

# ENVIRONMENTAL COMMISSION MEETING

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Thursday, July 24, 2014

7:00 p.m.

Inver Grove Heights City Hall, Council Chambers

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**A G E N D A**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIENCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

a) March 27, 2014

**5. NEW BUSINESS**

a) Consider a request for a land alteration permit (LAP) for grading and excavating of material in the amount of 16,800 cubic yards on parcel I.D. No. 20-14300-010-30 that 6.81 Acre of lot 3 block 1 Blair Estates plat located on the north side of Barnes Way west of Barnes Avenue.

**6. REPORTS AND UPDATES**

**7. ADJOURN**

**Draft**

**ENVIRONMENTAL COMMISSION MEETING**  
Inver Grove Heights City Hall – Council Chambers  
March 27, 2014

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**1. Call to Order**

Meeting called to order at 7:00 PM by Acting Chair Burke

**2. Pledge of Allegiance**

**3. Roll Call**

Commissioners Present: Acting Chair Susan Burke, Ted Trenzeluk, Bob Pohlman, Sarah Brass, Kevin Vernon-Harris and Robert Heidenreich

Commissioners Absent: Dustin Bower, Mike Flaherty, and Renee Martin

Others Present: Heather Botten, Associate Planner and Steve Dodge, Asst. City Engineer

**4. Approval of Minutes**

Mr. Heidenreich moved to approve the minutes from July 25, 2013 and Mr. Trenzeluk seconded the motion. Motion to approve carried unanimously.

**5. New Business**

**A. Consider a Land Alteration Permit for Luther Nissan located at 1470 Highway 110.**

Steve Dodge, Assistant City Engineer, presented the request for a land alteration permit (LAP) for grading and excavating of approximately 55,000 cubic yards of material on 8.5 acres of property. This request is for the property located west of 50<sup>th</sup> Street and adjacent to TH 110 and I-494 right-of-way. Mr. Dodge continued by giving some background on the property and how the applicant got to the request in front of you today.

The land alteration permit would include mass grading of the site and hauling of fill. It would also include the construction of a 28-42 foot retaining wall and the construction of storm water quality and volume control facilities. There is a large DNR pond near the property; the applicant's request is a comprehensive stormwater plan that protects the runoff from the pond. Mr. Dodge continued by describing the three phases that are planned for the property: 1) LAP improvements, 2) Conditional Use Permit for a new building and parking lot expansion, and 3) Demolishing the existing building, construct additional parking, and the remaining improvements.

Mr. Trenzeluk asked if staff has received any citizen comments. Mr. Dodge replied the City has not received any comments from residents about the project.

Mr. Trenzeluk commented that he has reviewed a number of LAP's over 11 years and he has never seen one with 48 conditions. He continued stating he is concerned about all of the conditions and the type of conditions the City is enforcing, for example video-taping the haul route prior to disturbance of the site. Steve Sabraski, Landform Engineering, stated that the project has evolved over the last few years and the City is trying to meet the needs of the dealership to remain open during construction. He commented that although there are a number of conditions the majority of them are reasonable. The applicant has been working closely with the City on obtaining approval of the stormwater system. Mr. Trenzeluk reiterated that he still had concerns about the number of conditions and that it seems discouraging to property owners.

Mr. Vernon-Harris asked about the hours of operation. Mr. Dodge stated the City Ordinance allows work to be done between 7 am - 7 pm, Monday - Saturday.

Mr. Vernon-Harris asked who determines if an environmental study is needed. Mr. Dodge replied that Luther Nissan would determine if additional study is to be done based on soil borings. Mr. Sabraski stated there have not been any environmental concerns that have been brought to their attention at this point.

Mr. Pohlman asked how the underwater stormwater treatment system works. Mr. Sabraski replied stating the underwater ground infiltration system treats the additional impervious surface on the property. A site was selected on the northern part of the parcel for the best location for the system so it would not have an effect on the retaining wall. Water inflows into the underground system, once the pipes fill up to a certain elevation the excess runoff is passed along to a secondary pond. Ms. Burke followed up asking about the series of pipes underground. Mr. Sabraski replied that the underground pipes were all interconnected and that basically there would be a pond constructed under the parking lot to hold the water before infiltrating into the stormwater system.

Mr. Trenzeluk made a motion to approve the land alteration permit for Luther Nissan as proposed with the recommended conditions. Mr. Pohlman seconded the motion.

**Motion carried unanimously (6 - 0).**

## **6. Reports and Updates**

## **7. Adjourn**

Ms. Burke moved to adjourn at 7:20. Mr. Heidenreich seconded the motion. Motion approved unanimously.

# MEMORANDUM

## CITY OF INVER GROVE HEIGHTS

TO: Heather Botten, Associate City Planner

FROM: Steve W. Dodge, Assistant City Engineer *SWD*

DATE: July 18, 2014

RE: Engineering Staff Review Comments  
Sandmann Land Alteration Permit  
Land Alteration Permit No. C-095-14

**ACTION REQUESTED:** Consider a request for a land alteration permit (LAP) for grading and excavating of material in the amount of 16,800 cubic yards on parcel I.D. No. 20-14300-010-30 that 6.81 Acre of lot 3 block 1 Blair Estates plat located on the north side of Barnes Way west of Barnes Avenue.

**BACKGROUND:** The site address is 10199 Barnes Way and is owned by Sheldon and Ursula Sandmann.

In August 2003, an administrative land alteration permit No. A-102-03 was issued for hauling approximately 1000 cubic yards of fill for a garden area located just northwest of the driveway. In fall of 2003, staff certified the fill and the land alteration permit was closed.

In fall/winter 2012, an anonymous phone reported trucks hauling fill along Barnes Way. Staff contacted Mr. Sandmann and found that Palda Construction had been hauling fill onto the property. A cease and desist letter was issued in 2013 by staff and hauling was halted. Mr. Sandmann was slow to address the unauthorized fill and obtain a land alteration permit. On March 24, 2014, the City Attorney issued a letter to Mr. and Mrs. Sandmann notifying them that criminal and legal proceedings were eminent without action to obtain a land alteration permit, correct the fill and restore the storm basin storage capacity to the City Engineers approval, and re-establish the disturbed areas. The letters are attached.

