemount design policies require storage and infiltration of the runoff volume from the 100-year 24 hour storm event if a regional system downstream will not be provided. Will this policy be meet by downstream improvements in the future? If yes, show proposed locations in the proposed conditions figure. Please provide a specific response to how the post mining conditions will meet the City design policies.

Section 3.7.2, page 82: The runoff quantity and quality policies of the City of Rosemount in the SWMP should be addressed in the UMA plan. The SWMP regulations would be transferred to the downstream property owner to provided rate control, stormwater storage, water quality, and infiltration. It is requested that the City of Rosemount policies be addressed for the watersheds within the City. The 34 Ac-Ft of runoff leaving the UMA site in the City of Rosemount will need to be addressed as outlined in the SWMP Section V policies. The EIS states that

agricultural land use is assumed and that future development will comply with the City policies. How is the proposed agricultural runoff volume of 35 acre-feet being managed? Is the 35 acre-feet of runoff from the site going to be stored and infiltrated on property that may not be owned by Umore? Would off-site management be considered an impact on developable area?

Section 3.8.1, page 105: For the particle tracking depicted on Figure 26, it should be noted that existing City municipal water supply wells RR 1 and 2 are located within the flow path as are potential future wells in the northern well field. Wells RR 1 and 2 are included in City's Water Supply Plan ultimate system and could potentially be replaced with new well(s) on the same site at a later date.

Under "Model Simulations", it is noted "that the model was used along with information on projected future (~2050) pumping conditions to develop a preliminary DWSMA map and to help determine which mine operations will be located within the DWSMA (Figure 28)." What information was used to project these future pumping conditions? It appears throughout the groundwater evaluation that future proposed municipal supply well locations identified in the City's Comprehensive Water supply Plan have been interpreted as absolute and final locations. Depending on the timing and location of future development, it is likely that future municipal water supply well locations will deviate from the City's plan to accommodate the development of properties. This may result in the establishment of DWSMA's beyond that which is shown on Figure 28 as well as groundwater flow directions shown on Figure 29.

Section 3.8.1, page 121: As previously noted, for the subsection "Mine Layout and Preliminary DWSMA Map (Barr 2019g)", it seems incomplete to conclude that the projected DWSMA as currently shown is representative of a future post-UMA operation. The EIS should include discussion about measures and controls that will be necessary should the DWSMA be expanded to include the AUF in the future.

Subsection "Future (Post-Mining) Mine Lake Simulation (Barr 2009g)" makes reference to the latest land use projections for Rosemount, Empire Township, Coates, and Umore Park. What are the specific land use projections as referenced? Note that the City's Comprehensive Plan provides planning through 2030 and does not include Umore and the Water Supply Plan does include an ultimate system that assumed land use would be Urban Residential at Umore for planning purposes only.

Section 3.8.2, page 122: The section "Environmental Consequences" states that "it does not appear the proposed mining operation will have substantial effects on groundwater flow directions or have a negative effect on heads in the aquifer." This could be interpreted to mean that there will be some impact and that there is a potential for significant impacts. Mitigative measures that would need to be employed should there be an impact to groundwater flow and heads in the aquifer should be addressed in the EIS.

Section 3.8.3, page 122: For the subsection "Mitigation", it states that "detailed plans for environmental protection and/or monitoring will be addressed during the mine permitting stage." As noted above, as there is a potential for impacts to the groundwater flow and more importantly, the head related to existing and future municipal water supply wells, a discussion of appropriate measures to mitigate this potential impact shall be included in the EIS. The potential for mining operations to impact existing future municipal water supply wells are of

significance and should be addressed in the EIS rather than the mine permitting stage as proposed. Measures to monitor level and quality of the groundwater in the Jordan and Prairie du Chen between the mining activities and RR1, RR2 and the northern well field should be constructed and in place six months before any activity is initiated on site. In addition, the existing wells on the property should be monitored with data loggers starting six months prior to any activity on-site to assess any interference between Municipal Wells and the existing wells.

