

ENVIRONMENTAL COMMISSION MEETING
Inver Grove Heights City Hall – Council Chambers
July 24, 2014

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

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

Commissioners Absent: Dustin Bower, Sarah Brass, 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 March 27, 2014 and Mr. Pohlman seconded the motion. Motion to approve carried unanimously.

5. New Business

- A. Consider 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 at 10199 Barnes Way.

Steve Dodge, Assistant City Engineer presented the request. He stated in the fall of 2012, a complaint was received regarding trucks hauling fill along 102nd Ave/Barnes Way. Staff contacted Mr. Sandmann and found that Palda Construction had been hauling fill onto the property. Staff issued a cease and desist letter in 2013 and hauling was halted. In spring of 2014 the City Attorney issued a letter to Mr. Sandmann notifying him that 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. Since then, Mr. Sandmann hired a professional engineer and is working with the City on obtaining approved plans and restoring the site.

Mr. Dodge stated that the history of the property included a land alteration permit that was approved in 2003. This permit was open for a few months for hauling approximately 1000 cubic yards of fill for a garden area located just northwest of the owner's driveway and then closed once it was complete.

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. There is about a 270' wide electrical transmission line easement on the property. The majority of the fill has taken place within the easement. Mr. Dodge stated that staff has received a few comments and concerns from residents, specifically relating to the type of fill, road conditions, and what the end use of the property will be.

Ms. Burke asked the applicant what his desires were for the land. Mr. Sandman replied that he wanted to plant additional trees but found out he was limited on the type because of the powerline easement, he stated apple trees were allowed though as they do not grow too high.

Mr. Vernon-Harris asked if the soil brought in was going to be tested. Mr. Dodge replied it was not required at this time. 8,400 cubic yards of material would be moved and graded into a 4:1 slope, staff would be observing the material and project throughout the process and take appropriate action if needed.

Mr. Heidenreich asked where the original source of material was from. Mr. Palda replied that it was all clean fill from a top soil stripping from a place in St. Paul.

Mr. Pohlman asked if reestablishing soil means grading to a 4:1 slope. Mr. Dodge replied that currently there were a lot of weeds; being reestablished referred to grading at a 4:1 slope, full turf established and volume maintenance on the low lying area.

Mr. Heidenreich asked if the power company had any concerns. Mr. Sandman replied they were concerned about the height of trees being planted but not about the grading.

Mr. Trenzeluk asked the applicant why they were not complying with staff's conditions of the LAP. Mr. Palda replied that once they received the correction notice in the fall of 2013 they met with staff and immediately started corrective measures including silt fencing. Mr. Sandman commented there was no completion date on the letter; therefore they thought it was ok to wait until spring to contact the City for follow-up measures.

Mr. Trenzeluk asked if the tax payers were paying for the City Attorney time relating to this property. Mr. Dodge replied the applicants submitted an escrow to the City to cover the costs of City Staff and Attorney time.

Mr. Pohlman asked staff what was the method of conveyance for stormwater runoff. Mr. Dodge responded by saying that the stormwater will be collected via pipe. Water will be caught at the top of the slope and discharged at the bottom of the slope. Mr. Vernon-Harris asked if staff verified compliance. Mr. Dodge replied that a preconstruction meeting would be held to review plans and the process with the applicant, erosion control is in place, and staff is on site on a regular basis to inspect the work being done.

Lynn and Emily Miller, 1865 102nd Street, asked what happened once this LAP was complete; could they ask for another in the future. They also had concerns about 102nd Street being full of potholes, concerns about the future use of the property, a possible home occupation and they wanted to know when the project would be complete.

Mr. Dodge replied that condition #12 stated that the work had to be done by October 15, 2014 and seeding and turf established in 2015.

Mr. Vernon-Harris asked if there were future projects or work being done on the property would the applicants come back in front of the Commission. Mr. Dodge responded if the project consisted over 10,000 cubic yards it would, if the project was less than 10,000 cubic yards than an administrative review could be done.