Mr. Sandmann has hired a professional engineer and is applying for a permit to correct the site in accordance with City approved plans.

**PRIMARY ISSUES AND ANALYSIS:** The overall grading plan submitted has approximate grading elevations and drainage patterns which are consistent with the terrain of the area. The proposed slopes are gradual and blend into the existing ground. We have noticed the following items to consider:

**Permanent Grading and Drainage:** The proposed grading will restore the storm basins volume to original capacity and leave established 4:1 slopes. In addition, some storm water facilities are added to capture ponding and concentrated water at the top of the slope and convey it safely to the bottom of the slope. The site will be graded to the elevations shown, dressed with salvaged topsoil, and turf established. A permanent grading, drainage plan and erosion control plan is attached.

Erosion Control and Turf Restoration: An NPDES general construction permit will be required since the disturbed area is over 1 acre. The site has a temporary and permanent sediment and erosion control plan. Other measures to be considered are spelled out in the conclusions and recommendations.

Tree Preservation: The majority of the site was cleared by Xcel Electric on their easement. Some additional tree removal will be necessary. See attached Blair Estates Plat Illustrating a 237.5-foot wide easement across Sandmann's property.

Wetlands: The site and lower basin were reviewed and found not to hold a wetland. Refer to the attached wetland report for details.

Haul Routes and Hours of Operation: Earthwork will be balanced on site. Not additional hauling is permitted. Operations will occur between the permitted hours of 7:00 am to 7:00 pm, Monday through Saturday.

Compacted fill/environmental: A letter from the contractor or owner is needed certifying the material is clean fill conforming to City and County requirements. The owner or contractor shall note that the existing unauthorized fill is clean and free of contaminants or hazardous materials.

Resident Notification: The adjacent land owners will be sent a letter of notification by the City Engineering Division.

**CONCLUSIONS AND RECOMMENDATIONS:** Public Works/Engineering recommends approval of the land alteration permit subject to the standard land alteration permit conditions and in accordance with the following comments and conditions:

1. This Land Alteration Permit covers all unauthorized material hauled to date.
2. The owner and/or contractor will be re-grading the site in accordance with the attached approved plan. Long slopes shall be permanently seeded and blanketed in accordance with the approved SWPPP. Any slopes shall be permanently seeded and blanketed within 7-days of completion. Temporary seeding will be necessary for any stoppage in grading operations in excess of 7-days. Sureties will be held until final grades and turf establishment is approved by the City Engineer.
3. Finished grades shall not exceed 4H:1V unless otherwise approved by City Engineer.
4. A pre-construction meeting shall be held at City Hall with the Engineering Division and erosion control shall be installed and inspected by the City Engineer prior to commencing work under this land alteration permit.
5. Rock construction entrances and street sweeping on an as-needed basis shall be part of the sediment control best management practices for the site. If additional sweeping required by the City Engineer, shall be completed within 24 hours.
6. Dust must be controlled to the satisfaction of the City of Inver Grove Heights.

7. A letter from the contractor or owner is needed certifying the material is clean fill conforming to City and County requirements. The owner or contractor shall note that the existing unauthorized fill is clean and free of contaminants or hazardous materials.
8. A \$1668 Grading and Planning Permit Fee, \$10,000 performance bond, and \$7500 (\$2500 for expenses to date, \$2500 for additional expenses and erosion and sediment control escrow, \$2500 for permanent establishment and as-builts completed escrow) cash escrow shall be provided prior to disturbance of the site. The cash escrow will be used by the City Engineer for expenses to date, staff time, inspections, consultant fees, and assurance for erosion and sediment control compliance and or maintenance. The cash escrow remaining will be released in it's entirety upon approval of the City Engineer, receipt of approved as-built grading plan, and the site reaching full turf establishment.
9. The as-built grading plan shall be signed by a register land surveyor or engineer certifying that the grades are as shown on the final submitted grading plan. Surveyed shots verifying the conditions are required.
10. Additional requirements may be added at a future date if proposed features do not adequately address drainage and erosion control prior to full turf establishment.
11. Hours of operation are restricted to 7:00 am to 7:00 pm Monday through Saturday.
12. The grading operation shall be substantially complete with permanent erosion control and seeding in place by October 15, 2014

If you have any questions or concerns, feel free to contact me at 651-450-2541.

Attachments: Land Alteration Permit Application No. C-095-14  
Existing and Proposed Grading Plan  
Plat  
Correspondence  
Aerial Photo  
Wetland Report

Exhibit 1:

Land Alteration Permit  
Application



CITY OF INVER GROVE HEIGHTS  
 8150 Barbara Avenue  
 Inver Grove Heights, MN 55077  
 (612) 450-2500 • (612) 450-2502 (fax)

Permit No: C-095-14  
 Type: Council

APPLICATION FOR LAND ALTERATION PERMIT

Date of Application 15 APR 14

Excavator

Excavator PALDA & SONS, INC.  
 Contact Person JAY PALDA  
 Address 1462 DAYTON AVENUE ST PAUL MN 55104  
 Telephone 651.644.1604 Fax 651.644.5599

Land Owner(s)

Land Owner SHELDON SANDMANN  
 Address 10199 BARNES WAY INVER GROVE HEIGHTS MN 55077  
 Telephone 612.710.6173 Fax \_\_\_\_\_

PID No. 20-

Legal Description Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_

Land Owner \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

PID No. 20-

Legal Description Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_

Description of Land Being Altered

General Location of Land Being Altered BEHIND GREENHOUSES NORTH AND WEST

Purpose of Land Alteration GREENHOUSES AND TREES

Value of Work \$ 1 Estimated Start Date SUMMER 2014

Estimated Completion Date TO BE AGREED UPON

Source and Composition of Fill \_\_\_\_\_

Cubic Yards of Fill 8,500 c.y.

Cubic Yards of Excavation/Grading 8,300 c.y.

Total Volume of Land Alteration = 16,800 c.y.