Section 3.10, Traffic General Comment: There is no discussion in the transportation section of the Gravel EIS of the Rosemount/Empire/UMore Transportation System Study nor the Biscayne Avenue/Akron Avenue North/South Corridor described in that study. The Biscayne Avenue/Akron Avenue corridor goes through the study area for the Gravel EIS, specifically through the ancillary use facility (AUF). Please address how the construction of this corridor will occur when the AUF is proposed to exist through the year 2051.

Section 3.10.1, page 140 and figure 34: The study indicates that “The existing access points serve on-going farm operation and agricultural research area and are expected to remain open until such time that mining operations cause them to be altered or closed”. This should be clarified. How many of the existing access points will be maintained during the mining operations? Where will they be in relationship to the proposed site access locations?

Section 3.10.1, pages 143 and 144: Tables 18 and 19 includes the “Site Generated Traffic” for the Average Daily, AM and PM conditions. It appears that the majority of this traffic will be new truck traffic. How was the additional truck traffic factored into the “Build” analysis?

Section 3.10.2, page 159: The 2011 traffic projections were based on a straight line between 2007 and 2030. With the down turn in the economy over the past years, development has not occurred at the rate anticipated. It is unrealistic to assume that the traffic on the adjacent roadways would have grown at such a rate. Therefore, some of the “No Build” improvements may not be realistic.

Section 3.10.2, page 171: The conclusions indicate several improvements necessary for the “No Build” conditions. Is it expected that the City and / or the County would make these improvements? This also is not realistic.

Section 3.10.2, page 181: The 2011 Build conditions conclude that a traffic signal is (may be) warranted at the intersection of CSAH 42 and Biscayne Avenue. This assumption was based on 2011 projected ADT traffic on Biscayne Avenue. The projections were based on anticipated growth in the area that has not occurred (see comment above). Therefore, assuming a signalized intersection in the 2011 build condition is unrealistic. The analysis should be modified to discuss what impacts the development traffic would have on the intersection without signalization. The recommendation also indicate that additional turn lanes be provided by 2030 at this intersection. This recommendation should be modified and included when the intersection is signalized.

Section 3.10.3, page 199: The conclusions indicate that the gravel roads will be paved as development occurs between 2011 and 2030. The City of Rosemount will be requiring either paving of gravel roads in their jurisdiction to any proposed access location or providing a maintenance plan for the gravel roads as part of the mining permit. Any signing associated with

directing traffic to specific access locations will be the responsibility of UMore and will be included in the access permit.

Section 3.11, Noise General Comment: The City does not believe that all the noise factors are being modeled in the Noise Section particularly the lack of truck noise generated during acceleration or through the use of “jake” brakes. Without modeling of all the sources of noise, it is difficult to believe that the model’s generated noise impacts are accurate and that the proposed mitigation measures will adequately address the noise generated from the mining activities. If the models used in the Gravel EIS do not adequately address all noise factors, the City may need to require an additional noise study that does include all the relevant noise sources during mining permit review.

Section 3.11.1, page 203: The results indicate that although there are locations that currently exceed state standards because the roadways are under City or County jurisdiction these standards do not apply. One of the rationales for this is that the roadways are not “Access Controlled”. The description of “Access Control” should be verified with MPCA. We do not believe that this only applies to freeway conditions.

Section 3.11.2, page 205: There is text provided about “jake” braking noting that they are required to emit less than 80 dBAs. In Chris Hiniker’s response on June 18 to our previous request to add acceleration speeds and “jake” braking, Chris stated that the model is not capable of adding acceleration/deceleration conditions. This is difficult to understand. If it is known that “jake” braking generates 80 dBAs and it is known that the use of the brakes is most likely to occur at the access points or turning movements, it should be able to model 80 dBAs at the proposed access points and determine how far away it is before the noise levels are reduced to 65 dBAs daytime and 60 dBAs nighttime. This is similar to the statement on page 209 in which it is stated that the 90 dBAs from the crushing equipment takes 900 feet to drop to 65 dBAs.

Section 3.11.2, page 209: The Site Noise analysis references typically reductions of noise levels from a point source. It does not indicate how this applies to this site. Where will the location of the closest equipment be in relationship to the existing and potential residential properties? What would the predicted noise levels be at those locations as a result of the site?