Mr. Heidenreich asked how many truck loads was 16,500 cubic yards of fill. Mr. Dodge responded that at 10 yards a truck that would be about 1,600 truck loads. Mr. Dodge continued saying that the roads in this area were built in the early 80's/90's and reaching the end of its life cycle. The hauling exasperated the existing conditions but most of the deterioration is due to the age of the road.

Stan Johnson, 2040 100th Street, stated that the noise from the hauling operation is from 7:00 am - 7:00 pm; the most disturbing is the slamming of tailgates. He continued by saying that the plans are dated June 2014; he is not in favor of getting retroactive approval. Additionally, the plan shows silt fence where silt fence is not located. Mr. Johnson also believes the fill brought in was not "clean" fill; he observed tree stumps, logs, concrete, and bricks being dumped on the site. Mr. Johnson asked when the LAP was issued. Mr. Dodge responded that the City Council would be reviewing the permit on August 11, 2014.

Mr. Heidenrich asked Mr. Johnson what he thought the perfect solution would be. Mr. Johnson replied that ideally the land would be restored to its original state; but he understood that was not practical.

Mr. Heidenrich asked what happened if the soils were found to be contaminated. Mr. Dodge replied that Dakota County Environmental Services would work with City Staff and the applicant to determine the clean-up of the site. Mr. Dodge clarified that the fill does not have to be pure sand or topsoil to be in compliance; they are allowed some debris.

Mr. Heidenreich commented that condition #8 stated that no concrete, asphalt or demolition wastes would be permitted unless a demolition landfill permit is first obtained from the County. Mr. Dodge replied that fill coming in would have to be from an approved site.

Mr. Vernon-Harris asked what the bond/performance guarantee meant. Mr. Dodge replied that the bond was for the completion of erosion control, survey of the site and turf restoration.

Mr. Vernon-Harris asked if there were penalties to the business owner if they proceeded without permits. Mr. Dodge replied that the City Attorney's letter discussed the possible legal action if compliance with code requirements was not met.

Mr. Vernon-Harris stated that the City should not encourage bad behavior and that it would be nice to have a fine in place to prevent people from doing things without a permit.

Mr. Heidenreich asked if retroactive testing or research was done to verify where the soils actually came from. Mr. Dodge commented that when staff did the initial site inspection, the soils on the surface did not show any signs of concern or that the applicant had misinformed the City of where the fill came from.

Mr. Palda stated that Palda and Sons has been in business since 1925; they have done work around the world. When they move soils to and from a site they verify the type of soil. He continued by saying he guaranteed there were no structures buried on the property.

Mr. Vernon-Harris asked Mr. Palda why they were not aware of the rules and regulations in the City considering they have been in business for so long. Mr. Palda replied that there was a misunderstanding; they thought they were operating with a permit where in reality it was expired. Once notified of the violation they stopped filling immediately.

Mr. Heidenreich made a motion to approve the land alteration permit with the conditions listed, except for a modification to the land alteration permit condition #8 adding if there is evidence of unclean fill being brought onto the site, the City and County shall promptly address the matter with the applicant. Mr. Pohlman added a friendly amendment to the motion asking for additional inspections to be done on the property compared to a regular LAP. Mr. Vernon-Harris seconded the motion.

Motion carried unanimously (6 - 0).

6. Reports and Updates

A. Elections

Ms. Burke commented that Mr. Trenzeluk was doing a great job as acting chair, other commissioners agreed.

Mr. Heidenreich nominated Mr. Trenzeluk to be chair of the Environmental Commission; Ms. Burke seconded the motion. Motion carried unanimously (6-0).

Ms. Burke agreed to remain vice chair.

7. Adjourn

Mr. Pohlman moved to adjourn at 8:00. Ms. Boehmke seconded the motion. Motion approved unanimously.