Total Area of Land Altered 1.10 Acres

**A. Plan Checking Fees**

0 up to 29 Cubic Yards .....	NO FEE
30 up to 499 Cubic Yards .....	\$25.00 plus \$0.25 per Cubic Yard .....\$32.50 - \$150.00
500 up to 9,999 Cubic Yards .....	\$150.00 plus \$0.03 per Cubic Yard .....\$165.00 - \$450.00
10,000 up to 99,999 Cubic Yards .....	\$950.00 plus \$0.005 per Cubic Yard .....\$1000.00 - \$1450.00
100,000 Cubic Yards or more.....	\$1150.00 plus \$0.003 per Cubic Yard .....\$1450.00 and above

**B. Grading Permit Fees**

0 up to 29 Cubic Yards .....	NO FEE
30 up to 499 Cubic Yards .....	\$25.00 plus \$0.25 per Cubic Yard .....\$32.50 - \$150.00
500 up to 9,999 Cubic Yards .....	\$150.00 plus \$0.02 per Cubic Yard .....\$160.00 - \$350.00
10,000 up to 99,999 Cubic Yards .....	\$550.00 plus \$0.005 per Cubic Yard .....\$550.00 - \$1,000.00
100,000 Cubic Yards or more.....	\$800.00 plus \$0.002 per Cubic Yard .....\$1000.00 and above

<b>CITY USE ONLY</b>	
	A. Plan Checking Fee \$ <u>1034.00</u>
	B. Grading Permit Fee \$ <u>634.00</u>
	Total Fee (A + B) \$ <u>1668.00</u>
	Amount of Bond \$ <u>10,000.00</u>
CASH ESCROW \$7500.00	
(\$5,000 per acre, minimum \$10,000; Must be submitted upon approval of application, if applicable).	

**Attachments to Application (The following plans, drawings, calculations, bonds and/or statements are required by the City Engineer).**

- Half-section map or sketch of property showing all adjacent property indicating the existing buildings and/or structures.
- Grading plan showing existing and proposed finished contours and elevations.
- Drainage plan showing existing and proposed drainage ways, culverts, storm sewer pipe, drainage structures, stabilization walls, retaining walls, cribbing, dams, or other protective items.
- Calculations for and approximate quantities of excavation and/or fill required.
- Signed statement from the property owner accepting responsibility for the operation and granting permission for land alteration/mining operation.
- Statement to be attached to deed advising of potential need for soil tests prior to any construction on lots where additional fill material has been placed.
- Sediment and erosion control plan meeting the requirements of the City of Inver Grove Heights City Code 430: Stormwater Management.
- Conformance with the City of Inver Grove Heights Water Resource Management Plan.
- Soil borings.
- Conformance with the City of Inver Grove Heights' Tree Preservation Ordinance.
- A final use plan, illustrating the ultimate land uses projected for the property.
- Location and surface type of access roads.
- Certification of Comprehensive General Liability Insurance.
- Compaction and/or Soil Density Requirements.
- Other: \_\_\_\_\_

*Stipulations*

1. A plan checking fee of \$ 1034.00 shall be submitted with the Land Alteration application.
2. A grading permit fee of \$ 634.00 shall be submitted upon City approval and before issuance of land alteration permit documents.
3. A ~~\$1500.00~~ <sup>\$7500.00</sup> escrow shall be provided for non-compliance activities that are identified by an inspection. A written notice will be issued if the escrow funds will be used to correct a non-compliant issue.
4. The above fees do not include City expenses for environmental reviews such as: EAWs, AUARs, or EISs. The City reserves the right to collect additional costs if the project requires additional environmental reviews.
5. A surety bond or certified check in the amount of \$ 10,000 (\$5,000 per acre, minimum \$10,000) must be submitted after approval of application and prior to any work. This bond or check is to ensure satisfactory performance and compliance with the below stated stipulations. The surety bond or check shall be kept active until the completion work and/or expiration of permit and can only be released by written notification of the City after a satisfactory final inspection has been performed by the City.
6. All land alteration permits issued to a specific location shall be based on the cumulative quantity of earthwork as the final determination of fees. The City reserves the right to adjust fees based on cumulative quantities.
7. All access and street frontage of the land site must be controlled by a fence, a minimum of four (4) feet in height. All entrances must have gates that are capable of being locked.
8. Only rock, sand, gravel, dirt or similar natural earth fill is permitted. No concrete, asphalt, or demolition wastes will be permitted as fill unless a demolition landfill permit is first obtained from Dakota County (see attached).
9. Operations shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday - Saturday, and shall not interfere with the health and safety of surrounding residents and the premises shall be maintained at all times so as not to create a nuisance.
10. Any explosives used must be done so in accordance with Inver Grove Heights Code and any other applicable standards, e.g., Federal, State, Industrial, etc. Obtain all required permits.
11. At end of each season's operations and no later than the last day of December, each year, the site is to be left in a neat and orderly condition, with maximum slopes of 3:1 with no overhang of vertical banks and with a level bottom.
12. Each day, or when required by the City, material from this operation that is found to exist on City streets shall be cleaned to the City's satisfaction by the applicants.
13. Upon completion of land alteration operations, the land must be left according to the plans and contours submitted with this application and planted with vegetation (subject to approval by the City) to prevent erosion.
14. Upon completion of land alteration operations or expiration of this permit, an inspection will be made by the City of the premises and adjoining streets. Any damage to have been caused by these operations will be corrected by the applicant upon notification of the City.