Section 3.11.3, page 210; section 4.11, page 241: The Technical Memo references a 12 foot high berm that will be constructed to help screen site noise. However, the “Mitigation” section does not include it as a discussion.

Section 3.12.3 and Section 4.12, Air Quality Mitigation General Comment: A mitigation strategy should be added addressing the size of open mining activity. Dakota Aggregates has provided the City a mining plan that has 17 mining phases of approximately 90 acres each. Within the 17 phases, Dakota Aggregates has subdivided each phase into sub-phases of about 30 acres each. Discussion should be had on the amount of sub-phases that would be open at any one time and how fast the sub-phases would be reclaimed after mining is complete. Limiting the amount of area open for mine at any given time and timely reclamation can be effective in limiting dust generated from a mine.

Traffic DEIS Section 3.10 and 4.10 (May 19, 2010 Study)

Section 3.10.1, page 140, 1st paragraph - The text indicates that the existing access points serve on-going farm operation and agricultural research area and are expected to remain open until such time that mining operations cause them to be altered or closed. This should be clarified. How many of the existing access points will be maintained during the mining operations? Where will they be in relationship to the proposed site access locations?

Section 3.10.1, page 141, Figure 34 – This figure should be updated. It is the Cities understanding that access points A1 and A2 will not be used. Also, B2 should be shown to line up with Boulder Trail.

Section 3.10.1, page 143, Third bullet point and following paragraph – The DEIS assumes that a full access to CSAH 42 from Auburn Avenue would be provided for the 2011 build conditions. Has this been approved by Dakota County? It is the Cities understanding that a ¾ access may be require with any change in intersection configuration. What is the anticipated impact of the 2011 traffic not being allowed to turn left at Auburn Avenue? This worst case condition should be analyzed.

Section 3.10.1, page 143 and 144, Tables 18 and 19 - Site Generated Traffic for the Average Daily, AM and PM conditions has been provided. It appears that the majority of this traffic will be new truck traffic. How was the additional truck traffic factored into the “Build” analysis? What is the makeup of these trucks (i.e. size and type)? Were additional delays at un-signalized intersections assumed with the additional truck traffic?

Section 3.10.1, General – Adding additional truck traffic to west CSAH 42 and subsequently north on TH 3 or other County roads though Rosemount should be minimized to the extent possible.

Section 3.10.2, page 159, 1st and 2nd paragraph - The 2011 traffic projections were based on a straight line between 2007 and 2030. With the down turn in the economy over the past years, development has not occurred at the rate anticipated. It is unrealistic to assume that the traffic on the adjacent roadways would have grown at such a rate. Therefore, some of the “No Build” improvements assumed in the analysis may not be realistic.

Section 3.10.2, page 159, 3rd paragraph - The traffic re-distribution for the future 2030 at Auburn Avenue indicates that the southbound left turn would go to 145th Street. With the future connection of Connemara Trail to CR 73, it is more likely that this traffic would move to the CR 73 / CSAH 42 intersection. The impacts of this shift in traffic should be documented.

Section 3.10.2, page 171, Last two paragraphs - The 2011 No-build conditions conclude that a traffic signal is (may be) warranted at the intersection of CSAH 42 and Biscayne Avenue. This assumption was based on 2011 projected ADT traffic on Biscayne Avenue. The projections were based on anticipated growth in the area that has not occurred. Therefore, assuming a signalized intersection in the 2011 no-build or build conditions is unrealistic. The analysis should be modified to discuss what impacts the development traffic, including truck traffic, would have on the intersection without signalization.

Section 3.10.2, page 181, 2nd paragraph – The statement “it was also assumed that mining trucks would be prohibited from using the existing unpaved section of Biscayne Avenue from Boulder Trail to County Road 46” should be carefully reviewed. Can truck traffic to the north and west be minimized without using Biscayne Avenue? Could paving Biscayne Avenue be considered as a mitigation measure to the impacts at the intersection of Biscayne Avenue and CSAH 42?