\_\_\_\_\_  
Applicant's Signature

Date \_\_\_\_\_

  
\_\_\_\_\_  
Property Owner's Signature

Date 4/15/2014

\_\_\_\_\_  
Property Owner's Signature

Date \_\_\_\_\_

# Exhibit 2:

## Existing and Proposed Grading Plan & SWPPP

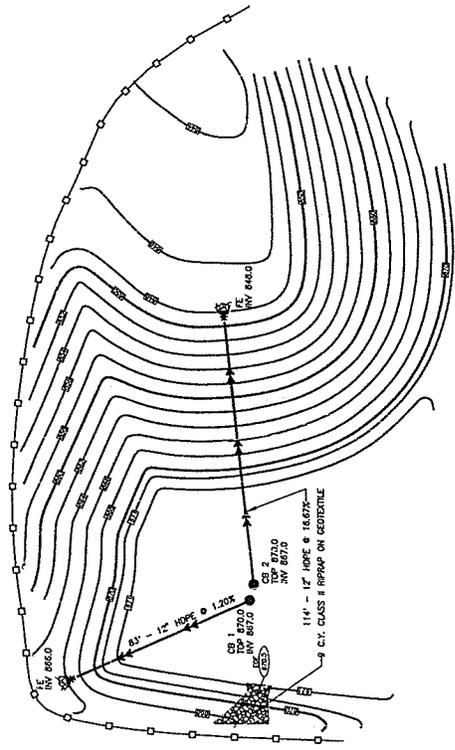
**PROGRESS PRINT**  
 6-12-14

- GRADING NOTES**
- ☐ - All elevations shown are to final surfaces.
- EROSION CONTROL NOTES**
- ① - All erosion control measures shown shall be maintained until all areas disturbed have been stabilized.
  - ② - Sweep paved public streets as necessary when construction activity is in progress.
  - ③ - Each area disturbed by construction shall be stabilized after the construction activity in that portion.
  - ④ - Temporary soil stockpiles must have silt fence surface waters, including storm water conveyance conduits and ditches.

LOT AREA = 6.81  
 DISTURBED AREA :  
 CUT = 8,300 C.Y.  
 FILL = 8,300 C.Y.

**LEGEND**

- BOUNDARY/ROW/BLOCK
- SALVAGED TOPSOIL AND UNINT. WARE CATEGORY



BARNES WAY

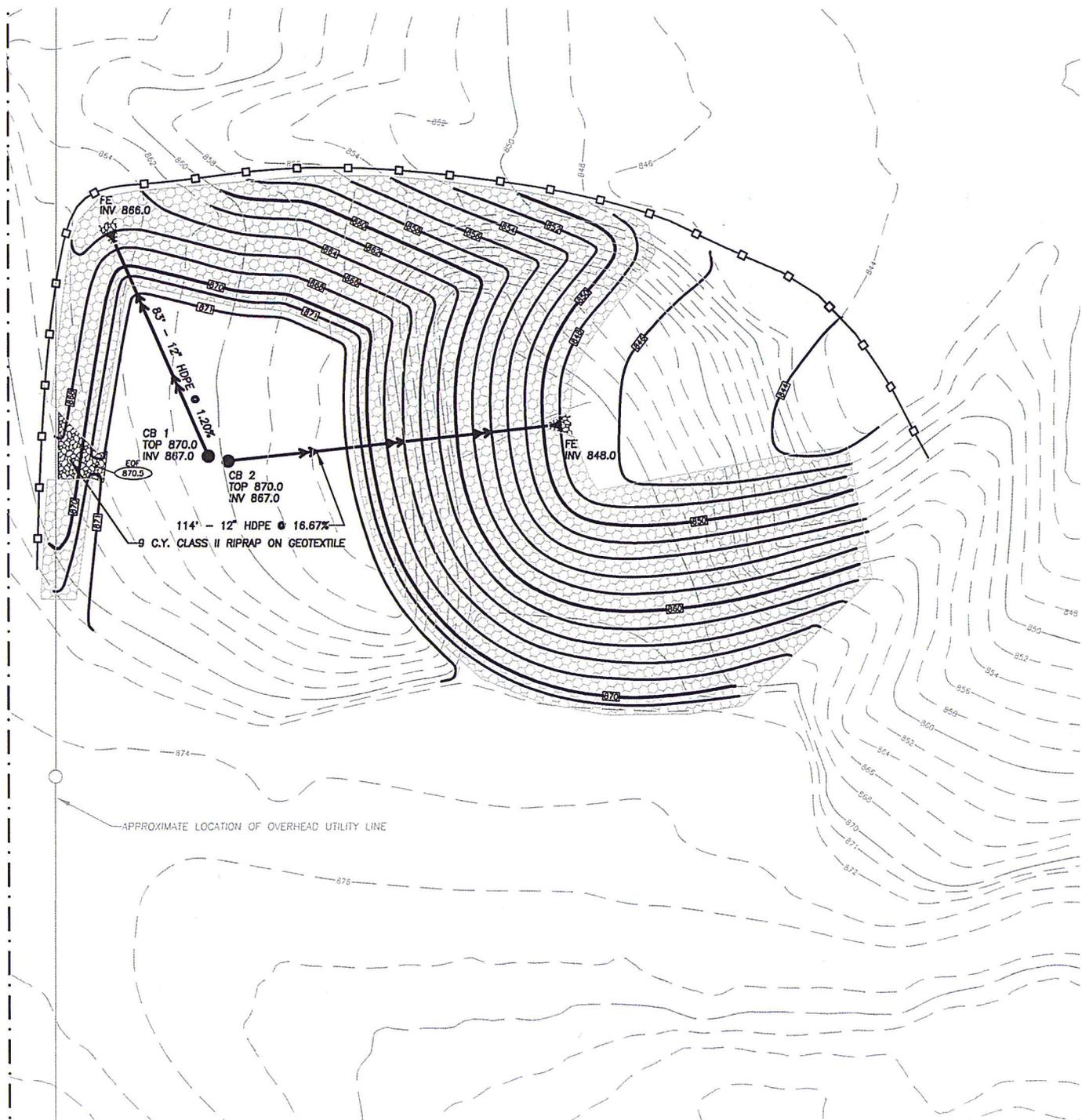


Exhibit 3:

Blair Estates Plat

UNAPPORTIONED

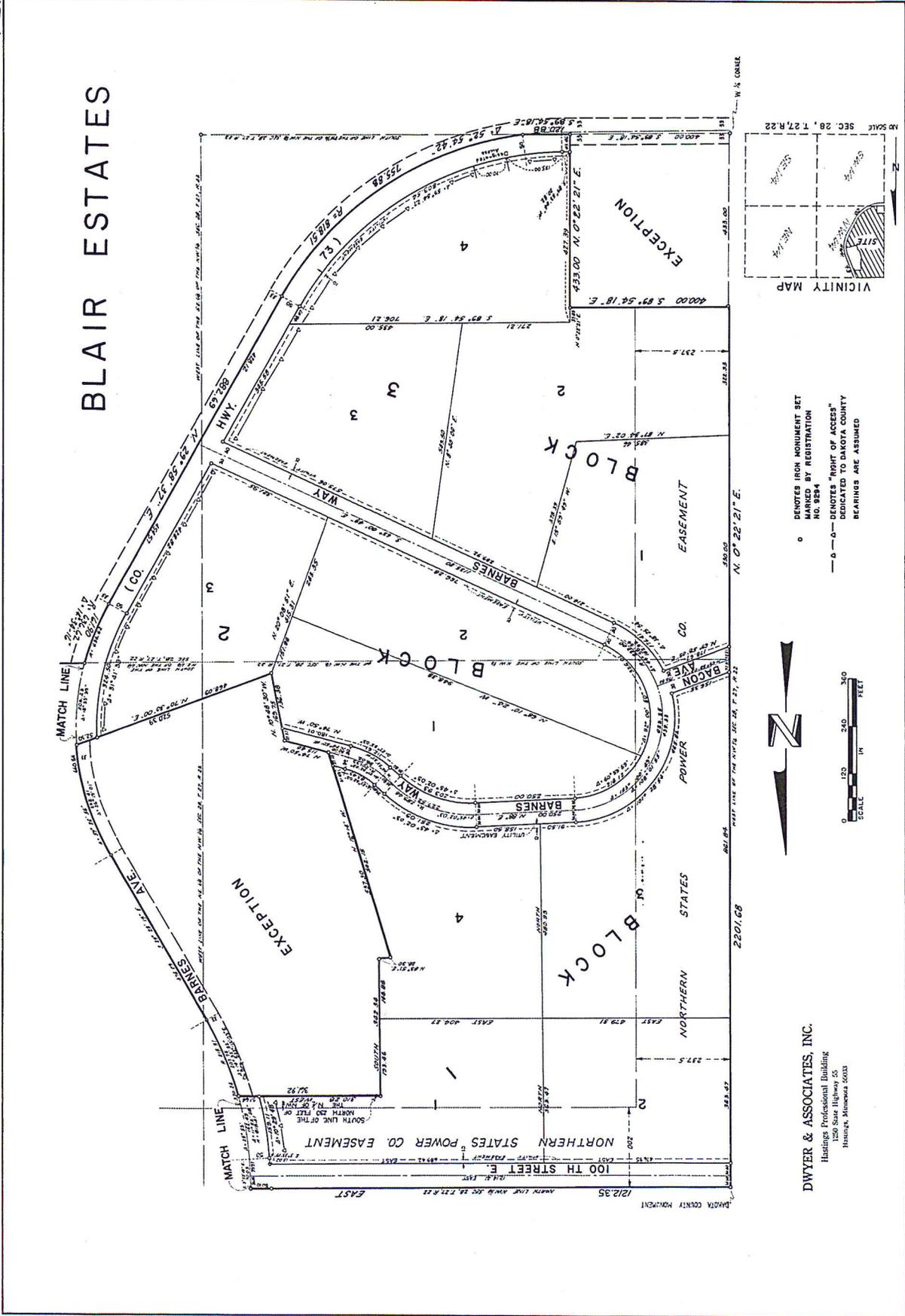
REMAINING NUMBERS

10 PARCELS

Y-27

# BLAIR ESTATES

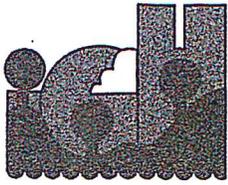
COPY



SHEET 3 OF 3 SHEETS

# Exhibit 4:

# Correspondence



# City of Inver Grove Heights

www.ci.inver-grove-heights.mn.us

September 27, 2013

Sheldon & Ursala Sandmann  
10199 Barnes Way  
Inver Grove Heights, MN 55077

Re: Cease and Desist Order

Dear Mr. and Mrs. Sandmann:

You are hereby ordered by the City of Inver Grove Heights Engineering Department to cease and desist from hauling fill material on your property at 10199 Barnes Way, PID No. 20-14300-01-030. You are currently in violation of Title 9, Chapter 4, Excavation and Fills of the City Code. You have exceeded the allowable limit of 500 cubic yards of fill material.

You must immediately install silt fence around the perimeter of the fill areas within 48 hours of receipt of this notification. You are also required to fill out an application for a land alteration permit (attached). The City of Inver Grove Heights looks forward to working with you on resolving this matter.

Sincerely,

Peter T. Hindman  
Sr. Engineering Technician

PTH/kf

cc: Thomas J. Kaldunski, City Engineer

Z:\PublicWorks\Engineering\PROJECTS\_ADDRESS\BarnesWay\_10199 Illegal Filling Operations\9-27-13 LTR Cease and Desist.docx

LEVANDER,  
GILLEN &  
MILLER, P.A.

ATTORNEYS AT LAW

Established in 1929

March 24, 2014

Sheldon Sandman  
Ursula Sandman  
10199 Barnes Way  
Inver Grove Heights, MN 55077

Dear Mr. and Mrs. Sandman:

I am the city attorney for the City of Inver Grove Heights (City). In that capacity, I am writing to you regarding the on-going, unpermitted filling work occurring on the property you own located at 10199 Barnes Way in the City of Inver Grove Heights (Property).

Pursuant to City records, on August 5, 2003, an Application for Land Alteration Permit was submitted for the placement of 1,000 cubic yards of fill on your Property. The stated purpose for the placement of the fill was to create a level area for a garden behind the house on the Property. Following review by City staff, an Excavation and Filling Permit was issued permitting Palda (excavator) to place 1,000 cubic yards of fill on your Property. Following an inspection on October 17, 2003, City staff sent a letter to you dated October 17, 2003, indicating that while the site was generally in compliance with the previously-issued Excavation and Filling Permit, it was strongly recommended that the steep slope be seeded and mulched immediately to alleviate any erosion issue the following spring.