Section 3.10.2, General - The conclusions indicate that the gravel roads will be paved as development occurs between 2011 and 2030. The City of Rosemount will be requiring either paving of gravel roads in their jurisdiction to any proposed access location or providing a maintenance plan for the gravel roads as part of the Mining permit. Any signing associated with directing traffic to specific access locations will be the responsibility of UMore and will be included in the Mining permit.

Section 3.10.2, page 195, last paragraph – The review of the ADT volumes in relationship to the roadway capacity was completed for the primary roadways. Typical roadway capacities were presented. What are these capacities based on? Do these capacities correspond to Dakota County’s transportation plan? Typical capacity of a two lane gravel road should also be presented.

Section 3.10.2, page 196, first bullet point – It is the Cities understanding that CSAH 42 will be at the need for a 6 lane facility with the future development of the UMore property. This should be addressed.

Section 3.10.3 and Section 4.10, General – Several no-build and build mitigation measures have been identified, this section should be modified based on the comments above (i.e. no signal at CSAH 42 and Biscayne Avenue in 2011, ¾ intersection at CSAH 42 and Auburn Avenue in 2011, paving Biscayne Avenue, etc). In addition, each mitigation measure should identify who is responsible for implementation.

Noise DEIS Section 3.11 and 4.11 (April 21, 2010 Technical Memo)

Section 3.11.1, page 201, Figure 48 – There were no noise monitoring or modeling receptor locations on the east side of the proposed site. This area should be looked at in reference to future development of the UMore site.

Section 3.11.1, page 203, 3rd paragraph - The text indicates that because the roadways are under City or County jurisdiction State Noise Standards do not apply. One of the rationales for this is that the roadways are not “Access Controlled”. The description of “Access Control” should be verified with MPCA. We do not believe that this only applies to freeway conditions.

Section 3.11.1, page 204, 1st paragraph – Although the model can’t predict noise levels for acceleration and deceleration of trucks, these levels or estimated levels need to be documented and / or mitigated. More detail should be provided for this issue.

Section 3.11.1, page 204, 6th paragraph – Noise monitoring was conducted on November, 10th and 11th, 2008. November 11th was a holiday. How was the reduced traffic volumes factored into the analysis?

Section 3.11.2, page 205, 6th paragraph – The text indicates that additional noise associated with “Jakebraking” would primarily be a maintenance issue. Will UMore be requiring its trucks or contractor trucks to have maintenance records that document meeting all state and local requirements? These requirements will be included in the Mining permit obtained from the City.

Section 3.11.2, page 209, 3rd paragraph - The Site Noise analysis references typical reductions of noise levels from a point source. It does not indicate how this applies to this site. Where will the location of the closest equipment be in relationship to the existing and potential residential properties? What would the predicted noise levels be at those locations as a result of the site? A map should be provided showing more detailed relationship between the facility and existing residents with distances and noise contours.

Section 3.11.3 and 4.11, General - The Technical Memo references a 12 foot high berm that will be constructed to help screen site noise. However, the “Mitigation” sections do not include it as a discussion.

Air Quality DEIS Section 3.12 and 4.12 (November 4, 2009 Technical Memo)

Section 3.12.2, page 213, Material Processing / Handling and Stockpiles – What type of analysis was conducted for fugitive dust? What is the prevailing wind direction? At what distance will dust be an issue? Who will be impacted? Additional analysis and documentation needs to be provided.

Section 3.12.2, page 213, Internal Haul Roads, Table 37 – Table 37 discusses estimated emissions on internal haul roads with different levels of control. Which control level is recommended? What are the control measures recommended?

Section 3.12.2, page 215, Conclusions – The conclusions indicate that typical control measures for fugitive dust “should” not result in impacts to nearby residents. How can we be sure that there will not be impacts?

Section 3.12.3, page 215, 6th paragraph – Additional information should be provided on the federal regulations with respect to “Opacity” and the amount of time emissions can be seen by the naked eye.

Section 3.12.3 and 4.12, Mitigation, General – What is exactly being recommended for emissions control? There are a lot of general typical techniques discussed. These sections should be expanded to discuss which techniques should be used for specific situations.

Sincerely,



William H. Droste, Rosemount Mayor