Since 2012, the City has received multiple complaints regarding hauling and filling occurring on your Property. Aerial photography and topographic maps show that the topographic contours of your Property have changed significantly in certain areas, with substantial reductions in many of the contours. Pursuant to City Code Section 9-4-1-1 Except as provided in sections 9-4-1-2 and 9-4-1-3 of this chapter, it is unlawful for any person to ... fill or raise existing surface grades without first obtaining a permit from the council. Any person who fails to obtain a permit as required by the City Code is guilty of violating Chapter Title 9, Chapter 4 of the Inver Grove Heights City Code, which is a **misdemeanor offense punishable by ninety days in jail and a \$1,000 fine.** Each day such violation shall continue constitutes a separate offense.

TIMOTHY J. KUNTZ  
DANIEL J. BEESON  
\*KENNETH J. ROHLF  
\*STEPHEN H. FOCHLER  
\*JAY P. KARLOVICH  
ANGELA M. LUTZ AMANN  
\*KORINE L. LAND  
\*DONALD L. HOEFT  
DARCY M. ERICKSON  
DAVID S. KENDALL  
\*BRIDGET McCAULEY NASON  
DAVID B. GATES  
TONA T. DOVE  
HAROLD LEVANDER  
1910-1992  
ARTHUR GILLEN  
1919-2005  
ROGER C. MILLER  
1924-2009

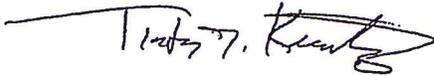
\*ALSO ADMITTED IN WISCONSIN  
\*ALSO ADMITTED IN NORTH DAKOTA  
\*ALSO ADMITTED IN MASSACHUSETTS  
\*ALSO ADMITTED IN OKLAHOMA

Sheldon Sandman  
Ursula Sandman  
Page 2  
March 24, 2014

No Application for a Land Alteration permit has been received by the City for this significant fill work, despite the attempts by City staff to work with you to resolve this matter. Additionally, City staff has had several conversations with Jay Palda regarding the need for the completion and submission of an Application for Land Alteration Permit in order to obtain a permit for the fill that has been placed on your Property. However, no such application has been forthcoming. By way of this letter, I am requesting that you contact Tom Kaldunski, City Engineer for the City of Inver Grove Heights, Minnesota, **on or before March 31, 2014**, to discuss the Application for Land Alteration Permit requirements, and that you submit a completed Land Alteration Permit, including all supporting documents required by City staff, **on or before April 11, 2014**. Failure to do so will result in the City taking legal action to ensure compliance with these code provisions.

Please contact me at 651-451-1831 if you have any questions regarding this matter. Thank you.

Very truly yours,



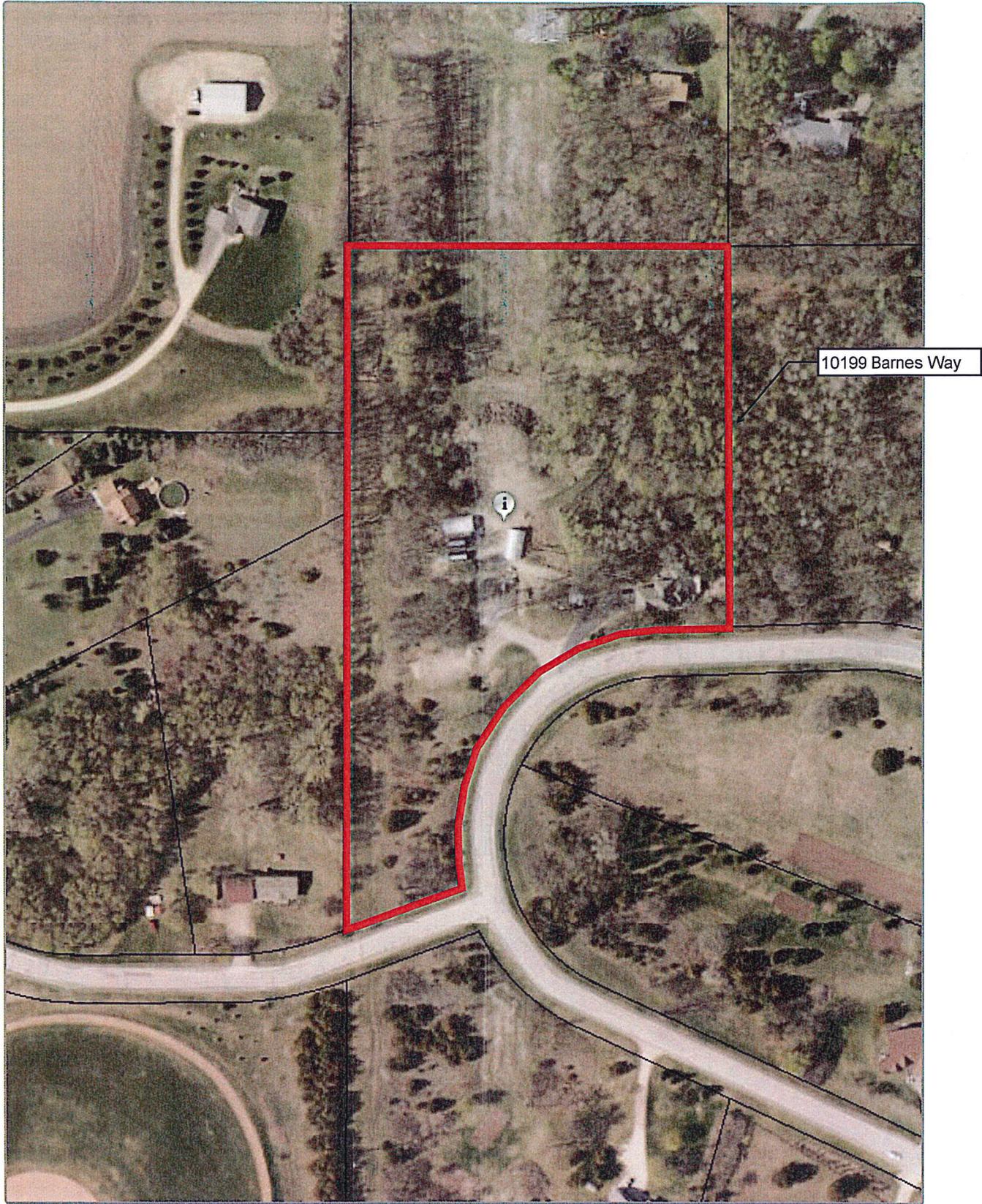
Timothy J. Kuntz  
City Attorney, City of Inver Grove Heights

✓c: Tom Kaldunski, City Engineer

# Exhibit 5:

# Aerial Photo

Dakota County, MN



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification. Dakota County assumes no legal responsibility for the information contained in this data.*

Map Scale  
**1 inch = 169 feet**  
7/18/2014

# Exhibit 6:

# Wetland Report

5821 Humboldt Avenue North, Brooklyn Center, MN 55430  
Email: jacobsonenv@msn.com

(612) 802-6619 Cell

May 9, 2014

Jay Palda  
Palda and Sons, Inc.  
1462 Dayton Avenue  
St. Paul, MN 55104

RE:      **Project Name:**           Palda Inver Grove Heights Delineation  
          **Comm. No.:**            2014-79  
          **Project Location:**   City of Inver Grove Heights  
                                      T27N, R22W, NW ¼ of Section 28  
          **Project Description:** Wetland Delineation Report

Dear Jay:

As discussed, Jacobson Environmental, PLLC. (JE) visited the above referenced site to perform a official wetland delineation in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the August 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region.

Adjacent site land use includes residential, grassland, farmland, and woodlands consisting of plants and trees typical of a rural residential area. This parcel is a combination of a residential lot (Figure 6) with woodlands on the north side of Barnes Way at 10199 Barnes Way, Inver Grove Heights, Minnesota 55077. Figure 1 is a site location map of the property. All figures referenced by this report are presented at the end of the text. The purpose of this study was to investigate the project area, identify areas meeting the technical criteria for wetlands, delineate the jurisdictional extent of the wetland basins and classify the wetland habitat.

#### **Woodland and Residential Lot Species Noted**

##### **Trees**

Black Cherry  
Box Elder  
Cottonwood  
Green Ash  
Red Cedar  
Quaking Aspen  
American Elm  
Red Maple

##### **Shrubs**

Common Buckthorn  
Staghorn Sumac  
Northern Prickly-Ash  
Tartarian Honeysuckle

##### **Herbs**

Red Clover  
Kentucky Bluegrass  
Prickly Gooseberry  
Red Raspberry  
Common Plantain  
Ground Ivy  
Common Dandelion

5821 Humboldt Avenue North, Brooklyn Center, MN 55430  
Email: jacobsonenv@msn.com

(612) 802-6619 Cell

The growing season for this site is approximately from 4/15 to 10/15 where the air temperature averages above 28 degrees F. The growing season in 2014 began in April. This site is in the oak savanna subsection ecoregion according to Minnesota DNR and the annual precipitation averages 32.30 inches. The presettlement vegetation was upland prairie in this area. The precipitation for the previous three months along with the comparison of the 4/22/14 precipitation worksheet data was as follows:

	Mar	Feb	Jan	* NWS Data
Worksheet (Wks)	0.79*	0.92*	1.40*	
30% less than	1.31	0.46	0.56	
30% more than	2.26	1.05	1.13	

2010 Wks Interpret Dry Normal Wet  
Multi-month score (3\*1) + (2\*2) + (1\*3) = **10 Normal** (10 to 14 being normal)

The delineation was performed on April 22, 2014 and it is unlikely the precipitation totals in this period affected the boundary of any wetlands in this delineation, as the period was normal. Precipitation data is located in Appendix A. This wetland delineation was performed and reported by Wayne Jacobson, Minnesota Professional Soil Scientist #30611, Society of Wetland Scientists – Professional Wetland Scientist #1000, University of Minnesota / BWSR Wetland Delineator, Certified #1019, American Fisheries Society – Associate Fisheries Scientist #A-171.

### Methodology

The wetlands on the subject property were delineated using the routine determination methodology set forth in the 1987 U.S. Army Corps of Engineers *Wetlands Delineation Manual*. Wetland boundaries were determined through a routine analysis of the vegetation, soils and hydrology which must all show wetland characteristics in order for an area to be delineated as a wetland. Wetlands are areas that are saturated or inundated with surface and or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in hydric soil conditions. Examples of wetlands include seasonally flooded basins, floodplain forests, wet meadows, shallow and deep marshes, shrub swamps, wooded swamps, fens, and bogs.

### Vegetation

The plant species within the parcel were catalogued and assigned a wetland indicator status according to the *North American Digital Flora: National Wetland Plant List, version 2.4.0* ([https://wetland\\_plants.usace.army.mil](https://wetland_plants.usace.army.mil)). U.S. Army Corps of Engineers, 2009.

In the text of this report and on the enclosed data forms, the plant indicator status follows the plant's scientific name unless a status has not been assigned. The hydrophytic plant criterion is met when more than 50 percent of the dominant species by the 50/20 rule for each stratum (herb, shrub/sapling, tree, and woody vine) were assigned an obligate (OBL)<sup>1</sup>, facultative wet (FACW), and/or facultative (FAC) wetland status.

<sup>1</sup> OBL- Obligate Wetland, occurs an estimated 99% in wetlands. FACW- Facultative Wetland, has an estimated 67%-99% probability of occurrence in wetlands. FAC- Facultative, is equally likely to occur in wetlands and non-wetlands, 34%-66% probability. FACU- Facultative Upland, occurs in wetlands only occasionally, 1%-23% probability. UPL- Upland, almost never occurs in wetlands, < 1% probability. NI- No Indicator, insufficient information available to determine an indicator status. Positive or negative sign previously indicated a frequency toward higher (+) or lower (-) frequency of occurrence with an category.

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With the 50/20 rule, dominants are generally measured by absolute % cover in each stratum which individually or collectively account for more than 50% of total vegetative cover in the stratum, plus any other species which itself accounts for at least 20% of the total vegetative cover.

### Soils

A hydric soil is a soil formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. If a soil exhibits the indicators of a hydric soil or is identified as a hydric soil the hydric soil criterion is met.

The break between hydric and non-hydric soils was determined by excavating soil pits along transects crossing the wetland/upland eco-tone and evaluating the soil colors, textures, and presence or absence of redoximorphic indicators (i.e., mottles, gley or oxidized rhizospheres). Hydric Soil Indicators for the Midwest Region were noted as presented in the National Technical Committee for Hydric Soils *Field Indicators of Hydric Soils in the United States version 7.0* (USDA NRCS 2010) if present at each sample point. Also, upper soil profiles were compared to the mapped or inclusionary soil series found in the sample area for soil identification purposes.

### Cautions used in applying the Field Indicators of Hydric Soils

There are hydric soils with morphologies that are difficult to interpret. These include soils with black, gray, or red parent material; soils with high pH; soils high or low in content of organic matter; recently developed hydric soils, and soils high in iron inputs. In some cases we do not currently have indicators to assist in the identification of hydric soils in these situations. As long as the soil meets the definition of a hydric soil, the lack of an indicator does not preclude the soil from being hydric. The indicators were developed mostly to identify the boundary of hydric soil areas and generally work best on the margins. Not all of the obviously wetter hydric soils will be identified by the indicators. Redoximorphic features are most likely to occur in soils that cycle between anaerobic (reduced) and aerobic (oxidized) conditions.

Morphological features of hydric soils indicate that saturation and anaerobic conditions have existed under either contemporary or former hydrologic regimes. Where soil morphology seems inconsistent with the landscape, vegetation, or observable hydrology, it may be necessary to obtain the assistance of an experienced soil or wetland scientist to determine whether the soil is hydric.

To clarify on some Dakota County sites,

1. Many of these soils have black or gray parent materials
2. Many of the soils have a high organic matter content
3. The hydric soil margin is typically higher than the wetland boundary margin on the site
4. Not all of the obviously wetter soils will be identified by the indicators
5. Many of the hydric soils are Mollisols which are classic problem hydric soils in many cases

### Hydrology

The presence of current wetland hydrology was determined through direct observation of free water in the excavated soil pit, saturated soil conditions or soil redoximorphic features. However, the effect of on- or off-site hydrologic alterations may not always fully be accounted for when routine delineation methods are used.

### Wetland Classification

Wetland classifications discussed in the text are set forth in *Wetlands and Deepwater Habitats of the United States* (FWS/OBS Publication 79/31, Cowardin et al. 1979) and *Wetlands of the United States* (USFWS Circular 39, Shaw and Fredine, 1971.) Additionally, plant community types as named by Eggers and Reed (1998) are given.

Topographic maps, National Wetlands Inventory maps, the Web Soil Survey, Aerial Photographs, and DNR Protected Waters maps were consulted to locate potential wetland habitats.

The Routine On-site Determination Method was used on this site. In this method, the following procedures were used:

- 1) The vegetative community was sampled in all present strata to determine whether 50% of the dominant plant species were hydrophytic using the 50/20 method.
- 2) Soil pits were dug using a dutch auger to depths of 18"-40", noting soil profiles and any hydric soil characteristics.
- 3) Signs of wetland hydrology were noted and were compared to field criteria such as depth to shallow water table and depth of soil saturation found in the soil pits.

Wetland edges were marked with orange numbered pin flags. 4-foot wood lath marked with orange "wetland boundary" flagging tape or flagging tied on vegetation may be used if site conditions warrant. Any wetlands were mapped using a Trimble Pathfinder Pro XL unit accurate to 0.5 meters in the horizontal plane. At least one sample point transect crosses each delineated wetland edge. These transects consist of an upland sample point, and a wetland sample point. Other sample points may be located in areas which have one or more of the wetland vegetation, soils, or hydrologic characteristics present, or where questionable conditions exist. Sample points are marked with orange pin flags with a pink ribbon tied on them. Sample data sheets are found in Appendix B.

### Results

No wetlands were found on the property. The sampled soils changed from dry Hawick loamy sand to Kennebec silt loam. Soil saturation was not present in this upland area.

The National Wetland Inventory Map (Figure 2) identifies no wetlands on the site.

According to the DNR Protected Waters Map (PWI) (Figure 4) of Dakota County there are no protected public waters on the site. Figure 5 shows the sample points on-site. Figure 6 is a Dakota County site map of the area. Figure 7 is a property card of the site.

According to the Web Soil Survey (Figure 3) the following soils existed on the parcel:

- Kanaranzi loam
- Hawick loamy sand
- Hawick coarse sandy loam
- Estherville sandy loam
- Kennebec silt loam

No hydric soils were found on the property.

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Photographs were taken of the site and some are included in Appendix C.

**Confirmation of Jurisdictional Status**

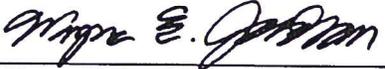
We are submitting this report to the client and regulatory agencies to request a wetland boundary and type determination. We have enclosed an official Minnesota Interagency Water Resources form in Appendix D.

**Conclusion**

This wetland delineation meets the standards and criteria described in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the August 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region. This was a Routine On Site Determination and the results reflect the conditions present at the time of the delineation.

If any wetland impacts are planned for this project, permits would be necessary from the LGU (City of Inver Grove Heights) and other agencies.

I certify that I reviewed the field analysis and wrote the report for this wetland delineation. Thank you for the opportunity to provide wetland services on this important project.

  
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Wayne E. Jacobson  
Professional Soil Scientist #30611  
Professional Wetland Scientist #1000  
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Associate Fisheries Scientist #A-171  
**Jacobson Environmental, PLLC.**

5/9/2014  
Date

Regulators:    Alison Harwood, City of Prior Lake/WSB Engineering  
                  Brian Watson, Dakota SWCD  
                  Sarah Wingert, USCOE  
                  Dennis Rodacker, BWSR